



# CITY OF ALBION CITY COUNCIL SPECIAL MEETING MEETING AGENDA

*Meetings: First and Third Mondays - 2:00 p.m.*

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

Dave Atchison: Mayor, Vicky Clark: Council Member 1st Precinct, Lenn Reid Council Member 2nd Precinct, Al Smith: Council Member 3rd Precinct, Marcola Lawler: Council Member 4th Precinct, Jeanette Spicer: Council Member 5th Precinct, Shane Williamson: Mayor Pro Tempore Council Member 6th Precinct, Darwin McClary: City Manager, Harkness Law Firm: Atty Cullen Harkness, Jill Domingo: City Clerk

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## AGENDA

**COUNCIL MEETING**  
**Thursday, May 21, 2020**  
**2:00 PM**

**PLEASE TURN OFF CELL PHONES DURING MEETING**

Page

- I. CALL TO ORDER**
- II. MOMENT OF SILENCE TO BE OBSERVED**
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**
- V. APPROVAL OF AGENDA**

(Includes any proposed additions, deletions or changes to the agenda)

- VI. PRESENTATIONS AND RECOGNITIONS**
- VII. PUBLIC HEARING**
- VIII. PUBLIC COMMENTS**

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

- IX. CLOSED SESSION**

**X. CONSENT CALENDAR (VV) (ITEMS)**

(Items on Consent Calendar are voted on as one unit)

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- A. Approval Regular Session Minutes, May 18, 2020  
[5-18-2020 Council Minutes](#)

**XI. ITEMS FOR INDIVIDUAL DISCUSSION**

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- A. Request Approval to Adopt Resolution # 2020-31, A Resolution to Direct the City Attorney to Draft an Ordinance for Adult Use Marihuana Growers and Processors Facilities

[Resolution 2020-31](#)

**XII. FUTURE AGENDA ITEMS**

**XIII. PUBLIC COMMENTS**

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

**XIV. CITY MANAGER REPORT**

**XV. MAYOR AND COUNCIL MEMBER COMMENTS**

**XVI. MOTION TO EXCUSE ABSENT COUNCIL MEMBER (S)**

**XVII. ROLL CALL**

**XVIII. ADJOURN**

City of Albion  
Council Session Minutes  
May 18, 2020

**PLEASE TAKE NOTICE** that the meeting of the City of Albion Council Meeting scheduled for **May 18, 2020 starting at 7:00 p.m.** will be conducted virtually (online and/or by phone) due to health concerns surrounding Coronavirus/COVID-19 under the Governor of Michigan's Executive Orders 2020-15 and 2020-21.

Public comment will be handled by the "Raise Hand" method

To comply with the **Americans with Disabilities Act (ADA)**, Any citizen requesting accommodation to attend this meeting, and/or to obtain this notice in alternate formats, please contact the ADA coordinator, (517) 629-5535, at least five business days prior to the meeting.

I. CALL TO ORDER

Mayor Atchison called the regular meeting to order at 7:00 p.m.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Vicky Clark (1); Lenn Reid (2); Al Smith (3); Marcola Lawler (4); Jeanette Spicer (5); Shane Williamson (6) and Mayor Atchison.

ABSENT: All members were present

STAFF PRESENT:

Darwin McClary, City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk and Scott Kipp, Chief Public Safety.

V. APPROVAL OF THE AGENDA (Includes any proposed additions, deletions or other changes to the agenda)

Spicer moved, Smith supported, CARRIED, to Approve the Agenda as presented. (7-0, vv)

VI. PRESENTATIONS-None

VII. PUBLIC HEARINGS-None

VIII. 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.)

Comments were received from Garrett Brown, 1016 S. Superior St; Sonya Brown, 713 Orchard Dr; Bob Anderson, 905 Haven Rd; Milton Barnes; Mark Goodman, Greenhouse Farms, Elliott St.

*\*\*Council Member Lawler called Point of Order as public comments are for agenda items only*

IX. CLOSED SESSION- None

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

A. Approval Regular Session Minutes, May 4, 2020

Smith moved, Spicer supported, CARRIED, to Approve the Consent Calendar as presented. (7-0, vv)

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval to Adopt Resolution # 2020-22, To Mandate the Albion City Council Participate in Sensitivity Awareness Training

*Council Member Lawler asked to AMEND Resolution # 2020-22 and Change from Sensitivity Awareness Training to Cultural Training and add invitation for City Department Heads to participate in the cultural training.*

*Council Member Spicer asked to add a friendly amendment and add invitation for Board & Commissions Chairs to attend the cultural training*

*Comments were received from Council Members Clark, Spicer and Williamson.*

*Council Member Williamson called for Point of Order as the discussion should be on the amendment to the motion not the motion itself*

*Lawler moved, Spicer supported, CARRIED, To Amend Resolution # 2020-22, Changing Sensitivity Training to Cultural Training and to Invite City Department Heads and Boards & Commissions Chairs to Attend the Training. (7-0, rcv)*

Comments were received from Council Members Spicer, Reid and Williamson; Mayor Atchison and City Manager McClary.

Lawler moved, Smith supported, CARRIED, to Adopt Resolution # 2020-22, To Mandate the Albion City Council Participate in Cultural Training and Invite City Department Heads and Boards & Commissions Chairs to Attend the Training. (7-0, rcv)

- B. Request Approval to Adopt Resolution # 2020-23, A Resolution to Approve Proposal for “Heavy Equipment” Noxious Vegetation Abatement and Mowing Bid and to Approve Contract for “Heavy Equipment” Noxious Vegetation Abatement and Mowing with John J. Hawkins Construction Contractor

Comments were received from Council Members Reid, Smith, Lawler, Williamson and Spicer; Mayor Atchison; Director Tracy; City Attorney Harkness and City Manager McClary

Clark moved, Smith supported, CARRIED, to Adopt Resolution # 2020-23, A Resolution to Approve Proposal for “Heavy Equipment” Noxious Vegetation Abatement and Mowing Bid and to Approve Contract for “Heavy Equipment” Noxious Vegetation Abatement and Mowing with John J. Hawkins Construction Contractor as presented. (5-2, rcv) (Clark & Mayor Atchison dissenting)

- C. Request Approval to Adopt Resolution # 2020-24, A Resolution to Approve Proposal for “Small Equipment” Noxious Vegetation Abatement and Mowing Bid and to Approve Contract for “Small Equipment” Noxious Vegetation Abatement and Mowing with Lansing Real Green Lawn Care

Comments were received from Mayor Atchison

Smith moved, Reid supported, CARRIED, to Adopt Resolution # 2020-24, A Resolution to Approve Proposal for “Small Equipment” Noxious Vegetation Abatement and Mowing Bid and to Approve Contract for “Small Equipment” Noxious Vegetation Abatement and Mowing with Lansing Real Green Lawn Care as presented (7-0, rcv)

- D. Request Approval to Adopt Resolution # 2020-25, A Resolution Approving the Michigan Transportation Economic Development Fund Category A Grant Agreement Between the Michigan Department of Transportation and City of Albion for the Reconstruction of North Clark Street and Authorizing the Execution of the Agreement

Comments were received from Council Members Clark, Spicer, Williamson, Lawler and Reid; Mayor Atchison and City Manager McClary

Williamson moved, Reid supported, CARRIED, to Adopt Resolution # 2020-25, A Resolution Approving the Michigan Transportation Economic Development Fund Category A Grant Agreement Between the Michigan Department of Transportation and City of Albion for the Reconstruction of North Clark Street and Authorizing the Execution of the Agreement as presented. (5-2, rcv) (Clark and Lawler dissenting)

- E. Request Approval to Schedule a Public Hearing for Monday, June 1, 2020, at 7:00 PM, on the Request from Albion College Dated April 8, 2020, to Rename a Portion of North Hannah Street and South Hannah Street from East Michigan Avenue South to East Erie Street from Hannah Street to Ditzler Way, after which time the City Council will Consider the Request; and to Direct the City Clerk to Provide Proper Public Notice of the Hearing

Comments were received from Council Members Reid, Smith, Lawler, Spicer, Williamson and Clark and Mayor Atchison

Reid moved, Spicer supported, CARRIED, to Schedule a Public Hearing for Monday, June 1, 2020, at 7:00 PM, on the Request from Albion College Dated April 8, 2020, to Rename a Portion of North Hannah Street and South Hannah Street from East Michigan Avenue South to East Erie Street from Hannah Street to Ditzler Way, after which time the City Council will Consider the Request; and to Direct the City Clerk to Provide Proper Public Notice of the Hearing as presented. (6-1, vv) (Clark dissenting)

- F. Request Approval to Adopt Resolution # 2020-27, A Resolution to Approve Extending the Deadline for the Filing and Payment of Quarterly and Monthly Local Income Tax

Spicer moved, Reid supported, CARRIED, to Adopt Resolution # 2020-27, A Resolution to Approve Extending the Deadline for the Filing and Payment of Quarterly and Monthly Local Income Tax as presented. (7-0, rcv)

- G. Request Approval to Adopt Resolution # 2020-28, A Resolution for Submission of Michigan Transportation Economic Development Fund Category B Application for 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, Hartwell and Wild Streets

Reid moved, Clark supported, CARRIED, to Adopt Resolution # 2020-28, A Resolution for Submission of Michigan Transportation Economic Development Fund Category B Application for 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, Hartwell and Wild Streets as presented. (7-0, rcv)

H. Request Approval to Adopt Resolution # 2020-29, A Resolution to Approve a Temporary Moratorium on the Imposition of Late Fees for Untimely Water Payments Imposed Pursuant to Ordinance 86-137

Spicer moved, Williamson supported, CARRIED, to Adopt Resolution # 2020-29, A Resolution to Approve a Temporary Moratorium on the Imposition of Late Fees for Untimely Water Payments Imposed Pursuant to Ordinance 86-137 as presented. (7-0, rcv)

I. Update on Special Council to Prosecute Sonya Brown for Charter Violation

City Attorney Harkness stated that Mr. O'Keefe has accepted the offer to act as the City of Albion's Special Prosecutor for the Sonya Brown charter violation. He has sent the letter of engagement to the City and all materials pertaining to the case have been sent to him. Mr. O'Keefe should have a charging decision by the end of the week.

J. Update on Collection from LaTonya Rufus

City Attorney Harkness stated the City received a judgement against former City Manager LaTonya Rufus in October of 2019. Attorney Harkness has made attempts to garnish Ms. Rufus's bank accounts but the accounts were closed. A public debtor's exam has been scheduled and extended several times due to the COVID19 pandemic. It has been re-scheduled for July 10<sup>th</sup>, 2020. If Ms. Rufus does not appear at the hearing, the judge will likely issue a bench warrant for Ms. Rufus. Currently Ms. Rufus has two outstanding felony warrants. City Attorney has reached out to local law officials in Dalton where Ms. Rufus is currently living to pursue the warrants and has not received a response. Prosecutor Gilbert has stated he will extradite Ms. Rufus if she is picked up on the outstanding warrants.

Comments were received from Council Member Lawler who asked City Attorney Harkness to reach out again to local law enforcement in Dalton to pursue the outstanding warrants.

City Attorney Harkness stated he will reach out again to local law enforcement in Dalton to pursue the outstanding warrants against Ms. Rufus.

K. Update on Sidewalk Committee

City Manager McClary stated the sidewalk committee has had three (3) meetings and discussed several options on how the remaining sidewalk funds should be distributed. The committee will be meeting again on May 26<sup>th</sup>, 2020 and he hopes they will be able to finalize a recommendation to be brought to Council for approval.

L. Discussion When Council Members Can Speak as Citizens

Council Member Reid stated issues come up that Council Members may want to speak as a citizen and not as a Council Member.

City Attorney Harkness stated being a Council Member does not preclude you from participating in the political process. You should make it clear that you are speaking as a citizen and use personal email not City email when participating as a citizen.

M. Request Approval to Adopt Resolution # 2020-30, A Resolution to Amend the FY 2020 Budget and to Authorize the Execution of a Public Services Agreement with Battle Creek YMCA and Kids "N" Stuff Museum to Provide for the 2020 Albion Summer Recreation Camp Program

Comments were received from Council Members Williamson, Reid, Lawler, Clark and Spicer and Mayor Atchison

Additional comments were received from City Attorney Harkness who stated he suggests removing child care services from the resolution.

*\*\* Council Member Lawler called for Point of Order as agenda item should be a discussion since it was added after the Wednesday before Council at 12:00 p.m. cut-off time to add agenda items.*

*\*\* Mayor Atchison stated this item was added to the revised agenda on the Friday prior to the Council meeting*

*\*\*City Attorney Harkness stated there are two deadlines for agenda items-the City ordinance states Council Members may add agenda items up until 12:00 p.m. the day of the meeting and Council Rules state an agenda item must be added by 12:00 p.m. the Wednesday before the meeting or would be added as a discussion item only unless it is considered an emergency.*

*Council Member Lawler moved to **Postpone** Approval to Adopt Resolution # 2020-30, A Resolution to Amend the FY 2020 Budget and to Authorize the Execution of a Public Services Agreement with Battle Creek YMCA and Kids "N" Stuff Museum to Provide for the 2020 Albion Summer Recreation Camp Program until Council receives additional information.*

**Lawler moved, NO SUPPORT, FAILED, to POSTPONE Approval to Adopt Resolution # 2020-30, A Resolution to Amend the FY 2020 Budget and to Authorize the Execution of a Public Services Agreement with Battle Creek YMCA and Kids "N" Stuff Museum to Provide for the 2020 Albion**

## **Summer Recreation Camp Program until Council receives additional information**

Williamson moved, Lawler supported, CARRIED, to Adopt Resolution # 2020-30, A Resolution to Amend the FY 2020 Budget and to Authorize the Execution of a Public Services Agreement with Battle Creek YMCA and Kids "N" Stuff Museum to Provide for the 2020 Albion Summer Recreation Camp Program as presented. (5-2, rcv) (Smith and Lawler dissenting)

## XII. FUTURE AGENDA ITEMS

The following items were requested for the next agenda:

- Council Member Clark would like a discussion on the hiring process for the Code Enforcement position  
**\*\*Council Member Spicer asked if the Code Enforcement position will be filled before the next Council meeting**  
**\*\*City Manager McClary stated an offer has been made however, the City is still looking into the whether the physical exam can be done pursuant to the Governors orders**
- Council Member Spicer would like a Resolution committing to repair of 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, Hartwell and Wild Streets
- Council Member Williamson would like a study session for discussion of Adult Use Recreational Marihuana  
**\*It was the consensus of the Council to add a Study Session at 6:00 p.m. on June 1<sup>st</sup> for Adult Use Recreational Marihuana**
- Council Member Reid would like policy options for abandoned houses and businesses
- Mayor Atchison asked to schedule a Special meeting for adjustment of the City Manager goals and a Study Session for the principles of effective Council/Manager relations

Comments were received from Council Member Lawler who asked what positions have eliminated and which have reduced hours. Are the wages decreased with the reduced hour positions?

Mayor Atchison stated the only entity that he is aware of positions being eliminated and reduced hours are for the EDC. This is a reduction in work hours not pay rates.

City Manager McClary stated he is meeting with his Finance Team tomorrow to discuss revenue shortages and how the City will address the shortfalls. The City has been waiting to receive guidance from the State which they are slowly beginning to address.

**\*\*\*Council Member Lawler cited Privilege at 9:35 and left the meeting**

- 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 Mark Goodman, Greenhouse Farms-Elliott St; Bob Anderson, 905 Haven Rd; Sonya Brown, 713 Orchard Dr; Garrett Brown, 1016 S. Superior St and Calhoun County Commissioner Gary Tompkins

- XIII. CITY MANAGER REPORT

City Manager McClary provided a written report to Council detailing the following:

- COVID19 Executive Orders
- Irwin Avenue Reconstruction Project
- North Clark Street Reconstruction Project
- Sidewalk Program Fund Review & Code Enforcement Review Committees
- Tree Maintenance Contract and Tree Dump Operations Investigations
- Legislative Management System

- XIV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Clark, Smith and Williamson and City Manager McClary.

- XVI. EXCUSE ABSENT COUNCIL MEMBER (S)

No action was necessary as all members were present.

- XVII. ROLL CALL

PRESENT: Vicky Clark (1); Lenn Reid (2); Al Smith (3); Jeanette Spicer (5); Shane Williamson (6) and Mayor Atchison.

ABSENT: Council Member Lawler cited Privilege at 9:35 and left the meeting

- XVIII. ADJOURNMENT

Spicer moved, Williamson supported, CARRIED, to adjourn the regular session. (6-0, vv)

Mayor Atchison adjourned the Regular Session at 9:56 p.m.

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Date

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Jill Domingo  
City Clerk

RESOLUTION #2020-31

A Resolution to Direct the City Attorney to Draft an Ordinance for Adult Use Marihuana Grower and Processor Facilities

**PURPOSE AND FINDING:** As the Council is aware, the Council has had previous discussions on the topic of allowing adult use (recreational) marihuana facilities in the City. At present, the City has opted out of adult use marihuana entirely. The City has, to date, elected to wait to authorize those facilities as recreational marihuana was new statewide and many municipalities have had issues with facilities, the ambiguity in the state law, and crafting ordinances. One of the current medical marihuana facilities in the City has approached the City and requested that the City opt in to adult use and craft an ordinance to allow the same. The Council previously declined to direct the City Attorney to draft an ordinance allowing for all adult use facilities (except for retail sales).

Council Member \_\_\_\_\_ moved, supported by Council Member \_\_\_\_\_, to approve the following resolution

**NOW, THEREFORE, BE IT RESOLVED**, that the Albion City Council hereby directs the City Attorney to draft an Ordinance for Adult Use Marihuana Grower and Processor Facilities for review by the City Council.

I hereby certify that the above resolution was adopted on May 21, 2020 in a special session of the Albion City Council, and this is a true copy of that resolution.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Absent \_\_\_\_\_

\_\_\_\_\_  
Jill Domingo, Clerk

May 21, 2020