



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

AGENDA

COUNCIL MEETING Monday, October 2, 2017

6:00 P.M.

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 IMPAIRMENTS
WHO REQUIRE THE USE OF A
PORTABLE LISTENING DEVICE

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

PLEASE TURN OFF CELL PHONES DURING MEETING

- I. CALL TO ORDER
- II. MOMENT OF SILENCE TO BE OBSERVED
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. CLOSED SESSION
 - A. 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.
 - 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.
- VI. MAYOR AND COUNCIL MEMBER'S COMMENTS
- VII. PRESENTATIONS
 - A. Peabody Project-Bruce Johnston
 - B. MDOT 2017 Youth Development & Mentoring Program-Brian Woodin & Harry Bonner
- VIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required.)
- IX. CONSENT CALENDAR (VV) (Items on Consent Calendar are voted on as one unit)
 - A. Approval Regular Session Minutes, September 18, 2017



CITY OF ALBION CITY COUNCIL MEETING AGENDA

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

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

- B. Approval Study Session Minutes, September 25, 2017
- C. Approval Study Session Minutes, September 26, 2017

- X. 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)
 - B. Request Approval 1st Reading Ordinance # 2017-08, An Ordinance to Add Section (s) 82-129, 82-130 and 82-131 (RCV)
 - C. Discussion-City Providing In-Kind Service for Double Vision
 - D. Request Approval of Tentative Agreement for Albion Command Officers Association (ACOA) (RCV)
 - E. Request Approval of Tentative Agreement for The American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO (RCV)
 - F. Request Approval of Tentative Agreement for Police Officers Association of Michigan (POAM) –Pending Negotiations (RCV)
 - G. Discussion-Update on Dalrymple Property
 - H. Discussion-Study Sessions for Budgets Dates/Times
 - I. Request Approval Council Rules of Procedures (RCV)
 - J. Request Approval Boards and Commissions Initial Partial Term Appointment (RCV)
 - Scott Evans-Albion Economic Development Corporation- Term to Expire 7-1-2018

- XI. City Manager Report

- XII. Future Agenda Items

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

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

- XV. ADJOURN

City of Albion
City Council Meeting
September 18, 2017

I. Call To Order

Mayor Brown opened the regular session at 7:00 p.m.

II. Moment of Silence To Be Observed

III. Pledge of Allegiance

IV. Roll Call

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

ABSENT: Jeanette Spicer (5)

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

V. CLOSED SESSION-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. (6-0, rcv)

Mayor Brown adjourned to Closed Session at 6:02 p.m.

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

VI. Roll Call

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

VII. Mayor & Council Member's Comments

Comments were received from Council Members Barnes, Brown, Lawler, Spicer and French; Mayor Brown, Scott Kipp, Chief Public Safety and Stacey Levin, Assistant City Manager.

VIII. PUBLIC HEARING

A. Vacating an Alley & Easements and Sale of Property in Block 52, W. Ash St.,
Parcels # 51-001-092-10 and 51-001-092-20 to Albion Malleable Brewing

Mayor Brown opened the Public Hearing at 7:10 p.m.

Comments were received from:

Ben Wade, 600 E. Erie St. who stated he was co-owner of Albion Malleable Brewing Company and they were purchasing this piece of property for mechanical space to place equipment and contingent plans. They would like to add an entrance on the south side of the building on Ash St.

Daniel Farmer, 1101 Wiener Dr who expressed concern for safety if flammables would be stored in this area.

Mayor Brown closed the Public Hearing at 7:14 p.m.

Council Comments were as follows:

- Will there be a wall around the outside seating area?
- Additional proposals for the outside seating area will be proposed at a later date.
- Once the outdoor seating area has been established, an amendment will need to be done to the Sidewalk Café Ordinance.
- What will need to be changed in the ordinance? *The definition section of the ordinance will need to be changed to allow for permanent fixtures.*
- Is this the first time the City has sold a sidewalk?
- Currently the sidewalk is tight against the building, they would like to move the sidewalk out closer to the street to allow for improvements
- The outdoor seating design has not yet been completed.
- Was a lease considered versus a sale of the sidewalk and easement? *The City may have the property owners carry liability insurance with the City being named as an additional insured, however the City may still be liable if there were a lawsuit.*
- If the property were sold or went out of business, would the sidewalk and easement revert back to the City? *The City would have first right of refusal.*
- All legal basis have been covered for the sale of the property.
- The City owned parking lot behind the brewery will be re-graded the 1st of next year.

Comments were received from Council Members Brown, Spicer and Barnes; City Manager Mitchell; City Attorney Harkness and Ben Wade, Co-Owner Albion Malleable Brewing.

B. Request Approval of Vacating an Alley & Easements and Sale of Property in Block 52, W. Ash St., Parcel # 51-001-092-10 & 51-001-092-20 to Albion Malleable Brewing (RCV)

1. Approval of Buy and Sell Agreement-Alley
2. Approval of Buy and Sell Agreement-Sidewalk
3. Approval of Easement Agreement-Alley
4. Approval of Easement Agreement-Sidewalk
5. Right of First Refusal-Alley
6. Right of First Refusal-Sidewalk

French moved, Barnes supported, CARRIED, Approve Vacating an Alley & Easements and Sale of Property in Block 52, W. Ash St., Parcel # 51-001-092-10 & 51-001-092-20 to Albion Malleable Brewing as presented. (7-0, rcv)

IX. PRESENTATIONS

A. Oath of Office-PSO Officer Tiffany Bruckner

Chief Scott Kipp introduced new Public Safety Officer Tiffany Bruckner.

Clerk Domingo gave oath of office to PSO Officer Tiffany Bruckner.

X. 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 Eric Tobin, 409 W. Ash St; Jess Roberts, 915 S. Superior St and Mayor Brown.

XI. Consent Calendar (VV)

- A. Approval Study Session Minutes – August 31, 2017
- B. Approval Regular Session Minutes-September 5, 2017
- C. Approval of Assembly Permit & Sound Amplification for Morgan Leadbetter, Kappa Alpha Theta's for a Kickball Tournament at Victory Park Ballfields on September 30, 2017 from 9:30 a.m. – 7:00 p.m.
- D. Approval of Assembly Permit & Sound Amplification for St. John Parish use of Victory Park Large Pavilion for Mass & Picnic Lunch on September 24, 2017 from 9:00 a.m.- 5:00 p.m.
- E. Approval of Assembly Permit for The Big Read for use of Holland Park on September 30, 2017 from 8:00 a.m. -6:00 p.m.

Comments were received from Council Member French and Mayor Brown.

French moved, Brown supported, CARRIED, to approve the Consent as presented. (7-0, vv)

XII. Items for Individual Discussion

A. Request Approval Tentative Agreement for Albion Clerical Alliance (ACA) (RCV)

Comments were received from Mayor Brown and City Manager Mitchell.

French moved, Barnes supported, CARRIED, To Approve Tentative Agreement for Albion Clerical Alliance (ACA) as presented. (7-0, rcv)

B. Request Approval for Discharge of Mortgage (RCV)

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

French moved, Brown supported, CARRIED, To Approve Discharge of Mortgage as presented. (7-0, rcv)

C. Discussion-Quote for Repair at Rieger Park

City Manager Mitchell stated this is an informational item in reference to the swimming hole at Rieger Park.

Jim Lenardson, Director of Public Services stated the quote from Concord Excavating is for installation of two (2) new pipes and valves. This would be the most viable and economic proposal to fix the problem and would also allow the City to remove excess water from the third (3rd) pond. He would suggest waiting until next year as making this a capital improvement project. This would allow for a RFP and to be able to solicit bids.

Questions from Council were as follows:

- Can this be made back into a skating pond?
- What is the status of the artesian spring? *It is still there and functioning.*
- Is there any sort of aeration device for the skating pond?

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

XIII. City Manager Report

City Manager Mitchell reported the following:

- The Department of Public Services has been busy with both the 2017 Local Streets Project and the MDOT Superior St. reconstruction.
- Cass St. has had a section of storm sewer repaired and a new catch basin installed which will now allow for drainage to occur in a historically problematic spot.
- The base and top coats (asphalt) have been applied and curb and gutter/sidewalk has been completed along with new street lighting along Cass Street (thanks to our friends at Albion College).
- Ford Rd. has had curb/gutter and sidewalk repaired where needed and the basecoat has been applied to both streets.
- The railing on the ramp has been repaired and repainted in the rear of City Hall and new LED lighting has been installed, thanks to the Street Unit and Albion Electric.

- There has been an additional coat of paint added to the front steps to include “safety yellow” paint in an effort to enhance visual recognition.
- Work continues with Wightman and Associates towards the completion of the USDA-RD Loan/Grant application for water tower restoration and much needed water main replacement.
- An Asset Management Plan has been submitted and approved by the Michigan Department of Environmental Quality for the Wastewater Facility.
- Most recently, there has been a concerted effort to prepare the downtown area for the Festival of the Forks, with mowing, weed-eating, street sweeping, flag placement, sidewalk trip hazard mitigation as well as several other beautification activities.
- At the Wastewater Facility, work continues towards the completion of the equipment installation with the influent pumps being placed in service, one clarifier sludge pump operational and progression towards the completion of the clarifier mechanical equipment which is scheduled for delivery in September with construction to follow.
- Work to begin on preparing the 2018 budget.
- Normal maintenance activities and duties by all City units has been ongoing throughout the summer.
- Special thanks to Scott Kipp, Chief Public Safety and Stacey Levin, Assistant City Manager for their help in preparing for the Festival. Also a special thanks to Deputy Chief Jason Kern who created the parade map.
- Met with Courtyard Marriott Management and the City will be working with them and Michigan Works to set up a job fair.
- Albion Public Safety will have their 7th Annual Chili Cook-Off on October 27th, 2017 from 5:00 p.m. to 7:00 p.m. at the Fire station.

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

XIV. Future Agenda Items

- Council Member Lawler asked for a discussion item on the City providing in-kind service to Double Vision be added to the next agenda.
- Council Member Brown asked for: 1) an update on the Dalrymple property be added to the next agenda and 2) an EDC update.
- Council Member French asked for 1) a discussion on budget dates/times be added to the next agenda and 2) Approval of Council Rules of Procedures.
- City Attorney Harkness asked for an amendment to Ordinance for Minor in Possession be added to the next agenda.

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

No action was necessary as all members were present.

XVI. 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 Chad Baase, 1021 Burr Oak St; Jim Lenardson, Director of Public Services; Erika Flores, 105 S. Clark St; Daniel Farmer, 1101 Wiener Dr; Eric Tobin, 409 W. Ash St; Brian Howe, 213 W. Erie St; Mary Norton, 406 Fitch St, Andrew Trexel, 1112 E. Porter St and Council Members Barnes and Lawler.

XVII. Adjournment

Brown moved, French supported, CARRIED, to adjourn council session. (7-0 vv)

Mayor Brown adjourned the meeting at 8:15 p.m.

Date

Jill Domingo
City Clerk

City of Albion
Study Session Minutes
September 25, 2017

I. CALL TO ORDER

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

II. ROLL CALL

PRESENT: Council Members Lenn Reid (2), Marcola Lawler (4) Jeanette Spicer (5), and Andrew French (6) and Mayor Brown. Council Members Maurice Barnes (1) arrived at 7:34 p.m. and Sonya Brown (3) arrived at 7:04 p.m.

STAFF PRESENT:

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

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 comments were received.

IV. ITEMS FOR INDIVIDUAL DISCUSSION

A. Charter Revision-Attorney Peter Letzmann

Mayor Brown stated the Charter is a fundamental document used for City governance. Our current Charter has not been fully revised in whole since the 1960's. We have obsolete items and items that need to be updated. Mayor Brown introduced Peter Letzmann, Attorney who updated the Council on Charter Revision and Amendments highlighting the following:

- The Charter is the supreme document for a City. It is the City's Constitution.
- No ordinances or resolutions can be passed that violate the Charter.
- The Charter for the City of Albion does have some glaring inconsistencies such as not having a reference to the Open Meetings Act; Freedom of Information Act; Changes in Election laws and no Code of Ethics.
- A Charter needs to be user-friendly and easy to work with for Council, City Staff and the Public.
- A Charter revision entails have a Charter Commission go through the entire Charter and make changes whereas a Charter Amendment will only change one (1) or two (2) items at a time.
- The Charter Commission consists of nine (9) people who are elected by the people.

- There is generally opposition to a Charter Revision as change is difficult and most people don't like change.
- You must hold an election for a Charter Revision. You may hold both the Charter Revision and the Election of the Charter Commissioners at the same election.
- It will take a Charter Revision approximately three (3) years to complete. The City must provide a place for the Charter Commission to meet and must also compensate them for the meetings (i.e. \$25.00 per meeting). Meetings are open to the public and generally held once a week.
- The Council may also hire a legal consultant to work with the Charter Commission. This can be helpful in helping Commissioners understand the inner workings of government.
- Minutes of the meetings must be kept and revisions must be published.
- Mayor and Council Members are encouraged to attend meetings and provide input.

Questions & Comments from the Council were as follows:

- Concern with changing the form of government we currently have.
- What is the total cost of a Charter Revision? *Mr. Letzmann would charge approximately \$30,000 in consulting fees and approximately \$30,000 for cost of the Commissioners pay, copies, publications, etc. Total cost=\$60,000*
- Concern with finding citizens to run for the Charter Commission and level of knowledge of how government works. *The consultant will spend time teaching the Commission how government works.*
- Can anyone run for a Commission seat? *They must be an elector of the City.*
- Charter revisions don't always pass the first time they are voted on.
- Concern with Commissioners understanding what the powers of the Commission actually are.
- Is a Charter Revision the best use of our resources?
- Does a Charter Revision need to be done at this time.
- We have enough items in the Charter that either need to be deleted or updated to make a Charter Revision worthwhile.
- Do most cities do a complete edit or edit the current Charter template? *Most cities edit the current Charter but it would be up to the Charter Commission on how they would like to update.*
- Can city employees and elected officials be on the Charter Commission? *No neither city employees nor elected officials may be on the Charter Commission.*
- The revision would set structure with plain language that would make it easier for citizens to reference and Council to follow.
- Does it generally take the full three years for a Council revision? *Yes*

Comments were received from Council Members Barnes, Brown, French and Spicer, Mayor Brown and City Manager Mitchell.

B. Charter Amendment

Charter Amendment was discussed under item A, Charter Revision.

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

Comments were received from Rick Lange, 810 Haven Road.

- V. ADJOURNMENT

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

Mayor Brown adjourned the Study Session at 8:05 p.m.

Date

Jill Domingo
City Clerk

City of Albion
Study Session Minutes
September 26, 2017

I. CALL TO ORDER

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

II. ROLL CALL

PRESENT: Council Members Lenn Reid (2), Marcola Lawler (4) Jeanette Spicer (5), and Andrew French (6) and Mayor Brown. Council Members Maurice Barnes (1) arrived at 7:03 p.m. and Sonya Brown (3) was absent.

STAFF PRESENT:

Sheryl Mitchell, City Manager; Cullen Harkness, City Attorney; Amy Deprez, EDC Director; Jill Domingo, City Clerk and John Tracy, Director Planning, Building & Code Enforcement.

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

Comments were received from Brian Howe, 213 W. Erie St.

IV. ITEMS FOR INDIVIDUAL DISCUSSION

A. Discussion-425 Property

Amy Deprez gave a brief overview of the 425 Project highlighting the following:

- The 425 Agreement is for land located in Sheridan Township. This agreement is based on the Public Act 425 of 1984 Conditional Land Transfer Act which allows two or more municipalities the option of conditionally transferring land to one another.
- 425 Agreements allow for great flexibility and also broadens the use of the Brownfield plan.
- PA 425 has been used to gain economic incentive tools that only core or distressed communities can offer toward support of economic development projects. Albion is a core community.
- The 425 Agreement for the City of Albion and Sheridan Township is 250 acres and has three (3) owners.
- No infrastructure is currently in place on the 425 property.
- Once the land is developed, Sheridan Township will transfer the property to the City of Albion. The City must make all services available such as water, sewer, electric, etc.
- The property is currently zoned as commercial industrial or multi-family and would remain as such.

- Fifteen acres of the property has been sold to Quality Asphalt and due to difficulties within the company has not yet been developed. Ms. Deprez is working with Quality currently to work through the issues.
- Tax Sharing: Sheridan Township is capped at 4 mills which is approximately 1/3 of the property taxes collected.
- Sheridan Township is supportive of the project and willing to move forward.
- In talking with Sheridan Township, they would like to see the current property in the 425 developed before discussing releasing any additional land.

Potential Projects:

- There are two potential solar generation facilities interested in the land located in the 425 Project for their business.
- We would only be able to choose one or the other
- First is an established reputable business while the other is a new business that would need further investigation.
- Neither would create jobs.
- Each would have some type of storage mechanism and rows and rows of solar panels.
- Benefits: Would provide tax income for the City and Sheridan Township; viewed as cutting edge for renewable energy and would help with gateway appearance into the City.
- Each would be approximately a \$30 million project.
- If the City chooses not to move forward with this project, they must start working on the development process
- Both projects would be interested in the full 250 acres.

Questions/Comments were as follows:

- The City would need to find a funding mechanism to meet the requirement of providing the property with water and sewer services.
- One possible funding source would be a bond and the City would need a resource of repaying the bond.
- Is the property to prime of a property to just put a solar array on?
- It is unclear at this time, what the company would need in terms of water and sewer.
- Speed to market is the number one (1) incentive for marketing property. Currently the 425 is not site ready.
- What is the time frame for a decision? *The company would put a deposit down as soon as decision is made. It will take approximately a year to work out the contract with Consumers Energy.*
- Customer is interested in a tax savings incentive
- After checking with the State, it has been determined that solar companies are not exempt from personal property tax.
- Would the City be able to locate the new water tower on the 425 property? *It can be discussed with the company of having a piece of the property remain for either the new tower or additional development.*

- How much of the property would business be interested in? They would be interested in the full 250 acres.
- The positive side is this proposal would be the least amount of burden to the City and the downside is it would not create any jobs.
- Concern from Council that proposal would not create jobs.
- Would like to extend olive branch to Sheridan Township and work with them on this project.
- What is a rough estimate of the tax revenue this business would create- Approximately \$27,000.
- Does the EDC recommend moving forward with this project? *The EDC is recommending moving forward with this project.*
- If the City chooses to forgo this project, is there anything else that may be interested in the 425 land site? *Nothing for certain at this time.*
- Would the revenue go to the EDC or the City? *The revenue for this project would go to the City.*
- If the tax income is substantial, the City would have the opportunity to use the funds for additional staff; streets or using the funds to develop other properties to attract other businesses.
- This is marketing for the future and has secondary benefits for the City.
- Other businesses may be attracted for the use of renewable energy.

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

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

Comments were received from Brian Howe, 213 W. Erie St and Dennis Tomblin, 313 Irwin Avenue.

V. ADJOURNMENT

Spicer moved, French supported, CARRIED, to ADJOURN Study Session. (6-0, vv).

Mayor Brown adjourned the Study Session at 8:07 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 2, 2017
RE: **Agenda Summary**

ITEMS FOR INDIVIDUAL DISCUSSION

- A. Request Approval 1st Reading Ordinance # 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 1st Reading 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 – City Providing In-Kind Service for Double Vision.** Council Member Lawler 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. 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.
- D. Request Approval of Tentative Agreement for Albion Command Officers Association (ACOA).** This unit was previously POLC and represents the Command Officers for Public Safety. The proposal is for a 3 year contract, eliminating the step increases and converting to flat rate of pay. Reflects changes in tuition reimbursement, conversion to PTO time, and pension contributions. City Manager recommends approval
- E. Request Approval of Tentative Agreement for Police Officers Association of Michigan (POAM).** Three year agreement with 2% increases each year and elimination of PSO Trainee classifications. Changes in compensatory Time Bank maximum. City Manager recommends approval.
- F. Request Approval of Tentative Agreement for the American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO.** Three year agreement with 2% increase each year. Changes in safety glasses/boots reimbursement, residency requirement, foreman on call compensation, license incentive and proration of Health Savings Account contribution for new hires. City Manager recommends approval.
- G. Discussion – Update on Dalrymple Property.** Requested by Council Member Brown. Communication from the County Treasurer and Land Bank indicated that the plans for Dalrymple are still finalizing, they are working on the restoration of the site and the curb removal/replacement. Those items are expected to be wrapped up within the next few weeks.
- H. Discussion – Study Session for Budgets Dates/Times.** The following dates are being submitted for Council’s consideration for the 2018 Budget:
- Monday, Oct. 23 - Budget Hearing, General Fund & Misc.
 - Monday, Oct. 30 - Budget Hearing, Public Services & Misc.
 - Monday, Nov. 13 - Budget Hearing, Component Units & Streets
 - Monday, Nov. 27 - On reserve, if needed
 - Monday, Dec. 4 - Public Hearing
 - Monday, Dec. 18 - Adoption of Budget
- I. Request Approval Council Rules of Procedures.** Awaiting committee recommendations.

**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 XIA 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 November 16, 2017.

First Reading:
October 2, 2017

Second Reading & Adoption:
October 16, 2017

Ayes _____
Nays _____
Absent _____

Ayes _____
Nays _____
Absent _____

Jill Domingo
City Clerk

Garrett Brown,
Mayor

CURRENT CITY OF ALBION ORDINANCE – MINOR IN POSSESSION OF ALCOHOL

Sec. 58-226. - Purchase, consumption, or possession of alcoholic liquor by minor; attempt; violation; fines; sanctions; furnishing fraudulent identification to minor; chemical breath analysis; notice to parent, custodian, or guardian; construction of section; exceptions.

- (a) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, except as provided in this section. A minor who violates this section is guilty of a misdemeanor punishable by the following fines and sanctions:
 - (1) For the first violation a fine of not more than \$100.00, and may be ordered to participate in substance abuse prevention 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 substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (c).
 - (2) For a violation of this section following a prior conviction or juvenile adjudication for a violation of this section a fine of not more than \$200.00, and may be ordered to participate in substance abuse prevention 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 substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (c).
 - (3) For a violation of this section following two or more prior convictions or juvenile adjudications for a violation of this section, a fine of not more than \$500.00, and may be ordered to participate in substance abuse prevention 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 substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (c).
- (b) A person 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) The court may order the person convicted of violating subsection (a) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in section 6103 of the public health code, 1978 PA 368, MCL 333.6103, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.
- (d) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating subsection (a) or (b) as provided in section 319 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.319.
- (e) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor may require the minor person to submit to a preliminary chemical breath analysis. A peace officer may arrest a minor person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor. A minor who refuses to submit to a preliminary chemical breath test analysis as required in this section is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00.
- (f) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, purchased,

or attempted to consume, possess, or purchase alcoholic liquor in violation of subsection (a) shall notify the parent or parents, custodian, or guardian of the person 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 notice required by this section shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (a) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1—722.6. The notice may be made 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 section.

- (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 Liquor Control Act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- (h) This section does not limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of this section or a state act.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) The state police, the liquor control commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (a).

(Ord. No. 2000-01, § 2, 1-18-00)

State law reference— Similar provisions, MCL 436.33b.

**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

Second Reading & Adoption:
October 16, 2017

Ayes _____
Nays _____
Absent _____

Ayes _____
Nays _____
Absent _____

Jill Domingo
City Clerk

Garrett Brown,
Mayor

HV

Tuition Reimbursement New Language with alteration of Section 10 Educational Incentive from the contract.

New Language:

SECTION 8. TUITION REIMBURSEMENT (pg. 35)

The City will grant tuition reimbursement for the continuing education of its employees under the following conditions.

A. Eligibility:

To be eligible for reimbursement the employee must:

1. Receive written approval from the City Manager prior to taking the course
2. The course must be job related or core courses that are related to a degree.
3. The employee must pass the course with a grade of C or better.

B. Payments:

The City will reimburse an employee meeting the above requirements for seventy five (75) percent of their tuition per semester, up to the amount of one thousand two hundred and fifty dollars. (\$1,250.00 Dollars). Reimbursement payments will be made on per semester basis not to exceed two semesters of accredited study per calendar year.

C. Accredited Agency Training:

Employees enrolled in an accredited Staff and Command School by the city will have that time count as two semesters of study. Such employees will be not eligible for reimbursement assistance during that same fiscal year the City is paying for Staff and Command School. At the beginning of the next fiscal year, the employee would then be eligible to receive tuition reimbursement.

G. SECTION 10 Educational Incentive (Page 36)

HV

Officers that are State certified as an Accident Reconstructionist shall receive a one-time bonus of \$300.

H. Section 2- (2) Retirement (pg. 28)

The contribution to the retirement system shall be four (4%) percent of an employee's compensation with the breakdown as follows:

| | | |
|--------|----------------------------|-----------------------|
| 2019 | Employee contribution=3.5% | City contribution=.5% |
| 2020 - | Employee contribution=3% | City contribution=1% |

I. Section 3-Overtime (H) (pg. 24)-

Compensatory time shall be granted upon the mutual agreement of the employee and the City. Compensatory time will be computed at one and one-half (1 ½) hours of compensatory time off for each one (1) hour of overtime worked to a maximum accrual of one hundred sixty-eight (168) hours. The one hundred sixty-eight hours will be used in the following manner;

1. Eighty four (84) hours can be used by the employee, for leave from work without consideration of overtime.
2. An additional eight four hours may be used for leave from work, if the employees request does not create overtime. The Director of Public Safety will review the employees request to use the compensatory time in subsection two (2), for the purpose of determining if overtime is created by the employees leave from work.
3. An employee may carry over at the end of the fiscal year (December 31st) a maximum of one hundred sixty-eight (168) hours of compensatory time. Any or all of the employee's accrued compensatory time up to a total of four hundred and eighty (480) hours, may at the employee's discretion be transferred to the employees PTO Gap Bank. All accrued compensatory time may be paid out once a year at the officer's request. The requested pay out must be within the calendar year it is earned.
4. The Detective Sergeant position will receive an additional one (1) hour of overtime pay for call-ins when it is investigative in nature

The payout of compensatory time will not be used in the employee's FAC calculation and will be issued in a separate check.

J. Section 2: PAID TIME OFF (PTO LEAVE TIME)

- A. To be eligible to receive PTO time, an employee cannot be on Leave without Pay, (excluding Family Medical Leave, Workman's Compensation, and Military Leave). If an employee has been on leave without pay and returns during that calendar year, the employee will receive their PTO time at a pro-rated calculation determined by the Union and the City.
- B. PTO leave shall be granted to eligible employees by the Director of Public Safety. PTO leave shall be granted at such times which least interfere with the efficient operation of the Public Safety Department.
- C. PTO leave time used for the purpose of vacation may be used in conjunction with compensatory time off. If an employee is off duty for such purpose it shall be considered as being on vacation for the purpose of determining the number of employees that may be off duty during any particular vacation period.

An employee shall not use more than a fifty percent (50%) split between the w PTO leave time and compensatory time off. PTO leave time shall always be equal or majority of time used. PTO leave requests, for the above mentioned purpose, must be made by February 15th preceding the period. Officers who make request by February 15th shall be granted PTO leave preference, in accordance with Departmental seniority, and within any rank by rank seniority. Officers in the Detective Division shall select PTO leave time, for the purpose of vacation, on a schedule that is separate from all other employees in the department.

- D. If an employee who is otherwise eligible for PTO leave, with pay, quits, or is discharged without having received the same, such employee shall receive, along with his final paycheck, a payout of unused PTO leave time for which he qualified on his prior anniversary date. Additionally, an employee who voluntarily separates from the City's services after giving not less than fourteen (14) calendar days advance notice of such action to the Director of Public Safety, or who is laid off, shall be paid for PTO time accumulated through the last full month of his service from his most recent anniversary date.

New Language:

1. Paid Time Off (PTO) is as follows:

| Seniority | PTO Hours Earned |
|------------|------------------|
| 1-5 Years | 172 Hours |
| 6-14 Years | 212 Hours |
| 15 + Years | 264 Hours |

2. PTO when used as vacation must follow seniority and be scheduled per existing/current

standards within the ACOA contract

- 3. PTO when used as sick time must be used per existing/current standards within the ACOA contract.

3. Other PTO Terms

a. Long Term Disability

- b) The City will provide long term disability after ninety (90) calendar days of the employee being off starting 01-01-2018.

Gap Bank Accumulation.

- a) Maximum of 480 hours.

- b) Once GAP Bank reaches 480 hours, the employee may choose to either

1) Be paid out remaining 42 hours

2) May transfer remaining 42 hours to PTO time or

3) May transfer remaining 42 hours to PTO Gap Bank. Employee must notify the Chief of Public Safety in writing or by email, by December 30th of each year of what they want done with their remaining PTO time. If a written notice is not received by the Chief of Public Safety by December 30th, the 42 hours will be transferred into the employee's PTO Gap Bank unless full then it will be transferred to employee's PTO bank. Any time over 42 hours will be forfeited.

- All Current employees' vacation and sick time will be transferred into PTO and /or Gap Bank as of the date of contract. For employees with more than 480 hours the time would be converted to the GAP Bank to either be used by the employee or to be paid out per the contract at retirement. Employees with less than 480 hours would be converted to PTO bank.
- Employees will receive their PTO leave accrual on January 1st of each year.
- Employees may choose at the end of each calendar year to covert 42 hours into GAP Bank or be paid out
- Use of Gap Bank:
- For any illness/disability employee must use five (5) consecutive days of PTO time before using time in GAP Bank and may be used up until long term disability becomes available. GAP Bank cannot be used to replenish PTO time.
- An employee hired before January 1, 2004, who is leaving the service of the

CITY through retirement, excluding deferred retirement, will be paid on the existing bi-weekly schedule, or in one lump sum, at the sole discretion of the employer, for a maximum of four hundred and eighty (480) hours of unused time off which then remain to his credit at the rate of sixty-five (65%) percent at his wage rate in effect on the date of death for each hour of such accumulated credit. This payout will not be used in the employee's FAC calculation and will be issued in a separate check.

- An employee hired after January 1, 2004, who is leaving the service of the CITY through retirement, excluding deferred retirement, will be paid on the existing bi-weekly schedule, or in one lump sum, at the sole discretion of the employer, for a maximum of four hundred and eighty (480) hours at the rate of fifty (50%) percent of the accumulated PTO time at the wage rate in effect on the date of the employees retirement, for each hour of such accumulated credit. Upon the death of an employee, his spouse, and if there is no spouse, then the deceased employee's estate, will be paid in one lump sum for a maximum four hundred and eighty (480) hours of unused time of which then remain to his/her credit at the rate of fifty (50%) percent at his wage rate in effect on the date of death for each hour of such accumulated credit. This payout will not be used in the employee's FAC calculation and will be issued in a separate check.

L. Section 8. Sick Time with Pay. During the period of absence from work due to a non-compensable illness or injury, an employee shall be paid from and to the extent of his paid time off credit. An employee who falls ill or is injured and who expects to be off work must notify the Department of Public Safety as promptly as practicable under the circumstances but, in any event, no later than the beginning of his scheduled shift on the day of his absence from work. His failure to promptly notify the CITY may result in denial of his claim for paid time off credit.

An employee must make prompt claim for PTO on a form available from the Director of Public Safety. The Director of Public Safety may require a physician's certificate to confirm the reasons for an absence due to illness or injury or for verification of the fact that the employee is able to return to work. Such physician's certificate may be required of each employee who is absent from work for a period of three (3) consecutive duty days for.

M. Sick Time Incentive Remove from Contract

To the extent possible, employees should schedule dental or medical appointments during off duty hours. However, when this is not possible, the employee should schedule the appointment for beginning or end of his/her work shift, thus limiting the time off needed for the appointment. The employee, at his/her discretion, shall use either accumulated compensatory time off or PTO time.

Outstanding Issues:

- Language for Promotion to Deputy Chief
- Letter of Understanding listing each employee and how pro-rating of vacation/sick time will be handled until January 1, 2018
- Letter of Understanding for employees with more than 480 hours of current sick time.

AM MC

City of Albion Response -AFSCME

September 19, 2017

JK
N/A

TA
9-19-17
MJP

Discussion on the Following Items:

1. Residency-City's stance on living within a 20 mile radius? *City Manager will look into this with a response for the next meeting. Yes - if there is no additional cost to the City. Retiree is responsible for full cost of premiums and deductible. Required to obtain Medicare upon eligibility (age 65 currently)*] Retirement related
2. Is it possible to obtain safety glasses from somewhere other than where they are currently getting them? There have been many problems with the current location in Marshall such as business hours, selection of glasses and unprofessional behavior toward employees. **Establish annual reimbursement**
3. AFSCME union requests a "me-too" clause **Agreed**
4. Would like to discuss financials at the next meeting. *The City is currently offering no increase for all employees for the term of the contract. Offering 3 year agreement, 2% increase each year: Jan 2018, Jan 2019, Jan 2020*
5. The union will review the contract language for workman compensation and discuss at the next meeting. **Working on city-wide policy**
6. The City provided the procedure for Disciplinary Process to be implemented on September 1, 2017 and asked the Union to review and provide any comments. This policy has been presented to all unions and will pertain to ALL city employees to be treated equally. The draft is from the MML. The question was raised as to whether the Disciplinary Policy language will be added to the contract? *The policy language will not appear in the contract but will be a City wide policy to be followed by ALL employees. In no way does the policy and procedure inhibit unions from their rights of grievance. Foreman positions already have included in the job description management, supervisory and job performance responsibilities.*
7. The question was raised regarding the Disciplinary Policy the difference between the Supervisor and the Department Head? **The Supervisor would be considered the foreman and Department Head would be the Director of Public Services and with whom the discipline would lie with.**
↓ Dept. Director & Supt. of Waste Water
8. The union asked if the W-6 position for the Wastewater Treatment Plant is not going to be filled, that the City send a letter to the union stating such. **Agreed**

9. **General Foreman – language changes to Appendix B. Two (2) hours minimum for on-site responses.**
10. **Foreman On call rotation from \$20 per day to \$25 per day**
11. **Foreman On call rotation – 7 days period from \$140 per week to \$175 per week**
12. **Appendix F – License Incentive – recommended changes** pg. 80
13. **Health Saving Account - \$2,000/\$4000 – prorated on a quarterly basis for new hires/enrollees. Ten (10%) deducted employee contribution deducted over the course of the year.**

CITY RESPONSES TO AFSCME LOCAL 1248 – ECONOMIC PROPOSALS

- Pg. 50 – Article XII Fringe Benefits – Section 3 – Insurance
 - **Investigating costs of offering medical insurance plan after retirement at the group rate**
- Pg. 50 – Article XII Fringe Benefits. Section 6. Boots
 - **Increase annual reimbursement from current \$125 to \$150**
 - **ALSO: Safety glasses on reimbursement basis** → check on max
- Page 58 – Article XIII Leave Time. Section 11. Compensation Pay
 - **Increase from 40 hours to 56 hours maximum to accrue.**
 - **Approval subject to not incurring overtime**
 - **Can be required to use in conjunction with at least 50% vacation time**



ASAKE
9-19-17
Defunct
Dept H
Supervisor
- Dept Direct
- Foreman

**Procedure For
Supervisory Disciplinary Process**

X Loomis

I. Purpose

To define a process for the administration of discipline for the Department. It is important that each member of the Department understand the consequences of not performing his or her duties within established practices and procedures, standards of behavior or the law.

II. Authority to Discipline

- A. The authority to discipline an employee lies with the Department Head or designee. Discipline is defined as the consequences for improper behavior and a means to maintain order.
- B. Department Heads are granted authority to take corrective action consisting of counseling, remedial training, or written warnings. Notification of the action will be promptly sent to the City Manager for final approval.
- C. In serious cases where there is potential harm to self, other or property are observed or emergency situations, Supervisors have authority to immediately relieve an employee from duty pending further investigation. This initial suspension shall be with pay:
 - 1. Upon suspension an employee is to be ordered to appear at a specified date, time and location.
 - 2. The Department Head and City Manager will be promptly notified of the suspension.

III. Providing Safe Work Environments

- A. **Department Head and Supervisors** should remain alert for indications of behavioral problems, or changes that may affect an employee's job performance. Supervisors should document the behavior and report it to the Department Head.
- B.E. —Where a **Department Head or Supervisor** perceives that an employee may be having or causing problems, the supervisor should assess the situation and determine the most appropriate action.
 - 1. A **Department Head or Supervisor** may recommend disciplinary action or additional training to refresh and reinforce an employee's skills.
 - 2. Counseling may be used by the **Department Head or Supervisor**:



CITY OF ALBION

- a. to determine the extent of any personal or job problems that may be affecting performance and to offer assistance and guidance;
 - b. to discuss minor and infrequent rule violations and to discuss the substance and importance of the rules with the employee.
- HC. The **Department Head** or Supervisor shall document all instances of counseling or additional training used to modify an employee's behavior, using prescribed forms and documentation. Copies of such documents along with disciplinary recommendations, if any, shall be forwarded to the Department Head.
- I.D. All discipline documentation shall be forwarded to the City Manager and will be filed by Human Resources in the central employee files.
- J. ~~Supervisors and Department Heads~~ ^{Deputy & Supt} ~~and Supervisors~~ may maintain working files for employee ~~disc-~~**disciplinary files** but may not maintain separate ~~disc-~~**disciplinary** files from the central employee files maintained by Human Resources.

III. Determination of Charges

- A. The disciplinary process is initiated upon the receipt of an investigatory report or other determination that outlines specific behavior or occurrence that allegedly violates the rules or procedures of the department or the law.
- B. The Department Head or a designee shall review the report and supporting documentation to determine if the material constitutes a charge under the rules of the Department and/or the City.
- C. After review of the report the Department Head or a designee may make a determination as to the status of the charges using one of the following classifications:
 - 1. **Sustained:** Evidence exists to support the allegation and further action is to be taken.
 - 2. **Not Sustained:** Insufficient evidence exists to either support or disprove the allegation. May be returned for further investigation.
 - 3. **Exonerated:** No violation occurred or actions were justified.
 - 4. **Unfounded:** The alleged misconduct did not occur.
- D. Within 10 days of a determination, the employee will be notified of the finding by written correspondence.



IV. Initiation of Disciplinary Process

If an allegation is sustained and disciplinary action may be taken, the Department Head or a designee shall cause the employee to be notified of pending charges and potential disciplinary action. A notification of charge(s) will contain the following information:

- A. The particular rule(s) alleged to have been violated.
- B. The duties assigned and place(s) where the alleged acts or omissions occurred.
- C. A statement of alleged acts, omissions or admissions.
- D. That disciplinary action will be taken if determination of responsibility is found.
- E. If a hearing is to be held, it should be within ~~5 business~~ *30 calendar* days of the date of the notification of charges.
- F. That the employee may be assisted by another person of their choosing at any hearing or as indicated per contract.

V. Determination of Hearing

If the sustained allegations are serious enough that, the likely disciplinary consequence could affect the property interests of an employee, a determination hearing to discuss the allegations must be held. In such cases, the notification of charges must include the date, time and place for a hearing. The hearing is to be held within 5 business days of the date of the notification of charges.

- A. At the date, time and location specified in the notification of charges, a closed hearing will be held, chaired by the Department Head or a designee.
- B. The management attendees at the hearing will be designated by the Department Head or a designee.
- C. The employee is required to attend the hearing and may designate a representative to be present, if desired.
- D. The hearing shall consist of the following:
 - 1. An oral notice of the charge(s).
 - 2. An explanation of the evidence.
 - 3. An opportunity for the employee to offer his/her side of the incident, including relevant mitigating or extenuating evidence.
- E. Within 5 days of the hearing conclusion, the Department Head, or a designee, shall notify the employee of the final decision concerning the charge(s), and render disciplinary action if determined appropriate.



VI. Rendering Disciplinary Action

- A. If it is determined the employee is responsible for a rules, policy, procedure or law violation and that disciplinary action is appropriate, the Department Head, or a designee, may impose disciplinary action consisting of, but not limited to, the following:
- Counseling,
 - Written Reprimand,
 - Probationary Period.
- B. If it is determined the employee is responsible for a rules, policy, procedure or law violation and that disciplinary action is appropriate, the City Manager, or a designee, may impose disciplinary action consisting of, but not limited to, the following:
- Restitution or Fees,
 - Suspension Without Pay,
 - Demotion,
 - Termination.
- C. In addition to discipline, the City Manager, or a designee, may direct an employee to complete psychological testing, medical examination, drug testing, counseling, alcohol treatment, remedial training or other conditions. Failure to comply with such requirements may be cause for additional disciplinary action, up to and including termination of the employee.

VII. Documentation of Discipline

- A. Upon completion of the discipline process, a Discipline Documentation Notice or a formal written letter outlining the specific charge(s) levied against the employee and the discipline imposed will be placed in the employee's personnel file. A copy of the memo will be provided to the affected employee and Union Representative.
- B. If disciplinary action includes termination, the following information will be provided to the employee:
1. A written statement citing the reason for termination;
 2. The effective date of the termination; and
 3. A statement of the status of fringe and retirement benefits after dismissal.



VII. Appeal Process

An employee subject to disciplinary action may appeal or grieve the discipline through the **appropriate** process established. When applicable, other remedies may be sought as established by law, contract, or procedure.

IX. Employees of the City Assigned to or Assisting Other Agencies

Employees of the City assigned to or assisting other agencies will be guided by this policy.

X. Application

- A. This order constitutes City policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.
- B. **In no way does this policy inhibit unions from their contractual rights of grievance in accordance with the Collective Bargaining Agreement.**
- B-C. This policy amends any previous City or Department policies relative to discipline, effective July 1, 2017.

Policy History:

City

Accepted July 1, 2017

MML

Accepted May 16, 1996
Amended October 15, 1996
Reviewed October 14, 1997
Amended September 30, 1998
Amended September 30, 1999
Amended September 28, 2000
Reviewed September 28, 2001
Amended September 27, 2002
Amended September 26, 2003
Amended September 29, 2005

CALEA

CALEA Standards 26.1.4 through 26.1.8

Jill Domingo

From: Sheryl Mitchell
Sent: Tuesday, September 19, 2017 4:58 PM
To: Precinct6; cullen@harknesslawpllc.com; Mayor; Precinct5; Precinct2; Precinct4; Precinct1; Precinct3
Cc: Jill Domingo
Subject: FW: Dalrymple port-a-pottie

Mayor and Council,

The response from the Calhoun County Land Bank inquiries about the Dalrymple property are provided below.

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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-----Original Message-----

From: Krista Trout-Edwards [mailto:kedwards@calhouncountymi.gov]
Sent: Tuesday, September 19, 2017 1:36 PM
To: Sheryl Mitchell <smitchell@cityofalbionmi.gov>; Sonya Brown <sonyabrown41@yahoo.com>
Cc: Brian Wensauer <BWensauer@calhouncountymi.gov>; Nina Baranowski <nbaranowski@calhouncountymi.gov>; Melinda Weaver <mweaver@calhouncountymi.gov>; Jim Dyer <JDyer@calhouncountymi.gov>
Subject: RE: Dalrymple port-a-pottie

Hi Sheryl and Councilwoman Brown,

I spoke to the contractor and the port-a-pot will be removed this week, it remained at the site because they are not quite finished with the work. As for the status of the plans for Dalrymple, we are still finalizing a few things regarding restoration and the curb removal/replacement. Those items should be wrapped up within the next few weeks.

Krista

-----Original Message-----

From: Sheryl Mitchell [mailto:smitchell@cityofalbionmi.gov]

Sent: Tuesday, September 19, 2017 7:15 AM

To: Krista Trout-Edwards

Subject: FW: Dalrymple port-a-pottie

Krista,

Good morning!

Received the inquiry below from Council Member Sonya Brown.

She also inquired about the status and plans for the Dalrymple site.

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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-----Original Message-----

From: Sonya Brown [mailto:sonyabrown41@yahoo.com]

Sent: Monday, September 18, 2017 8:51 PM

To: Sheryl Mitchell <smitchell@cityofalbionmi.gov>

Cc: Garrett Brown External <gqbrown09@gmail.com>

Subject: Dalrymple port-a-pottie

Sheryl,

Can you touch base with Kriska about removing the potty at the Dalrymple site? I'm afraid someone might get locked inside or children made play around with it.

Thanks,

Sonya

City of Albion
Schedule of Budgets Presented To Council

| <u>Fund #</u> | <u>Dept #</u> | <u>Fund Name</u> | | | |
|--|---------------|---------------------------------|-----|--|--|
| nted To Council on Monday, October 23rd, 2017 @ 7:00pm - General Fund & | | | | | |
| <u>GENERAL FUND</u> | | | | | |
| 101 | 000 | Revenues | | | |
| 101 | 101 | City Council | | | |
| 101 | 172 | City Manager | | | |
| 101 | 209 | Assessing | | | |
| 101 | 210 | Attorney | | | |
| 101 | 215 | City Clerk | | | |
| 101 | 226 | Human Resources | | | |
| 101 | 260 | Finance / Treasurer | | | |
| 101 | 265 | Municipal Building | | | |
| 101 | 276 | Cemetery | | | |
| 101 | 345 | Public Safety | | | |
| 101 | 422 | Code Enforcement | | | |
| 101 | 442 | City Maintenance | | | |
| 101 | 444 | Tree Trimming | | | |
| 101 | 447 | Engineering | | | |
| 101 | 526 | EPA Landfill | | | |
| 101 | 758 | Albion River/Bike Trail | New | | |
| 101 | 775 | Parks | | | |
| 101 | 778 | Holland Park | | | |
| 101 | 895 | General Appropriations | | | |
| <u>SIDEWALK PROGRAM</u> | | | | | |
| 367 | | Sidewalk Program | | | |
| <u>BONDS</u> | | | | | |
| 363 | | Energy/425/Generator Bonds | | | |
| 364 | | GO Bond for Water Projects | | | |
| 369 | | Albion Building Authority Bonds | | | |
| 374 | | DPW Building Debt | | | |
| <u>TRUSTS</u> | | | | | |
| 711 | | Cemetery Trust | | | |
| 735 | | Albion Trust | | | |
| 737 | | Retiree Health Care | | | |

City of Albion
Schedule of Budgets Presented To Council

| <u>Fund #</u> | <u>Dept #</u> | <u>Fund Name</u> | | | |
|---|---------------|--|--|--|--|
| Presented to Council on Monday, October 30th, 2017 @ 7:00pm - Public Services & Safety | | | | | |
| | | <u>PUBLIC SERVICES</u> | | | |
| 226 | | Solid Waste | | | |
| 590 | | Sewer Fund | | | |
| 591 | | Water Fund | | | |
| 661 | | Equipment Pool | | | |
| | | <u>MISC.</u> | | | |
| 208 | | Recreation Fund | | | |
| 250 | | Community Development Block Grants | | | |
| 265 | | Drug Law Enforcement | | | |
| 732 | | Public Safety Pension Trust | | | |
| Presented to Council Monday, November 13th, 2017 @ 7:00pm - Component Units & Streets | | | | | |
| | | <u>COMPONENT UNITS</u> | | | |
| 244 | | Economic Development | | | |
| 247 | | TIFA | | | |
| 296 | | Revolving Loan | | | |
| 246 | | Business Incubator | | | |
| 248 | | DDA | | | |
| 275 | | Albion Building Authority | | | |
| 277 | | Maple Grove Apartments | | | |
| | | <u>STREETS</u> | | | |
| 202 | | Major Streets | | | |
| 203 | | Local Streets | | | |
| 450 | | Street Improvement Fund | | | |
| 452 | | MDOT Street Reconstruction | | | |
| | | <u>OTHER ELEMENTS</u> | | | |
| | | Personnel & Salaries/Wages | | | |
| | | Fee Schedules | | | |
| | | Budget Wrap Up | | | |
| Monday, November 27th, 2017 - On Reserve if Needed | | | | | |
| Before Council on Monday, December 4th, 2017 @ 7:00 pm - Public Hearing | | | | | |
| Before Council on Monday, December 18th, 2017 - Adoption of 2018 Budget | | | | | |
| | | Budget Resolution - FY 2018 | | | |
| | | Levy of General Operating Millage | | | |
| | | Budget Resolution - FY 2017 Amendments | | | |



City of Albion

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

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

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

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

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

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

Name: Scott Edward Evans
(First) (Middle) (Last)

Home Address: 9091 28 Mile Rd, South Telephone #: 517-499-9961
Albion, MI 49224

Place of Employment: Homestead Savings Bank

Business Address: 415 S. Superior St Telephone #: 517-629-5588

E-Mail: sevans@homesteadsavings.com Fax: 517-629-2455

Title/Type of Work: President/CEO

Length of Residence in City: 2 Yrs Own/Rent: Own US Citizen: Y X N

Educational Background: 37 Years in Banking
Robert M Perry School of Banking/Central Michigan University
Graduate School of Banking/University of Wisconsin

Community Activities: Member - First Baptist Church

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

- 1) Albion Economic Development Corp
- 2) _____
- 3) _____
- 4) _____

Additional information on experience, qualifications, etc.:

Member of City of Albion DDA

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

To use my banking experience for the Economic Development
in the City of Albion and surrounding areas.

Relationship to City Officials/Department Heads: Are you, your spouse, or other close family members related to any City Officials or Department Heads? If yes, please explain: _____

None

Business relationship: Do you, your spouse, or any close family member currently have a business relationship with the City of Albion? If yes, please explain: _____

None

Convictions: Have you ever been convicted of any criminal violation? Have you ever been convicted of a felony while holding public office or public employment? If yes, please explain: _____

None

REFERENCES:

Name: Peggy Sindt Relationship: Bank Director

Telephone #: 517-250-2224

Name: Herman McCall Relationship: Bank Director

Telephone #: 734-972-2444
Application for Membership

Page 3 of 3

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

CONSENT AND CERTIFICATION

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

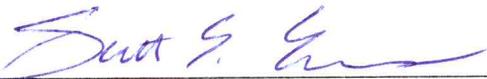
I hereby authorize the City of Albion to verify all the information I have provided on my application. I also agree to execute any additional written authorizations necessary for the City to obtain access to and copies of records pertaining to this information. I release the City of Albion and agencies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

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

I, Scott E Evans, certify that the information provided
(Please Print)

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

Date of Birth: 10/31/1962

Signature:  Date: 7/24/2017

City of Albion
City Manager Dr. Sheryl L. Mitchell
Year in Review - August 2017

September 2017 will mark the completion of my 3rd year as City Manager with the City of Albion. There is still a lot to be accomplished, but because of our very dedicated staff and tremendous partnerships, we have achieved some extraordinary results. Below are some highlights:

LEADERSHIP

- Organized Goal Setting sessions with Mayor, Council, Department Heads and Community Stakeholders to identify goals and prioritize strategies. Holding twice monthly department head meetings to increase collaboration and communications.
- Serve on EDC Economic Development Strategic Planning Committee in creating a unifying direction for the economic and business development entities in Albion and improving the ability and efficiency of the EDC and its partners to attract, retain, and grow business.
- Meeting with individual departments to hear employee concerns and keep employees informed on goals, objectives, and projects.
- Worked with staff and council to develop Capital Improvement Plan.
- Involved with the Regional Health Alliance’s Leadership Council in ensuring that a health equity lens is incorporated into strategic decisions that can impact health disparities.
- Continuing to build strong working relationships with other units of government, leaders, businesses, and nonprofit organizations. Establishing new culture - “New Albion” with focus on communication, innovation, and collaboration.
- Providing Council with monthly Budget-to-Actual Reports.
- Achieved Albion’s 2nd clean audit report in 17 years.
- Creating a work environment that encourages creative thinking, and to maintain focus, intensity and persistence, even under adversity.
- Collaborated with other organizations to hold a Community Visioning event.
- Representative on various boards and commissions, including Albion Building Authority, Downtown Development Authority, Planning Commission, Economic Development Corporation, and Zoning Board of Appeals.
- Established internal communication through Human Resources to update employees on new policies and events that impact them directly – and also celebrate work anniversaries and birthdays.
- Sending personal note of congratulations to employees to thank them for their years of service on their anniversary date.
- Recipient of Stand Tall Award from Starr Commonwealth.

MANAGEMENT SKILLS:

- Assisted Council Member initiatives including activities related to Holland Park, Neighborhood Cleanups and precinct meetings with constituents.
- Negotiated terms of real estate agreement on behalf of Albion Building Authority.
- Administered CDBG grant application process, including RFP for the Peabody Project
- Administered Michigan Natural Resources Trust Fund Grant for the Albion River Trail Expansion project.
- On site supervisory for AmeriCorps/Vista members assigned to City of Albion focusing on neighborhood stabilization and planning.
- Developed system wherein Assistant City Manager can track citizen inquiries and requests for services.

- City's Team Leader for ongoing projects (MDOT-M-99 Superior Street Reconstruction, Peabody Project, Albion Malleable Brewing, and Redevelopment Ready Communities).
- Developed process for notification of delinquent billings for Granger service.
- Established communication policy for a positive workplace environment.
- Initiated process with Finance Director to be more proactive in identifying when departmental budgets may require amendments in their line items.
- Successfully renegotiated an inter-governmental agreement with the City of Marshall for shared services in the Assessing Department.
- Working with Departments to continuously update policies and procedures (including Discipline Policy and Customer Service)
- Working closely with City Attorney to collect outstanding personal property taxes.
- Initiated Ordinance Amendment that allows for sidewalk cafes in the Downtown District.
- Set-up regular meetings with staff in leadership roles to discuss status and updates of projects.

CITY CHARTER

- Developed and recommended a General Fund Balance Policy for City Council's consideration that established maintaining a 15%-20% operational fund balance.
- Budgeted fund balance for FY 2016 General Fund was \$14,173; audited balance reflected \$300,000.
- Negotiated with Community partners to enter into formal agreements for shared operations/programs.
- Arranged for Michigan Municipal League consultant and attorney to provide overview of Open Meetings Act and governmental roles and accountability.

MEDIA AND COMMUNITY RELATIONS

- Working with Chamber, EDC, Albion College, KCC and others to form a community branding strategy.
- Negotiated terms for renewal of WOW Franchise Agreement
- Negotiated agreement with Albion Community Gardens for water service
- Invited Albion College art students to have artwork displayed in City Hall.
- Worked with Vista members in development of Community Needs Assessment.
- Provided Ad-Visor Newspaper with articles and announcements.
- Represent City in the Albion-Marshall Resilient Communities Project.
- Represent City on the Diversity Committee.
- Spoke to Albion College Students as part of Ford Institute, Human Services courses and Intercultural Affairs.
- Received funding from Albion Community Foundation for Junior Optimists to host a statewide conference of youths at a leadership conference held in Albion.
- Represented Albion as part of the Sister City 20th Anniversary Celebration in France.
- Received highest recognition in Calhoun County from media for "Sunshine Week" relative to transparency in government.
- Regular updates to website and continued cost savings from eliminating the need to hire a consultant for updates and empowered departments to post information frequently.
- Through the City Clerk's office publish a weekly electronic newsletter.
- Added a "Visit Albion" Facebook Page to the Social media portfolio.
- Posting of financial information online through Munetrix, which provides financial transparency for residents with a web-based "dashboard" and an easier format for submitting required data to the State.
- Actively involved with a number of community organizations including: Junior Optimists, Mayor's Youth Leadership Council, Rotary, Ismon House, Substance Abuse Advisory Committee, and Summit Pointe.
- Included 2 park sites as "bit ads" in Albion Map circulated by the Chamber.

- Addressed local organizations to provide updates - including: NAACP, Substance Abuse Prevention Services, Kids at Hope, Chamber of Commerce, Rotary, Lion's Club, and several churches.
- Added biographies of Council members to city website.
- Partner with Chamber to distribute information about upcoming events.

JUDGMENT AND DECISION MAKING

- Working closely with City Attorney to collect outstanding personal property taxes.
- Implemented Health Reimbursement Accounts (HRA) accounts for employees whose age prohibits their participation in the City's HSA system (in accordance with Affordable Care Act requirements) – contracted with 3rd party administrator to improve access to services.
- Working with administrators to establish Discipline Policy and Customer Service Standards across departments.
- Developed Capital Improvement Plan, in conjunction with Council Members and Departments to identify and prioritize needs and financing resources for public infrastructure improvements through 2022.

FINANCIAL MANAGEMENT AND BUDGETING

- Recommended balanced budgets for 2015, 2016 and 2017.
- Collaborated with Calhoun County Treasurer and Land Bank for demolition of Dalrymple School and avoiding significant upfront cost sharing from the City of Albion.
- Cancelled Pitney Bowes postage service and converted to mail service to achieve cost savings and efficiencies in processing bulk mail.
- Successfully applied for USDA Rural Business Development grant for upgrades of parking lot on Ash Street.
- Contracted services to improve income tax processing and collections.
- Working with volunteers, awarded Albion Community Foundation grant funding for bicycle racks in the downtown area.
- Collaborated with Marshall Public Schools and Oaklawn Hospital for interim funding of the Albion Marshall Connector service.
- Maintain ongoing efforts to identify new funding and reduce costs.
- Attained grant funding, in conjunction with Council Member Reid and the Holland Park Transformation Committee for Holland Park to install the children's play area, children's walk, senior outdoor exercise area, History Hill, and youth outdoor exercise area.
- Recently, awarded \$90,000 from Enbridge for the basketball court, restroom and river clean up.
- Working closely with Michigan legislators, obtained \$900,000 for water tower and system upgrade.
- Received grant fund to support Community Clean Up Program. Received \$20,000 grant for the Recreation Department's overhead to operate the Recreation Center.
- Issued RFPs and implemented Single Hauler Trash and Yard Waste Service approved by Council.
- Negotiated additional reduction in contract for Assessor services with the City of Marshall.
- Initiated talks with Calhoun County Road Department regarding possible partnerships for the purchase/lease of equipment and ability to leverage their existing contracts, particularly for road repairs.

PERSONNEL MANAGEMENT

- Established expectations for “Team Albion” – particularly those in leadership roles:
 - Understand and communicate the vision, mission, and values of the City of Albion
 - Provide for meaningful involvement of others in the workplace to foster team spirit
 - Engage in effective problem solving and quality decision-making
 - Promote service delivery and customer focus
 - Build and maintain effective relationships
 - Be proactive to make a positive difference
- Instituted annual performance evaluations for all directors and employees. Management Team is evaluated based on: Administrative Competencies, Staff Management, Leadership, and Work Methods and Qualities.
- Restructured City Manager’s office to add full time Assistant City Manager and reassigned Human Resources clerical duties to the ADPS Clerk position.
- Drafted Customer Service policy and training program to be rolled out in 2017.
- Instituted Network Password Policy in collaboration with Public Safety and I.T. Right.
- Meeting periodically with employees to continually strive to improve customer service and program performance within the existing government framework.
- Have not had any grievances filed in first 12 months, due in part to open door policy.
- When warranted, refer employees for Employee Assistance Program services.
- Implement employee-related policies (including Last Chance Agreements) up to and including Separation Agreements, when circumstances warrant a voluntary or involuntary resignation.
- Directed Human Resources to start a monthly newsletter for employees to communicate updates and celebrate birthdays and work anniversaries.
- Established Employee of the Month Program to recognize staff who are providing exceptional service.
- Meet with staff in leadership roles at least once a month.

COMMUNICATION TO THE COUNCIL

- Every effort is made to keep council up to date.
- Council Members are provided copies of the e-newsletter and other communications as items develop.
- Frequently, memos accompany the more complicated issues that come before Council for their consideration.
- Scheduling more Study Sessions to allow for a greater opportunity to delve into complex topics.
- Periodic one-on-one meetings with the Mayor and each Council Member.
- Assisted council members in preparing for community meetings.

ACHIEVEMENT OF COUNCIL ADOPTED GOALS

CITY MANAGER 2017 GOALS:

1. **GOVERNANCE** – Participate in MML Training
2. **INFRASTRUCTURE** – With available funding, City Council will determine whether to build a new water tower or expand the existing tower.
3. **EMPLOYMENT & BUSINESS RECRUITMENT** – Establish a work group.
4. **NEIGHBORHOOD STABILATION** – Research equipment, costs, programming, etc. For public access channels
5. **NEIGHBORHOOD STABILATION** – Research sustainable funding to address local transportation
6. **GATEWAY APPEAL** – Identify possible funding for I-94 bridge on Eaton Street (lights and signs)

1. **Governance - Participate in MML Training.**

- The onsite training was arranged through MML for council, staff, and members of boards and commissions.
- Additional consultations were arranged to assist Mayor and Council in drafting revisions to the Council Rules of Procedure.
- Provided orientation with City Attorney for newly elected council members; provided overview of City policies and procedures.

2. **Infrastructure - Water Tower**

- Working with Engineering consultant, presented options to City Council regarding repairing existing structure and/or adding additional tower.
- Obtained \$500,000 in special funding appropriation from Michigan legislature in 2017 for upgrades to the Waste Water Treatment Plant.
- Working with engineering consultant to prepare USDA funding application for water towers and water system upgrades.

3. **Employment & Business Recruitment**

- Working with EDC to connect employers with employees and address gaps in workforce development.
- Meetings with Michigan Works to establish soft skilled training .
- Working with EDC workgroup to establish Economic Development Plan, including efforts to recruit and retain businesses.
- Leadership for the Albion Chamber and Michigan Works are in transition. Efforts to resume a work group will resume after the positions are filled.
- Working with Albion Hotel to advertise for available positions.
- Collaborated with MDOT to provide Albion youth with an opportunity to participate in the Youth Development and Mentoring Program, including making arrangements with Calhoun County for the storage of vehicles and materials.
- Collaborating with Kellogg Foundation on community engagement strategies to engage communities of color for workforce development initiatives and involvement in Neighborhood Planning Councils.

4. Neighborhood Stabilization - Cable Channels

- Meetings with WOW representatives on equipment and transmission upgrades.
- It would be costly to exist existing subscription for telecommunications service until the end of the current contract next year. Will evaluate conversion to fiber network as an option at that time – as part of total upgrade in computers/telephone systems.
- ADPS acquired monitors for broadcasting of powerpoint presentations in the council chambers.

5. Neighborhood Stabilization - Local Transportation

- Obtained partnership with Oaklawn Hospital and Marshall Public Schools for shared funding to provide for the continuation of the Albion Marshall Connector through June 2018.
- Meeting to explore ongoing funding options to maintain the system.
- Working with Calhoun County collaboration to study and propose a regional transit system.

6. Gateway Appeal – Identify I-94 Funding

- Met with MDOT representatives and identified possible funding options for lighting and signage at the I-94 exchange, including TAP funding and MDOT Economic Development funding as part of a larger wayfinding (signage) project.
- Discussions with Calhoun County Visitors Bureau regarding funding for wayfinding project in Albion.