



**CITY OF ALLEGAN
CITY COUNCIL STUDY SESSION MEETING
Monday, October 23, 2023, 5:30PM
City Council Chambers - 231 Trowbridge Street
Allegan, Michigan**

*****NO ACTION IS TAKEN DURING THE STUDY SESSION*****

1. Call to Order
2. Public Comment Period
3. Round Table Discussion amongst Council Members
4. Review of Downtown Infrastructure Streetscape Report
5. Review of City Council Rules of Procedure
6. Review of Ordinance Chapters 19, 20, 22, and 27.
7. Review of Council Agenda
8. Adjourn to regular meeting to begin at 7:00 pm



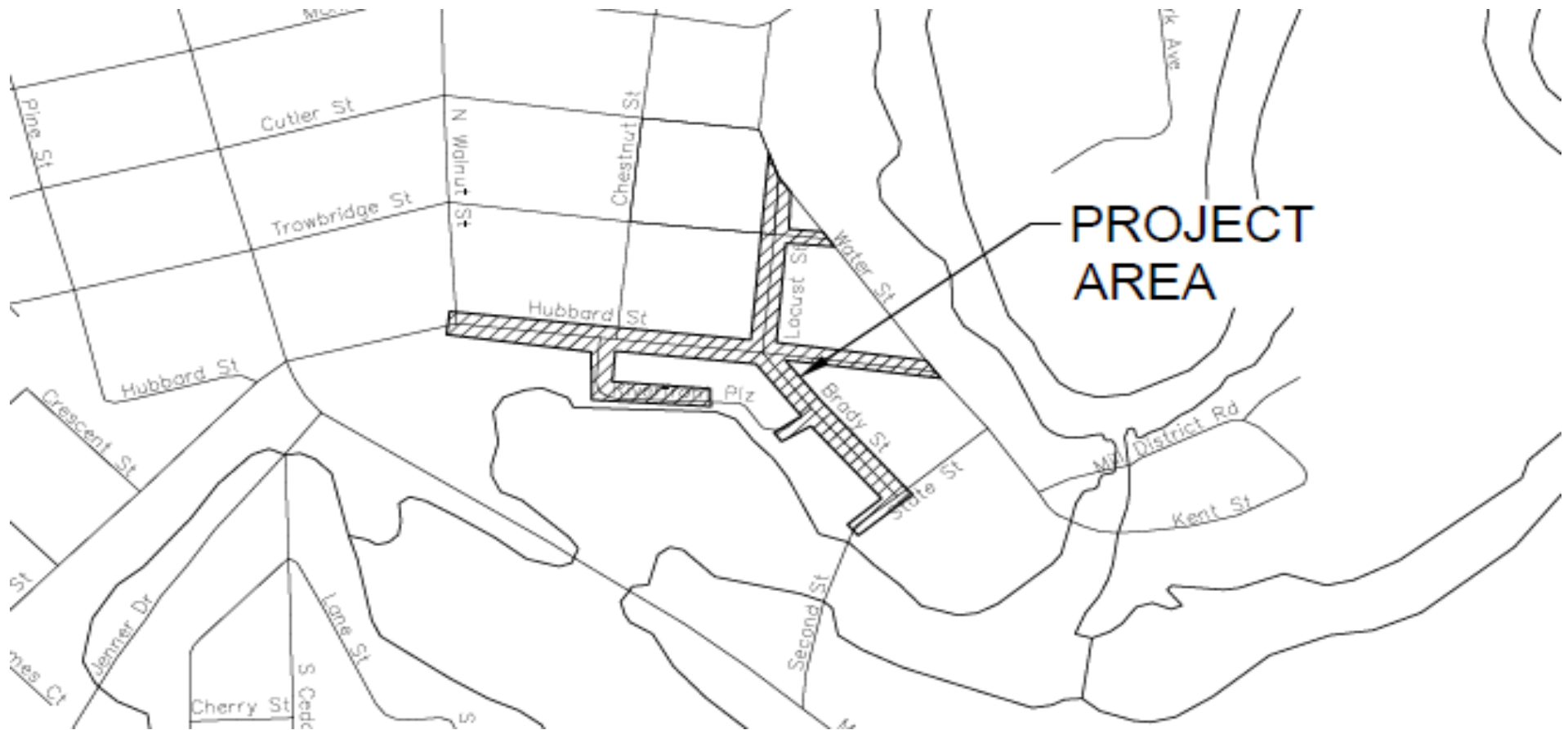
Downtown Infrastructure & Streetscape Project Progress Report



Monthly Update – October 2023



Project Scope



The Downtown Infrastructure and Streetscape Project is a capital improvement project being conducted by the City of Allegan to completely replace all underground utilities, streets, sidewalks, landscaping, streetlights, and other pedestrian amenities along Hubbard Street, Brady Street, and Locust Street in Downtown Allegan. This includes the creation of a public plaza the east end of Trowbridge Street between Locust Street and Water Street.



Project Schedule

Please note that due to the ongoing issues with subcontractor availability and unforeseen circumstances, the project schedule has become fluid, and the original schedule is no longer accurate. The overall completion date is still accomplishable, and the contractors and engineers have no reason to believe we cannot meet that deadline as of this report.

Each week, typically on Friday, the city posts an update on the project on the city website and the city Facebook page, and as such, the status of the project is shared with the public on a weekly basis.

It is anticipated this project will be completed in November of 2023.



Project Progress

Work completed during prior month

- All major underground utility work completed.
- Basement abandonments completed.
- Sidewalk work completed on Brady and East Hubbard Streets.
- Sidewalks installed on the Riverfront.
- Sidewalk installation continued on West Hubbard Street.
- Sidewalk removal on Locust Street and Trowbridge intersection.
- Curb and gutter work completed along Locust Street and Trowbridge intersection.

Work planned for upcoming month

- Base course asphalt will be paved along West Hubbard Street.
- Riverfront drive to be paved.
- Conduit and lighting bases will be installed along Locust Street and Trowbridge intersection.
- Lighting fixtures will be installed throughout the project area.
- Base course asphalt will be paved along Locust Street.
- Sidewalk pouring will continue on West Hubbard and Locust Streets.
- Top course asphalt will be paved throughout the project area.
- Landscaping installation will begin.
- Street furniture delivery and installation.

NOTE: All work is weather dependent and relies on various material vendors



Items of Note

The following are items of note or unplanned issues that the project team is working to address or actively tracking:

- As part of the work to create a safe, accessible, and attractive environment throughout the entire project area, city staff and engineers worked with the property owners at 100 Locust Street (vacant – owned by KD Lake) and 200 Locust Street (Minnie’s Restaurant) to come to an agreement to abandon exterior access to both property’s basements.

Unlike the other basement abandonments completed as part of this project, these spaces were accessible by doors in the sidewalk and could be utilized as access points by the building occupants. To engineer plans and work around these areas to avoid eliminating them was an estimated cost of upwards of \$40,000 before any improvement.

As a cost-savings effort to fill and abandon these access points, and in exchange for allowing the city to eliminate them, staff worked with the property owners to agree to an improvement of an alternate access in an amount not to exceed \$5,000 per property.

- Heavy rains in the first week of October caused storm drainage issues in the Hubbard Street parking lot and the area around Trowbridge Street that resulted in a pressure break and minor flooding of The Regent Theatre basement. The issue was resolved by city staff, Milbocker & Sons employees, and Abonmarche engineers.
- City staff continues to work closely with Abonmarche engineers and the contractors at Milbocker & Sons to ensure ADA access to as many properties as feasible within the project area.



Project Budget Report

Payment History by Month

Fund ID	Fund Name	FY22 thru Nov-22	Dec-22 thru June-23	Jul-23	Aug-23	Sep-23	TOTAL
202	Streets (Major)	\$ 1,573	\$ 269,670	\$ 47,279	\$ 126,409	\$ 51,771	\$ 496,702.53
203	Streets (Minor)	\$ 203,521	\$ 889,297	\$ 124,822	\$ 328,810	\$ 128,250	\$ 1,674,700.17
590	Sewer	\$ 96,614	\$ 596,003	\$ 126,336	\$ 286,213	\$ 114,909	\$ 1,220,075.15
591	Water	\$ 165,123	\$ 677,869	\$ 109,742	\$ 341,769	\$ 137,175	\$ 1,431,678.78
	TOTAL	\$ 466,832	\$ 2,432,840	\$ 408,179	\$ 1,083,201	\$ 432,106	\$ 4,823,156.63

2023 DTSS: Expenditures

Vendor	Job Description	Agreement Amount 2022	202 Major Streets	203 Local Streets	590 Sewer	591 Water	Change Orders	Amended Total (A)	Amount Paid to Date (B)	Balance Remaining (A-B)
Abonmarche	DTSS Renderings	\$ 2,000	\$ -	\$ 2,000	\$ -	\$ -	\$ -	\$ 2,000	\$ 2,000	\$ -
Abonmarche	DTSS Redevel Plan	\$ 47,000	\$ -	\$ 47,000	\$ -	\$ -	\$ -	\$ 47,000	\$ 47,000	\$ -
Abonmarche	Brady/Locust Survey	\$ 12,440	\$ -	\$ 12,440	\$ -	\$ -	\$ -	\$ 12,440	\$ 12,440	\$ -
Abonmarche	Design Engineering	\$ 278,000	\$ -	\$ 121,422	\$ 60,058	\$ 96,520	\$ -	\$ 278,000	\$ 278,000	\$ -
S&P:	Bond Rating	\$ 13,500	\$ -	\$ 5,805	\$ 2,970	\$ 4,725	\$ -	\$ 13,500	\$ 13,500	\$ -
Dickenson Wright PLLC:	Bond Counsel	\$ 58,750	\$ 1,573	\$ 5,267	\$ 17,000	\$ 34,910	\$ -	\$ 58,750	\$ 58,750	\$ -
MFCI, LLC:	Bond-Finacial Advisors	\$ 48,635	\$ -	\$ 19,950	\$ 12,750	\$ 15,935	\$ -	\$ 48,635	\$ 48,635	\$ -
Kaechele Publications:	Bond Public Notice	\$ 4,940	\$ -	\$ -	\$ 2,470	\$ 2,470	\$ -	\$ 4,940	\$ 4,940	\$ -
Treasury Filing Fees:	Bond Filing	\$ 1,538	\$ -	\$ 538	\$ 400	\$ 600	\$ -	\$ 1,538	\$ 1,538	\$ -
Consumers	Lighting	\$ 300,000	\$ -	\$ 300,000	\$ -	\$ -	\$ (233,248)	\$ 66,752	\$ 66,752	\$ -
Landscape Forms	Amenities	\$ 200,000	\$ -	\$ 200,000	\$ -	\$ -	\$ (8,511)	\$ 191,489	\$ -	\$ 191,489
Other Expenses	USPS, Orbis, EconoSign	\$ 3,804	\$ -	\$ 7,104	\$ -	\$ -	\$ -	\$ 7,104	\$ 7,104	\$ -
Abonmarche	Construction Engineering	\$ 530,800	\$ 44,228	\$ 205,457	\$ 129,780	\$ 155,310	\$ -	\$ 534,775	\$ 364,782	\$ 169,993
Milbocker	Construction	\$ 6,944,419	\$ 832,013	\$ 2,061,123	\$ 1,846,721	\$ 2,204,562	\$ 102,494	\$ 7,046,913	\$ 3,917,716	\$ 3,129,197
	Project Totals	\$ 8,445,826	\$ 877,814	\$ 2,988,105	\$ 2,072,149	\$ 2,515,032	\$ (139,265)	\$ 8,313,835	\$ 4,823,157	\$ 3,490,679



Project Budget Progress Report

1. Invoices received/paid during the current month.

Date	Vendor	Inv#	Inv \$
09/27/23	Milbocker	8	\$ 379,080.58
09/30/23	Abonmarche		\$ 53,025.05

2. Change orders received during the current month.



City of Allegan
City Manager's Office
269.673.5511
231 Trowbridge Street
Allegan, MI 49010

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager
REVIEWED BY: N/A
DATE: October 23, 2023

SUBJECT: Review of City Council Rules of Procedure

Action Requested:

It is requested that the City Council review and discuss their rules of procedure.

Background:

The City Council last updated their Rules of Procedure in 2020. These rules of procedure govern the city council meetings and touches on a range of topics from the several types of council meetings, their format, conduct of council members during the meetings, conduct of the public during the meetings, and selection of people to serve on boards and commissions.

At your Monday meeting, the City Attorney will be present to review and discuss these rules of procedure and answer any questions the council may have regarding these rules of procedure.

Attachments:

City of Allegan City Council Rules of Procedure



CITY OF ALLEGAN CITY COUNCIL RULES OF PROCEDURE

Adopted: March 27, 2000
January 26, 2020

I. Scope.

These rules govern the city council meetings. No amendment of a rule shall be effective until the next regularly scheduled meeting of the council.

References to the "charter" are to the Revised Charter of the City of Allegan effective January 1, 1989.

II. Council Meetings.

A. Notice. All council meetings shall comply with the Open Meetings Act, 1976 PA 267, MCL 15.261 *et seq.* Public notice of all meetings shall be given as provided in the act by the city clerk.

B. Regular Meetings. Regular meetings shall be held on the 2nd and 4th Monday of each month unless cancelled or rescheduled by the council or unless that day is a legal holiday, in which case the meeting shall be held on the next day that is not a legal holiday.

C. Study Session Meetings. Prior to the regular meeting, the council will hold a study session meeting to discuss items in order to gain further clarification, regardless of whether the items are on the agenda. Study session meetings will comply with the Open Meetings Act. However, no votes will be taken during these meetings. Minutes of these meetings will generally only summarize the items discussed.

D. Special Meetings. Special meetings shall be called by the city clerk on the written request of the mayor or any 2 councilmembers. 18 hour's written notice stating each matter to be considered at the special meeting shall be given to each councilmember and the mayor.

E. Agenda and Meeting Packet. The city manager and/or the city clerk shall obtain reports for business matters and other items to be presented to the council. They shall prepare an agenda in accordance with IV.3 below and a meeting packet for each regular council meeting, which shall be sent electronically to the mayor, each councilmember and the city attorney at their city email on Friday, Saturday, or Sunday of the weekend preceding any regular meeting. The agenda and packet pertaining to a special meeting shall be delivered by at least the day before the meeting. The packet for all meetings shall contain the proposed meeting agenda and all matters proposed to be considered at the meeting plus any supporting documents. The Mayor or any councilmember may request that a hard copy be available for them to pick up at City Hall.

F. Quorum. A quorum of the council is established when 4 or more members are present in person at a meeting. Telephone or other electronic participation in a meeting will not count toward a quorum.

G. Attendance at Meetings.

1. Mayor and Councilmembers. The mayor and members of the council shall attend all council meetings.
2. City manager and city clerk. The city manager and the city clerk or their designees shall attend all council meetings and keep the minutes.

3. To the extent possible, councilmembers' prospective absences and the reason for absence shall be reported to the mayor, the city manager and/or the city clerk before the meeting. The council by motion may decline to excuse a councilmember's absence from the meeting.

H. Minutes. An account of all proceedings of the council and minutes of each meeting shall be prepared and kept by the city clerk or the clerk's designee. Minutes shall be available for public inspection within 7 days after a meeting.

I. Closed Sessions.

1. The council shall meet in closed session only for the purposes and as allowed by the Open Meetings Act.

2. A person requesting a closed session shall state the purpose or purposes of such session. The stated purpose(s) for the session shall constitute the only agenda items.

3. A motion and a roll call vote of the councilmembers serving is required to call a closed session. The council by majority vote may adjourn a closed session or open the meeting to the public. Councilmembers may deliberate during closed sessions but shall not make any decisions, determinations, actions, votes, or dispositions upon a proposal, recommendation, resolution, order, or ordinance in closed session. A separate set of minutes of the closed session shall be taken by the city clerk or other such designated person. These minutes shall be retained by the city clerk, shall not be available to the public, and shall only be disclosed as required by law. The minutes of a closed session shall be destroyed 1 year and 1 day after approval of the minutes of the regular meeting.

III. Public Participation.

A. Attendance. The public is invited and encouraged to attend all council meetings as provided in the Open Meetings Act. The council shall make every effort to reorder the agenda to encourage public participation.

B. Timing. Comments by members of the audience shall be limited to the public participation times set aside on the agenda or any public hearing and only consist of written and oral comments.

C. Requirements. Unless granted more time by the mayor, public comments shall be limited to 3 minutes and shall comply with the following requirements:

1. Anyone wishing to speak shall approach the podium and will be requested to state his/her name and address.

2. The council shall accept written comments and copies of any submitted materials and will be distributed to all councilmembers.

3. Public comment time is to hear *from* the public. Therefore, responses usually will not occur. The mayor may decide a response is appropriate and may, in the mayor's discretion, respond on behalf of the council, allow a councilmember to respond, or direct city staff or others who are present to respond.

4. Comments (i) are to be loud enough to be audible but not so loud as to be inappropriate for a meeting, (ii) must avoid coarse language or cursing, (iii) may not include personal attacks, (iv) may not be addressed to anyone other than the council or the mayor, and (v) may involve a single speaker (except when the speaker requires assistance). Comments may not include demonstrations, or materials that, when used, could be hazardous or unduly disruptive to the meeting.

D. Mayor's Discretion. The mayor shall have the discretion to curtail public comments that are repetitive and may limit public comments if they are so prolonged as to unduly interfere with the ability of the council to address other items on the meeting's agenda.

IV. Conduct of Meetings.

A. Presiding Official. The mayor shall preside at all council meetings. The mayor pro tem shall preside in the mayor's absence. If neither the mayor nor mayor pro tem is present at a meeting, the

council shall select one of its members to preside until the mayor or mayor pro tem is present and seated. All matters to come before the meeting shall be addressed to the presiding officer. The presiding officer shall endeavor to conduct the meeting in a fashion that draws a balance between the informality and congeniality possible in a small community the size of the city while also maintaining the decorum and formality necessary to transact business in an orderly fashion.

B. Agenda. All regular meetings shall be subject to an agenda that will be prepared by the city manager and/or city clerk. The mayor or any 2 councilmembers may add an item to the agenda. Any item placed on the agenda shall appear on each successive agenda unless disposed of, tabled indefinitely, or tabled until a certain date at which time the item shall reappear. The agenda of each regular meeting shall consist of the following, as applicable:

1. Call to order;
2. Roll call;
3. Pledge of Allegiance;
4. Approval of the agenda;
5. Approval of minutes;
6. Special presentations and recognitions by the mayor or council;
7. First readings of ordinances;
8. Public hearings and adoption of ordinances;
9. Public comment for items not included in the agenda;
10. Unfinished business and tabled items;
11. Written petitions and reports from special committees;
12. Reports from the following:
 - a. City boards, commissions, and area agencies;
 - b. The Finance Department ;
 - c. The Police Department;
 - d. Water Utilities;
 - e. Public Works; and
 - f. The City Manager.
13. Board appointments;
14. Communications from the City Manager, Council, and Mayor; and
15. Adjournment.

V. Voting/Conduct of Councilmembers.

A. Required Vote of Members Present. Unless otherwise stated in these rules or required by the charter, city ordinance, state law, or federal law, the passage of all matters before the council shall require the affirmative vote of 4 members present at any meeting.

B. Calling for the Vote. In the first instance the mayor or member presiding over the council meeting shall call for a voice vote for and against the matter by “yes” and “no” responses. If on a voice vote no councilmember states opposition to the motion, it shall be deemed to have passed unanimously. In the event any councilmember votes against a proposition, it shall be recorded in the minutes of the meeting.

C. Abstentions. Every councilmember present shall vote on all questions, unless a councilmember has a conflict of interest, in which case the councilmember's conduct shall be governed by law. A councilmember may also abstain from a vote for approval of minutes if the member did not attend the meeting for which the minutes apply.

D. Councilmember Conduct. Each councilmember shall comply with the city's ethics ordinance. Each councilmember shall participate in a manner consistent with the dignity and decorum of the office and shall act in a manner which accords respect to the public, staff members, the mayor, and fellow councilmembers.

E. Motions.

1. The council shall take action by motion. No motion may be acted upon until supported or seconded by another councilmember.
2. A councilmember who wishes to make a motion or second a motion must first be recognized by the mayor. Except where permission is otherwise granted by the mayor, only council may discuss a motion before the council or other pending business.
3. The mayor is a member of the council and may make a motion and/or support a motion.
4. An agenda item may be presented by the mayor for discussion before a motion is made.
5. Any motion may be withdrawn by the sponsor at any time before decision or amendment by the council.
6. The maker of a motion and the councilmember seconding or supporting the motion may consent to modifying the motion at any time before a vote is taken on the motion. Before the vote is taken, the mayor shall restate the motion as modified.
7. The following motions may be offered:
 - a. To offer a resolution or ordinance.
 - b. To call the question.
 - c. To amend or modify a motion made to take action. An amending motion will be disposed of before any other motion to amend or modify the original motion will be in order.
 - d. To postpone for subsequent consideration.
 - e. To reconsider a vote (including a vote resulting in a tie) or other action that has been taken by the council but only if no action has been taken in reliance upon such vote or action.
 - f. Any councilmember on the prevailing side on a vote or action may move for reconsideration of such vote or action only at the same meeting the vote or action was made or at the next regular meeting of the council. However, a motion may be made for council to revisit an issue, policy decision, or other action in light of significant new information that was previously unknown or unavailable to council at the time it was last considered or based upon a material change in the proposed action.
 - g. To go into closed session as permitted by and in accordance with the Open Meetings Act.

VI. Election of Mayor/Mayor Pro Tem.

The council shall elect 1 member to be the mayor and 1 member to be the mayor pro tem for terms of 1 year. Council shall hold this election during the 1st meeting in November.

VII. Board and Commission Selection Process.

These rules shall be used to create a uniform process for the filling of vacancies of city boards and commissions. The council can suspend this section of the rules by a vote of 5 members.

A. Membership Lists. The city clerk shall keep an up to date membership list for all city boards and commissions.

B. Applications. The city clerk shall continuously accept applications from members of the community looking to volunteer and make the city a better place. Annually, the city shall publicly notice that the city is accepting volunteer applications for various boards and activities to keep an active file of potential volunteers.

C. Process to Fill Vacancies. Once a board or commission opening is official or a term is near expiration, the city clerk shall gather the volunteer applications that stated they are interested in sitting on the board or commission for which there is an opening. The city clerk shall share these applications with the Mayor, Mayor Pro Tem and City Council. If there are no volunteer applications for the specific opening, city staff shall notice the vacancy through both electronic and printed means.

D. Interviews and Recommendations. The Mayor and Mayor Pro Tem will confer with each other, interview applicants if there are more than 1 application for the opening and make recommendations to the individual or body with authority to appoint new members to the respective board or commission.



City of Allegan
City Manager's Office
269.673.5511
231 Trowbridge Street
Allegan, MI 49010

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager
REVIEWED BY: N/A
DATE: October 23, 2023

SUBJECT: Review of City Ordinance Chapters 19, 20, 22, and 27

Action Requested:

It is requested that the City Council review and discuss proposed changes to Chapter 19, 20, 22, and 27 of the City Code of Ordinances.

Background:

The City Council is currently reviewing each chapter of their Code of Ordinances. Attached to this report is a summary of changes, a red line copy of changes and a clean copy of changes for Chapters 19, 20, and 22. No changes are recommended for Chapter 27.

Chapter 19 regulates Peddlers, Chapter 20 regulates the Planning Commission, Chapter 22 regulates residential sales and Chapter 27 regulates Taxation.

On Monday, staff and the City Attorney will be present to go over the proposed changes.

Attachments:

Summary of Chapter 19
Redline Copy of Chapter 19
Clean Copy of Chapter 19
Summary of Chapter 20
Redline Copy of Chapter 20
Clean Copy of Chapter 20
Summary of Chapter 22
Redline Copy of Chapter 22
Clean Copy of Chapter 22
Summary of Chapter 27

The proposed amendments to Chapter 19 of the City Code would:

1. Add new language clarifying that ice cream trucks and other similar vehicles are not in violation of the City's peddler regulations when they play music for limited durations in a given location during regular daytime hours. In particular, the new language allows them to play music from their vehicles between the hours of 9:00 a.m. and 8:00 p.m., to the extent the music cannot be heard in any one location for a period of more than 15 minutes in any 24-hour period.

Sec. 19-17.– Loud noises and speaking devices.

No peddler, nor any person employed thereby, shall shout, make any cryout, blow a horn, ring a bell, ~~or use any sound device, including any loud speaking radio or sound amplifying system~~ upon any of the streets, alleys, parks, or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. Nor shall any peddler or person employed thereby use any sound device, including any loud speaking radio or sound amplifying system, in such a manner as can be plainly heard in such locations, except: (1) between the hours of 9:00 a.m. and 8:00 p.m.; and (2) to the extent that such sound device cannot be heard in any one location for a period of more than 15 minutes in any 24 hour-period. In other words, an ice cream truck or other similar vehicle used by a peddler shall not be in violation of this ordinance if it moves from place to place during the regular daytime hours described in the proceeding sentence.

DRAFT

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. ____

**AN ORDINANCE TO SECTION 19-17 OF THE CITY OF ALLEGAN, CODE OF
ORDINANCES, TO ALLOW PEDDLERS (E.G., ICE CREAM TRUCKS) TO
USE SOUND DEVICES FOR LIMITED DURATIONS IN A GIVEN
LOCATION DURING REGULAR DAYTIME HOURS**

The City of Allegan Ordains:

Section 1. Amendment. Chapter 19-17 of the City of Allegan, Code of Ordinances, is hereby amended to read in its entirety as follows:

Sec. 19-17. Loud noises and speaking devices.

No peddler, nor any person employed thereby, shall shout, make any cryout, blow a horn, ring a bell, upon any of the streets, alleys, parks, or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. Nor shall any peddler or person employed thereby use any sound device, including any loud speaking radio or sound amplifying system, in such a manner as can be plainly heard in such locations, except: (1) between the hours of 9:00 a.m. and 8:00 p.m.; and (2) to the extent that such sound device cannot be heard in any one location for a period of more than 15 minutes in any 24 hour-period. In other words, an ice cream truck or other similar vehicle used by a peddler shall not be in violation of this ordinance if it moves from place to place during the regular daytime hours described in the proceeding sentence.

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect upon publication.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

This is a true and complete copy of Ordinance No. ____ adopted at a regular meeting of the Allegan City Council held on _____, 2023.

, Mayor

, Clerk

Introduced: _____, 2023

Adopted: _____, 2023

Published: _____, 2023

Effective: _____, 2023

The proposed amendments to Chapter 20 of the City Code would:

1. Replace language requiring the Planning Commission to make appropriation requests by a certain date each year with more flexible language allowing them to be made from time to time as needed.
2. In the interest of brevity, eliminate unnecessary provisions detailing the powers of Planning Commission and replace them with a provision stating that: “The Planning Commission shall have the powers and duties as set forth by state statute and applicable City ordinances.” This change has the added benefit of ensuring that a further amendment would not be needed if the Planning Enabling Act is amended in the future in a manner that changes the powers of the Planning Commission.

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. ____

**AN ORDINANCE TO AMEND CHAPTER 20 OF THE CITY CODE TO
PROVIDE FOR APPOINTMENT AND OPERATION OF THE PLANNING
COMMISSION**

The City of Allegan Ordains:

Section 1. Amendment. Chapter 20 of the Code of Ordinances, City of Allegan, Michigan, is amended to read in its entirety as follows:

Sec. 20-16. ~~Created~~ Planning Commission Established.

~~There hereby be~~ The city has created a planning commission ~~for the city, to be known as~~ as required by
~~section~~ 8.11 ~~of~~ the city ~~planning~~ commission.
charter.

Sec. 20-~~217~~. ~~Composition~~.

The planning commission shall consist of the mayor as a member ex officio, one member of the council to be selected by it as a member ex officio, and seven persons who shall be appointed by the mayor. Commission members appointed by the mayor may be compensated at a rate determined by the council, and such members shall hold no other municipal office except that one member may also serve on the zoning board of appeals. The mayor's term as an ex officio member of the planning commission shall correspond with his or her tenure as mayor. The additional council member serving as an ex officio member of the planning commission shall serve for a term of one year, but may be selected for additional terms at the discretion of the council. The term of each appointed member shall be three years or until a successor takes office. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term by the mayor in the case of a member appointed by the mayor, and by the council in the case of ex officio members selected by the council. The council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Sec. 20-~~138~~. ~~Officers; meetings; rules and records~~.

The planning commission shall choose from among its members a ~~chairperson, vice~~ chairperson and secretary, each of whom shall hold office for a term of one (1) year or until a successor is chosen and takes office. The commission shall hold at least one (1) meeting a month, which meetings shall be open to the public, shall adopt its own rules of procedure for the transaction of business, and it shall keep a full and complete record of its resolutions, transactions, findings and determinations. This record shall be available to the council upon request. It shall be responsible for the discipline of its members.

Sec. 20-~~419~~. ~~Employees; contracts for special services; source and limit on expenditures~~.

The planning commission, with the approval of the council, may request the city manager for such services and data by the various city departments as it may deem necessary. The commission may recommend to the council the procurement of such professional and consulting services as it may deem necessary; provided, however, that no expenditure of funds shall be made, nor contracts entered into for providing such professional or consulting services, unless the same shall first have been approved and authorized by the council. ~~Not later than the fifteenth of March in each year the planning commission shall prepare and submit to the city manager a tentative outline of its program for the ensuing city fiscal year, together with its estimate of its proposed expenditures for such ensuing year, which outline and estimate shall serve as a guide for appropriations in the city budget for said year. The filing of such outline and estimate of expenditures shall in~~

~~no way obligate the council to provide the funds requested in the budget. The planning commission may request appropriations from the city council as needed from time to time, and such request shall include an estimate and description proposed expenditures. The city council may grant such appropriation at its sole discretion.~~ No funds shall be expended by the planning commission in excess of any amounts appropriated for its use.

~~Sec. 20-20. — Master plan for physical development of city—Adoption, contents, prohibition, alteration.~~

~~It shall be the function and duty of the planning commission to make and adopt a master plan for the physical development of the city, and to make such revision from time to time as conditions may require, including any areas outside of its boundaries which in the commission's judgment, bear relation to the planning of the city. Such plan, with the accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of the territory, including, among other things, but not restricted thereto, the general location, character and extent of streets, bridges, waterways, parks and playgrounds; the proposed location of public buildings, other public property, including parking lots, present and proposed and location of all utilities including sewage collection system, both storm and sanitary, water distribution system, power distribution system, both public and privately operated, telephone and telegraph systems; vacating, opening, widening and relocation of streets, alleys, courts and other public places, together with the improvement of same; location and improvement of airports and cemeteries; rehabilitation of blighted areas or the eradication of same; also recommended changes in the zoning plan and building code, including fire limits district. As the work of preparing the whole master plan progresses, the planning commission may, from time to time, adopt and publish parts thereof, any such part to cover one (1) or more major sections of the city or one (1) or more of the aforesaid functional parts included in the master plan.~~

~~Sec. 20-21. — Same—Surveys for basis, purpose.~~

~~In the preparation of the master plan, the planning commission shall make comprehensive surveys and studies of the present conditions and future growth of the city, and with due regard to its relations to the neighboring territory. The plans shall be made with the general purpose of guidance in the orderly development of the city and its environs, which will, in accordance with present and future needs, best promote health, safety, convenience and general welfare, as well as efficiency and economy in the process of development.~~

~~Sec. 20-22. — Same—Adoption of whole or parts by resolution of planning commission hearing, notice, certificate to city commission and register of deeds.~~

~~The planning commission may, after approval thereof by the council, adopt a master plan as a whole, or in successive stages, corresponding by parts of a whole plan with major geographical sections or divisions of the city or with functional subdivisions of the whole plan. Before presenting the plan for adoption, or any substantial part thereof, the planning commission shall hold at least one (1) public hearing thereon, notice of the time and place of which shall be given not less than two (2) weeks prior to such hearing, by publication once in a newspaper of general circulation in the city, which is customarily used by the council for legal advertisements. Notice of public meeting shall also be sent by registered mail, return receipt requested, to each privately owned public utility and to each railroad company owning or operating a railroad within the geographical boundaries of the master plan. This notice shall be mailed two (2) weeks prior to date of public hearing. The planning commission shall hold joint meetings with the council at a time to be designated by the mayor.~~

(Ord. No. 47, § 7, 3-28-60)

State Law reference— Similar provisions, MCL 125.38.

~~Sec. 20-23. — Other functions.~~

~~In addition to the functions hereinbefore set forth in this article, it shall be the function of the planning commission to pass upon such other matters as may be referred to it by the council, including the approval of subdivision plats presented to the council for approval, applications for building permits that constitute a nonconforming use in accordance with the zoning ordinance, and such other matters as, in the opinion of the council, should be referred to the planning commission.~~

~~(Ord. No. 47, § 8, 3-28-60)~~ **Sec. 20-5. Powers and Duties.**

The Planning Commission shall have the powers and duties as set forth by state statute and applicable City ordinances.

Section 2. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

As the duly appointed city clerk of the City of Allegan, Allegan County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Allegan City Council at its meeting of _____, 2023.

Teresa A. Galloway, Mayor

Michaela Kleehammer, City Clerk

Introduced: _____, 2023

Adopted: _____, 2023

Published: _____, 2023

Effective: _____, 2023

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. ____

**AN ORDINANCE TO AMEND CHAPTER 20 OF THE CITY CODE TO
PROVIDE FOR APPOINTMENT AND OPERATION OF THE PLANNING
COMMISSION**

The City of Allegan Ordains:

Section 1. Amendment. Chapter 20 of the Code of Ordinances, City of Allegan, Michigan, is amended to read in its entirety as follows:

Sec. 20-1. Planning Commission Established.

The city has created a planning commission as required by section 8.11 of the city charter.

Sec. 20-2. Composition.

The planning commission shall consist of the mayor as a member ex officio, one member of the council to be selected by it as a member ex officio, and seven persons who shall be appointed by the mayor. Commission members appointed by the mayor may be compensated at a rate determined by the council, and such members shall hold no other municipal office except that one member may also serve on the zoning board of appeals. The mayor's term as an ex officio member of the planning commission shall correspond with his or her tenure as mayor. The additional council member serving as an ex officio member of the planning commission shall serve for a term of one year, but may be selected for additional terms at the discretion of the council. The term of each appointed member shall be three years or until a successor takes office. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term by the mayor in the case of a member appointed by the mayor, and by the council in the case of ex officio members selected by the council. The council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Sec. 20-3. Officers; meetings; rules and records.

The planning commission shall choose from among its members a chairperson and secretary, each of whom shall hold office for a term of one (1) year or until a successor is chosen and takes office. The commission shall hold at least one (1) meeting a month, which meetings shall be open to the public, shall adopt its own rules of procedure for the transaction of business, and it shall keep a full and complete record of its resolutions, transactions, findings and determinations. This record shall be available to the council upon request. It shall be responsible for the discipline of its members.

Sec. 20-4. Employees; contracts for special services; source and limit on expenditures.

The planning commission, with the approval of the council, may request the city manager for such services and data by the various city departments as it may deem necessary. The commission may recommend to the council the procurement of such professional and consulting services as it may deem necessary; provided, however, that no expenditure of funds shall be made, nor contracts entered into for providing such professional or consulting services, unless the same shall first have been approved and authorized by the council. The planning commission may request appropriations from the city council as needed from time to time, and such request shall include an estimate and

description proposed expenditures. The city council may grant such appropriation at its sole discretion. No funds shall be expended by the planning commission in excess of any amounts appropriated for its use.

Sec. 20-5. Powers and Duties.

The Planning Commission shall have the powers and duties as set forth by state statute and applicable City ordinances.

Section 2. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

As the duly appointed city clerk of the City of Allegan, Allegan County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Allegan City Council at its meeting of _____, 2023.

Teresa A. Galloway, Mayor

Michaela Kleehammer, City Clerk

Introduced: _____, 2023

Adopted: _____, 2023

Published: _____, 2023

Effective: _____, 2023

The proposed amendments to Chapter 22 of the City Code would:

1. Eliminate a prohibition that residential sales last for no more than seventy hours. This provision is ambiguous and difficult to enforce because it is unclear whether it refers to consecutive or non-consecutive hours. Accordingly, the recommendation is to replace it with a provision limiting sales to 3 consecutive days, with hours of operation between 9:00 a.m. and 7:00 p.m. each day.
2. Eliminate the requirement for City Council approval of residential sales. In practice, it is questionable how often residents currently follow this requirement.
3. Increase the limit on residential sales in a calendar year from 2 to 6, but limit them to no more than once per month.
4. Eliminate a provision that allowed family members who live separate from one another to conduct a residential sale together. In practice, this provision would have been difficult to enforce.
5. Clarify language about what can and can't be sold at a residential sale by stating: "No person, firm, corporation, or organization other than the homeowner or occupant shall conduct a residential sale, and no merchandise of any nature shall be brought in from any other source to supplement such sale." This is common language found in other similar ordinances in Michigan, and is intended to ensure that residential sales remain residential (as opposed to commercial) in nature.

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. ____

**AN ORDINANCE TO AMEND CHAPTER 22 OF THE CITY CODE TO
REGULATE RESIDENTIAL SALES**

The City of Allegan Ordains:

Section 1. Amendment. Chapter 22 of the Code of Ordinances, City of Allegan, Michigan, is amended to read in its entirety as follows:

Sec. 22-~~161~~. Defined.

For the purpose of this article, “residential sales” shall include barn sales, garage sales, yard sales basement sales, porch sales, patio sales, and any other sales where tangible personal property of a resident of the premises, including clothing, utensils, appliances, equipment, and all other tangible personal property commonly used in and about the residence for the personal use of a resident, is sold by that resident.

Sec. 22-~~172~~. Duration.

~~No~~Each residential sale ~~will extend for~~shall be limited to no more than ~~seventy-two (72)~~3 consecutive days of operation. Sales may be conducted only between the hours of 9:00 a.m. and 7:00 p.m. each day.

Sec. 22-~~183~~. Number of sales.

No person shall have more than ~~two (2)~~six (6) sales in any one year and no more than once a calendar month.

Sec. 22-~~194~~. Arrangement, signage, and location of sale.

- (a) All tangible personal property to be sold shall be arranged in an orderly manner on the premises, shall not be placed in such a way as to be a nuisance to adjoining property, shall in no way be arranged so as to obstruct the vision of persons using driveways or entering and exiting within the neighborhood, and shall be carried on behind the setback line for that zone, as provided in the zoning ordinance.
- (b) All signage advertising a residential sale shall comply with applicable provisions of this code of ordinances, including, but not limited to, provisions regulating temporary signs, handbills and posters.

Sec. 22-~~20~~. ~~Eligible property for~~5. Eligibility to conduct a residential sale.

~~Only tangible personal property owned and previously used by the resident of the premises shall be permitted to be sold, and no property shall be brought on to the premises for sale; provided that more than one (1) family who are residents of the city may have a sale together. Representatives of each family shall sign the application for the permit.~~

~~No person, firm, corporation, or organization other than the homeowner or occupant shall conduct a residential sale, and no merchandise of any nature shall be brought in from any other source to supplement such sale.~~

Sec. 22-21. Penalty; violation as nuisance per se.

- (a) Violations of this ~~article~~chapter shall be deemed a municipal civil infraction, subject to the penalties of ~~section~~chapter 1-14 of this ~~Code of Ordinances, enforceable by the building official, or his or her designee.~~code.
- (b) In addition to the other remedies and charges under this ~~article~~chapter, any violation of this article is hereby determined to be a nuisance per se and the ~~building official, or his or her designee,~~city may forthwith obtain an order from a court of competent jurisdiction ordering the abatement of such nuisance, and if the danger to the health, safety, and/or welfare of the public or persons at or near the property is imminent the ~~building official~~city may forthwith enter upon the premises and abate the nuisance.

~~Sec. 22-36. Required.~~

~~Every person intending to have a residential sale shall obtain a permit therefor from the city clerk. Each applicant for a permit under this division shall, at the time of application filing, pay a nonrefundable license fee to the city clerk. The license fee shall, from time to time, be set by the city council by resolution.~~

~~**Sec. 22-37. Application.**~~

~~The city clerk will furnish forms for application for permits under this division, and such permits shall be returned to the city clerk at the close of the sale.~~

~~**Sec. 22-38. Standards for consent of council.**~~

~~Residential sales shall be permitted only by individuals, and no firms, corporations or other associations shall be permitted to have a residential sale without the prior written consent obtained from the council. The city in granting such consent shall determine whether the proposed sale, because of its magnitude or nature, would be dangerous to the health, safety and/or welfare of the public, or the persons living near the premises, or passing by the premises, or using the premises or nearby premises.~~

Section 2. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: _____
NAYS: _____
ABSTAIN: _____
ABSENT: _____

CERTIFICATION

As the duly appointed city clerk of the City of Allegan, Allegan County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Allegan City Council at its meeting of _____, 2023.

Teresa A. Galloway, Mayor

Michaela Kleehammer, City Clerk

Introduced: _____, 2023
Adopted: _____, 2023
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Effective: _____, 2023

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. ____

**AN ORDINANCE TO AMEND CHAPTER 22 OF THE CITY CODE TO
REGULATE RESIDENTIAL SALES**

The City of Allegan Ordains:

Section 1. Amendment. Chapter 22 of the Code of Ordinances, City of Allegan, Michigan, is amended to read in its entirety as follows:

Sec. 22-1. Defined.

For the purpose of this article, “residential sales” shall include barn sales, garage sales, yard sales, basement sales, porch sales, patio sales, and any other sales where tangible personal property of a resident of the premises, including clothing, utensils, appliances, equipment, and all other tangible personal property commonly used in and about the residence for the personal use of a resident, is sold by that resident.

Sec. 22-2. Duration.

Each residential sale shall be limited to no more than 3 consecutive days of operation. Sales may be conducted only between the hours of 9:00 a.m. and 7:00 p.m. each day.

Sec. 22-3. Number of sales.

No person shall have more than six (6) sales in any one year and no more than once a calendar month.

Sec. 22-4. Arrangement, signage, and location of sale.

- (a) All tangible personal property to be sold shall be arranged in an orderly manner on the premises, shall not be placed in such a way as to be a nuisance to adjoining property, shall in no way be arranged so as to obstruct the vision of persons using driveways or entering and exiting within the neighborhood, and shall be carried on behind the setback line for that zone, as provided in the zoning ordinance.
- (b) All signage advertising a residential sale shall comply with applicable provisions of this code of ordinances, including, but not limited to, provisions regulating temporary signs, handbills and posters.

Sec. 22-5. Eligibility to conduct a residential sale.

No person, firm, corporation, or organization other than the homeowner or occupant shall conduct a residential sale, and no merchandise of any nature shall be brought in from any other source to supplement such sale.

Sec. 22-21. Penalty; violation as nuisance per se.

- (a) Violations of this chapter shall be deemed a municipal civil infraction, subject to the penalties of chapter 1 of this code.
- (b) In addition to the other remedies and charges under this chapter, any violation of this article is hereby determined to be a nuisance per se and the city may forthwith obtain an order from a

court of competent jurisdiction ordering the abatement of such nuisance, and if the danger to the health, safety, and/or welfare of the public or persons at or near the property is imminent the city may forthwith enter upon the premises and abate the nuisance.

Section 2. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

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CERTIFICATION

As the duly appointed city clerk of the City of Allegan, Allegan County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Allegan City Council at its meeting of _____, 2023.

Teresa A. Galloway, Mayor

Michaela Kleehammer, City Clerk

Introduced: _____, 2023
Adopted: _____, 2023
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Effective: _____, 2023

Staff, the City Attorney, and the ordinance-review committee have all reviewed Chapter 27 of the City Code, entitled "Taxation," and do not believe that any changes are needed or desirable at this time.