

**AGENDA**  
**REGULAR MEETING OF THE CARO CITY COUNCIL**  
**April 4, 2022 at 6:30 P.M.**

**CALL TO ORDER (Pledge of Allegiance)**

**AGENDA APPROVAL**

**PUBLIC COMMENTS/VISITORS:**

**COMMUNICATION:**

1. Planning Commission Minutes – Unapproved – March 22, 2022
2. Charter Communications – Upcoming Changes

**CONSENT AGENDA:**

1. Regular Council Minutes – March 21, 2022
2. Policy Committee Minutes – March 21, 2022
3. Invoices

**REGULAR AGENDA: (action required)**

1. Banner Request – Human Development – Elder Abuse Month, June 1-30, 2022
2. PC – Adult-Use Marihuana Establishment – Adessa Gardens (Class C Grow)
3. PC – Adult-Use Marihuana Establishment – Emerald Thumb LLC (Class B Grow)
4. PC – Adult-Use Marihuana Establishment – Spark Cannabis
5. PC – Adult-Use Marihuana Establishment – Premier Provisioning (Retail)
6. Process to Remove Planning Commission Member
7. House of Hope Dumpster Location

**ITEMS PENDING/POSTPONED:** None

**COMMITTEE/LIAISON POSITION REPORTS:** None

**MAYOR'S REPORT** – Written report submitted

**MANAGER COMMENTS** – Written report submitted.

**CLERK'S REPORT** – Written report submitted.

**ADDITIONAL PUBLIC COMMENTS**

**ADJOURN**  
.....

City of Caro Planning Commission

Regular meeting held March 22, 2022 called to order at 7:00 p.m. by Chairman Carpenter.

Present: Bill Bortel, Mike Carpenter, Bob Eschenbacher, Mike Laethem, Al Michels (7:35), Art Rollend, Herb Sheardy and Denise Steffen.

Absent: None

Others in Attendance: Matt Lane - City Manager, Joseph Greene-Mayor

**Bortel/Sheardy moved to approve the minutes of March 22, 2022 as written. Motion carried.**

No public comment.

House of Hope site plan: Requesting only retail thrift store now per attached letter. No approval required for thrift store. The dumpster enclosure will be on City property.

**Laethem/Sheardy moved to approve schematic site plan for dumpster enclosure.**

**Roll call: unanimous.**

Chairman Carpenter opened the public hearing for Adessa Gardens LLC Proposed Adult-Use Recreational Marihuana Class C Grow at 7:10 p.m.

**Eschenbacher/Steffen moved that Al Michel excuse himself from the table, sit with the audience and refrain from voting during the Adult-Use Recreational Marihuana portion of the meeting due to a possible conflict of interest stemming from an incident on March 18 involving an existing facility and Mr. Michel. Roll call: unanimous.**

Al Michel moved to the audience.

Chairman Carpenter asked City Manager Matt Lane if the paperwork for all the applicants is complete and in order. Matt Lane responded yes it is.

No public comment.

**Laethem/Eschenbacher moved to close the public hearing for Adessa Gardens at 7:20 p.m. Motion carried.**

**Laethem/Eschenbacher moved to conditionally approve the Adessa Gardens site plan contingent upon providing a photometric of the outdoor lighting and adding the back-up generator to the site plan with administrative review and approval. Roll call: unanimous.**

**Sheardy/Rollend moved to recommend approval to City Council for the Adessa Gardens Special Condition Use Permit. Roll call: unanimous.**

Chairman Carpenter opened the public hearing for Emerald Thumb LLC Proposed Adult-Use Recreational Marihuana Class B Grow at 7:34 p.m.

No public comment

**Eschenbacher/Sheardy moved to close the public hearing for Emerald Thumb at 7:35 p.m. Motion carried.**

**Eschenbacher/Sheardy moved to approve the Emerald Thumb site plan provided there have not been any changes since the Medical Marihuana site plan was approved. Roll call: unanimous.**

**Eschenbacher/Sheardy moved to recommend approval to City Council for the Emerald Thumb Special Condition Use Permit. Roll call: unanimous.**

Chairman Carpenter opened the public hearing for Spark Cannabis LLC Proposed Adult-Use Recreational Marihuana Retailer at 7:41 p.m.

Al Michel commented that they are a great choice: local families.

**Eschenbacher/Sheardy moved to close the public hearing for Spark Cannabis at 7:44 p.m. Motion carried.**

**Sheardy/Laethem moved to approve the Spark Cannabis site plan provided there have not been any changes since the Medical Marihuana site plan was approved. Roll call: unanimous.**

**Laethem/Sheardy moved to recommend approval to City Council for the Spark Cannabis Special Condition Use Permit. Roll call: unanimous.**

Chairman Carpenter opened the public hearing for Premier Provisioning LLC Proposed Adult-Use Recreational Marihuana Retailer at 7:49 p.m.

Ray Murad owner of Premier Provisioning said the Adult-Use Recreational Marihuana would mean more business resulting in more employees.

Gabrielle Romain Premier Provisioning employee said they currently help patients and develop long lasting relationships. Adult-Use Recreational Marihuana would bring in new faces and more money for Caro.

Destiny Headley Premier Provisioning employee stated Premier is an encouraging environment to work in and beneficial to the community. Customers are waiting for Recreational Marihuana in Caro. All the employees are experienced in both Medical and Recreational.

Amanda Jones Premier Provisioning Manager said Premier has amazing bosses. She loves her job and educating patients. Recreational would be awesome.

Cynthia Oland Premier Provisioning Manager said there is a demand for Recreational. The employees can handle Recreational and it would mean more employees. They are informed and experienced for both.

Vincent Gimble claims it's a benefit for Ag students and helps get people off opioids and narcotics. Helps with depression and chronic pain. They want to build trust with the community.

**Sheardy/Eschenbacher moved to close the public hearing for Premier Provisioning at 8:01 p.m. Motion carried.**

**Laethem/Rollend moved to approve the Premier Provisioning site plan provided there have not been any changes since the Medical Marihuana site plan was approved with additional conditions that the dumpster be moved inside the dumpster enclosure and the exterior lighting be adjusted because they are too bright. Roll call: unanimous.**

**Rollend/Sheardy moved to recommend approval to City Council for the Premier Provisioning Special Condition Use Permit. Roll call: unanimous.**

Al Michel returned to the table.

Matt Lane reminded the Commission to review the draft of the Annual Report to provide feedback.

Al Michel stated his integrity has never been questioned.

**Steffen/Eschenbacher moved to adjourn at 8:13 p.m. Motion carried.**

Respectfully submitted by Denise Steffen, Secretary





March 25, 2022

T1 P1176 \*\*\*\*\*AUTO\*\*ALL FOR AADC 480

City of Caro  
317 S. State Street  
Caro, MI 48723-1725



Dear Franchise Official:

Spectrum Mid-America, LLC ("Spectrum") recently notified you on March 7, 2022 that NBC Universal Media, LLC on behalf of International Media Distribution, LLC ("IMD") would cease distribution of **CR1 Russia**, effective March 3, 2022 at 12:00am ET. Additionally, we further notified you that in light of the extraordinary circumstances in Ukraine, effective March 4, 2022 at 12:00am ET, Spectrum dropped Russian-controlled and programmed networks **NTV America**, **RTR Planet**, **Rossiya-24** and **CTC**.

As a result of the above-noticed drops, Spectrum is making its customers aware that effective March 29, 2022, we are temporarily reducing the Russian International Video package/a la carte pricing due to temporary channel unavailability. Accordingly, customer pricing will change as follows:

**Packages/Channels with no content**

Service Name		Current Monthly Price	Discount Amount	New Monthly Price (3/29/22)
Russian View	Spectrum Products and Pricing	\$9.99	\$9.99	\$0
Channel One Russia	Legacy Time Warner Cable	\$14.95	\$14.95	\$0
CTC	Legacy Time Warner Cable	\$9.95	\$9.95	\$0
NTV America	Legacy Time Warner Cable	\$9.95	\$9.95	\$0
Russian View	Legacy Charter	\$14.99	\$14.99	\$0

**Packages/Channels with partial content**

Service Name		Current Monthly Price	Discount Amount	New Monthly Price (3/29/22)
Russian View Premium	Spectrum Products and Pricing	\$29.99	\$15.00	\$14.99
Russian Passport	Legacy Time Warner Cable	\$25.99	\$0	\$25.99
Russian Pass Plus	Legacy Time Warner Cable	\$29.99	\$10.00	\$19.99
Russian Pass Max	Legacy Time Warner Cable	\$44.99	\$10.00	\$34.99
Russian	Legacy Bright House Networks	\$26.99	\$7.00	\$19.99

To view a current Spectrum channel lineup visit [www.spectrum.com/channels](http://www.spectrum.com/channels). If you have any questions about this change, please feel free to contact me at (810) 652-1422.

Sincerely,

*Karen Coronado*

Karen Coronado  
Manager, State Government Affairs - Michigan  
Charter Communications

888.GET.CHARTER  
[www.charter.com](http://www.charter.com)

7372 Davison Road  
Davison, MI 48423

## **CITY OF CARO REGULAR COUNCIL MINUTES**

Mayor Joe Greene called the regular meeting of the City Council to order on March 21, 2022, at 6:30 p.m. in the Council Chambers.

Present: Mayor Joe Greene, City Council: Bob Eschenbacher, Kory Batschke, Emily Campbell, Don Hall, Tisha Jones-Holubec, and Jill White

Absent: None

Others: Matthew Lane – City Manager, Jana Brown – Deputy Clerk, Michele Perry – Treasurer, Brian Newcomb – Police Chief, Randy Heckroth – Fire Chief/Code Enforcement Officer & other guests

### **AGENDA APPROVAL**

#### **22-M-36**

**Motion by Eschenbacher, seconded by Batschke to approve the agenda with the addition of: #4 - Set Policy Committee Meeting and #5 – Complaint Against Sitting Planning Commission Member Motion Carried.**

### **PUBLIC COMMENT/VISITORS:**

Bill Campbell – Expressed concern regarding arsenic disposal from a City of Caro well/holding tank.

Randy Heckroth – Questioned Mayor Greene regarding the new runway at the airport. Mayor Greene indicated the runway was a rebuild of a current runway – the size is not changing.

### **COMMUNICATIONS:**

1. Charter Communications (2)

### **CONSENT AGENDA:**

1. Regular Council Minutes – March 7, 2022
2. Policy Committee Minutes – March 7, 2022
3. Invoices
4. Department Reports
  - A. Police Report – Chief Brian Newcomb
  - B. Fire Report – Chief Randall Heckroth
  - C. Code Enforcement – Randall Heckroth
  - D. DPW/Water Reports – None
  - E. WWTP – None
  - F. Municipal Parking Violations Bureau Report – Rita Papp

#### **22-M-37**

**Motion by Batschke, seconded by Campbell to approve the consent agenda as presented including invoices.**

**Motion Carried.**

## **REGULAR AGENDA:**

### **1. Parks & Recreation Committee Appointment Recommendation**

Recommendation made to appoint Jeff Hartel to Parks & Recreation Committee.

**22-M-38**

**Motion by White, seconded by Hall to approve and accept the recommendation of the Parks and Recreation Committee and appoint Jeff Hartel to the Parks and Recreation Committee.**

**Motion carried.**

### **2. Director of Public Works and Utilities Employment Agreement**

City Manager presented information regarding David Johnson who currently works in the Engineering Department with the City of East Grand Rapids and holds a bachelor's degree in civil engineering. Discussion held on amount of time to obtain required licenses and the 20 mile move radius.

**22-M-39**

**Motion by Batschke, seconded by White to approve the hiring of David Johnson as Director of Public Works and Utilities.**

**Motion carried.**

### **3. Manager Compensation/Bonus Determination 2/3**

**22-M-40**

**Motion by Eschenbacher, seconded by White to approve placing the \$5,000.00 bonus in abeyance for the third-year bonus and budget a 3% salary increase.**

**Motion carried.**

### **4. Set Policy Committee Meeting for April 18, 2022, at 5:45 p.m.**

### **5. Complaint Against Sitting Planning Commission Member**

Councilperson Eschenbacher explained an incident at Premier Provisioning with Planning Commission member Allan Michel demanding an inspection. Police were called and made a report. City Manager indicates Allan Michel's actions were consistent with violation of the newly adopted ethics ordinance in addition to potentially state law for misconduct in office. City Manager presented Council with options of removing Allan Michel from planning commission and the procedure for doing so; and/or, forwarding the police report to the Tuscola County Prosecutor's office for investigation of possible charges.

**22-M-41**

**Motion by Hall, seconded by White to proceed with the process, as explained by the City Manager, to remove Allan Michel from the Planning Commission.**

**Motion carried.**

**22-M-42**

**Motion by Batschke, seconded by Jones-Holubec to forward the police report to the Tuscola County Prosecutor's office for possible charges.**

**Motion carried.**

**ITEMS PENDING/POSTPONED: None**

## **COMMITTEE/LIAISON POSITION REPORTS:**

1. Economic Development Corporation (Greene) – Theatre is moving forward with servicing of equipment and the updates on said equipment with the help of the EDC.

2. Chamber of Commerce (Manager) – Continue to work on Cars & Crafts. Caro Chamber has joined the Michigan Chamber of Commerce. They have been interacting and getting more information from statewide organizations and access to training and professional development. The Citizen of the Year banquet will be held April 23, 2022.
3. Downtown Development Authority (Hall) – No meeting.
4. Fair Board (White) – No report.
5. Parks & Recreation (White) – Fair board representation was at last meeting and both committees discussed different projects taking place at the Fairgrounds. Approved to recommend Jeff Hartel to Parks & Recreation Committee. Adirondack chair sales are doing well. 36 chairs are available at the cost of \$350.00 each. Preparing for April 9<sup>th</sup> Easter egg hunt.
6. Planning Commission (Eschenbacher) – Meeting is tomorrow, March 22, 2022, 7:00 p.m. at the Tuscola Technology Center.
7. Tuscola County Board of Commissioners (Jones-Holubec) – Renee Wood's letter to the Advertiser editor was read. Putman's presented regarding a City of Caro well and arsenic contamination.
8. Zoning Board of Appeals (Greene) – No report.
9. Indianfields Township (Greene) – Attended meeting. Passed out and discussed power point presentation regarding emergency services. Indianfields Township approved budget for upcoming year. There was discussion regarding the Putman project and water.
10. Almer Township (Campbell) – Reports reviewed, and discussion held about mulch covering for trails.

**MAYOR'S REPORT** – Written report submitted

Highlighted – Attended the Michigan Municipal League conference in Lansing where there was discussion about ARPA funds and affordable housing. Discussion of housing development ensued. Elected Officials Academy Core Weekender is coming up April 8<sup>th</sup> & 9<sup>th</sup>. Started planning Easter egg hunt and presented information to the Parks & Recreation Committee.

**MANAGER'S COMMENTS** – Written report submitted

Update provided regarding the new water meter reading system.

**CLERK'S REPORT** – Written report submitted

Highlighted – Clerk currently attending the Clerk's Institute in Mt. Pleasant. Absent voter applications and ballots being processed.

**TREASURER'S REPORT** – Written report submitted

Highlighted – Transition to Frankenmuth Credit Union went well. Received two proposals for the City of Caro audit which will be presented at Finance Committee.

**ADDITIONAL PUBLIC COMMENT:**

Pam Iseler – Questioned whether the City of Caro has operational civil defense siren. Fire Chief Heckroth verified the City of Caro does currently have operational civil defense sirens (fire station, old police department, one by medical care and another by the DPW building on Hooper St).

Pam Iseler - Commented regarding publicizing Mr. Hartel's personal information from his appointment application to the Parks & Recreation Department.

Bill Campbell – Commented on dumping of contaminated water.

Tisha Jones-Holubec – Announced her support for World Down Syndrome Awareness Day.

**22-M-43**

**Motion by Eschenbacher, seconded by White to adjourn the meeting at 7:29 p.m.**

**Motion carried.**

**Jana Brown**

**Deputy City Clerk**

## **CITY OF CARO POLICY COMMITTEE MINUTES**

Policy Chair Jill White called the Policy Committee meeting to order on March 21, 2022, at 6:00 p.m. in the Council Chambers.

Present: Chair Jill White, Kory Batschke, and Mayor Joe Greene

Absent: None

Others: Matthew Lane – City Manager, Jana Brown – Deputy Clerk, Michele Perry – Treasurer, Other guests

### **PUBLIC COMMENT/VISITORS:**

None

### **BUSINESS ITEMS:**

**Motioned by Batschke, seconded by White to table discussion on the Draft Food Truck Ordinance until after the Proposed Amendment to Ordinance, Art. III – Water Service, Div. 3 – Rates, Charges, and Billing Procedure, Subdivision 1. General, Sec. 38-178 – Billing Periods**  
**Motion carried.**

**1. Proposed Amendment to Ordinance, Art. III – Water Service, Div. 3 – Rates, Charges, and Billing Procedure, Subdivision 1. General, Sec. 38-178 – Billing Periods**

Treasurer presented proposal to committee. Discussion held regarding date options.

**Motioned by Mayor Greene, seconded by Batschke to recommend council set the water billing due date to the 4<sup>th</sup> day of the month.**

**Motion carried.**

**2. Draft Food Truck Ordinance**

City Manager continued presentation of draft document to the Policy Committee for review. The “red text” in the document should be discussed. 9. Revocation and Penalty – Committee discussed cease and desist provision and who/what entity will be responsible for issuing civil infractions. 7. Fees: question as to whether credit card can be accepted. City Manager to take all notes to the City Attorney for final draft to be presented at future Policy Committee meeting. Proposed date to review final draft to be April 18, 2022, at 5:45 p.m.

### **Adjournment**

**Motion by Batschke, seconded by Mayor Greene to adjourn the meeting at 6:19 p.m.**

**Motion carried.**

Jana Brown  
Deputy City Clerk

GL Period	Chk Issue Date	Check No	Vendor No	Payee	Amount
04/22	04/04/2022	75211	47	AFLAC	637.54
04/22	04/04/2022	75212	2817	AMAZON CAPITAL SERVICES	727.44
04/22	04/04/2022	75213	233	CARTER LUMBER	1,430.84
04/22	04/04/2022	75214	388	DTE ENERGY	20,093.82
04/22	04/04/2022	75215	447	ENVIRONMENTAL RESOURCE	2,615.00
04/22	04/04/2022	75216	2345	FERGUSON ENTERPRISES LLC	438.79
04/22	04/04/2022	75217	2150	FIRST BANKCARD	2,178.50
04/22	04/04/2022	75218	553	HAMMOND DRIVES & EQUIP IN	319.65
04/22	04/04/2022	75219	226	HIRSCHMAN OIL SUPPLY INC	813.28
04/22	04/04/2022	75220	1391	JACK DOHENY SUPPLIES, INC.	15,938.64
04/22	04/04/2022	75221	1489	JOE GREENE	161.63
04/22	04/04/2022	75222	2702	KRISTAL'S HELPING HAND LLC	710.00
04/22	04/04/2022	75223	1125	MICHIGAN STATE POLICE	33.00
04/22	04/04/2022	75224	933	NYE UNIFORM COMPANY	557.89
04/22	04/04/2022	75225	1727	OFFICE DEPOT	165.65
04/22	04/04/2022	75226	2706	PARAGON LABORATORIES	75.00
04/22	04/04/2022	75227	998	PURCHASE POWER	1,510.00
04/22	04/04/2022	75228	2655	REVITALIZE, LLC	1,460.00
04/22	04/04/2022	75229	2779	RITA PAPP	570.08
04/22	04/04/2022	75230	2847	SHAWN SULLIVAN	9.00
04/22	04/04/2022	75231	2846	SMILLIE PLUMBING & HEATING	260.00
04/22	04/04/2022	75232	1126	STATE OF MICHIGAN - ELGE CA	36.00
04/22	04/04/2022	75233	2569	TEAM FINANCIAL GROUP	299.00
04/22	04/04/2022	75234	2126	TERESA EWALD	19.89
04/22	04/04/2022	75235	1189	THUMB CELLULAR	123.90
04/22	04/04/2022	75236	2845	TINA DANIEL	225.00
04/22	04/04/2022	75237	1234	TUSCOLA COUNTY	2,442.92
04/22	04/04/2022	75238	1964	TUSCOLA COUNTY BPW	402,970.30
04/22	04/04/2022	75239	1252	TUSCOLA COUNTY TREASURE	913.70
04/22	04/04/2022	75240	1254	UIS SCADA	3,756.00
04/22	04/04/2022	75241	2836	UPS	12.40
04/22	04/04/2022	75242	2493	W W WILLIAMS	975.00
04/22	04/04/2022	75243	2644	WATER SOLUTIONS UNLIMITED	4,148.75
04/22	04/01/2022	75244	240	U.S. POSTMASTER	516.91
Grand Totals:					467,145.52

City of Caro		
Expense Totals Sheet For All Funds		
	Checks to be run on 4-4-22	
		<b>AMOUNT</b>
101	General Fund	\$ 15,555.98
202	Major Street Fund	22.65
203	Local Street Fund	14.03
204	Municipal Street Fund	205.54
242	DDA	1,870.93
265	Drug Forfeiture Fund	0.00
301	Debt Service	0.00
390	Bond Fund	402,970.30
536	Fire Department Fund	1,478.84
590	Sewer Fund	15,873.83
592	Water Fund	13,387.50
596	Sanitation Fund	467.41
661	Equipment Fund	17,782.02
	Trust & Agency - Tax settlements	0.00
	<b>TOTALS</b>	<b>\$ 469,629.03</b>
Hand Checks & EFTs		
Check #	Name of Vendor	
EFT	Wex Bank - Fuel Card	\$ 2,483.52
	Total of Hand Checks to Approve	<b>\$ 2,483.52</b>
	Amount taken in through tax and paid out through tax	\$ -
	Bills paid by all funds with out tax settlements	<b>\$ 469,629.03</b>
	<b>TOTAL OF BILLS TO BE APPROVED FOR THIS PERIOD</b>	<b>\$ 469,629.03</b>



## CITY OF CARO

### Banner Policy

- Only non-profit organizations will be authorized to hang banners within the City.
- Banners shall be related to an activity, taking place within the City of Caro.
- City DPW Personnel will be responsible for Banner placement.
- City Council must approve all requests for Banners.
- Banners shall be hung for a period not to exceed two weeks.
- No Banners will be stored by City.
- Banners must be 24" to 28" wide and 25' long with wind vents (1/2 moon slit).
- All Banners will be dropped off not sooner than 48 hours prior to the event and picked up no later than 48 hours after the event at DPW, 741 Hooper St. Caro.
- The City reserves the right to refuse any banners that are unsightly, material is not durable or are deemed a safety factor.

#### BANNER REQUEST

NAME Stephanie Weingartz PHONE 989 672 1709  
ORGANIZATION Human Development  
EVENT Elder Abuse Awareness Month  
DATE YOU WISH BANNERS TO BE PUT UP June 1, 2022  
DATE YOU WISH BANNERS TO BE TAKEN DOWN June 30, 2022

Approved By: \_\_\_\_\_  
City Council  
By: City Clerk

\_\_\_\_\_ Date

Adopted by Council: 04-03-06

Revised 09-07-21

Policy # 06-002

# CITY OF CARO

MANAGER  
MATTHEW LANE  
CLERK  
RITA PAPP  
TREASURER  
MICHELE PERRY  
ATTORNEY  
LAURA GENOVICH

317 South State Street  
Caro MI 48723  
Phone 989-673-2226  
Fax 989-673-7310  
Website [www.carocity.net](http://www.carocity.net)

MAYOR  
JOE GREENE  
CITY COUNCIL  
BOB ESCHENBACHER  
DON HALL  
TISHA JONES-HOLUBEC  
JILL WHITE  
EMILY CAMPBELL  
KORY BATSCHE

## MEMORANDUM

**TO:** City Council  
**FROM:** Matthew S. Lane, City Manager  
**DATE:** March 31, 2022  
**RE:** PC- Adult-Use Marihuana Establishment- Adessa Gardens (Class C Grow)

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### **BACKGROUND:**

As you know, we have been working to review the first applications for adult-use marihuana establishment licenses after the adoption of Ordinance 479 in June 2021. In total, four companies- Spark Cannabis LLC, Premier Provisioning Center LLC, Emerald Thumb LLC, and Adessa Gardens LLC- have successfully applied for various license types. The Planning Commission held a series of public hearings at their meeting on March 22, 2022 regarding the adult-use marihuana establishments, after which they reviewed each site plan and discussed their recommendations for each applicant.

ADESSA GARDENS LLC- The site plan for Adessa Gardens LLC, located at 1075 S. Colling Rd was approved by the Planning Commission with the conditions that they submit a photometric plan to the City and add a back-up generator to the site plan. In addition, a favorable recommendation was made to the City Council for approving their special condition use permit and, therefore, their adult-use marihuana Class C Growing Establishment license.

### **RECOMMENDATION:**

The Planning Commission recommends approval of the special condition use permit and adult-use marihuana Class C Growing Establishment license for Adessa Gardens LLC, located at 1075 S. Colling Rd.

### **MOTION:**

Option 1:

To ACCEPT the recommendation of the Planning Commission and APPROVE the Special Condition Use Permit and Adult-Use Marihuana Class C Growing Establishment License for Adessa Gardens LLC at 1075 S. Colling Rd.

Option 2:

To DECLINE the recommendation of the Planning Commission and DENY the Special Condition Use Permit and Adult-Use Marihuana Class C Growing Establishment License for Adessa Gardens LLC establishment at 1075 S. Colling Rd.

Option 3:

To POSTPONE this action until the next regularly scheduled meeting of the City Council.

# CITY OF CARO

MANAGER  
MATTHEW LANE  
CLERK  
RITA PAPP  
TREASURER  
MICHELE PERRY  
ATTORNEY  
LAURA GENOVICH

317 South State Street  
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MAYOR  
JOE GREENE  
CITY COUNCIL  
BOB ESCHENBACHER  
DON HALL  
TISHA JONES-HOLUBEC  
JILL WHITE  
EMILY CAMPBELL  
KORY BATSCHE

## MEMORANDUM

**TO:** City Council  
**FROM:** Matthew S. Lane, City Manager  
**DATE:** March 31, 2022  
**RE:** PC- Adult-Use Marihuana Establishment- Emerald Thumb LLC (Class B Grow)

---

### **BACKGROUND:**

As you know, we have been working to review the first applications for adult-use marihuana establishment licenses after the adoption of Ordinance 479 in June 2021. In total, four companies- Spark Cannabis LLC, Premier Provisioning Center LLC, Emerald Thumb LLC, and Adessa Gardens LLC- have successfully applied for various license types. The Planning Commission held a series of public hearings at their meeting on March 22, 2022 regarding the adult-use marihuana establishments, after which they reviewed each site plan and discussed their recommendations for each applicant.

EMERALD THUMB LLC- The site plan for Emerald Thumb LLC, located at 1347 Prospect Avenue was approved by the Planning Commission. In addition, a favorable recommendation was made to the City Council for approving their special condition use permit and, therefore, their adult-use marihuana Class B Growing Establishment License.

### **RECOMMENDATION:**

The Planning Commission recommends approval of the special condition use permit and adult-use marihuana retail establishment license for Emerald Thumb LLC, located at 1347 Prospect Avenue.

### **MOTION:**

#### Option 1:

To ACCEPT the recommendation of the Planning Commission and APPROVE the Special Condition Use Permit and Adult-Use Marihuana Class B Growing Establishment License for Emerald Thumb LLC, located at 1347 Prospect Avenue.

#### Option 2:

To DECLINE the recommendation of the Planning Commission and DENY the Special Condition Use Permit and Adult-Use Marihuana Class B Growing Establishment License for Emerald Thumb LLC, located at 1347 Prospect Avenue.

#### Option 3:

To POSTPONE this action until the next regularly scheduled meeting of the City Council.

# CITY OF CARO

MANAGER  
MATTHEW LANE  
CLERK  
RITA PAPP  
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EMILY CAMPBELL  
KORY BATSCHE

## MEMORANDUM

**TO:** City Council  
**FROM:** Matthew S. Lane, City Manager  
**DATE:** March 31, 2022  
**RE:** PC- Adult-Use Marihuana Establishment- Spark Cannabis

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### **BACKGROUND:**

As you know, we have been working to review the first applications for adult-use marihuana establishment licenses after the adoption of Ordinance 479 in June 2021. In total, five companies- Spark Cannabis LLC, Premier Provisioning Center LLC, Emerald Thumb LLC, and Adessa Gardens LLC- have applied for various license types. The Planning Commission held a public hearing at their meeting on March 22, 2022, regarding the adult-use marihuana establishments, after which they reviewed each site plan and discussed their recommendations for each applicant.

SPARK CANNABIS- The site plan for 1345 Prospect Place was approved by the Planning Commission. In addition, a favorable recommendation was made to the City Council for approving their special condition use permit and, therefore, their adult-use marihuana retail facility license.

### **RECOMMENDATION:**

The Planning Commission recommends approval of the special condition use permit and adult-use marihuana retail establishment license.

### **MOTION:**

Option 1:

To ACCEPT the recommendation of the Planning Commission and APPROVE the Special Condition Use Permit and Adult-Use Marihuana Retail Establishment License for Spark Cannabis LLC retail establishment at 1345 Prospect Place.

Option 2:

To DECLINE the recommendation of the Planning Commission and DENY the Special Condition Use Permit and Adult-Use Marihuana Retail Establishment License for Spark Cannabis LLC retail establishment at 1345 Prospect Place.

Option 3:

To POSTPONE this action until the next regularly scheduled meeting of the City Council.



# CITY OF CARO

MANAGER  
MATTHEW LANE  
CLERK  
RITA PAPP  
TREASURER  
MICHELE PERRY  
ATTORNEY  
LAURA GENOVICH

317 South State Street  
Caro MI 48723  
Phone 989-673-2226  
Fax 989-673-7310  
Website [www.carocity.net](http://www.carocity.net)

MAYOR  
JOE GREENE  
CITY COUNCIL  
BOB ESCHENBACHER  
DON HALL  
TISHA JONES-HOLUBEC  
JILL WHITE  
EMILY CAMPBELL  
KORY BATSCHE

## MEMORANDUM

**TO:** City Council  
**FROM:** Matthew S. Lane, City Manager  
**DATE:** March 31, 2022  
**RE:** PC- Adult-Use Marihuana Establishment- Premier Provisioning (Retail)

---

### **BACKGROUND:**

As you know, we have been working to review the first applications for adult-use marihuana establishment licenses after the adoption of Ordinance 479 in June 2021. In total, four companies- Spark Cannabis LLC, Premier Provisioning Center LLC, Emerald Thumb LLC, and Adessa Gardens LLC- have successfully applied for various license types. The Planning Commission held a series of public hearings at their meeting on March 22, 2022 regarding the adult-use marihuana establishments, after which they reviewed each site plan and discussed their recommendations for each applicant.

**PREMIER PROVISIONING-** The site plan for Premier Provisioning LLC, located at 1023 E. Caro Rd was approved by the Planning Commission with the conditions that they move their dumpster to the designated enclosure and adjust exterior lighting to account for glare on M81 and M24. In addition, a favorable recommendation was made to the City Council for approving their special condition use permit and, therefore, their adult-use marihuana retail establishment license.

I have confirmed that they have adjusted their lighting and that they have scheduled the dumpster to be replaced and located in the existing enclosure.

### **RECOMMENDATION:**

The Planning Commission recommends approval of the special condition use permit and adult-use marihuana retail establishment license for Premier Provisioning LLC, located at 1023 E. Caro Rd.

### **MOTION:**

Option 1:

To ACCEPT the recommendation of the Planning Commission and APPROVE the Special Condition Use Permit and Adult-Use Marihuana Retail Establishment License for Premier Provisioning LLC retail establishment at 1023 E. Caro Rd.

Option 2:

To DECLINE the recommendation of the Planning Commission and DENY the Special Condition Use Permit and Adult-Use Marihuana Retail Establishment License for Premier Provisioning LLC retail establishment at 1023 E. Caro Rd.

Option 3:

To POSTPONE this action until the next regularly scheduled meeting of the City Council.

# CITY OF CARO

MANAGER  
MATTHEW LANE  
CLERK  
RITA PAPP  
TREASURER  
MICHELE PERRY  
ATTORNEY  
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JILL WHITE  
EMILY CAMPBELL  
KORY BATSCHE

## MEMORANDUM

**TO:** City Council  
**FROM:** Matthew S. Lane, City Manager  
**DATE:** March 31, 2022  
**RE:** Process to Remove Planning Commission Member

---

### **BACKGROUND:**

As you may be aware, the City has received a complaint about Planning Commissioner Al Michel's recent visit to Premier Provisioning on March 18, 2022. Attached to this memo is the letter our City Attorney drafted and submitted to Mr. Michel, which contains a synopsis of the alleged events and the consideration of potential options for the City Council.

The letter summarizes our concerns: *"First, the City is concerned that your demand that Mr. Murad bring you \$5,000 might be unlawful. Second, the City Code does not authorize individual Planning Commission members to inspect medical marihuana facilities, so the City is concerned that your inspection request ran afoul of the City Code, including the City Ethics Ordinance."*

City of Caro Police have turned over the report to the Tuscola County Prosecutor's Office for review of potential criminal charges.

### **RECOMMENDATION:**

It is my recommendation that the City Council direct administration to issue written charges, as outlined by the City Attorney to Mr. Michel, and set a public hearing for the next regularly scheduled City Council meeting for the purpose of considering his removal from the planning commission pursuant to MCL 125.3815(9) for malfeasance, misfeasance, or nonfeasance in office and Section 4-2 of City of Caro Ethics Ordinance. (Both sections are attached for your reference)

### **MOTION:**

Option 1:

To ACCEPT the recommendation of the City Manager and direct administration issue written charges to Mr. Michel and set a public hearing for the next regularly scheduled City Council meeting for the purpose of considering his removal from the planning commission pursuant to MCL 125.3815(9) for malfeasance, misfeasance, or nonfeasance in office and Section 4-2 of City of Caro Ethics Ordinance.

Option 2:

To DECLINE the recommendation of the City Manager.

Option 3:

To POSTPONE this action until the next regularly scheduled meeting of the City Council.

**Lansing**  
313 S. Washington Square  
Lansing MI 48933

**Detroit**  
333 W. Fort Street – Suite 1400  
Detroit MI 48226

Walter S. Foster  
1878-1961  
Richard B. Foster  
1908-1996  
Theodore W. Swift  
1928-2000  
John L. Collins  
1926-2001

Webb A. Smith  
Scott A. Storey  
Charles A. Janssen  
Charles E. Barbieri  
Scott L. Mandel  
Michael D. Sanders  
Brent A. Titus  
Brian G. Goodenough

Matt G. Hrebec  
Deanna Swisher  
Thomas R. Meagher  
Douglas A. Mielock  
Scott A. Chernich  
Paul J. Millenbach  
Dirk H. Beckwith  
Brian J. Renaud  
Lynwood P. VandenBosch  
Lawrence Korolewicz  
James B. Doezeema  
Anne M. Seuryneck  
Michael D. Homier  
Scott H. Hogan  
Richard C. Kraus  
Benjamin J. Price  
Michael R. Blum

**Southfield**  
28411 Northwestern Highway – Suite 500  
Southfield MI 48034

**Holland**  
151 Central Avenue – Suite 260  
Holland MI 49423

Jonathan J. David  
Andrew C. Vredenburg  
Julie I. Fershtman  
Todd W. Hoppe  
Jennifer B. Van Regenmorter  
Thomas R. TerMaat  
Frederick D. Dilley  
David R. Russell  
Joel C. Farrar  
Laura J. Genovitch  
Karl W. Butterer, Jr.  
Mindi M. Johnson  
Ray H. Littleton, II  
Jack L. Van Coevering  
Anna K. Gibson  
Patricia J. Scott  
Nicholas M. Oertel

Alicia W. Birch  
Adam A. Fadly  
Michael J. Liddane  
Ryan E. Lamb  
Clifford L. Hammond  
Matthew S. Fedor  
Andrea Badalucco  
John W. Mashni  
Stefania Gismondi  
Leslie A. Abdo  
Julie L. Hamlet  
Michael C. Zahrt  
Gilbert M. Frimet  
Stephen W. Smith  
Mark T. Koerner  
Warren H. Krueger, III  
Sarah J. Gabis

Amanda Afton Martin  
Steven J. Tjapkes  
Jacquelyn A. Dupler  
Daniel S. Zick  
Scott R. Forbush  
Taylor A. Gast  
Rachel G. Olney  
Tyler J. Olney  
Mark J. DeLuca  
Thomas K. Dillon  
Robert A. Easterly  
Robert A. Hamor  
Michael A. Cassar  
Hilary J. McDaniel Stafford  
Emily R. Wisniewski  
Amanda J. Dernovshek  
Lydia H. Kessler

**Grand Rapids**  
1700 E. Beltline NE – Suite 200  
Grand Rapids MI 49525

**St. Joseph**  
800 Ship Street – Suite 105  
St. Joseph MI 49085

Brandon M. H. Schumacher  
Alexander J. Thibodeau  
Cody A. Mott  
Alaina M. Nelson  
Caroline N. Renner  
Joseph B. Gale  
Sydney T. Steele  
DeVaughn J. Swanson  
Kaitlyn E. Manley  
Kathrine A. Ruttkofsky  
Anthony M. Dalimonte  
Jim W. Scales  
Mariah M. Silverstein  
Benjamin C. Dilley

**Writer's Direct Phone:** 616.726.2238

**Fax:** 616.726.6813

**Reply To:** Grand Rapids

**Email:** LGenovitch@fosterswift.com

March 22, 2022

Al Michel  
City of Caro Planning Commission  
317 S. State Street  
Caro, MI 48723

RE: Complaint and Police Report

Dear Mr. Michel:

This law firm represents the City of Caro. Please share this letter with your attorney if you have one.

We are writing because the City has received a complaint about your visit to Premier Provisioning on March 18, 2022, and statements that you allegedly made to the owner of Premier Provisioning. The purpose of this letter is to inform you of the complaint and request your response to the allegations, request that you abstain from voting on matters concerning Premier Provisioning at tonight's Planning Commission meeting, and advise you of possible next steps.

## Complaint

The City received the enclosed police report and e-mail complaint concerning your demand to inspect a medical marihuana facility (Premier Provisioning) at 1023 East Caro Road on March 18, 2022, at approximately 7:00 PM. For purposes of this letter, we assume that the allegations are true, but the City would like to hear your perspective on these events as well.

Generally, the complaint alleges that you arrived unannounced at Premier Provisioning and demanded to inspect the facility, including a restricted/secured area, as a member of the Planning Commission. The manager, Cynthia Oland, requested that you produce identification, which you reportedly declined to



Al Michel  
March 22, 2022  
Page 2

provide. She also invited you to schedule an official appointment for the inspection, but you reportedly demanded to inspect the facility immediately.

Ms. Oland reports that while you were at the facility, she called the owner, Ray Murad, and you spoke with Mr. Murad. During that call, Ms. Oland heard you say to Mr. Murad, "Bring me my \$5,000 or my vote will reflect your decision on Tuesday." We understand that the Planning Commission is set to vote on Premier Provisioning's adult-use marihuana application on Tuesday. Mr. Murad stated that he felt "harassed."

Ms. Oland asked you several times to leave the facility, which you eventually did. Ms. Oland contacted the Caro Police Department, and the responding officer interviewed Ms. Oland and Mr. Murad and completed the enclosed report. We understand that the responding officer also contacted your daughter, who is an attorney. Ms. Oland subsequently e-mailed a complaint to the City Manager, which was provided to City Council in advance of its March 21 meeting.

### **City Council's Concerns**

We appreciate that you may have a different perspective on what transpired at Premier Provisioning, and we welcome you to respond to the complaint. Based on the allegations in the complaint, however, the City is concerned about two issues. First, the City is concerned that your demand that Mr. Murad bring you \$5,000 might be unlawful. Second, the City Code does not authorize individual Planning Commission members to inspect medical marihuana facilities, so the City is concerned that your inspection request ran afoul of the City Code, including the City Ethics Ordinance.

#### **1. Request for Payment to Mr. Murad**

Ms. Oland's correspondence accuses you of misconduct, particularly as it relates to your request that Mr. Murad pay you \$5,000. Under state law, "misconduct" includes malfeasance, misfeasance, and nonfeasance in public office, and it is a common law crime under MCL 750.505. *See People v Coutu*, 459 Mich 348; 589 NW2d 458 (1999).

Relatedly, MCL 750.118 makes it unlawful for a public officer to "corruptly accept any gift or gratuity, or any promise to make any gift, or to do any act beneficial to such officer, under an agreement, or with an understanding that his vote, opinion or judgment shall be given in any particular manner, or upon a particular side of any question, cause or proceeding, which is or may be by law brought before him in his official capacity." Bribery is also unlawful under federal law.

We do not know the intention behind your statement to Mr. Murad, if you did in fact make that statement. But your alleged demand that Mr. Murad "bring [you your] \$5,000 or [your] vote will reflect [his] decision



Al Michel  
March 22, 2022  
Page 3

on Tuesday” could be perceived as a solicitation of financial payment in exchange for a favorable vote on Premier Provisioning’s adult-use marihuana establishment application.

The City Council would like to hear your side of the story. Because Ms. Oland’s complaint accuses you of criminal conduct, we recommend that you speak to an attorney before responding to ensure that your constitutional rights against self-incrimination are protected. Any statements that you provide to the City will be a public record and may be shared with the Tuscola County Prosecutor.

## 2. Role of Planning Commission

The City Code does not authorize individual Planning Commission members to inspect medical marihuana facilities. The City Manager is responsible for enforcing and administering both the medical marihuana and adult-use marihuana ordinances in the City. (City Code Sec. 8-30(c); 8-49(c).) The Planning Commission’s only role is to review and make recommendations on site plans for pending applications. The City Council may designate other city officials by resolution to enforce and administer the ordinances, but that has not occurred here. Accordingly, the City hereby advises you that as an individual Planning Commission member, you are not authorized to demand inspections of marihuana facilities.

## **Next Steps**

Given the serious nature of the allegations, the City is reviewing its options, which may include removing you from office under MCL 125.3815(9) for malfeasance, misfeasance, or nonfeasance in office.

Removal may also be warranted based on violations of the City Ethics Ordinance, particularly the provisions prohibiting the solicitations of gifts (Sec. 2-4(a)), requiring members to act in the public interest (Sec. 2-9), requiring members to comply with the City Code and Michigan law (Sec. 2-10), requiring members to respect the council-manager structure of City government (Sec. 2-13), and prohibiting members from voting on matters in which they have a conflict of interest (Sec. 3-1).

Removal requires the City to issue written charges and hold a public hearing, for which you will be given advance notice in writing and an opportunity to be heard (either on your own behalf or through an attorney of your choosing, at your expense). As noted above, the City welcomes your written response but also recommends that you seek legal advice concerning this matter.

You may also choose to resign by submitting a letter to City Council, which City Council must then vote to accept.

If you attend the Planning Commission meeting scheduled for tonight (March 22, 2022), the City requests that you abstain from voting on Premier Provisioning’s adult-use marihuana establishment application.

Al Michel  
March 22, 2022  
Page 4

We believe that your statements to Mr. Murad have created a conflict of interest under the City's Ethics Ordinance under common law, as your vote is now linked to a potential personal financial benefit. Thus, voting on Premier Provisioning's application would be inappropriate.

Thank you for your attention to this important matter.

Very truly yours,

FOSTER SWIFT COLLINS & SMITH PC

*/s/ Laura J. Genovich*

Laura J. Genovich

Enclosures

87253:00001:6208969-1



## MICHIGAN PLANNING ENABLING ACT (EXCERPT)

Act 33 of 2008

### **125.3815 Planning commission; membership; appointment; terms; vacancy; representation; qualifications; ex-officio members; board serving as planning commission; removal of member; conditions; conflict of interest; additional requirements.**

Sec. 15. (1) In a municipality, the chief elected official shall appoint members of the planning commission, subject to approval by a majority vote of the members of the legislative body elected and serving. In a county, the county board of commissioners shall determine the method of appointment of members of the planning commission by resolution of a majority of the full membership of the county board.

(2) A city, village, or township planning commission shall consist of 5, 7, or 9 members. A county planning commission shall consist of 5, 7, 9, or 11 members. Members of a planning commission other than ex officio members under subsection (5) shall be appointed for 3-year terms. However, of the members of the planning commission, other than ex officio members, first appointed, a number shall be appointed to 1-year or 2-year terms such that, as nearly as possible, the terms of 1/3 of all the planning commission members will expire each year. If a vacancy occurs on a planning commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.

(3) The membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the local unit of government to the extent practicable.

(4) Members of a planning commission shall be qualified electors of the local unit of government, except that the following number of planning commission members may be individuals who are not qualified electors of the local unit of government but are qualified electors of another local unit of government:

(a) 3, in a city that on September 1, 2008 had a population of more than 2,700 but less than 2,800.

(b) 2, in a city or village that has, on September 1, 2008 had, a population of less than 5,000, except as provided in subdivision (a).

(c) 1, in local units of government other than those described in subdivision (a) or (b).

(5) In a township that on September 1, 2008 had a planning commission created under former 1931 PA 285, 1 member of the legislative body or the chief elected official, or both, may be appointed to the planning commission, as ex officio members. In any other township, 1 member of the legislative body shall be appointed to the planning commission, as an ex officio member. In a city, village, or county, the chief administrative official or a person designated by the chief administrative official, if any, the chief elected official, 1 or more members of the legislative body, or any combination thereof, may be appointed to the planning commission, as ex officio members, unless prohibited by charter. However, in a city, village, or county, not more than 1/3 of the members of the planning commission may be ex officio members. Except as provided in this subsection, an elected officer or employee of the local unit of government is not eligible to be a member of the planning commission. The term of an ex officio member of a planning commission shall be as follows:

(a) The term of a chief elected official shall correspond to his or her term as chief elected official.

(b) The term of a chief administrative official shall expire with the term of the chief elected official that appointed him or her as chief administrative official.

(c) The term of a member of the legislative body shall expire with his or her term on the legislative body.

(6) For a county planning commission, the county shall make every reasonable effort to ensure that the membership of the county planning commission includes a member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries. The requirements of this subsection apply whenever an appointment is to be made to the planning commission, unless an incumbent is being reappointed or an ex officio member is being appointed under subsection (5).

(7) Subject to subsection (8), a city or village that has a population of less than 5,000, and that has not created a planning commission by charter, may by an ordinance adopted under section 11(1) provide that 1 of the following boards serve as its planning commission:

(a) The board of directors of the economic development corporation of the city or village created under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636.

(b) The board of a downtown development authority created under 1975 PA 197, MCL 125.1651 to 125.1681, if the boundaries of the downtown district are the same as the boundaries of the city or village.

(c) A board created under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, if the boundaries of the authority district are the same as the boundaries of the city or village.

(8) Subsections (1) to (5) do not apply to a planning commission established under subsection (7). All other provisions of this act apply to a planning commission established under subsection (7).

(9) The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its bylaws.

(10) An ordinance creating a planning commission may impose additional requirements relevant to the subject matter of, but not inconsistent with, this section.

**History:** 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 105, Imd. Eff. June 29, 2010.

**CITY OF CARO**

**ORDINANCE NO. 485**

**ORDINANCE TO ADOPT CODE OF ETHICS FOR THE CITY OF CARO**

The City of Caro ordains:

**CHAPTER ONE: TITLE, PURPOSE, AND DEFINITIONS**

**Section 1-1. Title.**

This ordinance shall be known and cited as the "City of Caro Code of Ethics" or the "Code of Ethics."

**Section 1-2. Purpose.**

The purpose of the Code of Ethics is to prescribe standards of conduct for the officers and employees of the City of Caro (the "City").

**Section 1-3. Definitions.**

- a. "Employee" means a person employed by the City, whether on a full-time or part-time basis.
- b. "Confidential information" means information obtained in the course of holding public office or employment that is not available to members of the public and which the official or employee is not authorized to disclose, except to designated individuals or bodies, including written and non-written information.
- c. "Conflict of interest" includes a matter pending before the City Council or any City board or committee in which:
  - i. a member of the Council, board, or committee has a direct pecuniary interest in the matter or in the outcome of the matter, if such interest would result in an incompatibility between the member's private interests and the member's fiduciary duties; or
  - ii. a person in the member's immediate family has a direct pecuniary interest in the matter or in the outcome of the matter, if such interest would result in an incompatibility between the member's private interests and the Member's fiduciary duties. "Immediate family" means a member's spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parent's in-law, or any individual living in the member's household.

- d. "Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, travel, lodging, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.
- e. "Officer" or "Official" means a person who holds office by election or appointment within the City, regardless of whether the person is compensated for service in his or her official capacity.
- f. "Prohibited source" means any person or entity who:
  - i. is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
  - ii. does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
  - iii. conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
  - iv. has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

## **CHAPTER TWO: STANDARDS OF CONDUCT**

### **Section 2-1. Confidential Information.**

Except as otherwise required by law or court order, an officer or employee shall not divulge to an unauthorized person confidential information acquired in the course of employment or in the course of holding office in advance of the time prescribed for its authorized release to the public. Members shall respect the confidentiality of information that is deemed confidential by the Open Meeting Act or the Freedom of Information Act and not use such confidential information to advance their personal interests.

*State law reference:* MCL 15.342(1).

### **Section 2-2. Personal Opinion.**

An officer or employee shall not represent his or her personal opinion as that of the City. When presenting their individual opinions and positions, members shall explicitly state they do not represent the City of Caro, nor will they allow the inference that they do.

*State law reference:* MCL 15.342(2).

**Section 2-3. Use of City Property and Resources.**

An officer or employee shall use personnel resources, property, and funds under the officer or employee's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit. Members shall not utilize the City's name or logo for the purpose of endorsing any political candidate or business.

*State law reference:* MCL 15.342(3).

**Section 2-4. Gifts.**

- a. **Gifts prohibited.** Except as permitted by this ordinance, no officer or employee of the City shall intentionally solicit or accept any gift from any prohibited source or any gift that is otherwise prohibited by law or ordinance.
- b. **Exceptions.** Subsection (a) is not applicable to the following:
  - i. Opportunities, benefits, and services that are available on the same conditions as for the general public.
  - ii. Anything for which the officer or employee pays the fair market value.
  - iii. Any contribution that is lawfully made under the Campaign Finance Laws of the State of Michigan.
  - iv. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of an individual's spouse and the individual's fiancé or fiancée.
  - v. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the

history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees.

- vi. Food or refreshments not exceeding \$50.00 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared, or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- vii. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- viii. Intra-governmental and inter-governmental gifts. For the purpose of this ordinance, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee of the City, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- ix. Bequests, inheritances, and other transfers at death.
- x. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.
- xi. Any item or monetary gift that is donated to the City, held in the City's possession, and used by the City for any lawful public purpose.

*State law reference: MCL 15.342(4).*

**Section 2-5. Business Transactions.**

- a. An officer or employee shall not engage in a business transaction in which the officer or employee may profit from his or her official position or authority or benefit financially from confidential information which the public officer or employee has obtained or may obtain by reason of that position or authority.



- b. Instruction which is not done during regularly scheduled working hours except for annual leave or vacation time shall not be considered a business transaction pursuant to this subsection if the instructor does not have any direct dealing with or influence on the employing or contracting facility associated with his or her course of employment with this state.

*State law reference:* MCL 15.342(5).

**Section 2-6. Incompatibility.**

Except as provided by Section 2a of Act 196 of 1973, MCL 15.341 *et seq.*, and other applicable law, an officer or employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties or when that employment may tend to impair his or her independent judgment or action in the performance of official duties.

*State law reference:* MCL 15.342(6).

**Section 2-7. Negotiation of Contracts.**

Except as provided by Section 2a of Act 196 of 1973, MCL 15.341 *et seq.*, and other applicable law, a public officer or employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the public officer or employee has a financial or personal interest.

Any contracts between a public official or employee and the City must comply with the Contracts of Public Servants with Public Entities Act, Act 317 of 1968, MCL 15.321 *et seq.*

*State law reference:* MCL 15.342(7).

**Section 2-8. Political and Campaign Activities.**

Public officials and employees must comply with the Political Activities by Public Employees Act, MCL 15.401 *et seq.*, and the Michigan Campaign Finance Act, MCL 169.201 *et seq.*

**Section 2-9. Act in Public Interest.**

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Caro and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Caro City Council, boards, commissions, and committees.

**Section 2-10. Legal Compliance.**

Members shall comply with the laws of the nation, the State of Michigan, and the City of Caro in the performance of their public duties. These laws include, but are not limited to the Open Meetings Act; the Freedom of Information Act; and the City Charter, ordinances and resolutions.

**Section 2-11. Process & Meetings.**

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and boards, commissions, and committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

**Section 2-12. Decisions & Deliberations.**

Because of the value of the independent advice of boards, commissions, and committees to the public decision-making process, members of Council shall refrain from using their position to influence unduly the deliberations or outcomes of board, commission, and committee proceedings.

**Section 2-13. Policy Role of Members.**

Members shall respect and adhere to the council-manager structure of Caro city government as outlined in the Caro City Charter with respect to the City Manager's relationship with the City Council. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, and committees and City staff. Except as provided by the City ordinance, members therefore shall not interfere with the administrative functions of the City of the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

**Section 2-14. Work Environment.**

Members shall support the maintenance of a positive and constructive work-place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees and refrain from creating the perception of inappropriate direction to staff.

**CHAPTER THREE: CONFLICTS OF INTEREST**

**Section 3-1. Procedure.**

- a. Before participating in a decision, hearing, or casting a vote on a matter on which a member may reasonably have a conflict of interest as identified in this

Ordinance, the member must disclose the potential conflict of interest to the presiding officer or City Clerk.

- b. The member who has disclosed a conflict of interest must disqualify himself or herself at the outset of the hearing or discussion and must not participate in the deliberations or decision. The member must not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting. The presence of the member at the meeting is not counted in determining the presence of a quorum for purposes of the vote on the matter presenting the conflict of interest. The member's ineligibility to vote will be reflected in the minutes of the meeting.
- c. If the member is an applicant submitting an application, contract, transaction or any other matter to the Council, board, or committee, the member may be present in the meeting room during discussion to make a presentation and answer questions.
- d. If a member plans not to attend a meeting at which he or she has reason to believe that the Council, board, or committee will act on a matter in which the member has a conflict of interest, the member must disclose to the chair of the meeting all facts material to the conflict of interest. The chair must report the disclosure at the meeting, and the disclosure will be reflected in the minutes of the meeting.
- e. Pursuant to Section 6.7(c) of the City Charter, if a City Council member discloses a potential conflict of interest during a meeting, the vote may be postponed to the next scheduled meeting

#### **CHAPTER FOUR: VIOLATIONS**

##### **Section 4-1. Violations.**

A person who violates this Ordinance is subject to disciplinary action as defined in Section 4-2 of this Chapter. Violations of this Ordinance are exempt from the penalties and sanctions defined in Section 1-12 of the Code of Ordinances.

##### **Section 4-2. Disciplinary Action.**

Violation of this Ordinance constitutes malfeasance and misconduct in office as defined in Section 15.11 of the Charter of the City of Caro. In addition to any other penalty, whether criminal or civil, an employee or officer who intentionally violates this ordinance may be subject to disciplinary action including censure, reprimand, removal, dismissal, or discharge, to the extent permitted by law.

**Section 4-3. Collective Bargaining Agreements.**

Nothing in this Ordinance diminishes or impairs the rights of an officer or employee under any collective bargaining agreement. To the extent this Ordinance conflicts with a collective bargaining agreement in effect in the City, the collective bargaining agreement controls.

**Section 4-4. State statutes.**

State statutes cited in this ordinance contain criminal penalties and civil remedies that apply, as provided in those statutes, to the conduct regulated by those statutes.

**CHAPTER FIVE: ADMINISTRATIVE PROVISIONS**

**Section 5-1. Validity and Severability.**

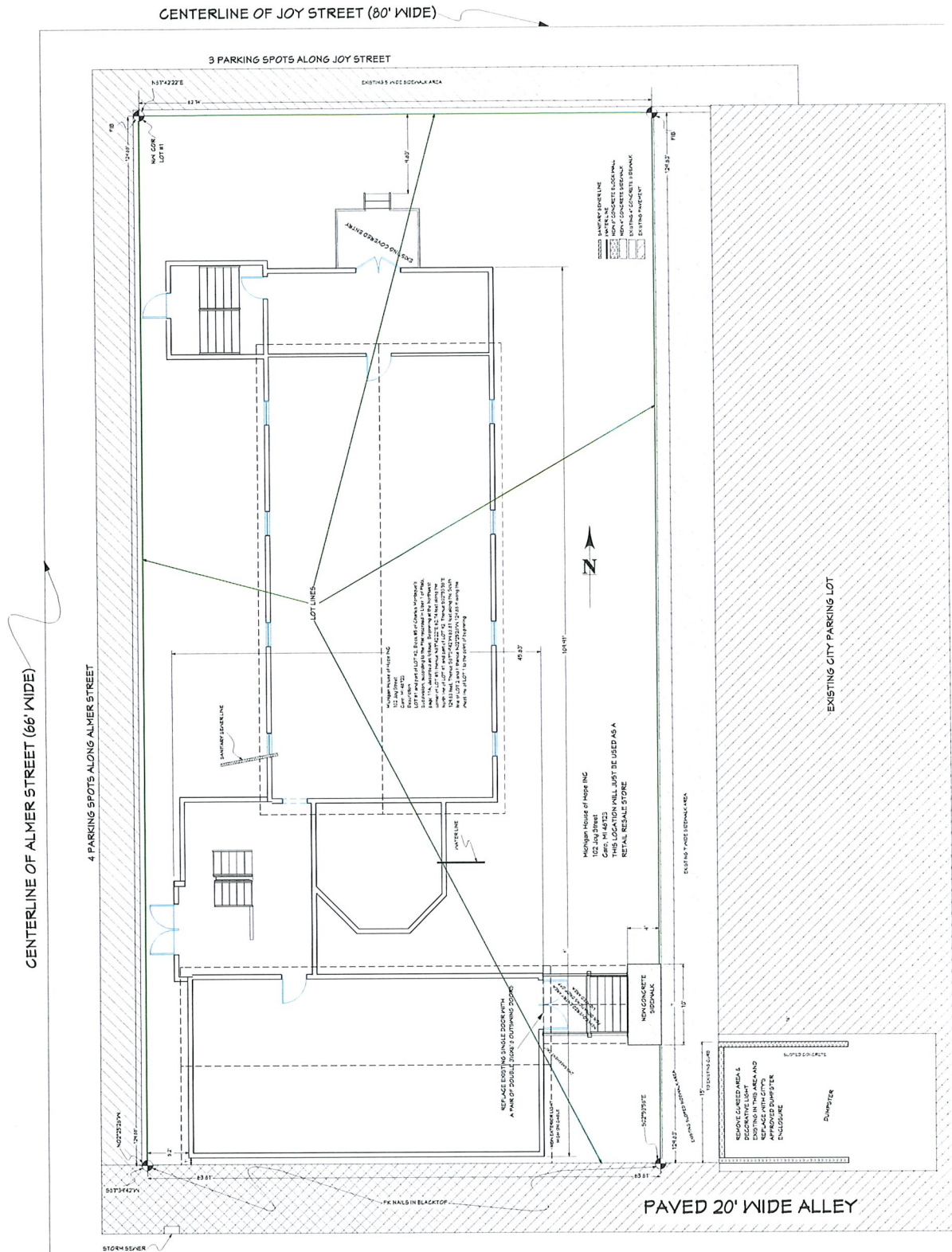
Should any portion of this Ordinance be found invalid for any reason, such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 5-2. Repeal of Prior Ordinance.**

Any ordinances or parts of ordinances in conflict with this Ordinance are repealed, but only to the extent necessary to give this Ordinance full force and effect.

**Section 5-3. Effective Date.**

This ordinance becomes effective 15 days after adoption.



# CITY OF CARO

MANAGER  
MATTHEW LANE  
CLERK  
RITA PAPP  
TREASURER  
MICHELE PERRY  
ATTORNEY  
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DON HALL  
TISHA JONES-HOLUBEC  
JILL WHITE  
EMILY CAMPBELL  
KORY BATSCHKE

## MEMORANDUM

**TO:** City Council  
**FROM:** Matthew S. Lane, City Manager  
**DATE:** April 1, 2022  
**RE:** City Manager Comments

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### NEW:

- Attended Planning Commission on 3-22-2022
- Held Bid Opening for Digester Cover Removal
  - Received only 1 bid
  - Waiting for Recommendation from HRC
- Ordered memorial bench for Chippewa Landing Park
  - Nora is working on site selection with the family
  - Plaque has arrived.
- Ordered Dog Waste Stations for Downtown Parking Lots
  - Installed 4 new dog waste stations downtown
- Spring Newsletter Article submitted for publishing
- Attended MME Ethics Committee Meeting
  - I was recently appointed to serve on the Michigan Municipal Executives Ethics Committee
- In the beginning stages of union contract negotiations.
  - POLC
  - DPW Union is holding an election to switch bargaining units to GELC and subsidiary of POLC.
  - Conducting background research and working with labor attorney.

### IN PROGRESS:

- Working on budget and capital improvement plan
- Working with ALDI, Inc on new store in the City.
  - Rezoning Approved
  - Aldi is combining parcels
  - Held department review of utilities
  - Site Plan Approved by Planning Commission
  - Received second plans, currently under review
  - MDOT Approved Work Plan
  - Permits have been applied for
  - ALDI is working on utility easement for water main
- Rightway Auto is under construction.
- Continuing discussions with MMR regarding EMS service.
  - Held second stakeholder meeting
- Adult-Use Marihuana Application Packet and Process
  - Public Hearings held March 22, 2022



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- Well #1 Pump has been repaired
- Well #3 Sand Separator project is underway
  - Well functionally abandoned. Valves have been shot off to isolate from system.
    - Work to cap infrastructure will take place in summer
  - Budgeting for physical abandonment work and EGLE permitting for FY 2023-24
- Westen Opportunities/Putman project.
  - Reviewing plans for sewer proposals
  - Received request for water from Putmans
  - In discussions with Indianfields RE: water franchise
  - Presented draft water franchise to the Indianfields and developer
  - City Council approved Water Franchise
  - Developer advised Township they intend to work toward well and septic
  - Spoke with health department regarding the project
  - Spoke with Moore Motors
  - Status of City involvement is currently unknown
  - Health department denied on-site well and septic permits
  - Received unfounded zoning violation from Indianfields Township Supervisor
- Planning Commission Annual Report (Nora)
  - Draft provided to PC for review and comments
- Marshalls
  - Project is moving forward.
  - Processed zoning permit (approved)
  - Processed signage permit (approved)
  - Construction is underway

## UPCOMING:

- Working with County on MSP Annexation
  - In communication with county administration regarding annexation.
  - Received resolution and petition requesting annexation
  - Must waive conflict of interest for attorney to review
  - ISD Annexations issue has not yet been resolved (waiting for response from State)
- Pursue proposals for City Hall HVAC upgrades
  - Rebid as requested by City Council
- House demolition bids
  - Working on draft.
  - First review complete, final draft in progress
- Start thinking about Budget
  - Sent out budget worksheets and Capital Improvement Project requests in February
- ARP: \$417,000
  - Submitted project use proposals to council for feedback and discussion
- Lincoln Street Paused until Spring
- Splash pad repair and start-up scheduled for beginning of May

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**TO:** City Council  
**FROM:** Rita Papp – City Clerk  
**SUBJECT:** Clerk's Report  
**DATE:** April 4, 2022

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- Processed 6 FOIA's during this period.
- Continuing to review Boards and Commission Appointment vacancies.
- Planning Commission has 1 vacant seat due to a resignation. No application received as of the date of this meeting.
- Attended the Michigan Association of Municipal Clerks Institute, March 20–25, 2022 in Mt. Pleasant. Received my certificate of completion for year one of the program. Thank you to the council for allowing me the opportunity to attend.
- Applied and received a 50% grant from Michigan Municipal Risk Management Authority for the Michigan Association of Municipal Clerk's Institute, \$325.00.
- Registered for the Michigan Association of Municipal Clerks summer conference, June 21-24, 2022, in Traverse City.
- Jana and I are in the process of re-organizing the personnel files by utilizing a different filing system.
- There will be a Special Election in the City of Caro on May 3, 2022. I am in the process of preparing for this election. Election Commission and Inspector's pay has been approved by the Council.
- Mailed out 693 absentee voter ballot applications March 4, 2022. 270 ballots issued, 123 returned as of Thursday, March 31, 2022.
- Meeting was held for election inspectors on March 17, 2022, to discuss housekeeping procedures for the May 3, 2022 election.
- Meeting was held for an Election Commission meeting for March 31, 2022 for the May 3, 2022 election.
- Working with Tuscola County Medical Care Facility Activities Director to make sure the residents are serviced for elections. Will be registering voters on April 5, 2022, at the facility.
- Working on ICMA – Mission Square Reinstatement Adoption Agreement. Will be presented in April 2022.
- Working with Mayor Greene on planning the Easter Egg Hunt, April 9, 2022.