



**CITY OF ALBION DOWNTOWN DEVELOPMENT AUTHORITY**

**REGULAR MEETING**

**WEDNESDAY, SEPTEMBER 13, 2017**

**MAYOR'S OFFICE**

**7:30 A.M.**

**MIKE TYMKEW-CHAIRPERSON**

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**AGENDA**

- I. Call To Order (Reminder: turn off cell phones)
- II. Roll Call of the DDA
- III. Approval of Prior Meeting Minutes
  - July 12, 2017 Regular Meeting
- IV. Correspondence
- V. Order of Business
  - A. Ismon House Letter of Understanding
  - B. Ismon House 5 Year Development & Maintenance Agreement
  - C. Miscellaneous Items
    - Outdoor Café Resolution
  - D. Excuse Absent Board Members
- VI. Citizen Comments (Persons addressing the DDA shall limit their comments to no more than 5 minutes. Proper decorum is required.)
- VII. Adjournment

City Of Albion  
 Albion Downtown Development Authority  
 Regular Meeting Minutes – July 12, 2017

I. CALL TO ORDER

Chairperson Mike Tymkew called the meeting to order at 7:30 a.m.

II. ROLL CALL

X	Scott Brown	A	Linda LaNoue
X	Garrett Brown	X	Don Masternak
X	Joe Domingo	X	Mike Tymkew
X	Alfredia Dysart-Drake	X	Nidia Wolf
X	Scott Evans	A	Jennifer Yawson
X	Marcola Lawler		

Administration: Sheryl L. Mitchell, City Manager, Jill Domingo, City Clerk and John Tracy, Director Planning, Building & Code Enforcement.

III. Approval of Prior Meeting Minutes

A. April 12, 2017 Regular Meeting Minutes

Motion by J Domingo, supported by S Brown to approve prior regular meeting minutes as presented.

**(MOTION carried, voice vote)**

IV. Correspondence-None

V. Order of Business

A. Superior Street Reconstruction Project

City Manager Mitchell stated MDOT has been holding open door sessions every other Wednesday for updates on the Superior Street Reconstruction Project. The next meeting will be held next Wednesday, July 19<sup>th</sup>, 2017 at the Ludington Center at 9:00 a.m. All are welcome to attend these meetings. The Superior Street Project is running approximately two (2) weeks behind schedule. The south section of the street should be open for the Festival of the Forks. Cass Street will be closed for the next 2-3 weeks.

Comments/Questions from the Board were as follows:

- Has MDOT determined the sinking problem we have previously had with Cass Street? *City Manager Mitchell stated nothing on this issue has been brought to her attention by MDOT.*
- Will they start the north section of Superior Street prior to the Festival and will they be doing construction during the Festival? *City Manager Mitchell stated*

*there will be no pause in the construction however, there will be no construction during the Festival of the Forks.*

- Why is Ash Street and other side streets being used as a detour? *City Manager Mitchell will look into the detour signs.*

Comments were received from Board Members M Tymkew, A Dysart-Drake, J Domingo and N Wolf.

#### B. Albion Hotel Update

City Manager Mitchell stated the Albion Hotel is ahead of schedule and may open at the end of this year. They would like to have a conversation with the City pertaining to sidewalk and street repair around the hotel.

Comments were received from M Tymkew.

#### C. Peabody Project Update

City Manager Mitchell stated the Peabody Project has received pre-approval from the MEDC for \$800,000 for the project. The application was sent yesterday and the approval is anticipated to be received next week. If approved, the construction on the project will begin early fall of this year.

Comments/Questions from the Board were as follows:

- Will the funds from the grant be a pass-thru through the DDA fund? *City Manager Mitchell stated the City of Albion is the actual applicant for this project and the grant funding will be a pass-thru for the project.*
- How many years is the tax abatement for the Project? *City Manager Mitchell stated the proposal is a tax sharing/abatement with the DDA.*

Comments were received from Board Members M Tymkew, S Evans, N Wolf and J Domingo.

#### D. Car Show Update

Board Member N Wolf gave the following update on the Car Show:

- The finances/charges were as follows:  
2017, June 29 Cruise-In Expenses-  
(Not Complete as of July 11, 2017)  
Cruise-In Fliers (Art Craft Press).....\$194.00  
Certificates {500 Cards for windshield display).....  
Postage (U.S. Post Office).....\$141.00  
  
Office Depot.....\$10.94  
(to fold fliers for mailing)  
  
Daytona Trophy dash  
Lester Brothers Excavating (porta-johns)..... \$320.00  
Office Depot (ink cartridge and labels).....\$56.73

Craig Parrish (D.J.).....\$200.00  
TOTAL.....\$1,260.17 to date

Still awaiting bill from Art Craft Press for the Certificate/cards.

50/50 Raffle was for \$160.00 don't have the name of the winner.  
\$160.00 will go towards downtown Christmas lights

Al Smith was able to secure 4 buckets of car cleaning products from:

- Performance Auto
- Riley Auto
- Albion Motor Supply/NAPA
- Auto Zone

Tickets were drawn for a door prize

- Finances & Expenses were relatively the same as previous years
- The fliers were a little less expensive this year
- A large portion of the cost was due to renting porta johns per the change in location of the car show.
- Al Smith will be taking over the car show

#### E. Ash Street Parking Lot Upgrades

City Manager Mitchell stated the City applied for a USDA Grant for the parking lot behind Albion Malleable Brewing. The total project cost is \$118,000 with a match of \$18,900. The grant amount approved is \$58,950 which is 50% of the total project. The USDA is requesting a response by July 21, 2017. The options are:

1. Accept the grant and the City is responsible for the balance of \$58,900
2. Reject the grant
3. Adjust to project-must meet the initial match of \$18,900 with a total project cost of \$77,950.

City Manager Mitchell has spoken with Mickey Bittner, Engineer for the City who indicated the project could be done for a little less than the budget originally established but it would not be a significant amount. A conversation with the owners of the Albion Malleable Brewery has not taken place.

Questions/Comments from the Board were as follows:

- Do we know why the grant only approved 50% instead of the originally 90% that was applied for? *City Manager Mitchell stated the City was not given that information.*
- What are the plans for the parking lot at Dr. Pound's office? *City Manager Mitchell stated Bill Dobbins is currently negotiating the purchase of that parking lot.*
- Is there also infrastructure that will be done with the Ash Street parking lot? *City Manager Mitchell stated there is some infrastructure that will be included in the project due to the parking lot sinking in.*
- Can the project wait until other funding options may be secured? *Yes, however the USDA needs an answer for this grant by July 21, 2017.*
- Can this USDA grant be re-applied for next year? *Yes*

- Is the Brewery on-schedule with opening the business? *City Manager Mitchell stated the owners of the Brewery are currently working on looking for gap funding.*
- When does the Brewery plan on opening? *City Manager Mitchell stated that depending on the gap funding, the Brewery is looking to open the first quarter of 2018.*
- If the Brewery were open, would this help with obtaining grants?
- Would it be possible to gain some insight from the USDA about our chances of obtaining this grant if we waited and re-applied?
- The DDA Board asked if City Manager Mitchell needed a decision from the DDA for the additional \$58,900 for this project. *City Manager Mitchell stated she did not need a response from the DDA for the funding source but wanted the Board to be aware of the situation.*

Comments were received from Board Members A Dysart-Drake, N Wolf, M Tymkew, J Domingo, S Evans and M Lawler.

#### F. Financial Update

Board Member Tymkew addressed the Financial Update with the following:

- Per email from Tom Mead, Finance Director, there is a negative capture in the DDA District for 2017 so this will be the second year in which the DDA will not capture any property tax revenue
- The \$8,863.43 that is reflected as property tax revenue in 2016 is actually the settlement payment from the County from the 2015 taxes
- It is assumed the reimbursement from the State for the Personal Property Tax Reform will be similar to last year (\$11,683.53 in 2016) but the actual number will not be available until Fall 2017
- Property values are down
- The Brownfield (hotel property) won't start its capture this year but should start capturing taxes next year. However, all capture will go to the Brownfield/investors so the DDA will not receive anything from this property for an estimated 19 years
- Non-profits owning buildings downtown do not create capture
- The DDA is only capturing approximately \$10,000 from all properties downtown
- Many of the buildings owned by the Land Bank have been turned over to the Albion Reinvestment Corporation (ARC) and once a for profit businesses starts, the property will go back on the tax roll
- The building that houses Boost Mobile has been added back to the tax roll
- In years past, the DDA has had funds to accomplish a lot of the work needed in the downtown development area.
- DDA funds will be tight for the next few years

Comments were received from Board Members S Evans, G Brown, N Wolf and J Domingo and City Manager Mitchell.

#### G. Miscellaneous Items

City Manager Mitchell stated the Albion Economic Development Corporation (AEDC) has assumed a greater role in the downtown development. The AEDC is creating an advisory committee and has extended invitations to Council and various Boards to be a part of the committee.

Board Member A Dysart-Drake advised that the front steps of the Ismon House are dangerous and need to be addressed.

Board Member D Masternak stated the steps of the Ismon House have been discussed by the Board.

Board Member J Domingo stated the second level of the front steps of City Hall are cracking and should be looked at.

#### H. Excuse Absent Board Members

Motion by N Wolf supported by S Brown to excuse Board Members L LaNoue and J Yawson.

**(MOTION carried, voice vote)**

#### VI. Citizens Comments (Persons addressing the DDA shall limit their comments to no more than 5 minutes. Proper decorum is required.)

Board Member M Tymkew stated Consumers Energy will be removing the tower by the river in the next few weeks.

Board Member J Domingo asked when the next DDA meeting would be.

The next DDA meeting will be August 9<sup>th</sup>, 2017. However, if there are no agenda items, the meeting may be cancelled.

Additional comments were received from Board Members A Dysart-Drake, D Masternak and N Wolf.

#### VII. ADJOURNMENT

Motion by G Brown, supported by A Dysart-Drake to adjourn the meeting of the DDA.

**(MOTION CARRIED, voice vote).**

Meeting adjourned the meeting at 8:09 a.m.

Recorded by Jill Domingo

## Letter of Understanding

This Letter of Understanding is being drafted to document the relationship between the City of Albion Downtown Development Authority (DDA) and The Friends of the Mary Sheldon Ismon House (Friends). The DDA currently owns the property located at 300 S. Clinton Street, Albion, Michigan, which is known as the Mary Sheldon Ismon Building.

The Friends of the Mary Sheldon Ismon House was incorporated in 1999 as a Michigan non-profit corporation interested in preserving the Mary Sheldon Ismon House, which is a beautiful old historic structure. The Friends wish to work with the DDA to develop a long-range plan for the renovation and use of the Ismon House. Until a long-range plan is finalized and approved by the DDA, we believe it is in the best interest of all parties for the ownership of the Ismon House to remain with the DDA.

Under the terms of this Letter of Understanding, the Friends will function as follows:

- (a) The Friends will be a recognized advisory committee to the DDA. The Friends is a voluntary group and the Board and membership are not appointed by the DDA.
- (b) The Friends will pursue an application for charitable recognition.
- (c) The Friends will work to develop a long-range plan for the renovation and use of the Ismon House.
- (d) The Friends will use their non-profit status to raise funds for the renovation and preservation of the Ismon House.
- (e) The Friends, under the current agreement, do not have an ownership interest in the Ismon House.
- (f) The Friends will obtain prior approval of the DDA before undertaking any major or significant maintenance or improvements to the Ismon House.
- (g) The Friends will provide periodic verbal and written reports to the DDA concerning the status of the Friends activities.
- (h) An active DDA member who is also a member of the Friends will act as a liaison between the DDA and Friends.
- (i) The Friends understand that the Ismon House project is not a primary goal for the DDA and therefore efforts will be made to limit any fund expenditures by the DDA to preserve or maintain the Ismon House. The ultimate goal is to relieve the DDA of any financial responsibility for the Ismon House.
- (j) The Friends are granted access to the property to pursue their renovation, maintenance and fund raising activities.
- (k) Insurance coverage for the property and activities related thereto shall continue to be provided by the DDA under the City of Albion insurance carrier.

The Friends will continue to operate under the terms of this Letter of Understanding until such time as both parties approve an amendment or change to this agreement.

Approved on \_\_\_\_\_, 2017      Approve on \_\_\_\_\_, 2017

\_\_\_\_\_  
Signature, President Friends

\_\_\_\_\_  
Signature, President DDA

**DEVELOPMENT AND MAINTENANCE  
AGREEMENT BETWEEN  
City of Albion Downtown Development  
Authority and The Friends of the Mary  
Sheldon Ismon House**

1. The Albion Downtown Development Authority (DDA), a Michigan Municipal Corporation and Friends of the Ismon House (Friends), a 501(c) 3 organization, wish to enter into a restoration, maintenance and operations agreement for the Mary Sheldon Ismon House located at 300 South Clinton Street Albion, MI 49224.
2. The DDA owns the Ismon House located at 300 South Clinton Street, Albion *MI*. The DOA wishes for this property to be restored to its historical prime but does not have the resources to perform the restoration or the daily operations and maintenance of this property.
3. The Friends were created to raise funds and restore the property to its historical prime as well as operate and maintain the property. The property will be used as a community gathering place as well as an event facility.
4. The property shall not be used as collateral for any loan or obligation without the approval of the DDA and as provided by law. The Friends shall cause no lien or encumbrance to be placed on the property without the approval of the DDA and as provided by law.
5. The DDA agrees to allow the Friends to raise funds, restore, operate and maintain the property within the rules, policies and procedures established by the DDA.
6. The Friends agree to raise funds for the restoration, operations and maintenance of the property. The Friends agree to maintain and operate the property within the rules, policies and procedures established by the DDA. The friends shall maintain, on the Ismon web site, a monthly calendar of events to be held at the property. All events held at the property will be in compliance with all Federal, State and local laws and ordinances. If the DDA has a concern or questions about a specific event or type of event, the president of the Ismon Board or a designated representative shall meet with the

DDA Board to address these concerns. If the issue or concern cannot be resolved between the ODA Board and the Ismon Board, then the DOA Board shall determine the final resolution of the issue.

7. Insurance coverage for the property and activities related thereto shall be provided by the DDA under the City of Albion insurance carrier, subject to the limitations and restrictions contained within the policy and as otherwise set forth in this agreement.
8. If alcohol is sold on the property, a private insurance policy will be obtained by the event organizer and the Friends, DDA, City of Albion and its officers and agents will be named as additional insured. A copy of the approved State of Michigan liquor license shall be submitted and a copy of said insurance policy will be submitted to the DDA Director and City Clerk three (3) days prior to any such event. All events at which alcohol is served must be in compliance with City Ordinance 58-169 and all subsections thereto.
9. The Friends and any volunteers shall not be deemed employees of the DDA or the City of Albion. Neither the Friends nor any volunteers shall be compensated by the DDA or City of Albion.
10. This agreement shall be construed under the laws of the State of Michigan.
11. This agreement is not subject to modification except in writing signed by both parties.
12. This agreement shall be in effect for five (5) years from the date the agreement is signed.
13. This agreement may be terminated by either party with thirty (30) days written notice to the other party.

Signed:

\_\_\_\_\_  
Mike Tymkew, Chairman  
Albion Downtown Development  
Authority

\_\_\_\_\_,  
Resident,  
Friends of the Mary Sheldon Ismon  
House

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

CITY OF ALBION  
DOWNTOWN DEVELOPMENT AUTHORITY

Proposed Policies for the Use and Rental of the  
Mary Sheldon Ismon House

1. The Friends shall annually submit a proposed rental rate to the DDA Board. The DDA may approve, amend or deny said proposed rental rates.
2. Use of the Ismon House is determined by availability on a first come first serve basis. The City of Albion and the Albion Downtown Development Authority are equal opportunity providers and at no time shall the use of the Ismon House be based upon race, creed, color, religion, national origin or political philosophy.
3. All contractors shall maintain a professional liability policy of at least \$1 million and shall name the Friends of the Ismon House, Albion Downtown Development, City of Albion and its officers and agents as additional insured. A copy of the contractor's workman's compensation insurance shall be submitted to the President of the Friends of the Ismon House who shall forward a copy to the Executive Director of the DDA prior to any work commencing.
4. The Friends shall be responsible for all maintenance and cleaning of the Ismon House and property. The property shall be kept in a clean and sanitary condition at all times. Steps and sidewalks shall be kept clear of debris, snow and ice and maintained in a safe condition at all times.

Sec. 58-169. - Alcoholic beverages in Ismon House.

(a)

*Permit not required.* The possession and consumption of alcoholic beverages is allowed at the Ismon House during receptions, parties, meetings, etc., provided the event sponsor is not selling or charging for alcoholic beverages. The Ismon House Board shall establish rules and regulations for the rental or use of the Ismon House when alcoholic beverages are to be served.

(b)

*Permit required.* The sale of alcoholic beverages is allowed at the Ismon House during receptions, parties, meetings, etc., provided the event sponsor obtains a permit from the city manager prior to the event and complies with any licensing requirements (or qualifies for an exemption to such requirements) imposed by the State of Michigan.

(c)

*Application for permit.* In order to obtain a permit for the sale of alcoholic beverages at Ismon House, the event sponsor shall pay the nonrefundable permit application fee established by resolution adopted by the city council and shall submit an application to the city clerk's office which shall include the following:

(1)

The location, dates and times of the event;

(2)

A certificate of insurance coverage (for amounts required under rules and regulations adopted by resolution of the city council) listing the city and its officers, employees and agents operator as additional insureds and requiring notice to the city of any cancellation;

(3)

If the beer and wine or other alcoholic beverages will be provided by a person that is licensed by the Michigan Liquor Control Commission, a copy of the license;

(4)

If the beer and wine or other alcoholic beverages will be provided by a person that is not licensed by the Michigan Liquor Control Commission, a complete description of the basis for exemption from the state licensing requirements;

(5)

Such additional information as may be required by the city manager; and

(6)

If the applicant must obtain a special license from the liquor control commission or obtain special insurance to satisfy the requirements of this [section 58-169](#), the application may be approved before the applicant obtains the license but city manager shall not issue a permit until the applicant submits a copy of the license and certificate of insurance as required by this subsection (c).

(d)

*Application forms.* The city clerk shall adopt a form for the application and the applicant shall submit the application on the form as adopted by the city clerk.

(e)

*Decision on application.* The application shall be submitted at least 30 days in advance of when the permit is desired. The city clerk shall promptly submit a copy of the application to the city manager for approval or denial. The city manager may deny the requested permit if, based on information acquired by or submitted to the city manager, the issuance of the permit is contrary to the public health, welfare and safety. An applicant may appeal the city manager's decision to not issue a permit to the city council by filing with the city clerk a written request for a hearing before the city council.

(f)

*General event requirements.* A sponsor conducting an event under this [section 58-169](#) shall comply with all requirements set forth in the rules then in effect as adopted by resolution of the city council for selling alcoholic beverages at Ismon House.

(g)

*Outside consumption.* Beer and wine or other alcoholic beverages shall not be consumed outside the Ismon House and beer and alcoholic beverages shall not be possessed in open containers or glasses outside of the Ismon House.

(h)

*Alcohol not provided by event sponsor.* No beer and wine or other alcoholic beverages shall be sold, possessed or consumed that is not provided by the event sponsor or the caterer engaged by the event sponsor.

(i)

*Applicant's responsibility.* The applicant shall not allow persons to sell beer and wine or other alcoholic beverages except as allowed in this section and shall at all times comply with any applicable Michigan statutes restricting the sale of beer and wine or other alcoholic beverages. An applicant shall at all times comply with any statutory requirement to obtain a license from the liquor control commission and shall not sell beer and wine or other alcoholic beverages without complying with such licensing requirements. The issuance of a permit shall not be construed as authorization to sell beer and wine or other alcoholic beverages without complying with such licensing requirements.

(j)

*Possession or consumption without permit prohibited.* No person shall sell beer and wine or other alcoholic beverages in the Ismon House except as allowed under this section.

(k)

*Duration of permit.* A permit issued under this section for an event shall only be valid for the event and the dates described in the application.

(l)

*Rules.* The city council may, by resolution, adopt rules that regulate the sale of alcoholic beverages at Ismon House pursuant to permits issued under this section.

(m)

*Number of permits.* The city manager shall not issue more than two permits per day for Ismon House.

(n)

*Violations.* Violations of this section shall be deemed misdemeanors punishable as provided in [section 1-25](#)

(Ord. No. 2006-01, § 2, 4-3-06)

## **Resolution # 2006-17**

### **Policy for Sale/Consumption of Alcoholic Beverages in the Ismon House**

#### Purpose:

The City of Albion hereby adopts the following policy, in conjunction with Section 58-169 of the Code of Ordinances of the City of Albion, to provide for the sale of alcoholic beverages in the Ismon House. The purpose of this policy is to define the manner in which permits for the sale of alcoholic beverages in the Ismon House will be issued, the requirements for such permits, and the rules and regulations governing such activities.

#### Procedures:

- I. Any event sponsor requesting the use of the Ismon House that involves the sale of alcoholic beverages, must obtain a permit from the City of Albion.
- II. In addition to the submission of an application to the appropriate agency for use of the Ismon House, sponsors of an event at which it is proposed to sell alcoholic beverages, must also submit an application to the City Clerk's Office for the permit to sell alcoholic beverages in the Ismon House.
- III. The application for the permit shall be submitted to the City Clerk's Office at least thirty (30) days in advance of when the permit is desired.
- IV. The application fee will be established by resolution of the City Council and may be adjusted periodically. The fee must be paid when the application is submitted.
- V. Applications will be approved or denied by the City Manager, based on Section 58-169 of the Code. The City Manager may deny the requested permit if, based on information acquired by or submitted to the City Manager, the issuance of the permit is contrary to the public health, welfare, and safety. An applicant may appeal the City Manager's decision to not issue a permit to the City Council by filing with the City Clerk's office a written request for a hearing before the Council.
- VI. Violations of Michigan Liquor Control Commission requirements and/or City of Albion Ordinance and Policy requirements will be grounds for the denial of future permits.

#### **GENERAL REQUIREMENTS:**

1. Insurance. The permits holder shall provide a Certificate of General Liability Insurance and

Liquor Liability Insurance which names the City, its officers and agents, as additional insureds and provides for at least 15 days notice of cancellation. The minimum insurance coverage limits will be \$1 million per occurrence and \$2 million aggregate. All parties involved in conducting the event shall also be named as additional insureds.

2. Special Event Permits. Any event at the Ismon House where alcoholic beverages will be sold, shall be considered a special event. A special event permit will be issued for the sale of alcoholic beverages in the Ismon House.
3. Frequency. The City Manager shall not issue more than two (2) permits per day at the Ismon House. The City Manager may issue one permit that covers the same activity by the same organization for several days during a special event.
4. Permits Fees. The following fees shall be in effect for a permit for the sale of alcoholic beverages in the Ismon House:  

Special Event Permit	\$75.00 (per event)
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5. Posting. The permit to allow for the sale of alcoholic beverages in the Ismon House must be posted in a conspicuous location at all times during the event.
6. The permit holder is required to be on site for the entire event, and to provide contact information to the Albion Department of Public Safety.
7. Other Approvals. The sponsor of an event where alcohol will be sold must apply to the Michigan Liquor Control Commission (LCC) for a Special One-Day License. It is understood that the LCC will require the applicant to provide proof that the City of Albion has approved the permit for the sale of alcoholic beverages in the Ismon House as a condition of issuing the Special One-Day License. The City of Albion will provide this information upon approval of the permit by the City Manager. However, in no case will the permit be issued by the City of Albion until the applicant provides proof of issuance of the License by the Liquor Control Commission and Proof of required insurance.
8. Terms and conditions. The permit issued by the City of Albion will contain the terms and conditions under which the permit is being issued and are deemed necessary by the City. The applicant will be required to sign the "Sale of Alcoholic Beverages Agreement," thereby agreeing to all terms and conditions.

### **SALE OF ALCOHOLIC BEVERAGES AGREEMENT**

The undersigned hereby agrees to the following requirements in conjunction with being granted permission to serve alcohol at the special event or private event at a public facility:

1. The applicant agrees to provide the City of Albion with a Certificate of General Liability Insurance naming the City, its officers and agents as additional insureds. The minimum insurance coverage limits will be \$1 million per occurrence and \$2 million aggregate. All parties involved in conducting the event shall also be named as additional insureds.
2. The applicant agrees to provide the City with a Certificate of Liquor General Liability Insurance naming the City and its officers and agents as additional insureds. The minimum insurance coverage limits will be \$1 million and \$2 million aggregate. All parties involved in conducting the event shall also be named as additional insureds.
3. The applicant agrees to abide by the provisions of the City of Albion Ordinance Section 58-169, and the City's Policy for the Sale of Alcoholic Beverages in the Ismon House, and hereby acknowledges receipt of both documents prior to the event.
4. The applicant agrees to comply with any and all terms and conditions established by the City of Albion and the State of Michigan Liquor Control Commission with regard to the issuance of the permit.
5. The applicant shall not allow the City facility to be used in violation of any local, state, or federal law or regulation, including, but not limited to, those laws and regulations forbidding public intoxication, and the serving of alcoholic beverages to minors. The applicant agrees to hold the City harmless and indemnify and defend it from all claims, actions, suits or demands including reasonable attorney's fees, arising out of any breach by the applicant of any provision of this contract.
6. The applicant understands that should the Chief of Public Safety, or his designee, determine that the event is not being conducted in compliance with either the ordinance or the rules established by the city council, the Chief of Public Safety has the authority to shut down the sale of alcoholic beverages at the event.
7. The person executing this Agreement on behalf of the applicant represents and warrants that he/she has the full right, power and authority to execute this Agreement on behalf of the applicant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Name of Business or Organization, if applicable

\_\_\_\_\_  
Date

Adopted by Albion City Council 4-3-06

**APPLICATION TO SELL**  
**ALCOHOLIC BEVERAGES IN THE ISMON HOUSE**

A Permit fee of \$75 is to be submitted with this application.

Special event in the Ismon House – Requires a Special One-Day Liquor License issued by the Michigan Liquor Control Commission.

Applicant's Name: \_\_\_\_\_  
\_\_\_\_\_

Applicant's Address: \_\_\_\_\_  
\_\_\_\_\_

Cell Phone Number: \_\_\_\_\_  
\_\_\_\_\_

Applicant's Phone: \_\_\_\_\_  
\_\_\_\_\_

Date of Event: \_\_\_\_\_

Time of Event: \_\_\_\_\_

Type of Event: \_\_\_\_\_

**SALE OF ALCOHOLIC BEVERAGES:**

- Alcoholic beverages will be provided by a person licensed by the Michigan Liquor Control Commission (copy of license required prior to final issuance of City license for special events, or copy on file with city manager)
- Alcoholic beverages will be provided by a person that is not licensed by the Michigan Liquor Control Commission; a complete description of the basis for exemption from the state licensing requirements is attached.

**APPROVALS AND DOCUMENTATION:**

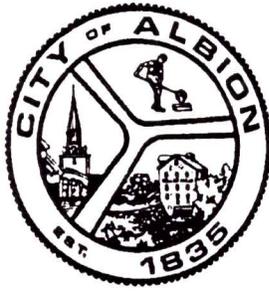
- When application for a special event is submitted, approval must first be granted by the City prior to submission to the Liquor Control Commission.
- Applicant will be required to provide proof of issuance of a Special One-Day license from the Liquor Control Commission before special event permit will be issued.

- Certificate of General Liability Insurance and Liquor Liability Insurance which names the City, its officer and agents, as additional insureds, and provides for at least 15 days notice of cancellation must be submitted prior to issuance of the permit. The minimum amount is \$1 million per occurrence and \$2 million aggregate. All parties involved in conducting the event shall also be named as additional insureds.
- Additional information as deemed necessary by the City Manager must be submitted promptly by the applicant

Date: \_\_\_\_\_

\_\_\_\_\_

Signature of Applicant



# City of Albion

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

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## CITY OF ALBION ALCOHOLIC BEVERAGE PERMIT

Applicant/Sponsor Name:	
Type of Event:	
Event Time:	
Event Date:	
Event Location:	

The above named applicant/sponsor is hereby issued an Alcoholic Beverage Permit by the City of Albion which allows the sale, possession and consumption of alcoholic beverages (in accordance with Section 58 of the Albion City Code) at the above described event.

Permit Approved: \_\_\_\_\_  
Kerry Helmick, City Clerk

Date of Approval: \_\_\_\_\_

**ORDINANCE NO. 2006-01**

**TO AMEND EXISTING ORDINANCES BANNING THE POSSESSION OF OPEN ALCOHOL AND CONSUMING ALCOHOL IN THE PUBLIC PARKS TO ALLOW SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN VICTORY PARK AND AT THE ISMON HOUSE UNDER CERTAIN CONDITIONS**

**Findings and Purpose:**

The Mayor and City Council of the City of Albion find that: limited sales by a non-profit organization during the annual Festival of the Forks celebration in Victory Park inside an enclosed area for a limited time pursuant to a permit granted by the city manager and conducted according to the Michigan Liquor Law and the rules adopted by the council will provide greater enjoyment for some of those attending the occasion.

Since the Ismon House has been rehabilitated to accommodate receptions and parties and that beer, wine and liquor are regularly served at such functions and since alcoholic beverages was served at this site while it was occupied by the Leisure Hour Club, service of alcoholic beverages at the Ismon House is also acceptable under the rules and regulations adopted by the City Council.

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

**THE CITY OF ALBION ORDAINS:**

**Section 1 - Title. An Ordinance To Amend Existing Ordinances Banning the Possession of Open Alcohol and Consuming Alcohol in the Public Parks to Allow Sales and Consumption of Alcohol in Victory Park and at the Ismon House under Certain Conditions**

**Section 2 - Amendment.**

That sections 58-164 and 58-165 of the Code of Ordinances, City of Albion, Michigan, are hereby amended to read as follows:

**Sec. 58-164. Possession of alcoholic beverages by pedestrians.**

(a) No person shall possess any alcoholic beverage in a container which is uncapped or has a broken seal and is available for immediate consumption while a pedestrian on or in any city street, sidewalk, park, alleyway, parking lot, school property or other property open to the general public, *except as provided in Sec. 58-168.*

(b) As used in subsection (a) of this section, the term "alcoholic beverage" shall include any spirituous, vinous, malt or fermented liquor (beer, wine or spirits) containing one-half of one percent or more of alcohol by volume which is fit for use and beverage purposes and shall also include spirits,

which is defined as any beverage containing alcohol obtained by distillation, mixed with potable water and other substances in solution, including wine containing over 16 percent alcohol content by volume.

**Sec. 58-165. Consumption of alcoholic beverages in public places.**

(a) No person shall consume any alcoholic beverage while on or in any city street, sidewalk, park, alleyway, parking lot, school property or other property open to the general public, *except as provided in Section 58-168 and Section 58-169*.

(b) As used in subsection (a) of this section the term "alcoholic beverage" shall include any spirituous, vinous, malt or fermented liquor (beer, wine or spirits) containing one-half of one percent or more of alcohol by volume which is fit for use and beverage purposes and shall also include spirits, which is defined as any beverage containing alcohol obtained by distillation, mixed with potable water and other substances in solution, including wine containing over 16 percent alcohol content by volume.

That the Code of Ordinances, City of Albion, Michigan, is hereby amended by adding sections, to be numbered 58-168 and 58-169, which read as follows:

**Sec. 58-168. Beer and wine served in Victory Park under certain conditions.**

(a) **Permit required.** The sale, possession and consumption of beer and wine is allowed at Festival of the Forks events held at a fenced off section of Victory Park; provided that the non profit organization conducting the event obtains a permit from the city manager prior to serving beer and wine or other alcoholic beverages for the event and complies with any licensing requirements (or qualifies for an exception to such requirements) imposed by the State of Michigan.

(b) **Application for permit.** In order to obtain a permit for the sale, possession and consumption of beer and wine at Victory Park, the non profit organization conducting the event shall pay the nonrefundable permit application fee established by resolution adopted by the city council and shall submit an application to the city clerk's office which shall include the following:

- (1) The location, dates and times of the event;
- (2) A certificate of insurance coverage (for amounts required under rules and regulations adopted by resolution of the city council) listing the city and its officers, employees and agents operator as additional insureds and requiring notice to the city of any cancellation;
- (3) Whether there will be a charge for the beer and wine, or other alcoholic beverage, whether it will be provided free of charge and whether there will be an admission charge;
- (4) If the beer and wine or other alcoholic beverages will be provided by a person that is licensed by the Michigan Liquor Control Commission, a copy of the license;
- (5) If the beer and wine or other alcoholic beverages will be provided by a person that is not licensed by the Michigan Liquor Control Commission, a complete description of the basis for exemption from the state licensing requirements;

- (6) Written documentation from the director of public services that the facility has been reserved by the applicant for the event;
- (7) A written description of the area where beer and wine or other alcoholic beverages may be consumed at the event and how the applicant will restrict consumption to that area;
- (8) Such additional information as may be required by the city manager; and
- (9) If the applicant must obtain a special license from the liquor control commission or obtain special insurance to satisfy the requirements of this section 58-168, the application may be approved before the applicant obtains the license but city manager shall not issue a permit until the applicant submits a copy of the license and certificate of insurance as required by this subsection (b).

**(c) Application forms.** The city clerk shall adopt a form for the application and the applicant shall submit the application on the form as adopted by the city clerk.

**(d) Decision on application.** The application shall be submitted at least sixty (60) days in advance of when the permit is desired. The city clerk shall promptly submit a copy of the application to the chief of public safety and the director of public services for review and comments and to the city manager for approval or denial. The city manager may deny the requested permit if, based on information acquired by or submitted to the city manager, the issuance of the permit is contrary to the public health, welfare and safety. An applicant may appeal the city manager's decision to not issue a permit to the city council by filing with the city clerk a written request for a hearing before the city council.

**(e) General event requirements.** A nonprofit organization conducting an event under this section 58-168 shall comply with all requirements set forth in the rules then in effect as adopted by resolution of the city council for serving alcohol at Victory Park.

**(f) Outside consumption.** Beer and wine or other alcoholic beverages shall not be consumed outside of the approved fenced area at Victory Park and beer and wine shall not be possessed in open containers or glasses outside of the approved fenced area at Victory Park.

**(g) Alcohol not provided by event sponsor.** No beer and wine or other alcoholic beverages shall be sold, possessed or consumed that is not provided by the event sponsor or the caterer engaged by the event sponsor.

**(h) Applicant's responsibility.** The applicant shall not allow persons to consume or possess beer and wine or other alcoholic beverages except as allowed in this section and shall at all times comply with any applicable Michigan statutes restricting the serving of beer and wine or other alcoholic beverages. An applicant shall at all times comply with any statutory requirement to obtain a license from the liquor control commission and shall not serve beer and wine or other alcoholic beverages without complying with such licensing requirements. The issuance of a permit shall not be construed as authorization to serve beer and wine or other alcoholic beverages without complying with such licensing requirements.

**(I) Possession or consumption without permit prohibited.** No person shall provide beer and wine or other alcoholic beverages and no person shall possess or consume beer and wine or other alcoholic beverages in or at the public places described in sections 58-164 and 58-165 except as allowed under this section.

**(j) Duration of permit.** A permit issued under this section for an event shall only be valid for the event and the dates described in the application.

**(k) Rules.** The city council may, by resolution, adopt rules that regulate the serving and consumption of beer and wine at Victory Park pursuant to permits issued under this section.

**(n) Number of permits per year.** The city manager shall not issue more than four (4) permits at Victory Park during a calendar year and not more than one (1) organization per day per special event, as defined in the rules and regulations adopted by resolution of the city council. The city manager shall not issue more than one (1) permit per day for use of Victory Park.

**(o) Violations.** Violations of this section shall be deemed misdemeanors punishable as provided in section 1-25.

### **Sec. 58-169. Alcoholic Beverages in Ismon House.**

**(a) Permit not required.** The possession and consumption of alcoholic beverages is allowed at the Ismon House during receptions, parties, meetings, etc., provided the event sponsor is not selling or charging for alcoholic beverages. The Ismon House Board shall establish rules and regulations for the rental or use of the Ismon House when alcoholic beverages are to be served.

**(b) Permit required.** The sale of alcoholic beverages is allowed at the Ismon House during receptions, parties, meetings, etc., provided the event sponsor obtains a permit from the City Manager prior to the event and complies with any licensing requirements (or qualifies for an exemption to such requirements) imposed by the State of Michigan.

**(c) Application for permit.** In order to obtain a permit for the sale of alcoholic beverages at Ismon House, the event sponsor shall pay the non-refundable permit application fee established by resolution adopted by the City Council and shall submit an application to the City Clerk's Office which shall include the following:

- (1) The location, dates and times of the event;
- (2) A certificate of insurance coverage (for amounts required under rules and regulations adopted by resolution of the city council) listing the city and its officers, employees and agents operator as additional insureds and requiring notice to the city of any cancellation;
- (3) If the beer and wine or other alcoholic beverages will be provided by a person that is licensed by the Michigan Liquor Control Commission, a copy of the license;
- (4) If the beer and wine or other alcoholic beverages will be provided by a person that is not licensed by the Michigan Liquor Control Commission, a complete description of the basis for exemption from the state licensing requirements;
- (5) Such additional information as may be required by the city manager; and
- (6) If the applicant must obtain a special license from the liquor control commission or obtain special insurance to satisfy the requirements of this section 58-169, the application may be approved before the applicant obtains the license but city manager shall not issue a permit

until the applicant submits a copy of the license and certificate of insurance as required by this subsection (c).

**(d) Application forms.** The city clerk shall adopt a form for the application and the applicant shall submit the application on the form as adopted by the city clerk.

**(e) Decision on application.** The application shall be submitted at least thirty (30) days in advance of when the permit is desired. The city clerk shall promptly submit a copy of the application to the city manager for approval or denial. The city manager may deny the requested permit if, based on information acquired by or submitted to the city manager, the issuance of the permit is contrary to the public health, welfare and safety. An applicant may appeal the city manager's decision to not issue a permit to the city council by filing with the city clerk a written request for a hearing before the city council.

**(f) General event requirements.** A sponsor conducting an event under this section 58-169 shall comply with all requirements set forth in the rules then in effect as adopted by resolution of the city council for selling alcoholic beverages at Ismon House.

**(g) Outside consumption.** Beer and wine or other alcoholic beverages shall not be consumed outside the Ismon House and beer and alcoholic beverages shall not be possessed in open containers or glasses outside of the Ismon House.

**(h) Alcohol not provided by event sponsor.** No beer and wine or other alcoholic beverages shall be sold, possessed or consumed that is not provided by the event sponsor or the caterer engaged by the event sponsor.

**(i) Applicant's responsibility.** The applicant shall not allow persons to sell beer and wine or other alcoholic beverages except as allowed in this section and shall at all times comply with any applicable Michigan statutes restricting the sale of beer and wine or other alcoholic beverages. An applicant shall at all times comply with any statutory requirement to obtain a license from the liquor control commission and shall not sell beer and wine or other alcoholic beverages without complying with such licensing requirements. The issuance of a permit shall not be construed as authorization to sell beer and wine or other alcoholic beverages without complying with such licensing requirements.

**(j) Possession or consumption without permit prohibited.** No person shall sell beer and wine or other alcoholic beverages in the Ismon House except as allowed under this section.

**(k) Duration of permit.** A permit issued under this section for an event shall only be valid for the event and the dates described in the application.

**(l) Rules.** The city council may, by resolution, adopt rules that regulate the sale of alcoholic beverages at Ismon House pursuant to permits issued under this section.

**(m) Number of permits.** The city manager shall not issue more than two (2) permits per day for Ismon House.

(n) **Violations.** Violations of this section shall be deemed misdemeanors punishable as provided in section 1-25.

**Section 3 - Separability.** If any section, sub-section, sentence, phrase or portion of this Amendment to the City of Albion Code of Ordinances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

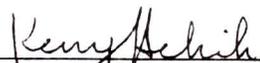
**Section 4 - Ordinance Repealed.** All sections or parts of sections of this Code, Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 5.- Effective Date.** This ordinance shall take effect after publication in a newspaper of general circulation in the City of Albion and on May 1, 2006.

First reading:

March 20, 2006

Ayes 7  
Nays 0  
Absent 0

  
\_\_\_\_\_  
Kerry Helmick  
City Clerk

Second reading and adoption:

April 3, 2006

Ayes 7  
Nays 0  
Absent 0

  
\_\_\_\_\_  
William M. Wheaton  
Mayor

**CITY OF ALBION  
ORDINANCE #2017-06**

AN ORDINANCE TO AMEND ORDINANCE 22-181 SIDEWALK CAFES

**Purpose and Finding:** The City of Albion presently has a sidewalk café ordinance that limits sidewalk cafes to businesses located on Superior Street, between Ash St. and the south side of the railroad crossing. As the City's downtown continues to develop and revitalize, some businesses wish to have a sidewalk café, whether permanent or temporary, within the downtown area, but not on Superior St. It is recommended that sidewalk cafes be permitted anywhere in the B-2 zoned district (downtown).

THE CITY OF ALBION ORDAINS:

**Sec. 22-181 – Area of Applicability.**

- a. The sidewalk café provisions of this chapter shall apply to the public sidewalk located in any part of the city zoned B-2.
- b. The outdoor café provisions of this chapter shall apply to property within the city that is zoned B-1, B-2, B-3, or B-4.

This Ordinance shall take effect after publication on October 5, 2017.

First Reading:  
August 21, 2017

Ayes 7  
Nays 0  
Absent 0

Second Reading & Adoption:  
September 5, 2017

Ayes 7  
Nays 0  
Absent 0

  
\_\_\_\_\_  
Jill Domingo  
City Clerk

  
\_\_\_\_\_  
Garrett Brown,  
Mayor