

City of Albion
Special Council Session Minutes
November 26, 2018

I. CALL TO ORDER

Mayor Brown called the special meeting to order at 6:00 p.m.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

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

ABSENT: Marcola Lawler (4)

STAFF PRESENT:

LaTonya Rufus, City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Scott Kipp, Chief Public Safety; Tom Mead, Finance Director; Kent Phillips, Interim Director of Public Works; Larry Williams, Recreation Director; John Tracy, Director of Planning, Building & Code Enforcement, and Haley Snyder, Deputy Clerk/Treasurer.

V. Presentations-None

VI. Public Hearing

A. Industrial Development District-Mineral Technologies Inc. (American Colloid Company/Harvard Site)

Mayor Brown opened the public hearing at 6:03 p.m.

Comments were received from Al Smith, 1209 Adams St.

Mayor Brown closed the public hearing at 6:07 p.m.

Council continued discussion with comments received from Council Members Reid, Spicer and French; Mayor Brown and Caitlyn Bernard, EDC.

It was discovered the public hearing notice was for 7:00 p.m.

Council Member French made a motion to Postpone the Public Hearing until 7:00 p.m. per the Public Hearing notice.

French moved, Brown supported, CARRIED, to Postpone Public Hearing until 7:00 p.m. per the Public Hearing Notice (5-0, vv)

Council Member French made a motion to add postponing the Public Hearings and all supporting documents to 7:00 p.m.

French moved, Brown supported, CARRIED, To Postpone Public Hearings and All Supporting Documents to 7:00 p.m. per the Public Hearing Notice. (5-0, vv)

- VII. PUBLIC Comments (Persons addressing the City Council shall limit their comments to agenda items and to no more than three (3) minutes. Proper decorum is required.)

No public comments were received.

- VIII. CONSENT CALENDAR (VV) Items on the Consent Calendar are voted on as one unit)

A. November 5, 2018 Regular Session Minutes

Council Member Barnes via phone asked if he would be able to vote.
Council Member Brown asked for the City Attorney's opinion.
City Attorney Harkness stated there is no case law either way.
Mayor Brown stated it has previously been that you can participate in the discussion via phone but are unable to vote unless present at the meeting.

Additional comments were received from Council Members French, Barnes and Reid and City Manager Rufus.

French moved, Reid supported, **FAILS**, to allow Council Member Barnes to vote via phone. (2-3, rcv) (Brown, Spicer and Mayor Brown dissenting).

French moved, Reid supported, **FAILS**, to not allow Council Member Barnes to vote via phone. (3-2, rcv) (French and Reid dissenting).

Mayor Brown called for Point of Order and ruled Council Member Barnes would not be allowed to vote via phone.

Council Member French appealed Mayor Brown's ruling.

French moved, NO SECOND, **FAILS** for appeal to Mayor Brown's ruling.

Mayor Brown's ruling stands that Council Member Barnes is not able to vote via phone.

French moved, Spicer supported, CARRIED, to Approve Consent Calendar as presented. (5-0, vv).

IX. ITEMS FOR INDIVIDUAL DISCUSSION

- A. Request Approval Resolution #2018-28, To Exempt the City of Albion from the Requirements of the Michigan Publicly Funded Health Insurance Contribution Act from January 1, 2019 through December 31, 2019

Comments were received from City Attorney Harkness.

French moved, Spicer supported, CARRIED to Approve Resolution #2018-28, To Exempt the City of Albion from the Requirements of the Michigan Publicly Funded Health Insurance Contribution Act from January 1, 2019 through December 31, 2019 as presented (5-0, rcv).

- B. Request Approval Resolution # 2018-29, To Adopt A Local Pavement Warranty Program

Comments were received from Council Members French and Spicer and City Manager Rufus.

Brown moved, Spicer supported, CARRIED, to Approve Resolution # 2018-29, To Adopt A Local Pavement Warranty Program as presented. (5-0, rcv)

- C. Request Approval Resolution # 2018-30, To Implement a Local Pavement Warranty Program

Brown moved, French supported, CARRIED, to Resolution # 2018-30, To Implement a Local Pavement Warranty Program as presented. (5-0, rcv)

- D. Request Approval of Contract with Moore & Bruggink for Water & Wastewater Management Assistance

Comments were received from Council Members Spicer, Brown and French; City Attorney Harkness and Interim Director Public Services Phillips.

French moved, Brown supported, CARRIED, to Approve Contract with Moore & Bruggink for Water & Wastewater Management Assistance as presented. (5-0, rcv)

- E. Request Approval of Contract with Infrastructure Alternatives, Inc. for Water Management Assistance

French moved, Brown, CARRIED, to Approve Contract with Infrastructure Alternatives, Inc. for Water Management Assistance as presented. (5-0, rcv)

- F. Request Approval Resolution # 2018-31, A Resolution to Approve Bid and Entry into Agreement with Revitalize, LLC for Administrative Consulting Services as a Third Party CDBG Grant Administrator

Comments were received from City Manager Rufus.

Council Member French asked for an amendment to the motion to assign the City Manager as the point of contact.

French moved, Brown supported, CARRIED, to Approve Amendment Assigning the City Manager as the Point of Contact.

French moved, Brown supported, CARRIED, To Approve Resolution # 2018-31, A Resolution to Approve Bid and Entry into Agreement with Revitalize, LLC for Administrative Consulting Services as a Third Party CDBG Grant Administrator making the City Manager the point of contact. (5-0, rcv)

- G. Request Approval Medical Marihuana Provisioning Center License for Greenhouse Farms Albion 1, LLC

Comments were received from Council Members Brown, French and Spicer; City Attorney Harkness, Director of Planning, Building & Code Enforcement Tracy and David Ginsburg, Greenhouse Farms Attorney.

Brown moved, Spicer supported, CARRIED, To Approve Medical Marihuana Provisioning Center License for Greenhouse Farms Albion 1, LLC as presented. (4-1, rcv) (French dissenting).

Brown moved, French supported, To Adjourn for a Five (5) Minute Recess. (5-0, vv)

Mayor Brown recessed the special meeting at 6:55 p.m.

Mayor Brown readjourned the special meeting at 7:00 p.m.

PUBLIC HEARING

- A. Industrial Development District-Minerals Technologies Inc, (American Colloid Company/Harvard Site)

Mayor Brown opened the public hearing 7:03 p.m.

Comments were received from Brian Mull, 24772 J Drive South, Homer.

Mayor Brown closed the public hearing at 7:04 p.m.

Council continued discussion with comments received from Council Members Brown and Spicer; Mayor Brown; City Manager Rufus; Krista Trout-Edwards, Director Calhoun County Land Bank; American Colloid Plant Manager and Jim Dyer, Attorney for Calhoun County Land Bank.

B. Exemption Certificate for a New Facility for Minerals Technologies Inc. (American Colloid Company/Harvard Site)

Mayor Brown opened the public hearing at 7:25 p.m.

Public comments were received from Alicia Graham, 310 E. Michigan Avenue.

Mayor Brown closed the public hearing at 7:27 p.m.

Council continued discussion with comments received from Council Member Brown; Mayor Brown; City Manager Rufus and Krista Trout-Edwards, Director Calhoun County Land Bank.

C. Request Approval Resolution # 2018-25, A Resolution to Establish Industrial Development District for Minerals Technologies Inc. (American Colloid Company/Harvard Site)

French moved, Reid supported, CARRIED, To Approve Resolution # 2018-25, A Resolution to Establish Industrial Development District for Minerals Technologies Inc. (American Colloid Company/Harvard Site) as presented. (5-0, rcv)

D. Request Approval Resolution # 2018-26, A Resolution Approving Application for American Colloid Company for Industrial Facilities Tax Exemption Certificate for a New Facility

Comments were received from Council Member Brown and Jim Dyer, Calhoun County Land Bank Attorney.

French moved, Reid supported, CARRIED, to Approve Resolution # 2018-26, A Resolution Approving Application for American Colloid Company for Industrial Facilities Tax Exemption Certificate for a New Facility as presented. (5-0, rcv)

H. Discussion-2019 General Fund Budget

Finance Director Mead discussed the following items for the 2019 General Fund budget:

- The method of allocating salaries has been changed for the 2019 budget. Salaries will now be charged only to the specific department

in which they work and administrative fees will be charged to the additional departments they may oversee/work.

- Not many changes in revenues and expenses for 2019
- Small increase in property taxes
- The City continues to work on collecting delinquent income tax and non-filers.
- Account 101-000-573 is reimbursement from the State to offset and some of the revenue decline from the personal property tax reform law
- Account 101-000-626-10 Reflects a 2% increase across the board to administrative fees
- Account 101-000-673-00 reflects sale of the incubator building. Money was paid back to the cemetery fund from the revenue for the roof repair loan
- \$3,948,592 is the total revenue amount
- Account 101-101-802 is contractual services for Council training
- Dept. 209-Assessing Dept- Slight decrease from last year
- Dept 210-City Attorney-Slight increase from last year and the City Attorney contract went from \$87,500 to \$90,000
- Dept 226-Human Resources is a part time position. The wages a portion of the City Manager's wages are no longer included
- Dept 260-Finance-The water/sewer billing position is now being charged to the Finance Department versus 50% to water and 50% to sewer
- Dept 265-Account 101-265-785 shows a significant increase for 2018 for the cost to install a new boiler system in City Hall
- Dept 276 Cemetery-Account # 101-276-676 is a \$3,000 reimbursement from St. Johns Church to cover a portion of the cemetery. This cost may need to be increased.
- Account 101-276-699 Transfer In-Beginning on 2019, no money will be transferred in from the Cemetery Trust as only investment income from the Trust should be used for perpetual care
- Dept 345-Public Safety-No big changes. Overtime has been reduced significantly
- Account # 101-345-981 Vehicles-This is the annual installment for two (2) vehicles purchased in 2018 (\$26,667) and down payment on the purchase of new vehicles in 2019 (\$19,980)
- Dept 422-Code Enforcement-Increases in wages due to a new full-time code enforcement officer
- Dept 442-City Maintenance-No significant changes
- Dept 447-Engineering-Most engineering projects are tied to specific projects so only a small amount budgeted
- Dept 448 Street Lighting is now its own department-it was previously charged to 101-442-922
- Dept 526 EPA Landfill-This cost jumps sharply every so many years because in addition to monitoring, the contractor has to replace the

monitoring wells. 2019 is a year that will require replacement so we will be billed a larger amount throughout the year. This is per contract

- Dept 775-Parks-no significant changes
- Dept 776-\$17,000 was the estimated cost of repairing/improving Rieger Park pond. The repairs were not made in 2018 so no actual year to date cost incurred. After discussing, it was decided to hold off on these repairs to see what happens to the pond dam
- Dept 895-General Appropriations All annual maintenance fees are charged to this account.
- Account 101-895-719 MERS contribution-Paid to MERS for the old hospital nurses DB pension plan. A significant jump in 2019 reflects the new invoiced amounts based on the actuarial completed by MERS
- The 2019 Ending Fund Balance as a percentage of appropriations=27.6%
- \$81,220 will be used from fund balance to balance the 2019 budget

Comments were received from Council Members French, Brown and Spicer; Mayor Brown; City Attorney Harkness and City Manager Rufus.

X. Future Agenda Items

Council Member Brown asked for additional information for the Recreation Fund.

XI. Motion to Excuse Absent Council Member (s)

French moved, Spicer supported to excuse Council Members Barnes and Lawler. (5-0, vv)

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

Comments were received from Todd Clark, 27484 M-60, Homer; Brian Mull, 24772 J Drive South. Homer; Terry Adkins, 18072 27 Mile Rd, Homer and Cheryl Mull. 24772 J Drive South. Homer.

XIII. City Manager Report-None

XIV. MAYOR AND COUNCIL MEMBER COMMENTS

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

XV. ADJOURNMENT

Brown moved, Reid supported, CARRIED, to ADJOURN Special Council Session. (5-0, vv).

Mayor Brown adjourned the Special Session at 9:10 p.m.

Date

Jill Domingo
City Clerk