

City of Albion
Council Session Minutes
October 21, 2019

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); Sonya Brown (3); Marcola Lawler (4); Shane Williamson (6) and Mayor Atchison.

ABSENT: Jeanette Spicer (5)

STAFF PRESENT:

Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Kent Phillips, Acting Interim Public Service Director; John Tracy, Director Planning, Building & Code Enforcement; Tom Mead, Finance Director and Scott Kipp, Chief Public Safety.

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

Mayor Atchison asked to add a Red Ribbon Week presentation and a Proclamation for National Women's Week.

Council Member Lawler asked to move Agenda Items M & Q to Agenda Items B & C.

Clark moved, Williamson supported, CARRIED, to Approve the Agenda with the above changes. (6-0, vv)

VI. PRESENTATIONS

A. Red Ribbon Week

Brian Marison, Director of Community Development for the Substance Abuse Prevention Services gave a brief overview of the history of Red Ribbon Week and how important the program is in our schools. The National Red Ribbon Week campaign will be celebrated from October 28th-November 1st.

B. Proclamation for National Women's Week

Mayor Atchison read aloud the Proclamation for National Women's Week.

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 Lavada Weeks, 917 Luther Dr.

IX. CLOSED SESSION- The City Attorney requests a Closed Session under the Open Meetings act (Section 15.268 (h), P.A. 267 of 1976, as amended) to consider material exempt from discussion or disclosure by state or federal statute.

Brown moved, Williamson supported, CARRIED to adjourn to Closed Session. (6-0, rcv)

Mayor Atchison adjourned to closed session at 7:11 p.m.

Mayor Atchison re-convened the regular session at 7:18 p.m.

ROLL CALL

PRESENT: Vicky Clark (1); Lenn Reid (2); Sonya Brown (3); Marcola Lawler (4), Shane Williamson (6) and Mayor Atchison.

ABSENT: Jeanette Spicer (5)

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

- A. Approval Regular Session Minutes, October 7, 2019
- B. Approval Special Session Minutes, October 8, 2019
- C. Approval Study Session Minutes, October 14, 2019
- D. Receive and File Planning, Building & Code Enforcement Report

Mayor Atchison asked to correct the Special Session Minutes for October 8, 2019, pages 2 & 3 to read Mayor Atchison called Point of Order not asked.

Reid moved, Williamson supported, CARRIED, to Approve the Consent Calendar with the above correction. (6-0, vv)

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval Mechanical Amusement Device for Cascarelli's

Comments were received from Council Members Reid, Williamson, Clark and Brown; Mayor Atchison; City Attorney Harkness and Finance Director Mead.

Reid moved, Williamson supported, **FAILED** to Approve Mechanical Amusement Device for Cascarelli's as presented. (1-5, rcv) (Clark, Brown, Lawler, Williamson and Mayor Atchison dissenting).

B. Request Approval for Boards & Commission Appointment

- Nidia Wolf, Partial DDA Term, Term to Expire 12-31-2020

Comments were received from Council Members Williamson, Reid, Brown and Clark and Mayor Atchison.

*Clark moved, Brown supported, **FAILED**, To **TABLE** Nidia Wolf, Partial DDA Term, Term to Expire 12-31-2020 as presented. (3-3, rcv) (Williamson, Reid and Mayor Atchison dissenting).*

Comments were received from Council Members Brown, Lawler, Williamson and Clark and Mayor Atchison.

Williamson moved, Reid supported, **FAILED**, To Approve Nidia Wolf, Partial DDA Term, Term to Expire 12-31-2020 as presented. (3-3, rcv) (Clark, Brown and Lawler dissenting).

C. Request Approval Resolution # 2019-36, Resolution of Recognition and Appreciation for Chief Scott Kipp

Comments were received from Council Members Williamson and Brown; Mayor Atchison and City Attorney Harkness.

*Brown moved, Lawler supported, **FAILED**, To **TABLE** Resolution # 2019-36, Resolution of Recognition and Appreciation for Chief Scott Kipp as presented. (3-3, rcv) (Reid, Williamson and Mayor Atchison dissenting).*

Williamson moved, Reid supported, **CARRIED**, To Approve Resolution # 2019-36, Resolution of Recognition and Appreciation for Chief Scott Kipp as presented. (4-2, rcv) (Council Members Brown and Lawler dissenting).

D. Request Approval Grower Renewal License for Greenhouse Farms, LLC

Comments were received from City Attorney Harkness.

Williamson moved, Brown supported, CARRIED, To Approve Grower Renewal License for Greenhouse Farms, LLC as presented. (6-0, rcv)

E. Request Approval Processor Renewal License for Greenhouse Farms, LLC

Comments were received from City Attorney Harkness.

Williamson moved, Clark supported, CARRIED, To Approve Processor Renewal License for Greenhouse Farms, LLC as presented. (6-0, rcv)

F. Request Approval to Assess the Condition and Operability of Water Fountains in all City Parks and Incorporate Appropriate Maintenance Planning into the 2020 Budget

Comments were received from Council Member Reid and Mayor Atchison.

Brown moved, Clark supported, CARRIED, To Approve Assessing the Condition and Operability of Water Fountains in all City Parks and Incorporate Appropriate Maintenance Planning into the 2020 Budget as presented. (6-0, rcv)

G. Request Approval to Install Irrigation System in Holland Park to Sustain Landscaping and Incorporate Installation into the 2020 City Budget

Comments were received from Council Members Reid, Lawler and Williamson and Interim Director Public Services Phillips.

Reid moved, Clark supported, CARRIED, To Approve Installing Irrigation System in Holland Park to Sustain Landscaping and Incorporate Installation into the 2020 City Budget as presented. (6-0, rcv)

H. Request Approval for Installation of Pavilion in Holland Park

Comments were received from Council Members Reid, Brown and Williamson; Mayor Atchison and Finance Director Mead.

Williamson moved, Clark supported, CARRIED, To **TABLE** Installing Pavilion in Holland Park until approved by Planning Commission. (6-0, vv)

I. Request Approval to Addendum to City Manager Contract for PTO Time

Comments were received from Council Members Brown, Williamson and Clark; Mayor Atchison and Finance Director Mead.

Mayor Atchison asked to **AMEND** the agenda and Change Agenda Item I to Approval of Addendum to City Manager Employment Agreement.

Williamson moved, Clark supported, CARRIED, to Amend Agenda Item I to Approval of Addendum to City Manager Employment Agreement. (6-0, rcv)

Comments were received from Council Members Brown and Williamson; City Attorney Harkness and Finance Director Mead.

Williamson moved, Clark supported, **FAILED**, To Approve Addendum to City Manager Employment Agreement as presented. (3-3, rcv) (Clark, Lawler and Mayor Atchison dissenting).

***Council Member Brown called Privilege and left at 8:55 p.m.*

Mayor Atchison asked to **Amend** the Agenda and Add Approval of Modifications to the City Manager Employment Agreement for PTO Time, Retiree Health Care Opt-Out and Participation in the City's Health Care Plan.

Lawler moved, Reid supported, CARRIED, Amend the Agenda and Add Approval of Modifications to the City Manager Employment Agreement for PTO Time, Retiree Health Care Opt-Out and Participation in the City's Health Care Plan.

Mayor Atchison called Point of Order as discussion did not pertain to agenda item being discussed.

Mayor Atchison called Point of Order as discussion did not pertain to agenda item being discussed.

Lawler moved, Reid supported, CARRIED, To Approve Modifications to the City Manager Employment Agreement for PTO Time, Retiree Health Care Opt-Out and Participation in the City's Health Care plan. (4-1, rcv) (Williamson dissenting).

- J. Request Approval 1st Reading Ordinance # 2019-08, An Ordinance to Create Chapter 100, Article 1, Sections 1.1-1.3, Article 2, Sections 2.1-2.2, Article 3, Sections 3.1-3.19, Article 4, Sections 4.1-4.13, Article 5, Sections 5.1-5.11, Article 6, Sections 6.1-6.6, Article 7, 7.1-7.26, Article 8, Sections 8.1-8.5, Article 9, Sections 9.1-9.15, and Article 10, Sections 10-10.8, Zoning

Comments were received from Mayor Atchison and City Attorney Harkness.

Reid moved, Clark supported, CARRIED, To Approve 1st Reading Ordinance # 2019-08, An Ordinance to Create Chapter 100, Article 1, Sections 1.1-1.3, Article 2, Sections 2.1-2.2, Article 3, Sections 3.1-3.19, Article 4, Sections 4.1-4.13, Article 5, Sections 5.1-5.11, Article 6, Sections 6.1-6.6, Article 7, 7.1-7.26, Article 8, Sections 8.1-8.5, Article 9, Sections 9.1-9.15, and Article 10, Sections 10-10.8, Zoning as presented. (5-0, rcv)

- K. Request Approval Resolution # 2019-33, A Resolution to Abandon the Right of Way Adjacent to the Intersection of S. Ann St. and W. Ash St.

Comments were received from City Attorney Harkness.

Reid moved, Clark supported, CARRIED, To Approve Resolution # 2019-33, A Resolution to Abandon the Right of Way Adjacent to the Intersection of S. Ann St. and W. Ash St. as presented. (5-0, rcv)

- L. Request Approval of \$10,000 Deductible to Michigan Municipal League Liability and Property Pool

Comments were received from City Attorney Harkness.

Williamson moved, Reid supported, CARRIED, To Approve \$10,000 Deductible to Michigan Municipal League Liability and Property Pool as presented. (5-0, rcv)

***Council Member Lawler called Privilege and left at 9:11 p.m.*

- M. Discussion Results of Grocery Store Desert Committee Report

Council Member Clark stated 500 printed copies of the grocery store survey were sent out and 356 collected. The #1 store residents would like to see is Aldi's and #2 is Meijers. It also showed that most items purchased at Family Fare were smaller items. She will provide Council with a more detailed report at a later date.

- N. Discussion Donation Boxes

Mayor Atchison stated that City Attorney Harkness provided Council with a sample ordinance for donation boxes as the City currently does not have one. He would also ask that the ordinance include some type of penalty.

City Attorney Harkness stated a federal court case in 2016 ruled that you cannot ban donation boxes but you can regulate them through an ordinance. He will speak with the City Manager and draft an ordinance.

Council Member Reid asked who is responsible for the donation boxes if they are on private property and whether or not the companies can be contacted to pick up the donations more frequently.

Director of Planning, Building & Code Enforcement Tracy stated the donation boxes have been a long-standing problem and that many of the boxes do not have the company name or contact information on them.

- O. Request Approval Resolution # 2019-34, A Resolution to Designate October 31 as the Annual Trick or Treat Date in Albion

Williamson moved, Reid supported, CARRIED, To Approve Resolution # 2019-34, A Resolution to Designate October 31 as the Annual Trick or Treat Date in Albion as presented. (4-0, vv)

- P. Discussion Amend Ordinance # 2018-08, Code of Ethics, Amend Section 1-28 N ii to Read "Said Public Hearing Shall Occur Within 30 Days of the Date the Three Council Members Notify the Mayor, Mayor Pro Tempe, City Attorney and City Manager in Writing, of Their Call for a Public Hearing".

Mayor Atchison asked to amend Ordinance # 2018-08, Code of Ethics, Section 1-28 N ii to Read "Said Public Hearing Shall Occur Within 30 Days of the Date the Three Council Members Notify the Mayor, Mayor Pro Tempe, City Attorney and City Manager in Writing, of Their Call for a Public Hearing".

City Attorney Harkness stated he will draft an amended Ordinance for 1st reading for the next meeting. He also mentioned that in Section 4 of the violations that Section 12-n called for a super majority vote and Section 13-n called for a majority vote. He recalled that both should have been just a majority vote.

There was no objection from Council to change Section 12-n to a majority vote.

- Q. Request Approval of Resolution # 2019-35, Designation of October 28th – November 1st, 2019 as Red Ribbon Week

Reid moved, Williamson supported, CARRIED, To Approve Resolution # 2019-35, Designation of October 28th – November 1st, 2019 as Red Ribbon Week as presented. (4-0, vv)

XII. FUTURE AGENDA ITEMS

No items were requested for 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.)

Comments were received from Andrew Sowa, Albion College student.

XIV. CITY MANAGER REPORT

City Manager McClary included a written report in the Council packets.

Chief Kipp stated Eaton Street and Clinton Street in Albion will be closed at the north spur line railroad crossings starting Wednesday, Oct. 23 for two weeks while repairs to the crossings are completed and to please seek alternative routes during this time.

XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

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

XVI. EXCUSE ABSENT COUNCIL MEMBER (S)

Clark moved, Williamson supported, CARRIED, To Excuse Council Member Spicer (5). (4-0, vv)

XVII. ROLL CALL

PRESENT: Vicky Clark (1); Lenn Reid (2); Shane Williamson (6) and Mayor Atchison.

***Council Member Brown called Privilege and left at 8:55 p.m.*

***Council Member Lawler called Privilege and left at 9:11 p.m.*

ABSENT: Jeanette Spicer (5)

XVIII. ADJOURNMENT

Clark moved, Williamson supported, CARRIED, to adjourn the regular session. (4-0, vv)

Mayor Atchison adjourned the Regular Session at 9:35 p.m.

Date

Jill Domingo
City Clerk