



LOWELL CITY COUNCIL

MEMORANDUM

DATE: February 18, 2022

TO: Mayor DeVore and the City Council

FROM: Michael T. Burns, City Manager *MB*

RE: Friday Memo

Attached to the Friday memo are the following:

- Tuesday February 22, 2022 Historic District Commission meeting agenda
- Updated Michigan Department of Transportation Act 51 proposed revenues for the State of Michigan Fiscal Year 2022, 2023 and 2024
- February 15, 2022 Bridge Michigan article on Michigan's largest marijuana farm going to Village of Lawrence
- February 15, 2022 Detroit News article regarding Detroit Firefighters drinking on duty
- February 16, 2022 Alpena News article regarding City of Rogers City police special assessment
- February 16, 2022 Detroit News article regarding former Macomb County Prosecutor Eric Smith sentenced to 21 months in fraud scheme of campaign funds

With the weather this week, staff have been monitoring the Grand River for any possible flooding or ice jams. There is supposed to be more snow this evening with temperatures above freezing on Sunday. In addition, DPW staff has pumps on hold with our supplier in the event the river floods to a level we need to begin bypass pumping of the Wastewater Treatment Plant. I was more concerned about this on Wednesday evening with all of the rain. I am more confident now this may not be an issue. However, I would rather have the pumps and not need them and not have the pumps and need them.

I was off on Monday and Tuesday. Wednesday, I returned and attended the West Michigan Municipal Executives meeting at the Grand Rapids campus of Grand Valley State. I was able to learn about their internship program and how they can assist us with needs to help the region.

Thursday afternoon, I meet with Councilman Salzwedel to discuss some items on the Showboat. Thursday, we had a cookout for one of our part time DPW employees Pete Kemp. Pete was with us for approximately seven months and made a very favorable impression with all of our staff. Pete was able to find a position full time in the private sector so we held a send off for him. I wish him nothing but success.

We are starting to determine revenue for the upcoming fiscal year budget. I have attached the updated Act 51 estimates which have gone up quite a bit due to the change in our census numbers. We have also estimated an increase of approximately \$141,000 in real property tax revenue for the general fund. I have yet to look at personal property, DDA revenue, LLP PILOT and state revenue sharing amounts. However, I am concerned inflation is going to cause an increase in expenditures, to where the increase will not be as significant as it appears.

Just a reminder that city offices will be closed on Monday in observance of Presidents Day. The Council meeting is on Tuesday and the Zoning Board of Appeals meeting will begin prior to the Council meeting. This is all I have. Have a good weekend.



CITY OF LOWELL
HISTORIC DISTRICT COMMISSION AGENDA

TUESDAY, FEBRUARY 22, 2022 at 6:00 pm

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL
2. APPROVAL OF ABSENCES
3. APPROVAL OF THE AGENDA
4. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)
 - a. September 28, 2021 – minutes
5. PERMIT APPLICATIONS
 - a. 325 W Main – front steps
 - b. Main Street bridges – planter boxes
6. GRANT APPLICATIONS
7. FINANCIALS
8. PROJECT UPDATES
 - a. 96-100 W Main – Scott Brown - roof completed
 - b. 222 W Main – King Milling – exterior
 - c. 101 W Main – BGR Investments LLC – exterior renovations
9. OLD BUSINESS
 - a. HDC Orientation session – postponed till later date
10. NEW BUSINESS
 - a. 2022 HDC meeting schedule
11. ADJOURNMENT

HDC MEETING HELD IN 2nd FLOOR GRAND RIVER ROOM AT CITY HALL

Estimated Distribution Schedule for Michigan Transportation Funding by City/Village

Based on Treasury's ORTA Estimates 02/09/2022

Notes:

FY2022 - respective shares of \$600M Redirected Income Tax Transfers and \$50M Marijuana Tax Transfers are included.

FY2023 - respective shares of \$600M Redirected Income Tax Transfers and \$59M Marijuana Tax Transfers are included.

FY2024 - respective shares of \$600M Redirected Income Tax Transfers and \$67.9M Marijuana Tax Transfers are included.

City/Village	Estimated Revenues Fiscal Year 2022	Estimated Revenues Fiscal Year 2023	Estimated Revenues Fiscal Year 2024
Leroy	86,268.94	89,495.71	91,976.21
Lennon	74,241.00	77,017.88	79,152.54
Leonard	74,983.51	77,788.16	79,944.17
Leslie	268,813.03	278,867.61	286,596.82
Lexington	120,863.42	125,384.15	128,859.35
Lincoln	102,014.27	105,829.95	108,763.20
Lincoln Park	4,598,000.95	4,769,982.72	4,902,189.57
Linden	468,031.69	485,537.77	498,995.14
Litchfield	205,123.82	212,796.20	218,694.14
Livonia	11,753,646.70	12,193,275.42	12,531,229.36
Lowell	507,751.05	526,742.78	541,342.21
Ludington	1,028,922.76	1,067,408.20	1,096,992.91
Luna Pier	190,206.44	197,320.83	202,789.88
Luther	115,153.01	119,460.15	122,771.16
Lyons	143,945.34	149,329.40	153,468.29
Mackinac Island	92,746.49	96,215.54	98,882.28
Mackinaw City	232,440.28	241,134.38	247,817.77
Madison Heights	3,175,980.10	3,294,773.18	3,386,092.50
Mancelona	196,129.93	203,465.89	209,105.23
Manchester	308,171.50	319,698.23	328,559.12
Manistee	979,383.49	1,016,015.96	1,044,176.28
Manistique	438,166.18	454,555.18	467,153.83
Manton	195,310.14	202,615.45	208,231.22
Maple Rapids	87,400.46	90,669.54	93,182.58
Marcellus	136,951.19	142,073.65	146,011.42
Marine City	491,936.90	510,337.11	524,481.83
Marion	131,863.37	136,795.54	140,587.02
Marlette	273,526.35	283,757.22	291,621.95
Marquette	2,549,771.13	2,645,141.76	2,718,455.63
Marshall	932,307.79	967,179.45	993,986.21
Martin	70,971.36	73,625.94	75,666.58
Marysville	1,224,889.63	1,270,704.90	1,305,924.30
Mason	956,180.53	991,945.11	1,019,438.29
Mattawan	418,219.22	433,862.12	445,887.22
Maybee	114,155.08	118,424.89	121,707.20
Mayville	143,387.70	148,750.93	152,873.76
McBain	127,094.05	131,847.82	135,502.18
McBride	33,298.29	34,543.75	35,501.19
Mecosta	79,830.26	82,816.19	85,111.56
Melvin	53,214.59	55,205.01	56,735.10
Melvindale	1,232,639.25	1,278,744.40	1,314,186.60
Memphis	147,969.88	153,504.49	157,759.10
Mendon	150,159.22	155,775.71	160,093.25
Menominee	1,242,403.00	1,288,873.35	1,324,596.30
Merrill	109,001.30	113,078.34	116,212.47
Mesick	88,066.73	91,360.74	93,892.94



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Business Watch

Michigan's largest marijuana farm coming to tiny village, ready or not



The Village of Lawrence will be home to 305 Farms, Michigan's largest marijuana farm that can grow up to 80,000 plants a year. (Bridge photo by Zahra Ahmad)



February 15, 2022



Zahra Ahmad



Business Watch



Michigan marijuana, Rural Michigan

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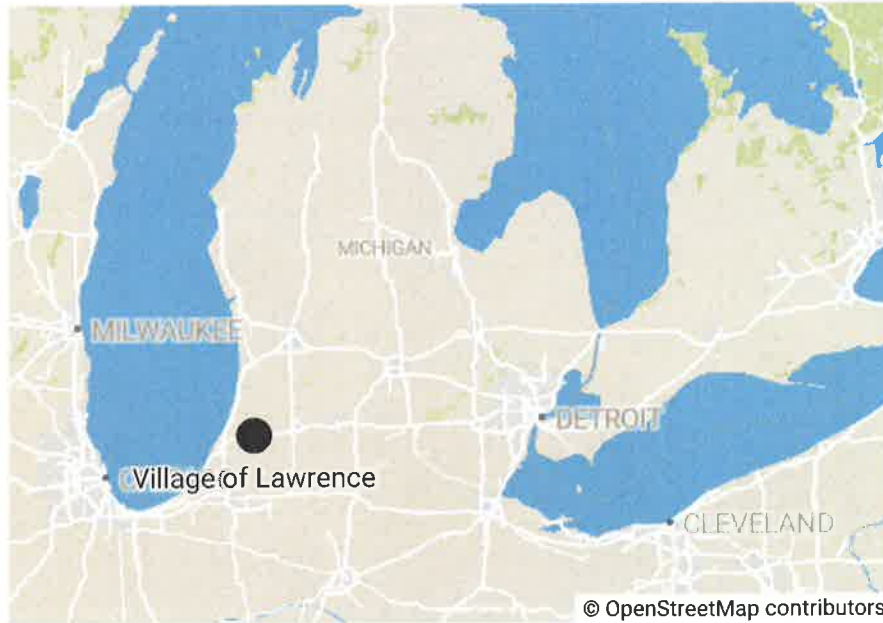
LAWRENCE — Come March, this tiny village in southwest Michigan will not only be home to 300 families, a proud farming history and an annual ox roast festival — but also the state's largest marijuana farm.

The operation known as 305 Farms is licensed to grow up to 80,000 plants a year in a 350,000 square foot facility that will be more than double the average size of a Walmart. This comes at a time when the state's saturated marijuana market is

stabilizing, and many investors view small towns as the best way to grow the billion-dollar industry.

Village of Lawrence

The Village of Lawrence will be home to 305 Farms, Michigan's largest marijuana farm that can grow up to 80,000 plants a year.



Embed • Created with [Datawrapper](#)

The farm is stirring mixed feelings in the tight-knit Van Buren County community with six stores and one restaurant. But the \$100 million facility from a Florida-based company promises good-paying jobs, annual revenue for the village and a viable plan for vacant land.

At the town's only gas station, Rachel Christie has talked to neighbors for 15 years as they buy snacks and fill up their tanks.

A marijuana farm isn't vital to Lawrence, Christie said, adding she'd rather see a grocery store than another marijuana facility. Two dispensaries opened in Lawrence over the past five years.

"These marijuana shops are popping up like lemonade stands," Christie said. "It would be nice if the revenue from it helped open up something beneficial to Lawrence, like a grocery store. You have to go out of town to buy a head of lettuce."

Lawrence is one of 120 municipalities statewide to allow and create regulations for recreational marijuana after [voters approved it in 2018](#). But nearly 80 percent of communities, 1,400 of 1,773, have opted out of law and prohibit the establishments, according to the [Michigan Marijuana Regulatory Agency](#).



The Village of Lawrence had a population of 1,029 in 2019. The small town will be home to Michigan's largest marijuana growing facility when it opens in March 2022. (Bridge photo by Zahra Ahmad)

The state's marijuana market has grown to \$3 billion and the industry grossed \$1.8 billion in sales in 2021, but "we're reaching a period of more stability where we won't see such an increase in growth," said Andrew Brisbo, executive director of the state agency.

Michigan is one of [18 states where marijuana is legal](#), and it's attractive to out-of-state investors because it's regulated to allow a free market, Brisbo said. Prices are set by unrestricted competition between private business owners.

"Michigan's the land of opportunity for cannabis," Brisbo said.

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Donald Hanson, a Van Buren County commissioner who represents Lawrence, said the 40-acre site for 305 Farms was intended for a large housing development that residents welcomed. Like many ventures proposed in Lawrence, that fell through, Hanson said.

"There wasn't much of a choice," Hanson said. "The big homes and the stores that they wanted didn't come through. The marijuana people had the money and they needed that money. But at least this is some progress."

According to Hanson, the farm is giving Lawrence the money it needs to pay debts, like a bond it took out to build a new water tower. In a February statement, Lawrence Village President David Quick said revenue from the farm is funding much-needed programs and projects.

Quick did not respond to multiple requests for comment from Bridge Michigan.

So far, 305 Farms has paid Lawrence \$141,000 in reservation and licensing fees, an amount that will increase to \$200,000 annually when the facility is finished.

That's nearly double the amount of revenue the village currently earns from taxes and licenses.

Matt Peon, 305 Farms CEO, said he will hire 200 people locally over the next 36 months to work at the farm for \$20 an hour with paid vacation and benefits.

Matthew Peon, CEO of 305 Farms, is opening Michigan's largest marijuana growing facility in the Village of Lawrence. Peon said Michigan has one of the most opportunistic marijuana industries in the nation. (Bridge photo by Zahra Ahmad)

The state will earn \$2 million in annual licensing fees for the campus and any of the company's recreational products are subject to a 10 percent state excise tax.

Related:

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- [Federal help may be on the way for Detroit's budding weed industry](#)

- **Recreational pot is nestling comfortably into small-town Michigan**
- **Along Michigan-Ohio border, small-town Morenci is transformed by marijuana**

Peon said his company designed an ordinance that allows an operator of their size to access a pool of licenses that lets them produce thousands of pounds of marijuana.

"It speaks to the magnitude of what we are trying to create out here," Peon said. "It was a real blessing that we found Lawrence."

The operation plans to cultivate and process marijuana on a campus that Peon said will "revolutionize the industry in both size and technology." The first phase includes a 44,000 square feet of cultivation rooms and a 16,000 square-foot operations center, with room for trimming, processing, commercial kitchens and a warehouse. Other plans call for more buildings.

"In the end, the campus will comprise over 300,000 square feet of plant-canopy, completely lit by LEDs (lights)," said Mikkael Jettere the company's vice president of horticulture.


SPONSOR

Peon, a Florida native from Miami, said executing a farm like his in Florida is nearly impossible because the state only issues seven licenses a year. Those licenses are typically sold to long-time Florida farmers.

In Lawrence, his operation was able to stack 40 Class-C cultivation licenses and two cannabis processing licenses onto a single site.

The project comes as people's opinions on cannabis in Michigan are shifting faster than in other states.

According to one study, one in nine Michiganders report using marijuana at least once a month, a percentage that grew 60 percent over a 14-year period.



Nicole Hunt has lived in Lawrence for 15 years. Hunt was hesitant about a marijuana growing facility opening up in the village, but said she supports it because of the jobs it will bring. (Bridge photo by Zahra Ahmad)

Peon said Lawrence residents had some reservations initially because the area is conservative. Residents shared concerns about whether the farm would increase crime or traffic, and whether the village's aging water system could support it.

The company responded by hiring around-the-clock security and offering to seclude the facility with a 40-foot tree fortress.

Peon said the farm runs on a water treatment system that recycles 95 percent of all its wastewater and its power plant of natural gas generators that supply almost half of its electricity needs.

Nicole Hunt, who has lived in Lawrence for 15 years, is among the residents who were initially concerned about the marijuana farm. But she said she's come to accept it after researching the proposal, she said.

"That is one thing I am really for because Lawrence, being such a small village, needs all the help it can get with revenue," Hunt said.

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The Detroit News

DETROIT

Firefighter accused of leaving city limits to get food suspended for drinking; official also suspended



Hani Barghouthi

The Detroit News

Published 2:27 p.m. ET Feb. 15, 2022 | Updated 2:40 p.m. ET Feb. 15, 2022

Two Detroit Fire Department personnel were suspended Monday after alcohol was found in a fire engine operator's urine when he was on duty, the department confirmed Tuesday.

The operator is accused of taking fire Engine 48, and three other department personnel with him, to pick up carry-out food from a restaurant near the Melvindale-Detroit border on Feb. 11, interim Fire Commissioner Charles Simms said.

The department was alerted to the incident by a resident who called 911 to report the fire engine parked outside the restaurant, Simms said. The four accused employees were ordered to return to the engine house and immediately take tests, he added.

Breathalyzer and urine tests given to two of the three employees came back negative, and the tests given to the fourth, a fire lieutenant, were inconclusive at first, but further analysis showed no alcohol in his system.

That lieutenant was still suspended due to other factors, Simms added, including for allegedly allowing a fire engine to leave city limits.

The Friday incident not the first case involving alcohol consumption on the job in the fire department in recent years.

The department was scrutinized last year after two officials, a battalion chief and a firefighter, were accused of drinking on the job and driving work vehicles in the same week last year.

The two employees later resigned, and a peer-support unit was re-enforced to address the issue after Mayor Mike Duggan ordered an environmental assessment of the

department. The audit found that many employees "believe alcohol abuse remains a problem that needs a solution."

The Detroit Fire Fighters Association, the department's labor union, did not immediately respond to a request for comment.

The fire engine operator and lieutenant will remain suspended until the department's investigation is concluded, which Simms said he expected would be the end of the week or beginning of the next.

"We just want to make sure we cover all bases and ... get as much information as possible before we make a final determination," he said.

The incidents of alcohol consumption in the department are isolated and not reflective of a larger problem, according to Simms, who was appointed after Duggan announced in January that former commissioner Eric Jones would leave the department on Jan. 14 as it sought "new direction in leadership."

Simms added that he hoped the enhancement of the peer-support group will lead more firefighters and medics to use the resources it offers them.

The group includes 14 department personnel charged with crisis management, a number the department is hoping to double, and introduced a wellness manager around two weeks before the Friday incident.

"Whether it be alcohol abuse, substance abuse, or whatever it may be, we always want to be here to support them and give them the resources they need to combat that issue," Simms said.

halbarghouthi@detroitnews.com

@HaniBarghouthi

THE ALPENA NEWS

Rogers City considering special assessment for police



News Photo by Julie Riddle At the Rogers City Police Department building on Wednesday, Officer John Alley, left, and Sgt. Brad Haske of the RCPD process drugs seized during a suspected drugged driving stop in Rogers City on Friday night.

ROGERS CITY — Residents in Rogers City could pay more for police protection if the city loses a property tax dispute with Carmeuse Americas next month.

The idea of a special assessment to help cover the cost of the police department was discussed at a special budget workshop on Feb. 9 and City Manager Joe Hefele will present more information about it at an upcoming budget workshop.

The amount of the assessment, if needed, has not been determined.

Carmeuse is challenging the assessed value of the limestone plant in Rogers City. The city has the plant valued at about \$20.6 million, while Carmeuse claims it is only worth \$8.5 million.

Act 33 of 1951 – the Police and Fire Protection Act – allows municipalities that offer police and fire services to create a district and implement an assessment to help pay for them.

A public hearing must be held before the Rogers City City Council can add the tax to the tax bill.

Mayor Scott McLennan said with the outcome of the tax dispute with Carmeuse pending, the city is taking a proactive approach to find a way to recoup lost property tax revenue if the city loses. He said the city is still investigating what an assessment means for the city's budget, for residents or if it is necessary.

Should the Michigan Tax Tribunal rule in favor of the Carmeuse, Hefele said the lost revenue would be in the ballpark of about \$100,000 and directly impact expenditures from the general fund.

Hefele said the total cost of police department operations will be determined, which will help determine how much an assessment would cost taxpayers if it is implemented.

McLennan said the city is looking into an assessment but it doesn't mean one will be utilized. He said all options are being considered, including allowing marijuana businesses to operate in the city and collecting the tax revenue from them to make up for the loss of money, should the tribunal rule in Carmeuse' favor.

“The reality is, if this happens it would be a huge loss of revenue,” McLennan said. “We are just looking at a couple options for different ways to backfill the loss of money, if we lose. Let’s gather the facts, see what the pros and cons are, and see what we need to do. We may look at this and decide it is not what we need to pursue.”

Hefele said the city’s 2022-23 budget shows a revenue shortfall of about \$100,000, but the ruling on the tax tribunal case could impact it.

The budget year runs from April 1 through March 31.

Hefele said the city is fortunate to have a police department that operates year round, 24 hours a day and believes residents will want to keep it that way.

“It is pretty unique,” he said. “Especially for a community of this size.”

Overall, Hefele said, the city’s savings are solid. He said there is enough money set aside to run the city for eight months if all funding dried up. But it is important, Hefele said, to make sure the city’s savings remain strong in case funds are needed for emergency repairs or unexpected expenses.

A special meeting of the council is scheduled for Thursday where the board is expected to go into closed session to discuss its strategy for the upcoming tax hearing. The meeting begins at 5 p.m.

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MACOMB COUNTY

Ex-Macomb County prosecutor sentenced to 21 months in fraud scheme

Oralandar Brand-Williams, Sarah Rahal and Hani Barghouthi The Detroit News

Published 6:09 a.m. ET Feb. 16, 2022 | Updated 5:05 p.m. ET Feb. 16, 2022

Detroit — Disgraced former Macomb County Prosecutor Eric Smith cried Wednesday and apologized for his "poor choice" before he was sentenced to 21 months in federal prison for obstruction of justice in a lengthy fraud scheme.

Smith, 55, of Macomb Township, appeared in federal court for sentencing before Judge Linda V. Parker on charges that he took just under \$75,000 from his campaign fund in a kickback scheme from 2012-2019. Smith had pleaded guilty to the charge last year.

Macomb County's former top prosecutor called the crime a "very poor choice and very poor decision," and told the judge "I did the worst thing I could do and covered it up."

Parker handed down the sentence for Smith's "incalculable harm to the criminal justice system" at the close of an hour and a half hearing.

He must report to U.S. Marshals within 90 days for his prison term, pay a fine of \$20,000 immediately, and a forfeiture of \$69,950, the judge said. The sentence is the maximum penalty by the federal government for obstruction of justice.

The federal government sought the 21-month sentence for Smith, arguing he abused his position and pushed subordinates to lie.

Upon release, Smith must be under supervision for at least 18 months.

In a 12-minute speech, Smith told Parker that his life's mission "was to help those who can't help themselves" and pleaded with Parker to allow him more time to focus on his family.

Attorney John Dakmak said in defense of Smith that "No justice was for sale," when Smith served as the chief law enforcement officer for one of the largest counties in Michigan for 16 years.

Smith had 16 letters of support issued on his behalf, including one from an elected Macomb County sheriff who noted Smith should get credit for cooperating with the investigation.

But Assistant U.S. Attorney Robert Moran said the letters shouldn't be taken into account due to vague commonalities stating Smith had "a moral compass, that he's trustworthy and protects their community."

"At least four letters talking about vacationing in his cabin... They did not know he dragged three assistant prosecutors in his web of lies and tried to cover up for his lies," Moran told the judge.

Dakmak argued Wednesday for home confinement saying that's "as severe as it needs to be" particularly looking at Smith's physical well-being. Dakmak said Smith has been quiet about his medical conditions and complications he endures as a Type 1 diabetic for 25 years with an insulin pump as well as ulcerative colitis and having contracted COVID-19 twice.

Smith's ailments didn't sway Parker, who noted "the prisons have facilities to address the medical services he needs."

Parker said Wednesday despite notable contributions from Smith over time to the county and his work aiding challenged youth, "his deeds, in this case, are egregious."

Parker said she doesn't believe Smith will commit other criminal behavior but "no one is above the law."

"While this has not been a violent crime, this is a crime that has hurt the public's trust," she said.

Smith's family exited the courtroom around 1:30 p.m. in tears, holding one another and saying they felt sorry for him.

Outside the courthouse, Smith's attorney Martin Crandall declined further comment, saying "we're not going to argue with the judge out here."

Smith exited the courthouse about an hour later, immediately got into a dark gray Ford pickup driven by Crandall, and left without addressing questions from reporters.

U.S. Attorney Dawn Ison reiterated Parker's comments to The Detroit News outside the courthouse after Smith's sentencing. She said his misconduct was "too egregious to ignore" and that a sentence at the top of the guidelines is appropriate.

"It is exactly what we wanted and it should send a clear message that no one, not even a person elected at the highest level of government entrusted with enforcing the law and protecting the community from the very crimes he committed is above the law," Ison said. "He was held accountable and everyone that acts like him will be held accountable."

Smith resigned from office in March 2020 amid state charges of embezzlement, forgery and misconduct in office in connection with \$600,000 in forfeiture funds taken from people charged in drug and drunk driving incidents.

He pleaded guilty early last year in federal court to obstructing justice.

The charge followed a federal investigation that found Smith, a Democrat, conducted two fraud schemes to steal cash from his political campaign fund to use for personal expenses between 2012 and 2020.

When pleading guilty in January 2021, Smith said he was ashamed and regretted the grief he has caused his wife and children, and an office he had devoted 30 years to.

"I fully accept responsibility for my actions," he said at the time. "... I knew it was wrong and I did it anyway."

The U.S. Attorney's Office has said as part of his guilty plea, Smith admitted that he had stolen more than \$74,000 from his campaign fund through the schemes.

In one instance, Smith wrote fraudulent checks to a friend worth nearly \$55,000 between 2012 and 2019 for non-existent rent, "all of which was campaign money illegally diverted to Smith's personal use," last week's sentencing memo from federal prosecutors noted.

The second involved Smith writing a \$20,000 campaign fund check in 2016 to an assistant Macomb County prosecutor, according to the document.

Some \$15,000 was "kicked back" to Smith, who told his colleague he needed the sum to help finance an in-ground pool at home, prosecutors wrote.

Smith later asked the friend and assistant county prosecutor, as well as a third person, to lie to FBI investigators and possibly commit perjury before a grand jury, according to the memo.

The U.S. Attorney's Office has said Smith's lack of criminal history, public service and his employment history in law enforcement were not sufficient reasons to justify a sentence below the guidelines, which ranged from 15 to 21 months.

Smith reached the plea deal to resolve federal charges stemming from a county corruption probe that spurred the Michigan Attorney General's Office to file multiple charges alleging that he and three others participated in a scheme to embezzle \$600,000 in county forfeiture funds.

Nessel's office has said the funds were allegedly used to buy flowers and cosmetics for select secretaries in Smith's office, a security system at his residence, garden benches outside staffers' homes and country club catering, among other expenses.

Earlier this month, a judge ruled Smith would stand trial in state court on 10 felony counts including conducting a criminal enterprise and misconduct in office.

Derek Miller, a former aide to Smith, also was ordered to stand trial on a pair of five-year felony charges including misconduct in office and conspiracy to commit a legal act in an illegal manner.

Circuit court arraignments for Smith and Miller are scheduled for Feb. 28.