

City of Albion
Council Session Minutes
October 15, 2018

I. CALL TO ORDER

Mayor Brown 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: Maurice Barnes (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5), Andrew French (6) and Mayor Brown.

ABSENT: All members were present.

STAFF PRESENT:

LaTonya Rufus, City Manager; Scott Kipp, Chief Public Safety; Cullen Harkness, City Attorney, Jill Domingo, City Clerk; Jim Lenardson, Director Public Services; Tom Mead, Finance Director and John Tracy, Director Planning, Building & Code Enforcement.

V. PRESENTATIONS

A. Red Ribbon Week-Harry Bonner Sr.

Mayor Brown read aloud the Proclamation recognizing October 23 -31st as Red Ribbon Week and presented to Harry Bonner Sr., Director Substance Abuse Prevention Services.

Comments were received from Harry Bonner Sr., Director Substance Abuse Prevention Services; Ms. Richie, Marshall Middle School Teacher, members of the Substance Abuse Coalition.

VI. PUBLIC HEARINGS –Abandonment of the Right-of-Way located at ALBION CITY, WARNER & CHURCH ADDITIONAL LOT 3. BLK 91. VACATED S END OF S ANN ST; COM AT NW COR LOT 4 FOR POB; TH W 66 FT; TH S 108 FT; TH E 59 FT; TH N, 107.25 FT TO POB .154 A M/L to the adjacent property owner.

Mayor Brown opened the Public Hearing at 7:10p.m.

Public comments were received from Eric Tobin, 409 W. Ash St who asked to approve the abandonment of the right-of way.

Mayor Brown closed the Public Hearing at 7:11 p.m.

- 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 Consent Calendar are voted on as one unit)

- A. Approval Regular Session Minutes, October 1, 2018

Brown moved, Lawler supported, CARRIED, to Approve Consent Calendar as presented. (7-0, vv)

- IX. ITEMS FOR INDIVIDUAL DISCUSSION

- A. Request Approval for Medical Marihuana Provisioning Center License for Pincanna-RX-Albion, Inc.

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

Barnes moved, Lawler supported, CARRIED, To Approve Medical Marihuana Provisioning Center License for Pincanna-RX-Albion, Inc. as presented. (6-1, rcv) (French dissenting).

- B. Discussion/Approval 1st Reading Ordinance # 2018-08, An Ordinance to Provide a Code of Ethics for the City Council and to Create Section 1-28 of the Albion Code of Ordinances

Comments were received from Council Member French stated there were items discussed at the last meeting for the 1st reading of this ordinance, is this the same document was previously reviewed or had any of the items brought up in discussion been incorporated in this document? He also asked whether state or federal law would be followed in Section B-Compliance of the Law.

Mayor Brown stated the Ordinance was a discussion item at the previous meeting not an approval item and that no changes had been made to the document.

Mayor Brown stated he feels the Section B-Compliance of the Law can stay in the ordinance as the Council takes an oath of office that states they will uphold both the state and federal law.

Council Member Barnes asked the following questions:

1. Is this the same version of the draft ordinance offered at the last regular City council meeting.
2. What consideration was given to the input provided by the public at the City council meeting?
3. What consideration was given to the numerous comments I offered two weeks ago at that council meeting?
4. If no consideration is given and no changes are made as a result of the public comments or Council Member comments during discussion what is the point? What does that say to the public when we ignore their comments?
5. Why does the ordinance still include provision for the acting in the capacity of law enforcement and the court system?
6. What is the basis for defining so-called "lack of respect for process" as an ethics question? Roberts Rules of Order and the Charter are sufficient to regulate "respect" for the process.
7. Are we seriously going to include the undefined "failure to prepare for public meetings" as an ethical violation? Zero language in this questionable ordinance to address any of the following serious ethical issues but failure to prepare for a meeting.
8. What about attempts to influence, sway or otherwise unduly affect the vote of a fellow Council Member (s) other than during an open council meeting. Attempts to circumvent the Open Meetings Act by communicating with individual Council Members.
9. Why doesn't this ordinance specifically include prohibition of members from voting on a motion or to table or postpone the vote on a motion where that member or their immediate family member is the subject of the motion.
10. Why doesn't this ordinance require every Council Member to disclose any and all existing relationships, personal, financial or other between any voting Council Member and any individual or business interest that is the subject of a motion?
11. Why is it unethical for a City Council Member to berate a city employee but its okay to berate citizens? The workplace for Council Members is the City-dealing with the public. City Officials should be expected to set the example for civility. Dealing with the public is part of official duties and constitutes the elected official's "workplace".
12. Why are there no rules of evidence or procedure.

Council Member French would like to see the sanctions changed to reflect the fines being tied to Council pay. First offense would be withholding of one meeting pay, second offense withholding of two meetings pay, etc.

Mayor Brown stated he did not believe that the City could withhold Council pay but the fines could be made equivalent to the amount of the meetings in increments of \$50.00 or \$100.00 dollars.

Council Member Brown stated the purpose of the fines is to detour Council Members from being unethical.

Additional comments were received from Council Members Lawler and Spicer and City Attorney Harkness.

Brown moved, French supported, CARRIED, to Change the Sections to the following: 1st offense-\$100.00; 2nd offense-\$300.00; 3rd offense-\$500.00. (4-3, rcv) (Spicer, Lawler and Barnes dissenting).

French moved, Brown supported, CARRIED, To Approve 1st Reading of Ordinance # 2018-08, An Ordinance to Provide a Code of Ethics for the City Council and to Create Section 1-28 of the Albion Code of Ordinances with the Sanctions changed to the following: 1st offense-\$100.00; 2nd offense-\$300.00; 3rd offense-\$500.00. (6-1, rcv) (Barnes dissenting).

- C. Request Approval 2nd Reading and Adoption of Ordinance # 2018-09, An Ordinance to Amend Chapter 30 of the 1984 Zoning Code of the City of Albion, by Amending the Section 30-04 Definitions, Division 8 B-3 Highway Service District, Division 9 Section 30-269, M-1-P Light Industrial Parks, Division 10 Section M-2 Heavy Industrial District and Section 30-285 Heavy Industrial Parks M-2 (P)

Comments were received from Council Member French and Attorney Harkness.

French moved, Brown supported, CARRIED, to Approve 2nd Reading and Adoption of Ordinance # 2018-09, An Ordinance to Amend Chapter 30 of the 1984 Zoning Code of the City of Albion, by Amending the Section 30-04 Definitions, Division 8 B-3 Highway Service District, Division 9 Section 30-269, M-1-P Light Industrial Parks, Division 10 Section M-2 Heavy Industrial District and Section 30-285 Heavy Industrial Parks M-2 (P) as presented. (7-0, rcv)

D. Request Approval of Waiver of 2nd Right of Refusal on Calhoun County Foreclosed Properties

Comments were received from Mayor Brown and Director of Public Services Lenardson.

Spicer moved, French supported, CARRIED, to Approve Waiver of 2nd Right of Refusal on Calhoun County Foreclosed Properties as presented. (7-0, rcv)

E. Approve Trick or Treat on Wednesday, October 31, 2018 from 6:00 to 8:00 p.m.

French moved, Brown supported, CARRIED, to Approve Trick or Treat on Wednesday, October 31, 2018 from 6:00 to 8:00 p.m. as presented. (7-0, vv)

F. Request Approval of Replacement of City Hall Boiler/Cost for Asbestos Abatement

Comments were received from Council Members Brown, French, Barnes, Spicer, Lawler and Reid; Mayor Brown and Jim Lenardson, Director Public Services.

Barnes moved, Reid supported, CARRIED, to Approve Bid from Hunter-Prell Co. for Replacement of City Hall Boiler. (7-0, rcv)

G. Discussion-Online Code Update

City Attorney Harkness stated the City is currently using MuniCode for the ordinance updates. The ordinances have not been updated since Ordinance # 2011-06.

Director of Planning, Building & Code Enforcement stated he asked for a quote from MuniCode in December of 2017 and the cost was an approximate \$6600.00 They charge \$19.78 per page of code. E-360 Code also does similar web-based code and tends to be a little less expensive. They also offer drawings/pictures included in the ordinances. We pay \$700.00 per year subscription fee to MuniCode. It would take until the end of the month to get an updated quote from MuniCode.

Mayor Brown asked to have the quote brought back for discussion.

H. Discussion-Update on Project Rising Tide

Mayor Brown stated that Project Rising Tide is a two-year incentive program provided by the State. A steering committee met a few months ago and determined that five (5) areas to address for Albion. They are:

1. Health & Wellness
2. Housing
3. Infrastructure
4. Post Industrial Sites
5. Workforce and Development

The next meeting will be November 1st and each sub-committee will work on documentation of the above five areas.

The State has also provided \$52,550 for a position with a one-year term to assist in implementing the actions strategies set by the Project Rising Tide committee.

Council Member Lawler asked for community input on the Rising Tide initiative.

Council Member Brown asked for a way to get input from community members that are not able to attend the meetings.

X. Future Agenda Items

The following items were requested for the next agenda:

- City Attorney Harkness asked for an online code update.
- Council Member Barnes asked for an update on 608 Austin Avenue
- Council Member Brown asked for a joint meeting with the Albion Housing Commission.

XI. Motion to Excuse Absent Council Member (s)

No action was necessary as all members were present.

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 Ethel Holt, 601 Erie St; Wayne Arnold, 906 Hall St and Richie Johnson, 323 W. Broadwell St.

XIII. CITY MANAGER REPORT

City Manager Rufus stated she is excited for the opportunity in Albion. She asks that if you would like to come in and speak with her that you schedule an appointment and sign in at the front desk.

XIV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Barnes, Brown, Lawler and French and Mayor Brown.

XV. ADJOURNMENT

Brown moved, Spicer supported, CARRIED, to adjourn the regular session. (7-0, vv)

Mayor Brown adjourned the Regular Session at 8:26 p.m.

Date

Jill Domingo
City Clerk