CITY OF ALBION
CITY COUNCIL MEETING AGENDA

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

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

COUNCIL-MANAGER GOVERNMENT

Council members and other officials normally in attendance.

Garrett Brown
Mayor

Maurice Barnes, Jr.
Council Member
1st Precinct

Lenn Reid
Council Member
2nd Precinct

Sonya Brown
Mayor Pro-Tem
Council Member
3rd Precinct

Marcola Lawler
Council Member
4th Precinct

Jeanette Spicer
Council Member
5th Precinct

Andrew French
Council Member
6th Precinct

Sheryl L. Mitchell
City Manager

The Harkness Law Firm
Atty Cullen Harkness

Jill Domingo
City Clerk

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

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

AGENDA

COUNCIL MEETING
Monday, October 16, 2017

7:00 P.M.

PLEASE TURN OFF CELL PHONES DURING MEETING

I. CALL TO ORDER

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. MAYOR AND COUNCIL MEMBER'S COMMENTS

VI. PRESENTATIONS

A. EDC Update-Amy Deprez
B. SAW Grant Update-Jeff Wingard, Fleis & Vandenbrink
C. The Amazing Rake-Andrew Texel & Lauren Freeman, AmeriCorps Vista Members
D. Klean the Kazoo Certificates of Appreciation

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

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

A. Approval Regular Session Minutes, October 2, 2017
B. Approval Special Session Minutes, October 5, 2017
C. Approval for Trick or Treat on Tuesday, October 31, 2017 from 6:00 p.m. to 8:00 p.m.

X. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval 2nd Reading Ordinance # 2017-07, An Ordinance to Amend Ordinance 58-226 Minor in Possession of Alcohol (RCV)

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B. Request Approval 2nd Reading Ordinance # 2017-08, An Ordinance to Add Section (s) 82-129, 82-130 and 82-131 (RCV)

C. Discussion/Approval Council Rules and Procedures (RCV)

D. Request Approval Invoice for MML Dues for $5,652.00 (RCV)

E. Request Approval Resolution # 2017-39, A Resolution to Approve Expenditures for Repairs to Front End Loader

F. Request Approval Resolution # 2017-40, A Resolution of Censure of the Albion City Mayor (RCV)

G. Discussion-Marijuana Facilities

XI. City Manager Report

A. Notice of Resignation

XII. Future Agenda Items

XIII. Motion to Excuse Absent Council Member(s)

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

XV. ADJOURN

Quarterly Update - 3rd Qtr 2017

Mission: Retain, expand and recruit business and industry to the greater Albion area and strengthen and revitalize the local economy.

	Qtr 1	Qtr 2	Qtr 3	Qtr 4	YTD
Business Development, Attraction & Retention					
Retention Contacts	5	3	2		10
Prospect RFP	9	21	8		38
Entrepreneurship - Small Business	25	13	12		50
Community Development					
Development Contacts	25	78	87		190

Highlights:

- 3 VISTAs onboarded with the AEDC and Albion Food Hub.

Retention & Attraction

- See Prospect/Project Report Attached
- Planning for Job Fair and Prep Classes for Veridea / Courtyard

Community Development

- Submitted CDBG Application for Peabody Block Project
- Worked with anchor retail store for the downtown redevelopment
- Staff continued to work on RRC process, including the EDSP, Property Information Packets, Development Guide, Zoning and Future Land Use.
- Worked with Sheridan Twp and City for development of the 425 Property.

Albion Food Hub

- Submitted for 3 grant opportunities to expand capacity at the Albion Food Hub.
- Albion Farmer's Market participated in Forks Festival, including extending hours to meet the timing of the festival.
- Staff visited several other commercial kitchens and hubs for best practices.
- First restaurant incubator, Cooper's Dish, was launched in August for 4 days.

Marketing & Public Relations

- Presented to various groups
- Community Marketing Group: Continue to work on a branding strategy for the Community to share. Reviewed several suggested campaigns.
- Presented to Council on the 425 Property and potential projects

Albion Reinvestment Corporation (ARC)

- Drafted Advancing Albion Action Plan - a strategic plan for the redevelopment of downtown Albion
- Developed a large transformational project and pitched to the State for support

Project Name	Industry	Chance of Success	Percent to Complete	Jobs	Investment	Target Corridor	Comments
Project Auto Blue	Manufacturing	75%	20%	120	TBD	AIP	Company contacted EDC while in negotiations with other communities. Responded to Company and working with MEDC on proposal for their project.
Project AG-MEDC	Ag - value added	50%	20%	TBD	TBD	425	MEDC is preparing 50 acre + AG site ready sites for future projects - submitted RFI for consideration of the 425 property.
Project Repeat	Manufacturing	50%	10%	TBD	TBD	AIP	Responded to RFI through the MEDC.
Rotational Saftey	Manufacturing	50%	25%	NA	NA	NA	Matching company with manufacturing companies that may be interested in licensing their patented technology.
Project Normal	Logistics/Warehouse	25%	10%	30	TBD	AIP	Responded to RFI through the MEDC.
Project Convenience	Retail Store	20%	10%	-	-		Provided community information, no site assistance needed.
Project EJ	Retail Establishment	80%	50%	2	200,000		Retention of existing business.
Project S8	Alt Energy	40%	10%	0	30,000,000	425	Company is interested in a power generation facility at the 425 property. Waiting on community support to proceed with discussions.
Project Sun	Alt Energy	75%	25%	0	-	AIP, 425, Austin	Company is interested in several sites in the Albion area. In discussions on two potential project sites currently with others under consideration.
Development YE	Development	50%	25%	-	-	Eaton	Sites discussed and toured. Client in process of due diligence on potential developments for Albion (Eaton Corridor)
Project Grow	Manufacturing	50%	10%	-	-	AIP	Working with City to determine support for this project. Possible sites have been discussed and information provided.
Development SD	Development	20%	10%	-	-	Michigan	Sites discussed, in depth discussion conducted. Client in process of doing due diligence on a potential development for Albion (senior cluster housing)
Development MD	Development	50%	20%	-	-	Downtown, Erie	Client is in negotiations on two potential development projects in Albion.
Project TT	Retail Establishment	75%	20%	-	-	Downtown	Sites submitted for consideration. ARC toured properties with client.
Development AC	Development	25%	10%	-	-	TBD	Preferred site no longer a viable option for project. Working with Client to determine needs and next steps.
Project SC	Retail	75%	25%	-	-	Downtown, Eaton	Several sites submitted to client for consideration.
Project Chance	Manufacturing	75%	40%	18	1,300,000	AIP	Notified Albion made the cut for next round of site visits and in depth discussions on incentives. C level visit expected in August. Staff working with consultant on hiring of a local site manager.
Project Yottabit	Data Center	25%	10%	-	-	AIP, 425/Michigan	Sites submitted for consideration. Project needs multiple fiber technologies to be considered prime. Doubtful Albion will make next cut. (RFP – Response, no update provided)
Development JM	Development	50%	20%	-	-	Erie	Sites discussed for consideration. Client has toured one of the sites and is currently in negotiations for sale of property. Property has back taxes due, causing hesitation on the client's agreement on price.
Development CB	Development	50%	20%	-	-	TBD	Sites discussed for consideration. Client in process of touring sites and gathering information. Will reach out when ready to move forward.
Development JH	Development	50%	10%	-	-	Downtown	HOLD: Waiting for CCLB Transform this CML Building Program.
Project Torch	Retail Establishment	25%	10%	-	-	Downtown	Sites submitted for review. Client has been notified of primary site being open for sale and has indicated that he will enter into discussions with owner. Follow up needed upon client request to move forward.
Development RN	Development	75%	10%	-	-	Downtown	HOLD: Waiting for CCLB Transform this CML Building Program.
Development KK	Development	50%	10%	-	-	Downtown	HOLD: Waiting for CCLB Transform this CML Building Program.
Development EM	Development	25%	10%	-	-	Downtown	HOLD: Waiting for CCLB Transform this CML Building Program.
Project H2	Retail Store	85%	50%	-	-	Downtown	Toured possible sites. In discussions with ARC for possible storefront in downtown.
Project Vintage	Ag – Food Processing	25%	10%	250	225,000,000	AIP, 425/Michigan	Site submitted for consideration. Site is limited by available waste water treatment options. Doubtful we will make the cut for continued consideration. (RFP – Response, no update provided)
Project 6000	Office Center	50%	25%	-	-	TBD	HOLD: Toured sites with client and determined sites not be feasible. Waiting to identify other sites that could work.
Project California	Film, Media, Graphic Design	25%	10%	-	-	AIP, 425/Michigan	Sites submitted for consideration. (RFP – Response, no update provided)
Project Lee	Service	50%	25%	1	-	Downtown	HOLD: Sites submitted for consideration. Company decided to put a hold on decision until later in 2017.

CLOSED PROJECTS							
Project Name	**Industry**	**Chance of Success**	**Percent to Complete**	**Jobs**	**Investment**		**Comments**
Project H1	Retail Store	NA	NA	-	-	Downtown	Decided to not move forward at this time. Toured sites, discussions with ARC and with retail corporate on how to make the site successful.
Project First	Mfg – Alt Energy	NA	NA	-	500,000,000	425/Michigan	09/01/2017 Company choose a project site in another Michigan community. Site needed to have high voltage electricity and intersect with a natural gas pipeline. The 425 Property was not close enough to the pipeline to win the project.

CITY OF ALBION, ALBION COLLEGE
WHITEHOUSE NATURE CENTER, & ALBION
COLLEGE CANOE & KAYAK CLUB

CERTIFICATE OF APPRECIATION

AWARDED TO:

Enbridge Foundation

In Appreciation for Sponsoring the
2017 Klean the Kazoo Event.

CITY OF ALBION, ALBION COLLEGE
WHITEHOUSE NATURE CENTER, & ALBION
COLLEGE CANOE & KAYAK CLUB

CERTIFICATE OF APPRECIATION

AWARDED TO:

Granger

In Appreciation for Sponsoring the
2017 Klean the Kazoo Event.

CITY OF ALBION, ALBION COLLEGE
WHITEHOUSE NATURE CENTER, & ALBION
COLLEGE CANOE & KAYAK CLUB

CERTIFICATE OF APPRECIATION

AWARDED TO:

Biggby Coffee

In Appreciation for Sponsoring the
2017 Klean the Kazoo Event.

CITY OF ALBION, ALBION COLLEGE
WHITEHOUSE NATURE CENTER, & ALBION
COLLEGE CANOE & KAYAK CLUB

CERTIFICATE OF APPRECIATION

AWARDED TO:

Family Fare

In Appreciation for Sponsoring the
2017 Klean the Kazoo Event.

CITY OF ALBION, ALBION COLLEGE
WHITEHOUSE NATURE CENTER, & ALBION
COLLEGE CANOE & KAYAK CLUB

CERTIFICATE OF APPRECIATION

AWARDED TO:

McDonald's

In Appreciation for Sponsoring the
2017 Klean the Kazoo Event.

City of Albion
City Council Meeting
October 2, 2017

I. Call To Order

Mayor Pro Tem Brown opened the regular session at 6:00 p.m.

II. Moment of Silence To Be Observed

III. Pledge of Allegiance

IV. Roll Call

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

ABSENT: Maurice Barnes (1) and Mayor Garrett Brown

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

French moved, Lawler supported, CARRIED to make the following amendments to the agenda: (5-0, rcv)

1. Item A-CLOSED SESSION- Table until information has been received and reviewed by Council
2. Item F-Remove from agenda
3. Item I –Change from Approval to Discussion

V. CLOSED SESSION

A. The City Manager requests a Closed Session under the Open Meetings Act (Section 15.268 (a), P.A. 267 of 1976, as amended) to consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee or staff member of individual agent, if the named person requests a closed hearing.

B. The City Manager requests a Closed Session under the Open Meetings Act (Section 15.268 (c), P.A. 267 of 1976, as amended) for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.

French moved, Lawler supported, CARRIED, to adjourn to Closed Session. (5-0, rcv)

Mayor Pro Tem Brown adjourned to Closed Session at 6:03 p.m.

Mayor Brown re-adjourned the regular Council Meeting at 7:00 p.m.

VI. Roll Call

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

VII. Mayor & Council Member's Comments

Comments were received from Council Reid and Mayor Brown.

VIII. PRESENTATIONS

A. Peabody Project-Bruce Johnston

Bruce Johnston gave the following update on the Peabody Project:

- The Peabody Project located at 400 S. Superior Street has been approved by the State and construction will begin soon.
- Would like to thank City Manager Mitchell, EDC Director Deprez and Karen and Bill Dobbins for all their effort and hard work in getting the project going.
- Project should be complete in nine (9) months.
- They will be working around the Superior Street reconstruction project.
- The contract has been awarded to Graham Construction which is the same company that is building the hotel.
- On Friday, October 20, 2017 there will be a ribbon cutting ceremony. MEDC will be present.
- Albion Housing Commission will be involved with work on the project.
- They are also working to have local contractors bid on projects.

Comments were received from Council Member French and Bill Dobbins, 15901 E. Michigan Avenue.

B. MDOT 2017 Youth Development & Mentoring Program-Brian Woodin & Harry Bonner

Brian Woodin, MDOT Southwest Region Representative gave the following presentation for the 2017 Youth Development & Mentoring Program:

- The Youth Development & Mentoring Program has existed in various iterations throughout Michigan nearly two decades
- This is the second full year in the Southwest Region (Berrien, Branch, Calhoun, Cass, Kalamazoo, St Joseph and Van Buren).
- Michigan Works/Kinexus manages a similar program for MDOT Benton Harbor area.
- The program is a 10 week summer job that incorporates mentoring activities.
- They have 16 total participants in 2016 and 41 in 2017.
- Mentoring Activities include:
    - Orientation, First Aid/CPR, Plants and Animals, Field Safety, EEO
    - WMU Main Campus
    - State Capitol and Supreme Court

- Financial Basics
- WMU Aviation Campus
- MDOT College & Career Expo at WCC
- MDOT Bureau of Field Services; Kalamazoo Institute of Art
- Warden Sherman Campbell
- Business Skills
- Tourney Consulting Group
- U of M Transportation Research Institute/Mcity

- Field Work included the following:
  - M-43 Roundabout
  - Habitat for Humanity
  - Region Crews Garage
  - Ott Biological Preserve
  - Carpool lot with Public Media Network
  - City of Battle Creek Outfall Inspection Training
  - Growing by helping others
- Minimum 16 years of age requirement
- Online Application Process
- Must maintain a 2.5 average and have a letter of recommendation from teacher, pastor, community leader etc.

Comments were received from Council Member Brown and Mayor Brown.

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

Comments were received from Dennis Tomblin, 313 Irwin Avenue; Brian Howe, 213 W. Erie St; Council Member French and Mayor Brown.

X. Consent Calendar (VV)

A. Approval Regular Session Minutes – September 18, 2017
B. Approval Study Session Minutes-September 25, 2017
C. Approval Study Session Minutes, September 26, 2017

French moved, Brown supported, CARRIED, to approve the Consent as presented. (5-0, vv)

XI. Items for Individual Discussion

A. Request Approval 1st Reading Ordinance # 2017-07, An Ordinance to Amend Ordinance 58-226 Minor in Possession of Alcohol (RCV)

Comments were received from Attorney Harkness who asked for the effective date of the Ordinance be changed to January 1, 2018.

Additional comments were received from Council Member Reid.

French moved, Brown supported, CARRIED, to change the Effective Date of Ordinance # 2017-07, An Ordinance to Amend Ordinance 58-226 Minor in Possession of Alcohol to January 1, 2018 as requested. (5-0, rcv)

French moved, Reid supported, CARRIED, To Approve 1st Reading Ordinance # 2017-07, An Ordinance to Amend Ordinance 58-226 Minor in Possession of Alcohol with Effective Date of January 1, 2018. (5-0, rcv)

B. Request Approval 1st Reading Ordinance # 2017-08, An Ordinance to Add Section (s) 82-129. 82-130 and 82-131 (RCV)

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

Brown moved, Lawler supported, CARRIED, To Approve 1st Reading Ordinance # 2017-08, An Ordinance to Add Section (s) 82-129. 82-130 and 82-131 as presented. (5-0, rcv)

C. Discussion-City Providing In-Kind Service to Double Vision

Council Member Lawler stated she requested that there be consideration for the City Manager (and staff) to provide in-kind assistance to Double Vision, a non-profit organization, in identifying grant funding opportunities.

The City response was that unfortunately, according to the Michigan Municipal League Guide on Unlawful Expenditures by a Government Unit – such expenditures cannot be authorized where there is no contract for specific services related to the function of the local unit of government.

Council Member Lawler provided the following information from the Michigan Municipal League-Chapter 23:

- A public purpose has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within the municipal corporation, the sovereign powers of which are used to promote such public purpose....The right of the public to receive and enjoy the benefit of the use determines whether the use is public or private.
- A municipality cannot give public funds away
- Would like Mayor, Mayor Pro Tem and City Manager to meet with Double Vision to see if there is a project they would be able to collaborate on.
- Double Vision is not asking for money
- Why did the City pave private parking lots for Albion College?
- Would like to see the City support Double Vision

City Attorney Harkness stated if the purpose for which the funds are expended is public in nature*, but the operation is not under the control of the city or village which is making the contribution,* it may nonetheless still be an illegal expenditure and may be exposing the City to liability by using public funds for a private entity.

He stated that he was not aware of the City paving the parking lots for Albion College but that it should not have been done and he has spoken with staff about the error. However, just because the City made an error in the past, that error should not be repeated. Donating employee time is still use of public funds. If employees choose to volunteer their time, that would be ok.

.

City Manager Mitchell stated she has supported Double Vision and has met with them several times and also made them aware of the grant opportunity for Firekeepers. She has personally paid out of pocket for Double Vision to hold a fund raiser at the Victory Park pavilion. It is not in the best interest or best use of the City Manager's time to provide grant administrative services for private entities. She acknowledges the error of paving the parking lots for Albion College which was in kind for Albion College paving Cass Street and they did pay for the cost of asphalt.

Additional comments were received from Council Members Brown and French; Mayor Brown and Lonnie Brewer, 1200 Hillside Rd, Apt. #9.

D. Request Approval of Tentative Agreement for Albion Command Officers Association (ACOA) (RCV)

Comments were received from City Manager Mitchell and Mayor Brown.

French moved, Reid supported, CARRIED, To Approve Tentative Agreement for Albion Command Officers Association (ACOA) as presented. (5-0, rcv)

E. Request Approval of Tentative Agreement for the American Federation of State, County, and Municipal Employees (AFSCME) AFL-CIO (RCV)

Comments were received from City Manager Mitchell.

French moved, Brown supported, CARRIED, To Approve Tentative Agreement for the American Federation of State, County, and Municipal Employees (AFSCME) AFL-CIO) as presented. (5-0, rcv)

F. Request Approval of Tentative Agreement for Police Officers Association of Michigan (POAM)-Pending Negotiations (RCV)

This item was removed at the start of the meeting.

G. Discussion-Update on Dalrymple Property

City Manager Mitchell stated the Calhoun County Land Bank are still finalizing a few things regarding restoration and curb removal/replacement. These items should be wrapped up within the next few weeks and the property will then be deeded over to the City for redevelopment.

Comments were received from Council Member Brown.

H. Discussion-Study Sessions for Budget Dates/Times

Study Session Dates/Times for Budget are as follows:

Monday, October 23, 2017	7:00 p.m.	General Fund
Monday, October 30, 2017	7:00 p.m.	Public Services & Misc.
Monday, November 13, 2017	7:00 p.m.	Component Units (EDC, TIFA, DDA. Streets, Other Elements
Monday, November 27, 2017		On reserve if needed
Monday, December 4, 2017		PUBLIC HEARING
Monday, December 18, 2017		Adoption of 2018 Budget

Comments were received from Council Member Brown, Mayor Brown and City Manager Mitchell.

I. ~~Request Approval~~ Discussion- Council Rules of Procedures (RCV)

This was changed to a discussion item at the start of the meeting.

Council Member French stated the sub-committee consisting of himself, Mayor Pro Tem Brown and Mayor Brown had met and a draft of the Council Rules of Procedure has been drafted. The rules were a combination of Port Huron's and the current rules for the City of Albion. He has sent to the City Attorney, City Manager and City Clerk. He asked City Attorney Harkness for some correlation on a few items so it will not contradict the Albion City Charter. He asked for comments/suggestions from the City Attorney, City Manager, Mayor Brown and Mayor Pro-Tem Brown. He would like to have the draft of the Council Rules sent out to the Council as soon as possible for review so it may be approved at the next regular Council meeting.

Comments were received from Mayor Brown.

J. Request Approval Boards and Commissions Initial Partial Term Appointment (RCV)

- Scott Evans, Albion Economic Development Corporation, Term to Expire 7-1-2018

French moved, Lawler supported, CARRIED, to Approve Initial Partial Term Appointment Scott Evans, Albion Economic Development Corporation, Term to expire 7-1-2018 as presented. (5-0, rcv)

XII. City Manager Report

City Manager Mitchell reported the following:

- The Klean the Kazoo 2017 event was very successful with great participants and sponsors. The sponsors included:
  - City of Albion & Albion Dept. of Public Safety-Council Member Lenn Reid
  - Albion College Canoe & Kayak Club
  - Whitehouse Nature Center
  - Enbridge Foundation
  - Granger-roll off dumpster donation
  - McDonald's of Albion-yogurt parfaits for volunteers
  - Family Fare-$50 gift card donation towards juice & water for volunteers

        - Biggby's Coffee-coffee donation for volunteers
    - The Finance Department has been busy working on the 2018 Budget
    - Recreation Department has the following programs:
        - Open Walk
        - Play Right Basketball
        - Open Gym
        - Basketball
        - Always searching for volunteer coaches
    - Saturday, October 7th, 2017 is the NAACP Freedom Fund Dinner. This year's theme is "Steadfast and Immovable" with guest presenter Kim Trent, Policy Associate for Michigan Future Inc.
    - City Manager has completed three (3) years with the City of Albion and included a year in review in Council packets highlighting a team effort of hard work and accomplishments.

XIII. Future Agenda Items

- Council Member Brown asked for Discussion/Approval of Council Rules & Procedures be added to the next agenda.
- Mayor Brown asked for a Special Council meeting on Thursday, October 5, 2017 at 6:30 p.m. to discuss the City Manager evaluation.

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

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

XV. 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 Lonnie Brewer, 1200 Hillside Rd Apt #9; Donnie Brewer, 918 N. Clinton St; Frank Passic, 900 S. Eaton St; Evan Zigelman, Albion College student; Sarah Britton, Albion College student; Patrick Miller, 1803 E. Michigan; Mike Bearman, 11016 29 Mile Rd; Dennis Tomblin, 313 Irwin Avenue; County Commissioner Gary Tompkins; Council Member French and Mayor Brown.

XVI. Adjournment

Lawler moved, Reid supported, CARRIED, to adjourn council session. (5-0 vv)

Mayor Brown adjourned the meeting at 8:55 p.m.

_____ _____

Date

Jill Domingo
City Clerk

City of Albion
Special Session Minutes
October 5, 2017

I. CALL TO ORDER

Mayor Pro Tem Brown called the meeting to order at 6:30 p.m.

II. ROLL CALL

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

ABSENT: Mayor Brown

STAFF PRESENT:

Sheryl Mitchell, City Manager and Cullen Harkness, City Attorney; Chief Scott Kipp and Deputy Chief Jason Kern.

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

No public Comments were received.

IV. Motion to Closed Session: Barnes moved. Lawler Seconded.

a. Manager Mitchell requested that evaluation be had in open session.
b. Motion fails due to mootness.
c. Spicer moved for 5 min recess. Lawler seconded. All in favor. Recessed at 6:39pm. Reconvened at 6:46pm. Rollcall. All present at 6:46pm.

V. CLOSED SESSION

The City Manager requests an Closed Session under the Open Meetings Act (Section 15.268 (a), P.A. 267 of 1976, as amended) to consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee or staff member of individual agent, if the named person requests a closed hearing.

Evaluation Notes/Comments:

a. Mayor Brown: Believes she is the best manager we have had and agrees with French in that regard. She has great initiative and intellect and is impressed by this. Concerned about judgment and decision making. Believes that there needs to be candor with the council especially financial

decisions. Concerned with process by which assistant city manager was flawed. Believes the council was assured that the job would be posted and it wasn't. Believes it is critical to have a mindset to find someone with right expertise when making hiring decisions. Believes it is not fair to not have open hiring for city positions. Healthcare grant was short notice and believes it was tailored to only one healthcare agency. Does not believe it was presented to council in a way to avoid bias. With grant applications, believes grants are known about weeks ahead of time, but are not brought to council until later. Believes it would be helpful to know information sooner. Concerned that council was not notified of DDAs recommendation to not give money for parking lot. Believes that her pursuit of grants has been good. With Albion-Marshall connector, issue is that it takes residents elsewhere and Marshall was not contributing. Concerned that council is being influenced on the side aside from policy recommendations. Believes there is conflict between policy and how the city operates. Also, concerned with city labor being used to pave college lots when citizens complain their public streets are not done. Believes we need clear policy and procedures. Believes that things should be done efficiently and fairly.

b. Councilman Barnes: Believes Sheryl has shown the ability to lead. Balanced the budget. Free thinking and has an open mind. Makes strategic decisions. Handles goals well. Works well with all departments. Thinks that previous managers did not keep staff in the loop. Believes that Sheryl keeps the staff, particularly the department heads, well informed.

c. Sonya Brown: Evaluations are an opportunity to give constructive criticism. Observed pushback as it relates to the posting of jobs issue. Issue with the Albion-Marshall Connector flier where manager asked people to get people to come support the connector at council meetings. Healthcare grant was also a concern. Did not believe there was not enough research done for the manager to make a recommendation. Believed that goal setting session was flipped. Commends the manager for being active on many boards. Issue with complaints from constituents, then department head comes to council rather than to Mitchell. Concern over whether there is an official citizen complaint policy. Wants to know if there is a match when they get grant requests. Budget was presented in a timely manner. Concerned that new business is not generating tax revenue. Hiring decisions have been sound. Always helpful, reports are helpful, excellent interaction with community groups. Does not take accusations lightly and feels she gave a fair evaluation.

d. Lenn Reid: Thinks Sheryl has been doing a fantastic job. Always has an answer available or shortly thereafter. Always very accessible. She is always very helpful. Very pleased. She is doing an A-1 job. Staff is very pleased with her.

e. Jeannette Spicer: Appreciates Sheryl. Likes that she took the time to show her how things run and offered to be at the councilwoman's disposal. Thinks

that we can all agree they want the best for the city. No one person has everything, but we come close with Sheryl. Strong administrative background and educational background all lend to her being exceptional. Her strong personality works well with management. Believes council has been treated fairly and believes that council is kept informed. Appreciates her.

f. Marcola Lawler: Everyone has room for improvement. Did not go lower than a 4. Her knowledge and outreach is good. Does not know how she works so much. Wishes she didn't have to go overboard. Pleased with everything. With her skills she is doing well. Does not want to put pressure on her. When she makes a mistake she does apologize for it. A lot of people don't do that, when you have morals that says a lot about a person. Truly believes that she is a genuine person.

g. Andrew French: Sheryl is the best manager we have had. She is collaborative with many organizations. Taking action on many items that have been on the agenda for years and action is occurring. She is encouraging to subordinates and engages with them regularly. Owns her mistakes. Believes that the criticism of the manager stems from council members wanting to be more involved than they should be. Many of the issues addressed by the Mayor, were issues passed by the council. Concern is that when Mayor is evaluating Manager's performance it seems to mirror the Mayor's negative votes on those issues. If we are to preserve relationships with administration, we need to have better expectations of our city manager. Concerned that Manager has indicated that she will quit.

h. Attorney Harkness: Indicated that Manager has an excellent ethic and is a pleasure to work with. Believes that staff is very happy with her.

i. Manager Mitchell: Deeply concerned with the negative scores and comments. From Mayor Brown and Councilwoman Brown. Per the form the evaluation should be a reflection of overall performance, not specific actions.

    i. Disagrees that qualifications for council is a procedure, it's a duty of the prospective councilmember.
    ii. References to being open and transparent and not in compliance with having a trustful relationship. There is a fundamental disrespect with regard to what she does and how she does it.
    iii. Albion-Marshall Connector. Indicated they were doing a presentation and offered to invite two people that use the serve to attend. Never advocated that they bring an outpouring of residents.
    iv. Attributing the actions of others to the Manager. She will not accept responsible or be reprimanded for the actions of others.
    v. She is not paid to be neutral, she is paid to provide information and recommendations. She administers decisions of the council.

vi. Rural healthcare Grant. She shared with council the entire email chain the moment she got it. She never withheld anything.
vii. The parking lot grant. Provided information as soon as it was received.
viii. With street paving, followed the same process. A match is not a surprise to anyone.
ix. Tax capture. Efforts are underway to develop long term tax capture. The council determined to make exemptions for certain city developments. It was not the manager who made the decisions.
x. Believes there is disagreement with performance. 2.5 for management skills from the Mayor.
xi. Very concerning that two of the five council members are concerned about her judgment. Wants to make a decision with both parties about future of leadership.
xii. Insulted that council that has issues with Stacy's qualifications.

VI. Approval of Tentative Agreement between the City of Albion and the Police Officers Association of Michigan (POAM) (RCV)

Comments were received from Council Members Barnes, Brown, Reid, Lawler and French; Mayor Brown; City Manager Mitchell and Chief Scott Kipp.

French moved, Barnes supported, CARRIED, To Approve Tentative Agreement between the City of Albion and the Police Officers Association of Michigan (POAM) as presented. (7-0, rcv)

VII. 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 Chief Kipp who stated Officer Kelli Williamson is moving into public outreach policing position.

VIII. ADJOURNMENT

Brown moved, French supported, CARRIED, to ADJOURN Study Session. (7-0, vv).

Mayor Brown adjourned the Special Session at 8:36 p.m.

_____ _____

Date Jill Domingo
City Clerk

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

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

MEMO

TO: Honorable Mayor and City Council

FR: Sheryl L. Mitchell, City Manager

DA: October 16, 2017 slander

RE: **Agenda Summary**

ITEMS FOR INDIVIDUAL DISCUSSION

A. **Request Approval 2nd Reading Ordinance and Adoption # 2017-07, An Ordinance to Amend Ordinance 58-226 Minor in Possession of Alcohol.** Currently, City of Albion Ordinance 58-226 mirrors the statute for the State of Michigan. A person can get an Minor in Possession (MIP) charge if they are under 21 and caught in possession of alcohol, purchasing alcohol, consuming alcohol or blow a .02 or higher on a preliminary breath test. Under the most recent law, a (MIP) charge is a misdemeanor and goes on the offender's record for seven years. An offender might be able to get the charges dismissed upon successful probation completion. Under the new Michigan alcohol bill, an MIP would be a civil infraction for the first offense; they would receive a civil infraction ticket. The fine would be up to $100. A second or third MIP would be a misdemeanor. A misdemeanor gives the offender a criminal record and employers or anyone who does a background check can see the charge. The options for getting a civil infraction ticket are admitting responsibility and paying the fine, denying responsibility and asking for an informal court hearing (meaning no attorney can be present) or denying responsibility and asking for a formal court hearing (can hire an attorney). City Manager recommends approval

B. **Request Approval – Request Approval 2nd Reading and Adoption, Ordinance #2017-08, An Ordinance to Add Section(s) 82-129, 82-130 and 82-131.** The proposed ordinance addresses the impoundment of vehicles for failure to pay civil infractions or parking violations issued under this Chapter. If a vehicle is unattended and the registered owner of the vehicle has six (6) or more unpaid and outstanding civil infraction violations or parking violation notices, in any combination, all of which have been issued for a violation of a Chapter 82 provision, any Public Safety Officer or other authorized City employee may cause that vehicle to be immediately impounded. Provisions are made for an immobilization device to be attached to the vehicle. City Manager recommends approval

C. **Discussion / Approval Council Rules of Procedures.** The committee (Mayor Brown, Mayor Pro Tem Brown, and Council Member French) recommendations on the work product from the process that began in March 2017.

D. **Request Approval Invoice for MML Dues for $5,652.00.** This is the annual dues for membership in the Michigan Municipal League (MML).Membership provides access to training, programs, resources, and services. City Manager recommends approval

E. **Request Approval Resolution #2017-39, A Resolution to Approve Expenditures for Repairs to Front End Loader.** The street department currently uses a front-end loader (JD444J) to aid in city operations. There are several safety issues afflicting the loader which need to be addressed in the form of repairs. The repairs will total approximately $19,000.00. Given that this expenditure exceeds $5,000.00, council approval is required pursuant to Ordinance 2-384. The funds will be drawn from the equipment pool to fund the repairs. City Manager recommends approval.

F. **Request Approval Resolution #2017-40, A Resolution of Censure of the Albion City Mayor.** The resolution seeks to censure the Mayor. According to Roberts Rules of Order, officials can be censured for behavior, such as not performing duties, or doing things beyond what the bylaws or organization has assigned to the officer.

The Resolution to Censure the Mayor states that the City Council "rejects and condemns the Mayor's attempts to assume more authority in the day-to-day management of the City's business and resolves to Censure the Mayor. From this resolution forward, all interactions of the Mayor to the City Manager will be through the council, at council meetings. Mayor shall only give direction to the Manager during City Council meetings and with the consensus/consent of council. He will work with the City Council, and the City Attorney, to make sure the role of the Mayor is clearly defined, understood, and not violated. In the future, the Mayor, and the City Council will act as a unit in their directions to the City Manager. "

The Albion City Council resolution "asks the City Manager to allow the City Council thirty (30) days to come together with the Mayor and the City Attorney, to come to an agreement with all parties in regards to the defining of the working relationship between the City Manager and the Mayor, prior to her tendering her resignation. Regardless of the outcome, this clarification of the rightful authority of the Mayor, as outlined in the City's Charter, will make for a more positive, more effective city government." City Council initiative.

G. **Discussion – Medicinal Marijuana Facilities.** Anewsha Therapeutics requested to appear on the October 16th agenda to further discuss and better understand Council's position on licensing Medicinal Marijuana Facilities.

CITY OF ALBION
ORDINANCE #2017-07

AN ORDINANCE TO AMEND ORDINANCE 58-226 MINOR IN POSSESSION OF ALCOHOL

Purpose and Finding: The City of Albion presently has a Minor in Possession of Alcohol (MIP) ordinance that closely mirrors that of the state statute. The Michigan legislature has amended the state statute through Public Act 357 of 2016 and again through Public Act 89 of 2017. The latest amendment takes effect October 10, 2017. As such, it is necessary to amend the city ordinance accordingly. The primary substantive change in the legislation is that first offense MIPs will no longer be a criminal offense and will be designated as a civil infraction. It is recommended that the ordinance be amended as follows to comply with state law.

THE CITY OF ALBION ORDAINS:

Sec. 58-226 – Purchase, consumption, or possession of alcoholic liquor by minor; attempt; violation; fines; sanctions; furnishing fraudulent identification to minor; use by minor; prior violation; screening and assessment; prior judgment; chemical breath analysis; notice to parent, custodian, or guardian; exceptions; recruitment of minor for undercover operation prohibited; affirmative defense; definitions.

(a) Fines and sanctions. A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A person less than 21 years of age who violates this subsection is responsible for a civil infraction or guilty of a misdemeanor punishable by the following fines and sanctions:

1. For a first violation, the individual is responsible for a civil infraction and shall be fined not more than $100.00 A court may order participation in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of the office of substance abuse services, and may order the performance community service and substance abuse screening and assessment at the individual's own expense.

2. For a violation that occurs after 1 prior judgment, the individual is guilty of a misdemeanor, punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than $200.00, or both. A court may

order participation in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, performance of community service, and substance abuse screening and assessment at the individual's own expense.

3. For a violation that occurs after 2 or more prior judgments, the minor is guilty of a misdemeanor, punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than $500.00, or both, as applicable. A court may order participation in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, the performance of community service, and substance abuse screening and assessment at the individual's own expense.

(b) An individual who furnishes fraudulent identification to a minor or, notwithstanding subsection (a), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(c) If an individual who pleads guilty to a misdemeanor violation of subsection (a)(2) or offers a plea of admission in a juvenile delinquency proceeding for a misdemeanor violation of subsection (a)(2), the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in subsection (a)(3), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. If a court finds that an individual violated a term or condition of probation or that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. A discharge and dismissal under this section is without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law on conviction of a crime. An individual may obtain only 1 discharge and dismissal

under this subsection. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following:

1. To a court, prosecutor, or police agency on request for the purpose of determining if an individual has already utilized this subsection.

2. To the department of corrections, a prosecutor, or a law enforcement agency, on the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

    i. At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.

    ii. The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

(d) A misdemeanor violation of subsection (a) successfully deferred, discharged, and dismissed under subsection (c) is considered a prior judgment for the purposes of subsection (a)(3).

(e) A court may order an individual found responsible for or convicted of violating subsection (a) to undergo screening and assessment by a person or agency as designated by the department-designated community mental health entity as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (a) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.

(f) A law enforcement officer, on determining that an individual who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (a) shall notify the parent or parents, custodian,

or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The law enforcement officer shall notify the parent, guardian, or custodian not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated subsection (a) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The law enforcement officer may notify the parent, guardian, or custodian by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (a), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(g) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by the Michigan Liquor Control Code of 1998 (MCL 436.1101 et seq.), by the state liquor control commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(h) The following individuals are not considered to be in violation of subsection (a):

1. An individual who has consumed alcoholic liquor and who voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.

2. An individual who accompanies another individual who meets both of the following criteria:

    i. Has consumed alcoholic liquor.

    ii. Voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.

3. An individual who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.

(i) This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee for a violation of the Michigan Liquor Control Code of 1998 (MCL 436.1101 et seq.).

(j) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this section if the purpose of the consumption is solely educational and is a requirement of the course.

(k) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this section.

(l) Subsection (a) does not apply to a minor who participates in either or both of the following:

1. An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

2. An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the state liquor control commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the state liquor control commission, or the local police agency and was not part of the undercover operation.

(m) In a prosecution for the violation of subsection (a) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.

(n) As used in this section:

1. "Any bodily alcohol content" means either of the following:

   i. An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

ii. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

2. "Emergency medical services personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

3. "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

4. "Minor" means a person under the age of 21.

5. "Prior judgment" means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

   i. This section or section 701 or 707 of the Michigan Liquor Control Code.

   ii. Section 624a, 624b, or 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625.

   iii. Section 80176, 81134, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127.

   iv. Section 167a or 237 of the Michigan penal code, 1939 PA 328, MCL 750.167a and 750.237.

State law reference: Similar provisions, MCL 436.1703

This Ordinance shall take effect after publication on January 1, 2018.

First Reading:
October 2, 2017

Ayes 5
Nays 0
Absent 2 (Barnes, Spicer)

Second Reading & Adoption:
October 16, 2017

Ayes _____
Nays _____
Absent_____

Jill Domingo
City Clerk

Garrett Brown,
Mayor

CITY OF ALBION
ORDINANCE #2017-08

AN ORDINANCE TO ADD SECTION(S) 82-129, 82-130, and 82-131

Purpose and Finding:

THE CITY OF ALBION ORDAINS:

Sec. 82-129 Impoundment of Vehicles for Failure to Pay Civil Infractions or Parking Violations Issued under this Chapter

1. If a vehicle is unattended and the registered owner of the vehicle has six (6) or more unpaid and outstanding civil infraction violations or parking violation notices, in any combination, all of which have been issued for a violation of a Chapter 82 provision, any Public Safety Officer or other authorized City employee may cause that vehicle to be immediately impounded. There shall be no impoundment under this Section from any private property.

Sec. 82-130 Immobilization of Vehicles for Failure to Pay Civil Infractions or Parking Violations Issued under this Chapter

1. If a vehicle is unattended and the registered owner of the vehicle has six (6) or more unpaid and outstanding civil infraction citations or parking violation notices, in any combination, all of which have been issued for a violation of Chapter 82 provision, any Public Safety Officer or other authorized City employee may, in lieu of impoundment of the vehicle as otherwise provided, attach or cause to be attached to said vehicle an immobilizing device which will prevent the vehicle from being moved or driven.

    a. If an immobilization device is attached, there shall also be attached securely to the vehicle, in a conspicuous location, a notice which cautions the driver that the vehicle has been rendered immobile by use of an immobilization device and that damage to the vehicle will result if the driver attempts to move the vehicle.

        i. The notice described in sub-section (a) shall also indicate that the release of the vehicle may be obtained by paying the outstanding civil infractions, citations, or Parking Violation Notices, together with the fee established to cover the costs of attachment and removal of the locking device.

        ii. The notice described in sub-section (a) shall also indicate that in lieu of paying the outstanding civil infractions, citations, or Parking Violation Notices, together with the fee established to cover the costs of attachment and removal of the locking device described in sub-

section (a)(1), the release of the vehicle may alternatively be obtained by posting a bond to cover the costs of the outstanding civil infractions, citations, or Parking Violation Notices, together with the fee established to cover the costs of attachment and removal of the locking device, and requesting a hearing.

iii. The notice described in sub-section (a) shall also indicate that payment must be made to the City of Albion Finance Department during regular business hours, or on weekends, evenings, or holidays, to the Albion Department of Public Safety. Payment arrangements must be made within seventy-two (72) hours after installation of the device or the vehicle will be removed by impoundment as a nuisance pursuant to Sec. 82-129 of Chapter 82 of the City of Albion Code of Ordinances.

Sec. 82-131 Release of Vehicle Impounded or Immobilized

1. The owner or operator of any vehicle which has been impounded or immobilized under Section 82-129 or 82-130, may obtain release of the vehicle by either of the following:

    a. By paying the total amount due on all outstanding civil infractions, citations, or Parking Violation Notices, together with the fee established to cover the costs of attachment and removal of the locking device; or

    b. By the posting of a bond to cover all of the costs assessed against the vehicle in subsection (a) above and requesting a hearing.

    c. All payments under this Section shall be made to the City of Albion Finance Department during regular business hours or to the City of Albion Department of Public Safety during evenings, holidays, and weekends.

This Ordinance shall take effect after publication on November 16, 2017.

First Reading:
October 2, 2017

Ayes 5
Nays 0
Absent 2 (Barnes, Spicer)

Second Reading & Adoption:
October 16, 2017

Ayes _____
Nays _____
Absent_____

Jill Domingo
City Clerk

Garrett Brown,
Mayor

Albion City Council

Rules of Procedure

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RULE 1. AUTHORITY

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

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

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

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

Administration means the City Manager or his or her designees.

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

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

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

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

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

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

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

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

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

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

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

RULE 3. REGULAR AND SPECIAL MEETINGS; STANDING COMMITTEES

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

(b) *Special meetings*: *[Cullen refer to Charter]* Special meetings of the council shall be held at the regular meeting place of the council or at an alternate meeting place when notice of such alternate meeting place is posted at the main entrance to the city hall during such meeting. Special meetings shall be called by the clerk on the written request of the mayor, or of any two (2) members of the council.

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

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

(d) Closed Meetings/executive sessions

In accordance with the Open Meetings Act, MCL 15.268, the council may meet in a closed session only for one or more of the permitted purposes:

(1) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing.

(2) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing

(3) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(4) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the city.

(5) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews by the city for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act.

(6) To consider material exempt from discussion or disclosure by state or federal statute.

]

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

RULE 4. QUORUM

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

RULE 5. CONDUCT OF MEETINGS

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

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

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

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

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

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

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

RULE 6. PUBLICATION OF NOTICES

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

RULE 7. CITIZEN PARTICIPATION

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

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

(1) *Public hearings:* When a public hearing on a matter has been scheduled, City Council will hear and consider any comments presented by interested parties or audience members on the specific subject of the hearing. The chair may, if appropriate, limit the amount of time per person based on the requests and determine when the public has had its opportunity to be heard.

(2) *Public comment*: Speakers have two opportunities to speak. At the start of the council meeting, speakers may address the City Council on agenda items only, for one three (3) minute period. Additionally, at the conclusion of the agenda, speakers may address the council on any issue they wish to speak, also for one three (3) minute period.

(b) *Special meetings*: The appropriate time during the meeting to receive public comment will be determined by the chair based on the matters to be discussed. Speakers may address the City Council for up to one, four (3) minute period.

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

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

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

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

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

RULE 8. AGENDAS AND ORDER OF BUSINESS

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

(1) Every ordinance, resolution and document to come before the City Council at any regular meeting shall be submitted before 12:00 noon on Wednesday preceding the regular meeting in order to properly prepare the agenda Items not received may be considered at the next regularly scheduled meeting.

(2) All requests by individual members of the City Council for administration to prepare simple and uncomplicated resolutions or proposed ordinances, or to take specific action, provided said request is permitted by state law and/or the City Charter, shall be made, in writing, through the City Manager prior to 12:00 noon on the Wednesday preceding the regular meeting in which it is desired Said requests for action will be added to the agenda for a vote by the council.

(3) The City Manager or Council Member who placed an item on the agenda shall have the right to withdraw it prior to any action being taken.

(4) The agenda shall be furnished to the City Council on the Thursday prior to the regular meeting, On the day following delivery of the agenda to the City Council, if practicable, the agenda will be available on the City's web site and a paper copy can be viewed at the City Clerk's office during normal business hours.

(5) The City Council may by an affirmative vote of at least four (4) members approve the addition of agenda items. The motion to add an item shall occur at the beginning of the meeting, immediately after the previous minutes have been approved.

(b) *Special meeting agendas:* If necessary, the City Clerk shall prepare an agenda for special meetings, in consultation with the Mayor and the City Manager, based on the written request for the meeting. If provided for in the notice, additional agenda items may be added by an affirmative vote of at least five (5) members.

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

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

- Reports from the City Manager, and other City officers, committees, boards or commissions
- Future Agenda Items
- Motion to Excuse Absent Council Members
- Public Comment – Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.
- Adjournment

RULE 9. RESOLUTIONS

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

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

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

RULE 10. ORDINANCES

(a) ~~As stated in the City Charter [*Will Need Charter reference]* an ordinance is a legislative act establishing a more permanent influence on the City other than a resolution and requires greater formalities in its adoption. Also stated in the City Charter, in addition to other acts required by law or by specific provision of the City Charter to be adopted by ordinance, acts which do any of the following shall be by ordinance:~~

~~(1) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency;~~

~~(2) Amend or repeal any ordinance previously adopted;~~

~~(3) Grant, renew or extend a franchise, except as otherwise provided by law;~~

~~(4) Authorize the borrowing of money;~~

~~(5) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;~~

~~(6) Regulate land use and development.~~

(a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the council shall be, "The City of Albion Ordains:"

(b) No ordinance shall be passed at the same meeting at which it is introduced, unless it is declared to be an emergency ordinance by a vote of not less than five (5) members of the council.

(c) An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section.

(d) An ordinance may be repealed by reference to its number or title only.

(e) If a section of an ordinance is amended, such section shall be re-enacted and published at length. This requirement shall not apply to zoning ordinance amendments or to the schedules of one-way streets and of parking limitations contained in any traffic ordinance.

(f) Each ordinance, after adoption, shall be identified by a number.

(g) Each ordinance shall be recorded by the clerk forthwith in the ordinance book, and the enactment of such ordinance shall be certified by him therein by his signature.

Section 2-1 State law reference— Mandatory that charter provide for ordinance adoption procedures, MCL 117.3(k).

(b) All legislation by ordinance shall comply with the provisions of Section [*Will Need Charter reference]* of the City Charter and be submitted and considered as follows:

(1) All proposed ordinances shall be in writing, shall be identified by an agenda number and a short title and shall contain no more than one subject. It shall be the responsibility of a Council Member offering an amendment to put the amendment and the exact revisions proposed in writing if it is long or complicated.

(2) The City Manager and administrative officers shall submit and recommend to City Council adoption of ordinances deemed necessary to carry out the activities of the City and those matters required by state law.

(3) If a Council Member wishes to introduce a proposed ordinance, the short title shall reflect an endorsement indicating this, such as "Introduced by Council Member (insert name)".

(4) When any person, not a member of the City Council, nor the City Manager or the administrative staff, requests the City Council to adopt an ordinance prepared by such person, it shall not be introduced except by consent on the affirmative vote of at least four (4) members. The short title of the ordinance shall reflect an endorsement such as "Introduced on the request of (insert name)".

(5) Each proposed ordinance is read by its title by the City Clerk, once for a "First Reading" and then for a "Second Reading and Enactment" and possible enactment at a subsequent meeting. The opportunity for debate, amendment or other appropriate action shall be afforded the City Council at each reading. The "Second Reading and Enactment" may be placed on the consent agenda if the first reading of the ordinance was adopted unanimously. No ordinance shall be finally passed at the same meeting at which it is introduced, unless it is declared to be an emergency ordinance as provided in the Charter or is allowed by law to be adopted at the same meeting at which it is introduced.

(6) As provided in the Charter, adoption of an ordinance requires an affirmative vote of at least four (4) members unless otherwise provided by law.

(7) An ordinance shall become effective upon its publication, but not less than five (5) days after its passage, unless a different effective date is provided by law or unless it shall be passed as an emergency ordinance. *[Will Need Charter reference]*

[NOTE: At the time of adoption of these rules, state law requires a summary be published in a newspaper of general circulation.]

RULE 11. MOTIONS

(a) *Generally:* All motions offered by the Chair shall be moved and seconded before being considered. Long or complicated motions shall be put in writing. An opportunity for debate, amendments,

or other appropriate action, shall be afforded the members of the City Council, except as otherwise stated in these rules. Each amendment proposed shall be considered a separate question.

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

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

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

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

- to adjourn – undebatable
- to rise to a question or privilege – undebatable
- to lay on the table – undebatable
- to call for the previous question – undebatable
- to limit or extend limits of debate – undebatable
- to postpone to a certain day – undebatable
- to commit or refer, or recommit, to a committee –undebatable
- to amend – debatable
- to postpone indefinitely – debatable

(f) See Appendix "A" for a "Chart of Motions" listing details about the handling of the various types of motions.

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

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

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

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

RULE 12. APPEALS

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

RULE 13. POINT OF ORDER

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

RULE 14. RESCIND

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

RULE 15. SUSPEND THE RULES

Any rule may be temporarily suspended by an affirmative vote of at least four (4) members, unless a different number of votes are specifically stated in a rule. Rule 18 shall not be suspended, nor shall any rule be suspended if it is a restatement of a requirement of state law, the City Charter or City Code.

RULE 17. VOTING

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

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

(1) ~~Except for public contracts governed by the Contracts of Public Servants with Public Entities Act (Act 317 of 1968), no member of the City Council shall have an interest, directly or indirectly, in any contract, job or work with the City. No member of the City Council shall be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services. This does not apply to the official services of his or her office.~~

~~(2) The foregoing prohibitions of paragraph (a) above, as they apply to a Council Member or Council Members, shall not apply if the City Council shall declare on its records by an affirmative vote of five (5) of the remaining members of the City Council that the best interests of the City are served despite a personal interest, direct or indirect, and if in compliance with the Contracts of Public Servants with Public Entities Act (Act 317 of 1968).~~

~~(3) If a Council Member shall have a conflict or believes he/she may have a potential conflict of interest as shown in paragraph (a), the member shall immediately disclose the nature and extent of his or her interest prior to the consideration of the agenda item involved. If it is determined, in consultation with legal counsel and review of the Charter and state law that a conflict does not exist or the City Council has declared on its record the best interests are served despite the personal interest, the member may participate in the deliberations and shall vote on such matter.~~

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

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

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

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

RULE 18. AMEND/REPEAL RULES

These rules may be amended or repealed by resolution of the City Council and shall not be finally passed at the same meeting at which it is introduced and such resolution shall be postponed for final consideration until the next regular meeting or until such further time as the City Council shall determine. This rule shall not be suspended.

Appendix "A"

Chart of Motions

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

Motion	Explanation
General Information about Motions	➢ All motions moved & seconded ➢ Long/complicated motions reduced to writing by mover ➢ Each amendment is a separate question ➢ During debate, members shall speak once, except in rebuttal or explanation, or unless chair or members consent ➢ Passage requires at least four (4) affirmative votes of the members, unless state law or a rule provides otherwise ➢ Mover of motion may: • Speak first • Cannot speak against own motion • Can vote in the negative • May withdraw own motion if there are no objections; otherwise four (4) affirmative votes are required to withdraw a pending motion
Adjourn	Ends the meeting. Cannot offer to adjourn if a motion to fix time to adjourn is pending.
Adjourn, Fix time to	Sets the time for continuation of a meeting. **Debatable, Amendable, Reconsider**
Amendments	An amendment proposes a change to a main motion. Each amendment proposed shall be considered a separate question and shall be dealt with before any other amendment is offered. **Debatable, Table, Reconsider**
Appeals	Any Council Member may appeal a ruling or decision of the chair. The chair shall then put the question, generally phrased as, "Shall the decision of the chair stand as the decision of the Council?" If adopted, the ruling of the chair is sustained (stands); otherwise it is overruled (rejected). *If an appeal is tabled, it does not carry with it the subject matter being discussed at the time of the appeal. **Debatable, Table*** *(see above sentence)***, Reconsider**
Call the Question	Any member, *except the member who moved the pending motion*, can move to close debate. The motion may be limited by the mover to one or more questions preceding the main question. If this motion is adopted, the vote on the pending motion is immediately taken. If rejected, debate continues. **Reconsider**
Clear the Floor of Motions	Used if procedural matters have become sufficiently confusing. If adopted, it shall clear the floor of all procedural motions as though they have been withdrawn. ***Reconsider** *(*Only a failed motion can be reconsidered.)*
Divide the Question	The division must divide the motion into two or more separate motions capable of standing as a complete proposition without the others. **Debatable, Amendable, Reconsider*** *(*Only if a different division is offered.)*
Object to Consideration	Motion is used to avoid consideration of a motion that is undesirable, impractical or improper matter. Must be made before or immediately after a main motion is opened for debate and before any amendments are made to it.

Chart of Motions

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

Motion	Explanation
Postpone to Another Day or Time	If adopted, the motion under consideration at the time is postponed until the stated date and/or time. The matter resumes under "Unfinished Business" if the date stated is another meeting. The matter does not require another motion and second before considering continues. **Debatable, Amendable, Reconsider**
Postpone Indefinitely	This motion is used to reject the main motion. Can be made only while a main motion is pending. If amendments are on the floor, this motion cannot be offered. **Debatable, Reconsider*** *(*Only an affirmative vote can be reconsidered.)*
Recess	Establishes a brief break in the meeting. **Amendable, Reconsider**
Reconsideration	See Rule 14 for complete details. Below is a general description of this rule: ➢ Be made on the same day of initial vote or at next regularly scheduled meeting following. ➢ Be made by a member on the <u>prevailing</u> side of the vote, or a member who did not participate in the original question, and shall be seconded by any Council Member. ➢ Requires the affirmative vote of the same majority of Council Members as was required for the original question. If the time limit has lapsed to reconsider a question, the rules may be suspended and the motion to suspend the rules shall require an affirmative vote of at least five (5) members. **Debatable, Table**
Rescind	Any vote taken may be rescinded, unless something has been done as a result of the vote that the Council cannot undo. This motion cannot be made if the question can be reached by a motion to reconsider. It shall require an affirmative vote depending on whether or not notice of the intent to rescind was provided at a previous meeting: ➢ If notice was given: Requires an affirmative vote of at least four (4) members. ➢ If notice was <u>not</u> given: Requires an affirmative vote of at least five (5) members. **Debatable, Amendable, Table, Reconsider**
Suspend Rules	Any rule may be temporarily suspended by **an affirmative vote of at least four (4) members**, unless a different number of votes are specifically stated in a rule. Rule 18 shall not be suspended, nor shall any rule be suspended if it is a restatement of a requirement of state law, the City Charter or City Code. **Debatable**
To Table	This motion temporarily suspends debate/action on a motion and all of its pending subsidiary motions. If adopted, only the main motion and any adopted or pending amendments to the main motion are tabled. If the tabled motion is not taken from the table by the end of the current meeting or the next regular meeting following, the main motion dies.
Take from the Table	This motion would take up a matter previously tabled. This motion is <u>not</u> in order unless some business has been transacted since the question to table was adopted. The same question can be again tabled after additional debate has occurred. **NOTE:** Tabled motions to reconsider cannot be taken from the table.

APPENDIX B – SINE DIE PROCEDURE

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

1. Call To Order (by current Mayor)

2. Invocation

3. Roll Call

4. *Council Comments* (This time is offered for outgoing Council Members to make final comments prior to the expiration of their term of office.)

5. Adjournment Sine Die

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

6. Reorganization of the Council

   a. Mayor and Council Members step down from their places.
   b. New Council Members and Mayor take their places at the Council table.
   c. Clerk offers oath of office to new Mayor.
   d. Clerk offers oath of office to each new Council Member.
   e. Clerk presents the Albion City Council to the Mayor and requests a "call to order".

7. Call To Order (By new Mayor)

8. Roll Call

9. Nomination of the Mayor Pro Tempore

   a. A motion to receive nominations is made and supported.
   b. Nominations are received. No support for each nomination is required.
   c. A motion to close nominations is made and supported.

10. Election of the Mayor Pro Tempore

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

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

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michigan municipal league

MICHIGAN MUNICIPAL LEAGUE
MEMBERSHIP RENEWAL INVOICE

2017 - 2018

Albion

ID: 6

Date: 10/01/2017

Membership Period: 12/01/2017 - 11/30/2018

	Current Balance
* MML Dues	5,138.00
** Legal Defense Fund	514.00
	$5,652.00

Total Due by December 01, 2017:
$5,652.00

Please sign, date and return one invoice copy with your payment.

Make checks payable to the Michigan Municipal League and mail to the address below. Thank you.

_____
(Signature)

_____
(Date)

* MML dues include annual subscriptions to *The Review* for your officials at $12.00 per subscription, which is 50% of the regular subscription rate.

** The Legal Defense Fund is an optional charge. The purpose of the Fund is to provide specialized legal assistance to member municipalities in cases that have significant statewide impact.

See what the League can do for you by visiting www.mml.org

Michigan Municipal League
P.O. Box 7409
Ann Arbor, MI 48107-7409
800-653-2483

michigan municipal league

Member Benefits at a Glance

Advocacy of Municipal Issues

Legislative Advocacy – expert advocacy and dedicated representation at the state and federal levels on municipal issues
Legislative Committees – member advisory committees help shape League-wide positions on important matters
Legislative Link E-Newsletter – a weekly rundown of legislative activity
Inside 208 Blog – timely conversations on legislative and advocacy issues

Information

Inquiry Service – information and custom research on your municipal questions
Center for 21st Century Communities (21c3) – tools to better position your community for the 21st century
Directory of Michigan Municipal Officials – annual listing of elected and key appointed city and village officials
The Review – bimonthly magazine geared specifically to the municipal audience
Wage and Salary Database – searchable database of 143 titles, available to respondents of the annual online survey

Educational Opportunities *(member rates apply)*

Convention and Capital Conference – gain tools to improve your community and receive the latest Lansing updates
Seminars and workshops – on-site and online training opportunities
Elected Officials Academy – certification program designed to help elected officials lead in the 21st century

Documents on the League's Website

CrowdfundingMi.com – information and training on this important economic development tool
E-Books, including: *Handbook for Municipal Officials* and *Handbook for General Law Village Officials*
One-Pager *Plus* Fact Sheets – easy to read summaries of common municipal topics
Sample contracts, ordinances, policies, resolutions, and Request for Proposals (RFPs)

Insurance Programs *(premiums apply)*

League Workers' Compensation Fund
League Liability and Property Pool
League Sponsored BCBSM Program
Unemployment Compensation Fund

Savings and Vendor Services

Natural Gas Purchasing Program – a program designed to reduce your gas utility costs
Telecommunications – cut your telecom costs by partnering with Abilita, a telecommunications consulting leader
U.S. Communities Government Purchasing Alliance – favorable pricing to various products and services
Business Alliance Program – vendors who provide services to the municipal market

Additional League Services *(member rates apply)*

CDL Drug and Alcohol Testing Consortium – random testing program in accordance with DOT regulations
Classified Ads – municipal job openings, as well as items for sale, on the League's website
Consulting Services – draw on the League's expertise for your management consulting needs
Executive Search Service – recruit the League to facilitate your executive search process
Legal Defense Fund (LDF) – legal assistance to LDF member municipalities in cases that have statewide impact

Questions? Contact (800) M-LEAGUE;
Access the League's website by visiting www.mml.org.

michigan municipal league

1675 Green Road
Ann Arbor, MI 48105-2530

T 734.662.3246
800.653.2483
F 734.662.8083
mml.org

October 02, 2017

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

Dear Mrs. Domingo,

Thank you for your continued participation and support of the Michigan Municipal League. With the results of the 2016 election bringing major turnover in the Michigan legislature, the League is leveraging our access to key leadership to achieve critical results for our members. These advocacy efforts are headlined by our push to reform Michigan's broken municipal finance structure through our SaveMICity.org initiative, which launched in March 2016. Since then we've done presentations about Michigan's failed municipal finance system to more than 50 communities, organizations and groups representing thousands of people and generating hundreds of news articles valued at about $500,000.

Additionally, the League is intimately involved both publicly and behind the scenes promoting the interests of municipalities as legislation is debated in Lansing and Washington, D.C. Last year, we successfully championed a near elimination of local cost sharing toward MDOT road projects, helped positively impact the continuing personal property tax implementation process, and defended against numerous efforts to erode local revenue and property tax bases. Our team was instrumental in protecting local control in the complex, new medical marijuana regulatory structure and blocked efforts to eliminate Downtown Development Authorities and a proposal that would have been damaging to local historic districts.

As we look forward into 2017, our attention will shift towards a renewed effort to close the Dark Store property tax appeal loophole, serving as a key player in the expanding conversation on infrastructure and the extensive needs of communities of all sizes, and defending against tax changes at the state level which would impact road funding promises and the opportunity to restore cuts to revenue sharing.

The League's Board of Trustees recognizes the strained financial conditions present in many Michigan communities. We have worked very hard over the last several years to keep dues low, resulting in savings of over 20 percent. This year we are passing along a modest .9 percent inflationary adjustment to League dues.

The true power of the League comes from the combined voices of communities across Michigan. Together we can make a real difference. Your Michigan Municipal League membership is one of the best investments your community can make. Be sure to maximize your membership by contacting us with your questions, and by actively participating at League events. Thank you for your support. We look forward to our continued partnership with your community.

Sincerely,

Daniel P. Gilmartin
Executive Director & CEO

Rosalynn Bliss
President, 2017-2018

Enc.

We love where you live.

Resolution #2017-39

A RESOLUTION TO APPROVE EXPENDITURE FOR REPAIRS TO FRONT END LOADER

Purpose and Finding: The street department currently uses a front-end loader (JD444J) to aid in city operations. There are several safety issues afflicting the loader which need to be addressed in the form of repairs. The repairs will total approximately $19,000.00. Given that this expenditure exceeds $5,000.00, council approval is required pursuant to Ordinance 2-384. The funds will be drawn from the equipment pool to fund the repairs.

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

RESOLVED, that the City Council authorizes the expenditure of not more than $19,000.00 for the repairs to front-end loader (JD444J).

Date: October 16, 2017

Ayes: _____

Nays: _____

Absent:_____

I certify that this resolution was adopted by the City Council of the City of Albion on October 16, 2017.

_____
Jill Domingo
City Clerk

Hi Sheryl,

Attached please find the worst case scenario estimate for the Street Unit loader. AIS has said that they feel that the center pin in the unit is broken which, is the pivot point for the loader steering operation. Given this possible situation I feel that we are looking at a potential safety issue and further feel that this should be addressed ASAP.

The other major issue is that diesel fuel is finding its way into the oil which, could be either the fuel pump(s) and or the fuel injectors or a combination of both. Again, as this effects the lubrication of the engine I would recommend its repair ASAP.

If you need additional please let me know.

Respectfully Submitted,

Jim Lenardson, Director of Public Services

From: Chapman, Brian [mailto:BChapman@aisequip.com]
Sent: Thursday, October 05, 2017 8:04 AM
To: Jim Lenardson <jlenardson@cityofalbionmi.gov>
Cc: Wright, Steve <SWright@aisequip.com>
Subject: JD444J loader repair quote

Jim,
I have attached the up dated quote on the JD444J repairs again this is worst case scenario once we get machine apart we may not need to line bore the center pin holes. Also once we figure out why the diesel fuel is getting into the engine it should be just be one of repairs and hopefully not all three. The work on the loader should only take 2 weeks any time over that and AIS will cover the rent on the loader. If you have any questions please give me a call.

Thank you,

Brian Chapman
AIS Construction Equipment Corp.
Product Support Sales Rep
Cell 517-202-0299

Disclaimer: No agent, employee, or representative of AIS Construction Equipment Corporation has any authority to bind AIS to any affirmation, promise, representation, or warranty, unless it is expressly made and agreed to in a written and fully executed Sales Contract. No information in this communication shall become part of any contract for sale unless expressly agreed to by AIS in a fully executed Sales Contract.

Any Questions Please Call Brian Chapman PSSR Lansing

517-202-0299

CUSTOMER:	MACHINE MODEL & S.N.				DATE
City of Albion	JD444J s.n. 617351 hrs 4586				10/5/2017
COMMENTS	PART DESCRIPTION	QTY	Price Each	Ext Price	Labor
R&R center pins and bushings	pin	1	$217.19	$217.19	$2,760.00
	pin	1	$226.07	$226.07	
	bearing	2	$196.62	$393.24	
	shims, hardware, misc	1	$483.50	$483.50	
	hydraulic oil	1	$75.00	$75.00	
Line bore (machine may not need this)				$0.00	$2,000.00
				$0.00	
R&R steer cylinder pins and bushings	pins	2	$85.97	$171.94	$920.00
	bushings	2	$51.14	$102.28	
	bushings	2	$25.88	$51.76	
	seals and shims	1	$150.00	$150.00	
				$0.00	
R&R injection pump	reman injection pump	1	$1,352.15	$1,352.15	$1,150.00
	core	1	$300.00	$300.00	
R&R Injectors	Injectors	4	$340.00	$1,360.00	$920.00
				$0.00	
R&R Transfer fuel pump	fuel pump	1	$106.97	$106.97	$230.00
				$0.00	
2 week rental for loader while yours	2 week of rent	1	$4,161.50	$4,161.50	
is down for repairs				$0.00	
				$0.00	
IF REPAIRS EXCEED 2 WEEKS AIS				$0.00	
WILL PAY FOR ANY FURTHER				$0.00	
RENT ON A LOADER				$0.00	
				$0.00	
	TOTAL PARTS/TOTAL LABOR			$9,151.60	$7,980.00

Jim this is the quote for the above repairs we talked about. This is worst case scenario	**REPAIR TOTAL**	$17,131.60
once we get your machine apart we may not need to line bore the center pin bosses.	PARTS	$9,151.60
Also we will need to see why there is diesel fuel getting into engine oil its either the	LABOR	$7,980.00
injection pump, injectors, or the fuel pump I have quoted all of these repairs but wont know	SHOP SUPPLIES	$319.20
which one it is till we get it apart.	WASTE	$319.20
There may be extra cost in parts and labor after disassembly	TRUCKING	$600.00
Estimate valid for 30 Days	**TOTAL**	$18,370.00

Resolution # 2017-40

A RESOLUTION OF CENSURE OF THE ALBION CITY MAYOR

Whereas, the Michigan Constitution requires all Public officers to take an oath to faithfully discharge the duties of their respective offices; and

Whereas, Albion's Charter reads:

1. Sec. 5.4. - The mayor.
    a. The mayor shall be recognized as the ceremonial head and chief executive officer of the city and shall perform all duties provided or required of him by law or by the council.
    b. He shall be the presiding officer of the council.
    c. He shall be a member of the council with all the powers and duties of that office, including the right and duty to vote on questions before the council.
    d. He shall advise the council concerning the public affairs of the city and make recommendations thereon; and,

Whereas, over the last year, the Mayor has, again, attempted to assume a greater level of management/authority over the city and the City Manager, which, again, is not in the purview of the Mayor Duties and responsibilities as outlined in the City Charter; and

Whereas, at no point in the charter does it read that the Mayor, as an individual, can a) instruct the City Manager what to do with regard to the day-to-day operations of the city; that authority resides with the City Council, nor b) work on behalf of an individual agenda in interactions with City staff; that is the sole work of the City Manager as requested by a majority of the City Council, and

Whereas, the City Council at the City Manager's Performance Review of 2016 and 2017 overwhelmingly approved of the work the City Manager, that the work of the City Manager has been "exceptional", with the average of all council members, aside from the Mayor was 4.47/5.0 in 2016 and 4.69/ 5.00 in 2017; and

Whereas, the City Manager has repeatedly articulated to the Council her frustrations and concerns with the Mayor with regard to his behavior towards her, his unwarranted, disparaging, and unsubstantiated remarks concerning her abilities as City Manager, his lack of positive engagement with her, his abilities to be present and engaged, and helpful to her in the running of the city; and,

Whereas, the views expressed by the Mayor, both in private and in public comments, are in misalignment with the expressed views of the majority of the City Council, and his actions

undermine the work of the City Manager and City Staff, and are not aligned with the Mayor's duties as outlined in the City Charter.

Therefore, be it resolved, the City Council rejects and condemns the Mayor's attempts to assume more authority in the day-to-day management of the City's business and resolves to Censure the Mayor. From this resolution forward, all interactions of the Mayor to the City Manager will be through the council, at council meetings. Mayor shall only give direction to the Manager during City Council meetings and with the consensus/consent of council. He will work with the City Council, and the City Attorney, to make sure the role of the Mayor is clearly defined, understood, and not violated. In the future, the Mayor, and the City Council will act as a unit in their directions to the City Manager.

Be it further resolved that the Albion City Council asks the City Manager to allow the City Council thirty (30) days to come together with the Mayor and the City Attorney, to come to an agreement with all parties in regards to the defining of the working relationship between the City Manager and the Mayor, prior to her tendering her resignation. Regardless of the outcome, this clarification of the rightful authority of the Mayor, as outlined in the City's Charter, will make for a more positive, more effective city government.

RESOLVED, that the City Council authorizes the Resolution of Censure of the Albion City Mayor.

Date: October 16, 2017

Ayes: _____

Nays: _____

Absent:_____

I certify that this resolution was adopted by the City Council of the City of Albion on October 16, 2017.

_____
Jill Domingo
City Clerk

ANEWSHA⌘THERAPEUTICS

October 9, 2017

Honorable Mayor Brown and City Council Members

City of Albion, Michigan

William L. Reiger Municipal Building

112 West Cass Street

Albion, Michigan 49224

Dear Mayor and Council Members:

Anewsha Therapeutics is a growing start-up business focused on providing pharmaceutical quality medical marijuana derived products to aid in the management of patients' chronic pain and inflammation. The company desires to site and develop a new production and research and development facility in Albion, bringing substantial investment and job creation to the community.

At the City's August 28, 2017 Council meeting, Anewsha provided an introduction to the State of Michigan's new Medical Marijuana Facilities Licensing Act (MMFLA) and outlined our business plan. While the Council Members in attendance asked questions and expressed interest, no action was taken to enable this industry to site and operate in Albion. The MMFLA provides that facilities may only be located in communities which have a specifically authorizing ordinance in place.

Via this letter, Anewsha is asking the City to consider putting in place an ordinance allowing the cultivation, growing, and processing of cannabis for medical purposes in the City of Albion. To be clear, Anewsha is <u>not</u> asking the City to approve an ordinance allowing medical marijuana dispensaries.

Approval of an ordinance allowing the development and operation of the defined medical marijuana facilities in Albion will result in the creation of jobs and expansion of the tax base available to the City. Anewsha has identified Albion as an ideal place to develop our business. Should the City move forward, Anewsha plans an initial capital investment of approximately $1.3MM in the construction of a new facility. The facility will also create 20+ new professional, career-type jobs in Albion, with strong hiring preference given to residents of the City.

In addition to the direct job creation and spending, the economic multiplier effect will create other new jobs and provide millions of dollars of additional industrial activity in the City as Anewsha employees, contractors, and subcontractors support the business.

Several communities nearby to Albion already have in place the ordinances required to attract and develop medical marijuana facilities. We believe Albion is an ideal fit for the new Anewsha Therapeutics facility. Here are some of the reasons we think so:

- Albion is a community on the rise and Anewsha wants to further enable that rise and make a positive, long-term impact on the City.
- We have long-standing friends and family ties to the community.
- We have been extremely impressed with the dedication and focus of your City Manager and CEO of the Economic Development Corporation. It is clear that a business can partner with and thrive in the City of Albion.
- The Albion EDC Industrial Park has attractive potential sites for location of our business. Anewsha has completed preliminary due diligence and stands prepared to purchase parcel No. 27 in the industrial park. The adjacent parcels provide strong expansion potential.
- Albion's proximity to Kellogg Community College, Albion College, and Michigan State University offers an excellent opportunity to partner with leading educational institutions for research and development and jobs training programs.
- The proximity to W.K. Kellogg Airport, which provides an ideal secure transportation hub.

There is timely action required by the City to move forward with this partnership. The State of Michigan licensing process under the MMFLA begins on December 15th, 2017 and businesses across the State are quickly identifying sites and creating the local partnerships required to sustain success. For Anewsha to site our business in Albion at this time, an enabling ordinance must be in place by December 1st, 2017.

Anewsha would be pleased to send the City examples of ordinances used by other local cities and townships, or provide any other support that may be required to assist the City in this process, including attending meetings with City officials, community members, or other key stakeholders as requested.

We look forward to attending the City's scheduled Council meeting on October 16th to further discuss and better understand your position on this opportunity. In the interim, should you or your staffs have any questions, please contact me at your convenience via phone at 517-937-7107 or via email at Pete@anewsha.com.

Very Best Regards,

Peter Behncke

Peter H. Behncke, Esq.

President

Regulating Marijuana Like Alcohol Does Not Cause Public Safety Problems

Many opponents of marijuana policy reform predicted that Washington and Colorado would see a significant rise in public safety problems when voters made history by approving initiatives to regulate marijuana similarly to alcohol in November 2012. More than four years later, those predictions have not come to pass, and many law enforcement officials believe that things are going quite well.

From 2012 to 2015, Washington's rates of crimes against persons and property crimes declined. The rate of reported crimes against persons decreased from 14.1 per 1,000 people to 13, while the rate of crimes against property decreased from 52.9 crimes per 1,000 people to 47.8.[1]

As a policy analysis by the Cato Institute noted, in Seattle both violent and property crime "declined steadily over the past 20 years, with no major deviations after marijuana liberalization. Property crime does appear to spike in 2013 and early 2014, and some commentators have posited that legalization drove this increase. That connection is not convincing, however, since property crime starts to fall again after the opening of marijuana shops in mid-2014. All told, crime in Seattle has neither soared nor plummeted in the wake of legalization."[2]

In Colorado, there was a slight increase in the number of violent crimes reported, and a small decrease in reported property crimes during that timeframe.[3] Denver saw a slight uptick in crime in 2015, but even opponents of legalization point out that it is unlikely that marijuana is the cause of this increase.[4] In 2016, Denver's crime rates held steady, as was the case in other big cities nationwide.[5]

In October 2015, Oregon became the third state to allow adult-use sales, following lawmakers' decision to allow medical cannabis dispensaries to sell marijuana to adults while regulators put in place licensing for adult-use stores. There, too, mayhem did not ensue. From 2014 to 2015, violent crime increased by 0.2% in Oregon, which is far less than the 6.7% increate in western states as a whole and the 3% increase nationwide. During that time, Oregon's total property index crime rate dropped 5%, which was more than the nationwide drop of 3.4% and far better than the trend in western states — an increase of 2.7%.[6]

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[1] Washington Association of Sheriffs & Police Chiefs, Crime in Washington 2012 Annual Report, p. 14 http://www.waspc.org/assets/CJIS/2012%20ciw.pdf; Washington Association of Sheriffs & Police Chiefs, Crime in Washington 2015 Annual Report, p. 13.
[2] Angela Dills, et al., "Dose of Reality: The Effect of State Marijuana Legalizations," Cato Institute, September 16, 2016.
[3] FBI Uniform Crime Reports, Crime in the United States, By State, 2012 and 2015.
[4] "Marijuana legalization unlikely to blame for Denver crime increase," *The Denver Post*, February 17, 2016.
[5] Noelle Phillips, "Denver homicides spike 11 percent, but overall crime rate held steady in 2016," *Denver Post*, January 13, 2017.
[6] "2015 Release of FBI Uniform Crime Reports for Oregon," September 26, 2016 https://www.oregon.gov/cjc/SAC/Documents/2015FBIUCROregon.pdf.

Law Enforcement and Regulators: The Sky Has Not Fallen

"There are a certain number of folks, like myself, who were pretty reticent about it to begin with, [but] the sky didn't fall. Everything seems to be working pretty well."
— Colorado Speaker of the House Dickey Lee Hullinghorst (Feb. 2016)

"Our state's efforts to regulate the sale of marijuana are succeeding. A few years ago, the illegal trafficking of marijuana lined the pockets of criminals everywhere. Now, in our state, illegal trafficking activity is being displaced by a closely regulated marijuana industry that pays hundreds of millions of dollars in taxes. This frees up significant law enforcement resources to protect our communities in other, more pressing ways."
— Washington State Gov. Jay Inslee and Attorney General Bob Ferguson

"After the election, if I could've had a magic wand, and I could've waved it and reversed the outcome of the election, I would've done it. Now if I had that same magic wand, I'm not sure I'd wave it."
— Colorado Gov. John Hickenlooper

"I think that was another worry, that there would be crime-ridden streets and everything would be incredibly dangerous. We're not seeing any of that."
— Andrew Freedman, director of Colorado's Office of Marijuana Coordination

"Anarchy does not reign in Colorado because of marijuana legalization. The streets are orderly and peaceful. Hundreds of successful small businesses that employ thousands have been created through this new industry. The marijuana business, like any other adult consensual activity, is infinitely better as a legal enterprise rather than as a criminal offense."
— Prosecutor Jay Fisher, Colorado

"From a law enforcement and criminal justice reform perspective the legalization of marijuana in Colorado, both medical and adult use, has had a positive impact on the lives of citizens living in Colorado, as well as reducing the overall burden on law enforcement and our criminal justice system. In Colorado the total number of marijuana court cases fell from 39,027 in 2011 to only 2,036 cases in 20141. These individuals who were NOT arrested for marijuana offenses represent 36,991 human lives and families that won't be affected by the negative stigma and financial burden that a marijuana arrest can have. It allows these otherwise law-abiding Coloradoans to remain productive members of society, contributing their worth to the greater good of the state."
— Former Correctional Officer, Former Sheriff's Deputy Carrie Roberts, Colorado

"From a crime standpoint, there was nothing to enforce anymore and the sky didn't fall. It was business as usual and no big deal."
— King County, Washington Sheriff John Urquhart

"As a judge, I saw how wasteful it was to treat a public health issue as a matter for the courts. By legalizing marijuana, Washington is taking the lead in creating a more sensible drug policy and allowing criminal justice professionals to focus on real crime."
— Retired Washington Superior Court Judge David Nichols, Bellingham, WA

Support for Marijuana Policy Reform

- National polls have shown that the public is far ahead of most elected officials in support for marijuana policy reform.

- An overwhelming majority of voters in national polls support allowing medical marijuana, with polls consistently finding 60% to 89% support. Statewide polls also show strong support, from Alabama to Wyoming.

- National and statewide polling have also found majority support for punishing marijuana possession with a civil fine instead of jail time.

- Most Americans support making marijuana legal, and support is rising: An October 2016 Gallup poll found that 60% support making marijuana use legal for adults. Support for legalization has more than doubled since 1995. In addition, voters in at least eight states have approved initiatives to replace marijuana prohibition with a legal, regulated market, and polls in at least 17 more states and D.C. have shown majority support for allowing adults to use marijuana.

Medical Marijuana

- An April 2017 nationwide Quinnipiac University poll found that 94% of Americans believe that adults should be able to "legally use marijuana for medical purposes if their doctor prescribes it."

- Support spans age groups as well. In the May 2016 Quinnipiac University poll, 93% of Americans aged 50-64 and 93% of Americans aged 65 and older said that adults should be able to "legally use marijuana for medical purposes if their doctor prescribes it."

- Since 1996, a majority of voters in Alaska, Arizona, Arkansas, California, Colorado, the District of Columbia, Florida, Maine, Massachusetts, Michigan, Montana, Nevada, North Dakota, Oregon, and Washington state have voted in favor of ballot initiatives to remove criminal penalties for seriously ill people who grow or possess medical marijuana.

- State legislatures in Connecticut, Delaware, Hawaii, Illinois, Maryland, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia have listened to their constituents and passed medical marijuana laws.

- Polls show that public approval of medical marijuana laws has increased or remained the same since the laws went into effect.

State-specific medical marijuana public opinion polling results

State	Date/Polling Firm	% in Favor	Question Wording
Alabama	July 2004, Mobile Register – University of South Alabama	75%	Support legalizing marijuana for medical use under a doctor's supervision
Georgia	January 2016, Atlanta Journal-Constitution	72%	Support expanding the state's medical marijuana law "to allow the distribution of medical marijuana with strict controls"
Idaho	January 2011, Boise State Public Policy Survey	74%	Support "allow[ing] terminally and seriously ill patients to use and purchase marijuana for medical purposes"
Iowa	April 2015, Quinnipiac University Poll	87%	Support "allowing adults in Iowa to legally use marijuana for medical purposes if their doctor prescribes it"
Kansas	April 2015, Fort Hays State University	68%	Support "medical use of marijuana"
Kentucky	February 2014, Bluegrass Poll	52%	Favor "allowing the use of medical marijuana in Kentucky"
Louisiana	April 2016, JMC Analytics	72%	Support "allowing patients to receive medical marijuana"
Missouri	July 2016, Public Policy Polling	62%	Support "a ballot issue that would legalize marijuana for medical purposes, tax the sale of marijuana and use the funds for veterans' health care services and to regulate the sale of medical marijuana"
Nebraska	January 2016, Public Policy Polling	60%	Support "allow[ing] people with serious and terminal illnesses to use and safely obtain medical marijuana if their doctors recommend it"
North Carolina	April 2017, Elon Poll	80%	Support "the legalization of marijuana,for medical purposes only, in North Carolina"
Oklahoma	September 2013, SoonerPoll	71%	Support Oklahoma joining other states that allow "seriously ill patients to possess marijuana for medical purposes with a physician's recommendation"
Tennessee	January 2014, MTSU Poll	75%	Support "allowing adults to use doctor-prescribed marijuana for medical purposes"

State-specific medical marijuana public opinion polling results … *continued*

State	Date/Polling Firm	% in Favor	Question Wording
Texas	February 2016, Survey USA	71%	Support "expanding medical marijuana treatments"
Utah	February 2017, Fairbank, Maslin, Maullin, Metz & Associates	73%	Allowing "a statewide measure that would permit doctors to recommend medical marijuana as a treatment for cancer, epilepsy, Alzheimer's, and other serious illnesses"
Virginia	April 2017, Quinnipiac University Poll	92%	Support allowing adults "to legally use marijuana for medical purposes if their doctor prescribes it"
Wisconsin	July 2005, Chamberlin Research Consultants	76%	Support a bill that would "allow people with cancer, multiple sclerosis, or other serious illnesses to use marijuana for medical purposes, as long as their physician approves"
Wyoming	December 2014, University of Wyoming	72%	Support "adult use of marijuana if prescribed by a physician"

Penalizing Marijuana Possession with a Fine, Not Jail Time

- A February 2015 Benenson Strategy Group poll found that 72% of Americans would support a measure in their state that downgrades possession of small amounts of marijuana from arrest and possible jail times to a $25-$100 fine.

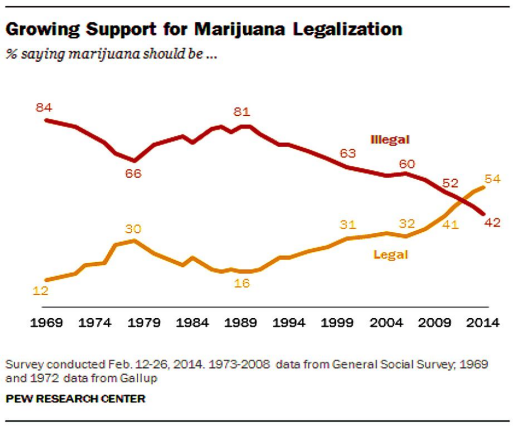
- Currently, 22 states' laws include provisions to prevent the jailing of people who possess small amounts of marijuana: Alaska, California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New York, North Carolina, Ohio, Oregon, Rhode Island, Vermont, and Washington. Most of these states instead impose a civil fine. However, in eight — Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, and Washington — and in the District of Columbia, marijuana is legal for adults 21 and older.

- In February 2014, Pew Research Center found that 76% of Americans believe people caught in possession of marijuana shouldn't be jailed as a result.

State-specific decriminalization public opinion polling results

State	Date/Polling Firm	% in Favor	Question Wording
Hawaii	December 2012, QMark Research	58%	Support "making possession and personal use of marijuana by adults a violation, similar to a parking ticket"
Indiana	November 2012, WISH-TV/ Ball State University	53%	Support "decriminalizing marijuana by making it legal to hold small quantities"
Louisiana	September 2014, Public Policy Polling	60%	Support changing the law to eliminate possibility of jail time "for first-time possession of an ounce or less of marijuana"
New Jersey	April 2014, Rutgers-Eagleton Poll	65%	Support "eliminat[ing] … penalties for the possession of a small amount of marijuana"
Oklahoma	September 2013, SoonerPoll	57%	Support decriminalizing adults' possession of up to an ounce of marijuana so "they would receive a fine rather than be criminally prosecuted and face possible incarceration"
Texas	September 2013, Public Policy Polling	61%	Support making it a civil offense "to possess an ounce or less of marijuana for personal use, punishable by a fine of up to $100, but without jail time"
Virginia	February 2017, Judy Ford Wason Center for Public Policy at Christopher Newport University	76%	Support "the decriminalization of marijuana; that is, to treat the use and possession of small amounts as a small offense with fines and fees but no jail time, rather than a major felony with possible jail time"
Wyoming	December 2014, University of Wyoming	62%	Support eliminating "jail time for marijuana possession"

Ending Marijuana Prohibition



- National polls, including by Pew Research Center, Gallup, CNN, and NBC, show that most Americans now support ending marijuana prohibition. In October 2016, Gallup found that a strong majority of Americans (60%) supported "making marijuana use legal."

- Polls in at least 17 additional states — Connecticut, Delaware, Florida, Hawaii, Illinois,

Louisiana, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, and Virginia — show majority support for ending marijuana prohibition.

- Voters in eight states have approved measures to make it legal for adults 21 and older to use marijuana and to regulate it like alcohol. The measures received the following levels of support: Colorado, 2012: 55%; Washington, 2012: 56%; Oregon, 2014: 56%; Alaska, 2014: 52%; Maine, 2016: 50.2%; Massachusetts, 2016: 54%; California, 2016: 57%; and Nevada, 2016: 54%. Also, 65% of Washington, D.C. voters approved a measure allowing possession — but not taxing and regulating — of marijuana in 2014.

State-specific tax and regulate public opinion polling results

State	Date/Polling Firm	% in Favor	Question Wording
Connecticut	March 2015, Quinnipiac University Poll	63%	Support "allowing adults … to legally possess small amounts of marijuana for personal use"
Delaware	October 2016, University of Delaware	61%	Do you "think that the use of marijuana should be made legal, or not?"
Florida	May 2016, Quinnipiac University Poll	56%	Support "allowing adults in Florida to legally possess small amounts of marijuana for personal use"
Hawaii	January 2013, QMark Research	57%	Do you "support the idea of legalizing, regulating and taxing the sale and personal use of marijuana by adults?"
Illinois	March 2017, Public Policy Institute at SIU-Carbondale	66%	Do you "support or oppose the legalization of recreational marijuana if taxed and regulated like alcohol?"
Louisiana	August 2013, Public Policy Polling	53%	Support changing the law "to allow marijuana to be regulated and taxed similarly to alcohol, for legal use by adults age 21 and older"
Maryland	February 2016, Goucher Poll	54%	Support "making the use of marijuana legal in Maryland"
Michigan	March 2016, EPIC-MRA Polls	53%	Support "the proposal to legalize and tax marijuana"
New Hampshire	February 2016, WMUR Granite State Poll	62%	Support "legalizing the possession of small amounts of marijuana for personal recreational use in New Hampshire"
New Jersey	April 2015, Rutgers-Eagleton Poll	58%	Support "legalizing, taxing, and regulating marijuana for adults 21 and over?"

State-specific tax and regulate public opinion polling results ... *continued*

State	Date/Polling Firm	% in Favor	Question Wording
New York	February 2014, Quinnipiac University Poll	57%	Support "allowing adults in New York State to legally possess small amounts of marijuana for personal use"
Ohio	May 2016, Quinnipiac University Poll	52%	Support "allowing adults in Ohio to legally possess small amounts of marijuana for personal use"
Pennsylvania	May 2016, Quinnipiac University Poll	57%	Support "allowing adults in Pennsylvania to legally possess small amounts of marijuana for personal use"
Rhode Island	January 2017, Public Policy Polling	59%	"Do you think it should be legal for adults 21 and older to use marijuana, or not?"
Texas	September 2013, Public Policy Polling	58%	Support "changing Texas law to regulate and tax marijuana similarly to alcohol, where stores would be licensed to sell marijuana to adults 21 and older"
Vermont	February 2016, Castleton Poll	55%	Support "passing a law in Vermont to legalize and regulate marijuana for recreational use"
Virginia	April 2017, Quinnipiac University Poll	59%	Support "allowing adults … to legally possess small amounts of marijuana for personal use"

Medical Marijuana Access Can Help Fight the Opioid Epidemic

Allowing people who suffer from chronic pain to use marijuana helps reduce opiate use.

- A recent study found **a 48% reduction in patients' opioid use** after three months of medical marijuana treatment.[1] A survey of 542 patients using cannabis in addition to opioids found that 39% reduced their opioid dosage and another 39% stopped using opioids altogether.[2]
- Health Affairs reported that doctors in a state where marijuana was legal prescribed an average of **1,826 fewer doses of painkillers per year** to patients enrolled in Medicare Part D — which resulted in significant cost savings.[3]
- Scientists have found that when cannabis is used in combination with prescription opioids, it increases their pain-relieving properties, so patients can reduce their dosage and get the same effect.[4]
- Researchers at Columbia University's School of Public Health found that, in states that passed medical marijuana laws, fewer drivers killed in car crashes tested positive for opioids after the laws went into effect.[5]

Medical marijuana access is also associated with reduced opioid overdose deaths.

- A study published in the *Journal of the American Medical Association* in 2014 found that **opioid overdose deaths were reduced by 25% in states with effective medical marijuana laws**.[6]

No credible studies have ever supported the theory that the physical effects of marijuana are a gateway to opiate use.

- "There is no evidence that marijuana serves as a stepping stone on the basis of its particular physiological effect." - Institute of Medicine[7]
- "Overall, research does not support a direct causal relationship between regular marijuana use and other illicit drug use." - Drug Enforcement Administration[8]

In fact, available evidence suggests that cannabis is an "exit drug" that can help people struggling to stop using alcohol and opioids.

- An international team recently conducted one of the most comprehensive surveys of its kind, which examined 60 studies on cannabis and mental health, and found that: "Research suggests that people may be using cannabis as an exit drug to reduce use of substances that are potentially more harmful, such as opioid pain medication." - Zach Walsh, Psychology Professor at the University of British Columbia and lead author of the study[9]

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[1] Staci A. Gruber, *et al.* "Splendor in the Grass? A Pilot Study Assessing the Impact of Medical Marijuana on Executive Function," *Front. Pharmacol.*, 13 Oct. 2016, Vol. 7.
[2] The Cannabis and Opioid Survey." Healer.com, 4 Oct. 2016.
[3] Ashley C. Bradford *et al.* "Medical Marijuana Laws Reduce Prescription Medication Use In Medicare Part D," *Health Aff.* July 2016, Vol. 35 no. 7.
[4] Abrams, Donald *et al.* "Cannabinoid-Opioid interaction in chronic pain," *Clinical Pharmacology & Therapeutics*, vol.90, no. 6 (2011).
[5] June H. Kim, *et al.*, "State Medical Marijuana Laws and the Prevalence of Opioids Detected Among Fatally Injured Drivers," *Am. J. of Pub. Health*, Nov. 2016, Vol. 106 no.11.
[6] Marcus A. Bachhuber, *et. al.*, "Medical Cannabis Laws and Opioid Analgesic Overdose Mortality in the United States, 1999-2010," *JAMA Intern Med.* Oct. 2014, Vol. 174 no. 10.
[7] *Marijuana and Medicine: Assessing the Science*, Institute of Medicine of the National Academy of Sciences (1999).
[8] Denial of Petition to Initiate Proceedings to Reschedule Marijuana, Federal Register, Doc. # 2016-17954, 8/12/16.
[9] University of British Columbia, "Marijuana could help treat drug addiction, mental health, study suggests," ScienceDaily, Nov. 16, 2016.

Well-Regulated Medical Marijuana Laws Do Not Cause Public Safety Problems

In the early 2000s, the General Accounting Office (the investigative arm of Congress, now called the Government Accountability Office) interviewed officials from 37 law enforcement agencies in four states with medical marijuana laws. A key issue they examined was whether those laws had interfered with enforcement of laws regarding nonmedical use. According to the GAO's report, the majority of these officials "indicated that medical marijuana laws had had little impact on their law enforcement activities." Since then, the data has continued to accumulate, showing that medical cannabis laws do not cause public safety problems.

Several studies have shown that medical marijuana laws and medical marijuana dispensaries are not associated with increased crime. In 2012, a study published in the Journal of Studies on Alcohol and Drugs found, "Density of medical marijuana dispensaries was not associated with violent or property crime rates."[1] In 2014, a study published in PLoS One found that the passage of laws are "not predictive of higher crime rates and may be related to reductions in rates of homicide and assault."[2] In 2017, researchers published their analysis of more than 20 years of crime data and reported that neither dispensaries nor medical cannabis laws resulted in increased crime rates."[3]

In states with medical marijuana laws, it is not uncommon for law enforcement to initially be wary or opposed to the proposal. However, once those laws are implemented, even previously opposed law enforcement officials often recognize the laws do not cause problems. In July 2006, Vermont released a report that included a statewide survey of law enforcement, including state's attorneys, to determine the effect of the 2004 medical marijuana law on drug enforcement. They found that "[n]one of the state's attorneys thought that the law had made it more difficult to enforce drug laws."

By 2007, Vermont's head law enforcement official publicly recognized that the law had not caused problems, despite his initial misgivings. Four years later, in 2011, Vermont Department of Public Safety Commissioner Keith Flynn testified in favor of adding a regulated dispensary program to Vermont's law. The bill passed, and dispensaries began operating in 2013. The state's program administrator was interviewed about the dispensaries and explained the few complaints she'd heard of were from patients with concerns about access, not from the general public.

Law enforcement organizations that had opposed medical marijuana bills in other states — such as Illinois and Minnesota — also came to see the laws did not cause problems once they were implemented.

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[1] Kepple, Nancy and Freisthler, Bridget, "Exploring the Ecological Association Between Crime and Medical Marijuana Dispensaries," *Journal of Studies on Alcohol and Drugs*, 73(4), 523–530 (2012).
[2] http://www.sciencedaily.com/releases/2014/03/140326182049.htm
[3] Chu, Yu-Wei Luke and Townsend, Wilbur, Joint Culpability: The Effects of Medical Marijuana Laws on Crime (February 12, 2017). Available at SSRN: https://ssrn.com/abstract=2915909 or http://dx.doi.org/10.2139/ssrn.2915909

Law Enforcement Support for Allowing Medical Marijuana and Statements Explaining the Laws Are Not Causing Problems

Dennis Flaherty, Minnesota Police and Peace Officers Association executive director

The *Twin Cities Pioneer Press* reported that Mr. Flaherty — who had strenuously opposed allowing medical marijuana — did not oppose adding intractable pain to the program. Flaherty "said police are unaware of any problems with the current cannabis program and do not expect any now that pain will be included."
("Minnesota OKs medical marijuana use for pain," *Pioneer Press*, December 1, 2015)

Col. James Baker, then-Director of Vermont State Police

"At this point, four years into this, we're comfortable with what's happening and we believe that the people who are getting it are getting it under the true color of what the law is." Sheri Englert of the Vermont Marijuana Registry told the same station, "I haven't seen what I believe to be any abuses thus far. The conditions, the treatments of the conditions, the disease that the patients have are, it's heart-wrenching. It really is." (*WCAX-TV*, October 18, 2007)

Mike Schirling, Burlington, Vermont Police Chief

Burlington Police Chief Mike Schirling, who had been worried about having a dispensary in the city, told a reporter, "I'm not aware of any issues," after it opened. ("With few complaints, state seeks fourth marijuana dispensary," *Burlington Free Press*, Aug. 26, 2013)

James Kruger Jr., first vice president of the Illinois Chiefs of Police Association

"Police have not noticed any significant problems with either law [medical marijuana or a civil fine law], according to Oak Brook Police Chief James Kruger Jr., who is first vice president of the Illinois Chiefs of Police Association. …" The association had strongly opposed allowing medical marijuana. ("Illinois lawmakers propose legalizing recreational marijuana," *Chicago Tribun*e, March 23, 2017; "Illinois Senate approves medical marijuana bill," *Chicago Tribune*, May 17, 2013)

Lindsay Wells, Vermont marijuana program administrator

Ms. Wells told a reporter she has received few complaints about dispensaries that have opened. She said the only complaints she heard were from patients about access, not from the general public. She explained, "Some patients didn't realize it's not covered by insurance." Some complained about not being able to contact the dispensary, but those issues were resolved. ("With few complaints, state seeks fourth marijuana dispensary," *Burlington Free Press*, August 26, 2013)

Mike Jones, New Mexico, retired Deputy Chief of Police

"As a retired law enforcement officer living in the state of New Mexico, which passed a medical marijuana law in 2007, I can attest to the fact that no societal harm or significant problems for law enforcement resulted from the passage of this law.

"Some people, in and out of law enforcement, fear that passage of a medical marijuana law would increase youth access to marijuana or result in substantial diversion of marijuana into the criminal market. Based on my observations of New Mexico's medical marijuana law and activities after its effective date I can affirm that this is unlikely to be the case.

"As a former member of law enforcement, I can understand the reasoning behind those concerns – indeed, colleagues prior to the passage of our state's medical marijuana law held many of them. However, these concerns have simply not been borne out. Overall compliance with the law has been outstanding.

"In short, these are good laws that protect a limited number of people. In my observation, they do not increase the availability of marijuana to youth or in the criminal market generally, they do not result in additional cost to the state in terms of law enforcement resources, and they do not compromise our efforts to combat illicit marijuana use. I would encourage the Legislature to pass the medical marijuana bill and the governor to sign it. I would also discourage my counterparts in law enforcement from spending an inordinate amount of their time opposing this legislation. In time, they will find, as I did, that their concerns are largely unfounded."

Ray White, former Deputy Superintendent/Lieutenant Colonel for the Rhode Island State Police

"Rhode Island exempted the terribly ill and their caregivers from criminal penalties for marijuana use, possession, and limited cultivation in 2006. In 2009, we created a regulated system to distribute marijuana to the patients in a safe and comfortable environment. We have seen no significant increase in teen use and the compassion centers have been model businesses having no negative effect on their neighborhoods to speak of. Medical marijuana has been a positive for Rhode Island." (April 30, 2014)

Eric Nason, Hallowell, Maine Chief of Police

In Maine, where medical marijuana was approved in 1999, Hallowell Police Chief Eric Nason said his department sees burglaries related to prescription opiates and other drugs, but not marijuana. His department treats a dispensary in town like any other business. ("Vt., Maine offer marijuana lessons," *Associated Press*, July 18, 2013)

James Craig, former Los Angeles police officer, then-police chief of Portland, Maine

Chief Craig told a reporter that regulated and licensed dispensaries tend to be good neighbors. ("LAPD Chief: Pot clinics not plagued by crime," *Los Angeles Daily News*, January 17, 2010)

Rep. Mark N. Dion, Esq., former Cumberland County sheriff and former Deputy Chief of Police in Portland, Maine

Sheriff Dion was interviewed by the Vermont Medical Marijuana Study Commission and supported the medical marijuana law there. Subsequently, he was elected to the state legislature, where he has sponsored legislation to expand the medical marijuana law to protect more patients.

Washoe County Sheriff's Office, Las Vegas Police Protective Association, and Las Vegas Metropolitan Police Department

Representatives of all three of these Nevada law enforcement organizations testified in favor of 2013 Nevada legislation to add regulated dispensaries to the state's existing medical marijuana law. The legislation passed.

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

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

MEMO

TO: Honorable Mayor and City Council

FR: Sheryl L. Mitchell, City Manager

DA: October 16, 2017

RE: **City Manager's Report**

A. **Letter of Resignation** –In accordance with my Agreement, I am hereby providing you with the requested 4 weeks' notice that my last day of employment will be November 8, 2017. It would be my recommendation that Chief Scott Kipp be appointed Acting City Manager. He has served in this role previously and is most familiar with current projects and operations. Further, Tom Mead is very much occupied with the preparation of the 2018 Budget. It has truly been an honor and privilege to serve as Albion's City Manager for 3 years.

B. **Albion College Parking Lot –** to offer clarity about on this topic. First and foremost, at no time did I ever give an instruction to repair the pot holes in all of the colleges parking lots. It was not an intentional act, but an unfortunate miscommunication with my staff. Once I became aware that city labor was involved in the project, I immediately brought the entire situation to council's attention and advised that the situation would not re-occur. The entire matter has been resolved and the college is fully reimbursing the City for all the labor and material costs.

C. **Verizon Cellular Tower –** Verizon has approached the City with a proposal to erect a cell tower on City Property. The details of the proposal are being worked out and will be presented to council.

D. **Monthly Budget Reports -** In March 2017, Council approved Resolution #2017-06 to request that budget reports be provided on a monthly instead of quarterly basis. The conversion to providing monthly reports began in February 2017, prior to council's adoption of the resolution. The only month that a report has not been provided in a council packet was July 2017. This is also the time in which the Finance Department is extremely busy with processing property taxes.

October 11, 2017

Mayor Garrett Brown
Council Member Maurice Brown
Council Member Lenn Reid
Council Member Sonya Brown
Council Member Marcola Lawler
Council Member Jeanette Spicer
Council Member Andrew French

Dear Mayor and Council,

It has truly been an honor and privilege to serve as the City Manager for the City of Albion for the past three years. My original intention was for my performance evaluation to focus on recognizing the value of my accomplishments to date and to present proposals that would address the need to build capacity in order to keep the city and its operations going in a positive direction.

This was unfortunately side tracked by the intentional last minute distribution of evaluations, which did not allow me sufficient time to prepare a detailed response. This was coupled with the fact that two of the evaluations contained biased and incorrect information. Just because it is said and offered under the guise of "constructive criticism" does not mean I am obligated to just accept it, especially when there is not demonstrable proof that it is fact-based or a fair assessment of my performance.

When I have offered alternatives and a different perspective (based upon my 30 years of experience), it has been misconstrued as "push back", when in actuality, I am carrying out what I was hired to do: offer recommendations and engage in intellectual exchange to seek the best outcomes.

As a life-long learner, I agree that there are always opportunities for self-reflection and continued growth. Yet this applies to everyone. It has become increasingly more evident that the Mayor and Mayor Pro Tem's behavior (even prior to the City Manager evaluation session) has been out of line with appropriate Council practice. My directives come from the Council, not one individual member, even if it is the Mayor or Mayor Pro Tem. It appears that they do not recognize the fundamental roles of Council and City Manager: Council sets policy and the City Manager is the Chief Administrative Officer of the City who supervises City Staff and executes policy. This understanding is fundamental to healthy Council and City Manager practice.

Clearly, the Mayor and Mayor Pro Tem have an issue with me relative to what they perceive to be a siding with school annexation. However, annexation was an action taken by voters, for which the Mayor continues to erroneously assert that I acted contrary to the actions of council. The desire of the Mayor and Mayor Pro Tem to undermine my integrity through email exchanges, public meetings, evaluations, and social media is not only concerning, but also calls into question their intentions for the direction of the City as a whole. Although the majority of the council members have stated that they think highly of my performance – there is a definite disparity between the majority of the Council and the Mayor and the Mayor Pro Tem. In this vein, the negative comments towards me and my performance seem retaliatory.

While I have considered responding to each disparaging remark, I have reluctantly come to the conclusion that it would be fruitless. Last year, I strongly urged the City Council to take the appropriate actions to ensure that unwarranted, unsubstantiated, and disparaging remarks by elected officials regarding me personally and professionally cease. I also cautioned that in order to avoid any legal liability that negative assertions, particularly those that are unsubstantiated and included in my performance evaluation and personnel record, would be most problematic.

The Council has been cautioned to take measures to avoid adverse employment actions, including harassment and creating a hostile work environment by taking any of the following measures:

1) Establish a system for reporting harassment between council members, City Manager, and City Attorney to council and develop a council policy/resolution for code of conduct regarding harassment,

2) Allow the buddy system for every private 1-on-1 meeting between council members, the city manager, and the city attorney to prevent 1-on-1 harassment,

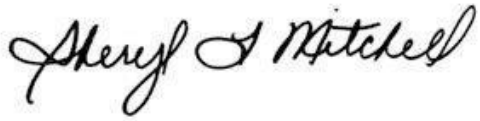
3) Bring in a consultant to train the council about harassment and make harassment training a mandatory part of all council member on-boarding.

Unfortunately, no such efforts have been undertaken. The unrelenting assertions that I am not "transparent", lack "candor" and attempt to "purposefully undermine the deliberative process of council" are not only unfounded, but extremely stressful and are impacting my health and ability to most effectively perform my job. My loved ones are also negatively impacted because they are unable to shield me from the relentless acts that fundamentally reflect disrespect and mistrust, hidden under the guise of "constructive criticism".

It is most unfortunate, that as much as I truly love working in Albion, with our fantastic team and tremendous partnerships, it has become apparent that this is no longer a workable situation, as I am no longer willing to have my professional reputation denigrated.

Therefore, I find it necessary to officially give notice of my resignation. In accordance with Section 4 of my employment agreement, I am hereby providing you with four (4) weeks' notice of my separation, with the last day of employment being November 8, 2017.

Respectfully submitted,



Sheryl L. Mitchell

Sheryl Mitchell

From: Don Masternak <dmasternak@albion.edu>
Sent: Wednesday, October 11, 2017 6:13 PM
To: Sheryl Mitchell
Cc: Harry Longon; Jim Lenardson
Subject: Re: Parking Lots

Sheryl,

Thanks for providing the invoice. It was my intention to reimburse the City in entirety for the great job that was done. When I received the original invoice for the material only I had questioned it. In retrospect I should have insisted that the College be allowed to pay for the complete job. We certainly appreciate having a great relationship with the City Staff and sharing the Team Albion spirit. The invoices are being processed, and the City will be receiving a check soon.

At that time, we were pressed to repair the potholes between conferences ending and students returning. Our employees commented on the congenial attitude of the City employees, and their enthusiasm to help out. I know that we both have specialized individuals and equipment that we have shared throughout the years. Our efforts have complemented one another to make Albion a better place.

You may not even be aware of the many different ways that the College Facilities employees have assisted with City maintenance issues. Probably no single individual knows all of the positive interactions that we have as a whole. Some recent examples came to mind, such as when Caitlyn Berard called about the Food Hub's commercial refrigerators not working and that the warranties had expired. Our refrigeration specialists were able to replenish the refrigerant and sealants, and calibrate the units thus sparing the City a very expensive service charge. While there they learned of the need for a card key system to manage all of the various users to that operation. Our locksmiths were able to replace locks for better immediate control until new hardware became available. We are in the process of helping to overcome this challenge. At other City buildings the locksmith has installed 24 key card lock-sets at City Hall, Public Safety, the Fire Station, and Parks. We are also called frequently to fix doors on many City buildings.

Campus Services provides tables and chairs for City events including the pop-up restaurant at the Food Hub.

Our Grounds Department just donated a number of trees for the City Parks, and as you may recall prepared the Community Gardens before a tractor was donated.

My point is not to receive recognition or reimbursement. We have preferred that our deeds remain anonymous, and we just take pride in serving this community that we care so deeply about. I know from my interactions that most of the City staff feels similarly.

I wish that everyone could understand the special relationship that we support together, and how it ultimately improves the quality of life here for all. I am truly sorry for how matters have become misconstrued.

Sincere thanks and all the best, Don

On Wed, Oct 11, 2017 at 4:11 PM, Sheryl Mitchell <smitchell@cityofalbionmi.gov> wrote:

Don,

Based on a conversation that I had this week with President Ditzler, I am forwarding the invoice for the labor charges for the work related to the parking lots. The total is $2,656.95.

The details and invoice are attached.

Should you require any additional information, please let us know.

Much appreciation for your support and partnership.

Sheryl L. Mitchell, DBA, MSA

Albion City Manager

112 West Cass Street

Albion, MI 49224

smitchell@cityofalbionmi.gov

517.629.7172 (office)

517.629.4168 (fax)

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From: Don Masternak [mailto:dmasternak@albion.edu]
Sent: Wednesday, August 16, 2017 9:49 AM

INFORMATION ONLY

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
PERIOD ENDING 09/30/2017
% Fiscal Year Completed: 74.79

GL NUMBER DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 101 - GENERAL FUND					
000-GENERAL	3,153,939.00	3,235,703.40	2,230,659.78	3,215,170.00	69.38
209-ASSESSING	0.00	784.29	5.00	3,000.00	0.17
215-CLERK	5,161.00	5,199.89	36.60	100.00	36.60
260-101 - FINANCE DEPT / 275 - ABA GENERAL	400.00	430.78	337.00	500.00	67.40
276-CEMETERY	70,300.00	74,198.22	54,937.26	70,000.00	78.48
345-PUBLIC SAFETY	80,250.00	71,080.54	48,647.88	32,300.00	150.61
422-CODE ENFORCEMENT	116,722.00	111,618.57	84,710.20	90,000.00	94.12
758-ALBION RIVER/BIKE TRAIL	0.00	0.00	43,774.00	0.00	100.00
775-PARKS	3,312.00	3,312.00	2,625.00	2,350.00	111.70
778-HOLLAND PARK TRANSFORMATION PROJECT	14,927.00	45,874.92	84,531.05	27,100.00	311.92
930-TRANSFER IN	10,000.00	10,000.00	10,000.00	10,000.00	100.00
TOTAL REVENUES	3,455,011.00	3,558,202.61	2,560,263.77	3,450,520.00	74.20
101-CITY COUNCIL	34,895.00	33,856.86	27,006.32	36,810.00	73.37
172-CITY MANAGER	106,315.54	90,090.62	75,098.69	107,260.00	70.02
209-ASSESSING	50,500.00	47,943.38	35,225.55	50,300.00	70.03
210-ATTORNEY	93,025.00	90,763.92	67,959.70	92,725.00	73.29
215-CLERK	110,576.00	109,556.35	62,413.83	99,585.00	62.67
226-HUMAN RESOURCES	36,926.00	29,785.65	15,866.14	20,510.00	77.36
260-101 - FINANCE DEPT / 275 - ABA GENERAL	269,817.00	251,397.46	208,492.71	318,225.00	65.52
265-MUNICIPAL BLDG / 201 N CLINTON ST	76,308.00	68,044.15	65,173.93	71,915.00	90.63
276-CEMETERY	154,334.00	142,006.58	122,654.71	160,985.00	76.19
345-PUBLIC SAFETY	1,856,795.69	1,748,478.02	1,476,161.66	1,873,689.00	78.78
422-CODE ENFORCEMENT	199,591.00	203,504.00	119,210.19	174,870.00	68.17
442-CITY MAINTENANCE	200,210.00	184,738.58	131,781.41	209,195.00	62.99
444-TREE TRIMMING	13,099.00	9,478.38	12,709.14	11,664.00	108.96
447-ENGINEERING	10,332.00	8,735.77	7,567.83	7,954.00	95.14
526-EPA LANDFILL	11,000.00	11,040.77	2,954.00	8,000.00	36.93
758-ALBION RIVER/BIKE TRAIL	0.00	0.00	40,774.00	0.00	100.00
775-PARKS	186,810.00	175,248.29	143,554.31	200,732.00	71.52
778-HOLLAND PARK TRANSFORMATION PROJECT	14,927.00	45,874.92	80,639.29	27,100.00	297.56
895-GENERAL APPROPRIATION	210,985.00	197,335.13	129,070.76	157,600.00	81.90
TOTAL EXPENDITURES	3,636,446.23	3,447,878.83	2,824,314.17	3,629,119.00	77.82
Fund 101 - GENERAL FUND:					
TOTAL REVENUES	3,455,011.00	3,558,202.61	2,560,263.77	3,450,520.00	74.20
TOTAL EXPENDITURES	3,636,446.23	3,447,878.83	2,824,314.17	3,629,119.00	77.82
NET OF REVENUES & EXPENDITURES	(181,435.23)	110,323.78	(264,050.40)	(178,599.00)	147.85

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
PERIOD ENDING 09/30/2017
% Fiscal Year Completed: 74.79

GL NUMBER DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 202 - MAJOR STREETS FUND					
000-GENERAL	532,052.00	551,164.71	352,102.97	642,495.00	54.80
487-M-99 TRUNKLINE	29,391.00	57,318.00	34,391.89	35,000.00	98.26
TOTAL REVENUES	561,443.00	608,482.71	386,494.86	677,495.00	57.05
454-ACT 51 NON-MOTORIZED	6,467.00	6,466.50	0.00	0.00	0.00
461-MAINTENANCE	325,035.00	283,064.21	243,320.88	361,420.00	67.32
465-TRAFFIC SERVICES	3,893.00	531.52	2,773.29	4,336.00	63.96
467-WINTER MAINTENANCE	31,076.00	20,381.69	13,083.34	28,565.00	45.80
486-I-94 TRUNKLINE	23,446.00	22,145.18	12,947.15	21,902.00	59.11
487-M-99 TRUNKLINE	22,947.00	19,289.38	11,829.17	22,494.00	52.59
488-M-199 TRUNKLINE	12,430.00	9,973.56	7,290.10	13,183.00	55.30
965-TRANSFER OUT	139,366.00	139,366.00	123,000.00	123,000.00	100.00
TOTAL EXPENDITURES	564,660.00	501,218.04	414,243.93	574,900.00	72.05
Fund 202 - MAJOR STREETS FUND:					
TOTAL REVENUES	561,443.00	608,482.71	386,494.86	677,495.00	57.05
TOTAL EXPENDITURES	564,660.00	501,218.04	414,243.93	574,900.00	72.05
NET OF REVENUES & EXPENDITURES	(3,217.00)	107,264.67	(27,749.07)	102,595.00	27.05

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
PERIOD ENDING 09/30/2017
% Fiscal Year Completed: 74.79

GL NUMBER DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 203 - LOCAL STREETS FUND					
000-GENERAL	192,710.00	197,919.48	112,714.71	206,125.00	54.68
930-TRANSFER IN	136,366.00	136,366.00	120,000.00	120,000.00	100.00
TOTAL REVENUES	329,076.00	334,285.48	232,714.71	326,125.00	71.36
461-MAINTENANCE	298,443.00	261,301.47	246,724.48	283,498.00	87.03
465-TRAFFIC SERVICES	2,815.00	2,089.47	5,234.82	2,890.00	181.14
467-WINTER MAINTENANCE	32,385.00	15,043.21	15,283.12	28,355.00	53.90
965-TRANSFER OUT	3,000.00	3,000.00	3,000.00	3,000.00	100.00
TOTAL EXPENDITURES	336,643.00	281,434.15	270,242.42	317,743.00	85.05
Fund 203 - LOCAL STREETS FUND:					
TOTAL REVENUES	329,076.00	334,285.48	232,714.71	326,125.00	71.36
TOTAL EXPENDITURES	336,643.00	281,434.15	270,242.42	317,743.00	85.05
NET OF REVENUES & EXPENDITURES	(7,567.00)	52,851.33	(37,527.71)	8,382.00	447.72

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
PERIOD ENDING 09/30/2017
% Fiscal Year Completed: 74.79

GL NUMBER DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 208 - RECREATION FUND					
780-RECREATION	139,040.00	160,445.81	136,413.06	118,970.00	114.66
781-POSITIVE YOUTH DEVELOPMENT	10,000.00	10,000.00	0.00	0.00	0.00
782-JUNIOR OPTMISTS - JOOI	0.00	300.00	50.00	0.00	100.00
TOTAL REVENUES	149,040.00	170,745.81	136,463.06	118,970.00	114.70
780-RECREATION	138,145.00	133,800.50	97,530.06	123,411.00	79.03
781-POSITIVE YOUTH DEVELOPMENT	8,380.00	10,580.00	0.00	0.00	0.00
782-JUNIOR OPTMISTS - JOOI	45.00	215.00	424.34	0.00	100.00
TOTAL EXPENDITURES	146,570.00	144,595.50	97,954.40	123,411.00	79.37
Fund 208 - RECREATION FUND:					
TOTAL REVENUES	149,040.00	170,745.81	136,463.06	118,970.00	114.70
TOTAL EXPENDITURES	146,570.00	144,595.50	97,954.40	123,411.00	79.37
NET OF REVENUES & EXPENDITURES	2,470.00	26,150.31	38,508.66	(4,441.00)	867.12

GL NUMBER DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 226 - SOLID WASTE FUND					
000-GENERAL	220,758.00	243,148.63	228,548.86	213,000.00	107.30
TOTAL REVENUES	220,758.00	243,148.63	228,548.86	213,000.00	107.30
523-LEAF PICKUP	57,355.00	52,800.09	13,457.95	59,690.00	22.55
524-TREE DUMP	8,486.00	6,070.56	4,747.87	9,480.00	50.08
528-SOLID WASTE	118,061.00	94,286.31	56,625.43	121,105.00	46.76
965-TRANSFER OUT	24,000.00	11,500.00	25,500.00	25,500.00	100.00
TOTAL EXPENDITURES	207,902.00	164,656.96	100,331.25	215,775.00	46.50
Fund 226 - SOLID WASTE FUND:					
TOTAL REVENUES	220,758.00	243,148.63	228,548.86	213,000.00	107.30
TOTAL EXPENDITURES	207,902.00	164,656.96	100,331.25	215,775.00	46.50
NET OF REVENUES & EXPENDITURES	12,856.00	78,491.67	128,217.61	(2,775.00)	4,620.45

GL NUMBER DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 265 - DRUG LAW ENFORCEMENT FUND					
000-GENERAL	4,565.00	8,285.33	27,131.09	4,900.00	553.70
400-FED DRUG LAW ENFOR - REIMBUR	55,529.00	44,330.70	13,988.43	49,029.00	28.53
TOTAL REVENUES	60,094.00	52,616.03	41,119.52	53,929.00	76.25
333-DRUG LAW ENFORCEMENT	54,195.00	47,545.69	60,452.56	29,050.00	208.10
400-FED DRUG LAW ENFOR - REIMBUR	38,027.00	30,454.27	11,080.39	26,750.00	41.42
TOTAL EXPENDITURES	92,222.00	77,999.96	71,532.95	55,800.00	128.20
Fund 265 - DRUG LAW ENFORCEMENT FUND:					
TOTAL REVENUES	60,094.00	52,616.03	41,119.52	53,929.00	76.25
TOTAL EXPENDITURES	92,222.00	77,999.96	71,532.95	55,800.00	128.20
NET OF REVENUES & EXPENDITURES	(32,128.00)	(25,383.93)	(30,413.43)	(1,871.00)	1,625.52

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
PERIOD ENDING 09/30/2017
% Fiscal Year Completed: 74.79

GL NUMBER	DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 275 - ALBION BUILDING AUTHORITY FUND						
000-GENERAL		36,611.00	36,780.49	3,037.51	4,357.00	69.72
264-EDC BUILDING		10,880.00	10,880.04	23,771.93	10,880.00	218.49
265-MUNICIPAL BLDG / 201 N CLINTON ST		0.00	0.00	1,260.00	1,500.00	84.00
270-101 N GALE ST		7,000.00	7,000.00	0.00	7,000.00	0.00
271-FIRE/AMBULANCE BUILDING		29,264.00	29,264.00	32,400.00	30,000.00	108.00
273		0.00	1.00	1.00	0.00	100.00
TOTAL REVENUES		83,755.00	83,925.53	60,470.44	53,737.00	112.53
260-101 - FINANCE DEPT / 275 - ABA GENERAL		8,818.00	8,445.04	4,766.78	9,865.00	48.32
264-EDC BUILDING		12,820.00	8,281.17	9,846.00	11,970.00	82.26
265-MUNICIPAL BLDG / 201 N CLINTON ST		3,790.00	2,248.30	1,423.52	190.00	749.22
270-101 N GALE ST		6,840.00	1,947.48	79.95	6,290.00	1.27
271-FIRE/AMBULANCE BUILDING		26,000.00	15,235.45	11,736.34	25,000.00	46.95
273-112 E ERIE ST		30,354.00	26,829.56	1,289.61	2,100.00	61.41
TOTAL EXPENDITURES		88,622.00	62,987.00	29,142.20	55,415.00	52.59
Fund 275 - ALBION BUILDING AUTHORITY FUND:						
TOTAL REVENUES		83,755.00	83,925.53	60,470.44	53,737.00	112.53
TOTAL EXPENDITURES		88,622.00	62,987.00	29,142.20	55,415.00	52.59
NET OF REVENUES & EXPENDITURES		(4,867.00)	20,938.53	31,328.24	(1,678.00)	1,867.00

GL NUMBER DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 277 - ABA SEC 8 MAPLE GROVE					
000-GENERAL	425,700.00	455,447.69	266,808.46	431,208.00	61.87
TOTAL REVENUES	425,700.00	455,447.69	266,808.46	431,208.00	61.87
701-ABA SEC 8 MAPLE GROVE	359,835.00	344,264.48	189,397.15	374,350.00	50.59
905-DEBT SERVICE - BONDS	64,963.00	64,962.50	62,487.50	62,488.00	100.00
TOTAL EXPENDITURES	424,798.00	409,226.98	251,884.65	436,838.00	57.66
Fund 277 - ABA SEC 8 MAPLE GROVE:					
TOTAL REVENUES	425,700.00	455,447.69	266,808.46	431,208.00	61.87
TOTAL EXPENDITURES	424,798.00	409,226.98	251,884.65	436,838.00	57.66
NET OF REVENUES & EXPENDITURES	902.00	46,220.71	14,923.81	(5,630.00)	265.08

GL NUMBER	DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 367 - SIDEWALK PROGRAM FUND						
000-GENERAL		133,850.00	154,081.85	138,431.28	128,250.00	107.94
TOTAL REVENUES		133,850.00	154,081.85	138,431.28	128,250.00	107.94
443-TRANSFER OUT		133,000.00	110,406.63	450.00	128,250.00	0.35
TOTAL EXPENDITURES		133,000.00	110,406.63	450.00	128,250.00	0.35
Fund 367 - SIDEWALK PROGRAM FUND:						
TOTAL REVENUES		133,850.00	154,081.85	138,431.28	128,250.00	107.94
TOTAL EXPENDITURES		133,000.00	110,406.63	450.00	128,250.00	0.35
NET OF REVENUES & EXPENDITURES		850.00	43,675.22	137,981.28	0.00	100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
PERIOD ENDING 09/30/2017
% Fiscal Year Completed: 74.79

GL NUMBER DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 590 - SEWER FUND					
000-GENERAL	1,186,774.00	1,226,952.45	908,411.26	1,191,250.00	76.26
544-SAW GRANT PROJECT	700,000.00	591,503.63	342,300.72	526,500.00	65.01
546-MEDC GRANT - DIGESTER, PUMP, ETC.	0.00	0.00	475,000.00	950,000.00	50.00
TOTAL REVENUES	1,886,774.00	1,818,456.08	1,725,711.98	2,667,750.00	64.69
536-SEWER UTILITY OPERATIONS	1,156,283.00	1,108,753.35	839,948.25	1,236,750.00	67.92
542-WWTP ENERGY IMPROVEMENTS	7,800.00	7,827.03	5,295.84	7,800.00	67.90
544-SAW GRANT PROJECT	700,498.00	591,503.63	342,300.72	526,500.00	65.01
546-MEDC GRANT - DIGESTER, PUMP, ETC.	0.00	0.00	421,827.84	1,110,000.00	38.00
965-TRANSFER OUT	153,000.00	151,447.00	148,400.00	148,400.00	100.00
TOTAL EXPENDITURES	2,017,581.00	1,859,531.01	1,757,772.65	3,029,450.00	58.02
Fund 590 - SEWER FUND:					
TOTAL REVENUES	1,886,774.00	1,818,456.08	1,725,711.98	2,667,750.00	64.69
TOTAL EXPENDITURES	2,017,581.00	1,859,531.01	1,757,772.65	3,029,450.00	58.02
NET OF REVENUES & EXPENDITURES	(130,807.00)	(41,074.93)	(32,060.67)	(361,700.00)	8.86

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
PERIOD ENDING 09/30/2017
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GL NUMBER DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 591 - WATER FUND					
000-GENERAL	940,572.00	973,881.31	715,441.33	918,300.00	77.91
TOTAL REVENUES	940,572.00	973,881.31	715,441.33	918,300.00	77.91
536-WATER UTILITY OPERATIONS	945,390.00	908,269.44	672,429.42	1,077,876.00	62.38
540-WELLHEAD PROTECTION	500.00	0.00	0.00	500.00	0.00
905-DEBT SERVICE-BONDS	6,990.00	6,240.00	3,224.00	3,974.00	81.13
965-TRANSFER OUT	11,668.00	11,668.00	11,450.00	11,450.00	100.00
TOTAL EXPENDITURES	964,548.00	926,177.44	687,103.42	1,093,800.00	62.82
Fund 591 - WATER FUND:					
TOTAL REVENUES	940,572.00	973,881.31	715,441.33	918,300.00	77.91
TOTAL EXPENDITURES	964,548.00	926,177.44	687,103.42	1,093,800.00	62.82
NET OF REVENUES & EXPENDITURES	(23,976.00)	47,703.87	28,337.91	(175,500.00)	16.15

REVENUE AND EXPENDITURE REPORT FOR CITY OF ALBION
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GL NUMBER DESCRIPTION	2016 AMENDED BUDGET	END BALANCE 12/31/2016 NORMAL (ABNORMAL)	YTD BALANCE 09/30/2017 NORMAL (ABNORMAL)	2017 ORIGINAL BUDGET	% BDGT USED
Fund 661 - EQUIPMENT POOL FUND					
000-GENERAL	279,818.00	301,906.41	229,857.20	278,725.00	82.47
TOTAL REVENUES	279,818.00	301,906.41	229,857.20	278,725.00	82.47
770-EQUIPMENT POOL	267,290.00	260,686.23	185,508.71	276,090.00	67.19
905-DEBT SERVICE - BONDS	158.00	157.61	220.25	222.00	99.21
906-DEBT SERVICE - LOANS	430.00	(26.00)	191.24	971.00	19.70
965-TRANSFER OUT	18,265.00	18,159.00	17,850.00	17,850.00	100.00
TOTAL EXPENDITURES	286,143.00	278,976.84	203,770.20	295,133.00	69.04
Fund 661 - EQUIPMENT POOL FUND:					
TOTAL REVENUES	279,818.00	301,906.41	229,857.20	278,725.00	82.47
TOTAL EXPENDITURES	286,143.00	278,976.84	203,770.20	295,133.00	69.04
NET OF REVENUES & EXPENDITURES	(6,325.00)	22,929.57	26,087.00	(16,408.00)	158.99
TOTAL REVENUES - ALL FUNDS	8,525,891.00	8,755,180.14	6,722,325.47	9,318,009.00	72.14
TOTAL EXPENDITURES - ALL FUNDS	8,899,135.23	8,265,089.34	6,708,742.24	9,955,634.00	67.39
NET OF REVENUES & EXPENDITURES	(373,244.23)	490,090.80	13,583.23	(637,625.00)	2.13

Kelly Warren
Director,
Membership & Affiliate Engagement

michigan municipal league

E kwarren@mml.org
DIRECT LINE 734.669.6310
CELL 734.417.8815

HEADQUARTERS
1675 Green Road
Ann Arbor, MI 48105-2530
T 734.662.3246
800.653.2483
F 734.662.8083
mml.org

Bring the League to Your Community!

Would you, or your fellow local government leaders, like more information about key League programs and opportunities?

_____ **YES.** Excellent! We'd be happy to come do one of these 15-20 minute presentations:

_____ **League Primer** on everything we have to offer members, presented by League staff. Especially helpful for new members or communities with a lot of recent turnover.

_____ **Elected Officials Academy (EOA)** program with some additional League info, presented by an elected official and EOA expert.

_____ **MAYBE.** OK, we'll touch base with you later. We'd love to share this great information with your community.

Name _____ Title _____

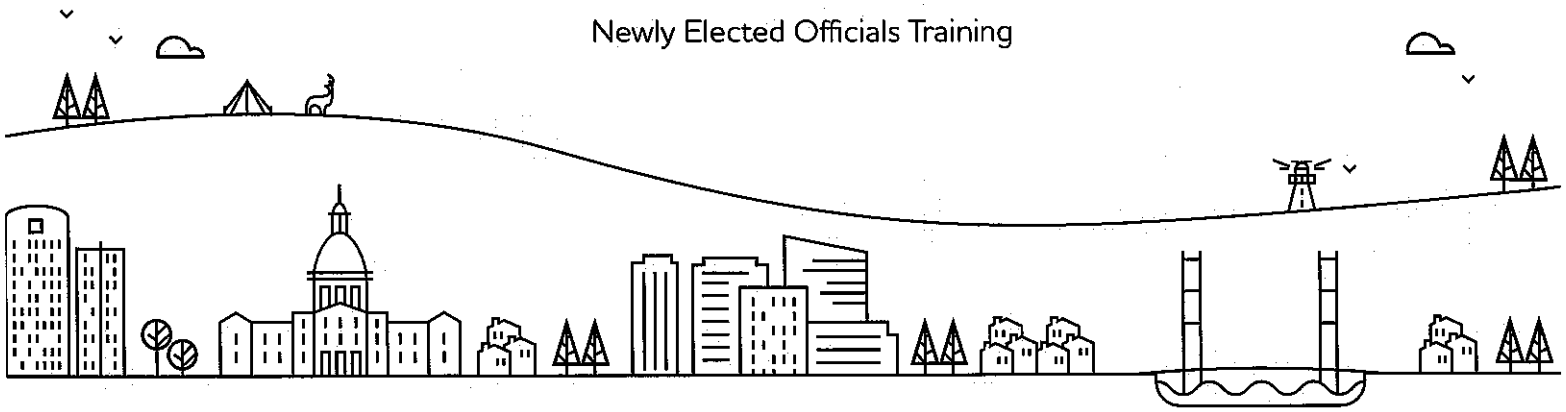
Municipality _____

Email address _____ Phone number _____

I'd like more information about _____ Today's date _____

You Won!
Now What?

Newly Elected Officials Training



This newly elected officials training consists of core topics that will help educate first-time elected officials, as well as seasoned officials, on the basic functions they will need to know in their roles as public leaders. Topics include: introduction to League services; an overview of basic local government; roles and responsibilities of elected officials; Open Meetings Act (OMA); Freedom of Information Act (FOIA); lobbying 101; and a panel discussion with seasoned elected officials.

NOV 28, 2017 — Lansing, MI

DEC 06, 2017 — Cadillac, MI

DEC 12, 2017 — Rochester, MI

JAN 17, 2017 — Ann Arbor, MI

JAN 23, 2017 — Coldwater, MI

COST PER PERSON
League Member, $95

League Nonmember Government, $155

ABOUT THE SPEAKERS
League Staff & Experienced Elected Officials

AGENDA
Check-in & light dinner 5:30 pm
Begin 6:00 pm
Adjourn 9:00 pm

EDUCATION CREDITS APPROVED FOR THIS PROGRAM
3 EOA

TWO WAYS TO REGISTER!
1. Complete and return the form on the back of this flyer
2. Register online!

You Won! Now What? Elected Officials Training

Cost: League Member: $95; League Nonmember Government, $155

Name of Municipality or Firm

Billing Address/State/Zip:

Phone #: Fax #:

Please choose training location ☐ Lansing ☐ Cadillac ☐ Rochester ☐ Ann Arbor ☐ Coldwater

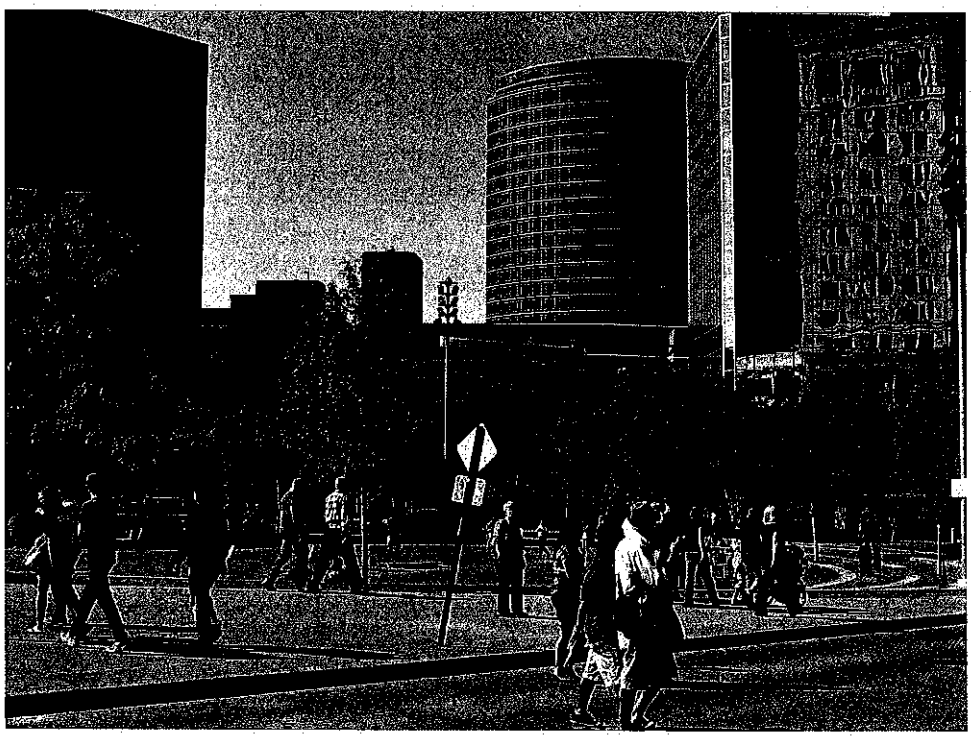
Name	Title	Email
1		
2		
3		
4		

Payment Info: Cost: $ _____ x Quantity: _____ = Total Due: $ _____

Cancellation Policy

All cancellations must be submitted in writing either by fax, 734-669-4223 or email, registration@mml.org. No refunds will be given for cancellation requests received after (4 days before event). For a full list of registration policies, please visit www.mml.org, then click on training/events.

To Register

1. If paying by credit card, register online by visiting www.mml.org. On the home page located on the right hand side under "My League," click on "View and Register for Events.

2. If paying by check, please mail this form along with a check payable to the Michigan Municipal League, P.O. Box 7409, Ann Arbor, MI 48107-7409.