

City of Albion  
Council Session Minutes  
November 18, 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); 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; Haley Snyder, Interim Assistant City Manager/Deputy Clerk/Treasurer; 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)

*Council Member Lawler asked for item B on the Consent Calendar to be moved to Item C under Items for Individual Discussion.*

Lawler moved, Spicer supported, CARRIED, to Approve the Agenda with the above addition. (7-0, rcv)

VI. PRESENTATIONS

A. Oath of Office-Al Smith

Council Member Smith was given his Oath of Office to take his seat as Precinct 3 Council Person.

B. Project Rising Tide Update-Linda LaNoue

Community Development Fellow, Linda LaNoue provided Council with the following Project Rising Tide update:

- For the past few months, PRT’s primary focus has been on workforce development.
- Collaborated with different parties to tackle the issue – Workforce Development Committee approved by Council and AEDC employees.
- A survey has been conducted to gain a better insight on the challenges related to workforce development.
- Four (4) focus groups have been held to address the challenges identified through the survey. The focus groups were led by Taneka Thomas and Sharon Ponds.
- PRT has continued to work with the DDA to create a Development Plan. The next step in the process is to establish a Citizen Council to provide feedback on the proposed plan.
- The final Development Plan will be before Council for review and approval after the New Year.

Questions and Comments were received by Council Member Clark and Mayor Atchison.

#### C. Recreation Update-Larry Williams

*Delayed for the December 2<sup>nd</sup> Council Meeting.*

#### D. Albion Aglow

Eric Worley, Albion Chamber of Commerce President provided Council with the following information on Albion Aglow:

- Celebration of the holidays will kick off on Friday, December 6<sup>th</sup>.
- Homestead Savings Bank will be hosting a “Cash Mob” from 4p-5p to hand out \$5 to encourage residents to spend at local businesses. The Cash Mob will be held on the block with the Foundry Bakery and Malleable Brewery.
- The afternoon will proceed with the lighting of the downtown Christmas tree, along with announcing the winners of the window decorating contest.
- The Albion Aglow parade will begin at 6p. Following the parade, Santa will meet with everyone at Kids N’ Stuff.
- Live music will be held at the Brewery starting at 7p.

#### E. Small Business Saturday – Eric Worley

- Small Business Saturday – November 30<sup>th</sup>.
- Encourage residents to spend money at local businesses.
- Homestead will hold a “Cash Mob” at Sterling Books and Brewery from 10a-11a to hand out \$5 to residents to spend at local businesses.

- The Chamber will be handing out passports to residents to collect signatures from the local businesses in which they visit. Individuals who turn in passports with signatures will receive a prize. Passports are due on Monday, December 9<sup>th</sup>.

#### F. Update on Second Grocery Store

Corrine Atchison provided Council with the following update on the Second Grocery Store Initiative:

- A survey was conducted to find out residents' grocery needs – 443 responses were received.
- The survey found that most people roughly spend \$150/month on groceries.
- Majority of the respondents would like to see a Wal-Mart come to town.
- Fruits, vegetables, and selected meats
- The survey participants would like to see a new store somewhere along Eaton Street followed by the Downtown area.
- There are roughly 30,000 people within a 10 mile radius of Albion; however, a majority of the respondents were from Albion.
- Will use the survey data to talk with Family Fare as well as reach out to other grocery vendors.

Questions/Comments were received by Council Member Clark, Spicer, and Mayor Atchison.

#### G. Updates on Tax Issues-Concerns Impacting Albion and Non-Profit Organizations

Joshua Cunningham, City Assessor provided Council with the following information on tax exemptions on Non-profits.

- Laws regarding tax exemptions have not changed.
- State of Michigan tax laws are stricter than Federal laws.
- Just because an organization has a 503C certification, does not mean they are tax exempt
- After reviewing the current tax roll, discovered some organizations that were exempt in the past and should not have been.
- If an organization receives and exemption, they are exempt for the entire year. If the exemption is denied, the organization will remain on the tax roll for the entire year.
- Sent letters and tax exempt applications to 50 different non-profit parcels within the City.

- Examples of non-profit eligible for exemption under the General Property Tax Act 211.7o include: governmental agencies, medical groups, churches, schools, conservation groups, etc.

City Attorney Harkness advised Council to not discuss any pending litigations. Entities in Michigan are presumed to be taxable. There is a procedure that they can follow to become exempt from the tax roll – Board of Review, Michigan Tax Tribunal.

Mayor Atchison asked City Manager McClary to provide a copy of the General Property Tax Act 211.7o to Council.

Questions/Comments were received by Council Member Clark, Lawler, and Mayor Atchison.

#### H. Irwin Avenue Construction Update

Kent Phillips, Acting Public Service Director provided the following update on the Irwin Avenue project:

- Spring 2017 the City applied for a grant through MEDC, but was denied.
- 2018 contacted and accepted the MEDC grant.
- September 2018, the Irwin Avenue project plan was created.
- After the project plan was created, it was determined that value replacement work was needed on Superior Street.
- Lead and copper rules released – determine for each home on Irwin Avenue.
- Advised by the engineering firm to split the project into a two (2) phase project.
- July 2019, Mead Brothers awarded the project and began construction in August.
- To date, all water mains and valves have been installed, as well as curb and gutter work complete.
- Final grade taking place this week and should be complete by Monday (11/25).
- November 26<sup>th</sup>, base coat of asphalt will be laid, followed by cement work in driveways.
- Final top coat of asphalt will not be done this year – completed spring 2020.
- Entire project will be completed July 2020.

Questions/Comments were received by Council Member Reid and Mayor Atchison.

- I. Approve City Hall Closure on Friday, December 13, 2019 @ 1:00 p.m. for Holiday Party

*Reid moved, Williamson supported, CARRIED, to move item I. of Presentations and Recognitions to the Consent Calendar. (7-0, vv)*

- J. "Sprout Box" Program-Albion Food Hub

Laura Overholt provided Council with the following information on "Sprout Box" Program:

- The Winter Farmers market has not been successful in the past.
- Sprout, an organization in Battle Creek offers an online farmers market.
- For \$15, individuals are able to select what they would like in their weekly box. If you forget to fill your box for the week, Sprout will select items for you.
- If we have more people in the Albion area sign up for the service, the boxes will be delivered to Albion.
- EBT and Double Up coins are accepted.
- If you plan to be out of town, you can pause your weekly box.
- To sign up for the service, go to [www.joinssprout.com](http://www.joinssprout.com).

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 Lonnie Brewer, Double Vision Center President.

IX. CLOSED SESSION- None

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

A. Approval Regular Session Minutes, November 4, 2019

B. Approve City Hall Closure on Friday, December 13, 2019 @ 1:00 p.m. for Holiday Party

Williamson moved, Reid supported, CARRIED, to approve the Consent Calendar as presented. (7-0, vv)

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Elect Mayor Pro Tempore

Comments were received from Council Member Clark, Spicer, Williamson, and Mayor Atchison.

Williamson moved, Reid supported, CARRIED, to Elect Council Member Clark as Mayor Pro Tempore. (7-0, rcv)

B. Discussion/on Section 4.3 (b) of City Charter Related to Eligibility for City Boards

City Manager McClary stated Section 4.3 of City Charter addresses persons ineligible for City Office and employment. Within Section 4.3 there are two (2) subsections that have created confusion. Hoping to get further clarification on both subsections from the City Attorney. McClary wonders if it would be appropriate for Attorney to draft an ordinance that clarifies the two (2) subsections.

City Attorney Harkness stated the questions has come up before. The City Charter does not define what it means to be default to the City. Charter states an individual can submit to the clear the default with the City Clerk within 30 days.

Mayor Atchison asked that City Manager McClary work with City Attorney Harkness to draft an ordinance that clarifies the two (2) subsections.

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

C. City Council Confirmation of Vacancy on EDC Board of Directors as a Result of Precinct 3 November Election

Mayor Atchison stated Council needs to take action on either voting to remove Sonya Brown from the EDC Board of Directors with cause for violating the City Charter.

Council Member Spicer stated Sonya Brown was appointed for a six (6) year term on the EDC Board of Directors. The term would exceed her Council Member term. Spicer stated Brown was appointed as a resident and not as a Council Member and questioned if the AEDC has their own By-Laws. Mayor Atchison stated the AEDC has confirmed Brown was appointed as a Council person. Since she is no longer a Council Member, she should not be on the EDC Board of Directors.

City Attorney Harkness stated in order for a Council Member to be removed from a Board position, a motion and vote by Council as well as cause shown

would need to take place. AEDC is not asking for removal, Council must decide on how to proceed.

Williamson moved, Reid supported, CARRIED, to remove Sonya Brown from EDC Board of Directors for cause – violation of City Charter. (4-3, rcv) (Clark, Lawler, and Spicer)

D. Request Approval 2<sup>nd</sup> Reading & Adoption Ordinance # 2019-09, An Ordinance to Amend Chapter 1, Section 1-28, Ethics

Comments were received from Mayor Atchison and City Attorney Harkness.

Williamson moved, Clark supported, CARRIED, to Approve 2<sup>nd</sup> Reading & Adoption Ordinance # 2019-09, An Ordinance to Amend Chapter 1, Section 1-28, Ethics as presented. (7-0, rcv)

E. Request Approval 2<sup>nd</sup> Reading & Adoption Ordinance # 2019-10, An Ordinance to Amend Chapter 22 to Add Article VI. Sections 22-220 through 22-227, Collection Bins

Comments were received from Mayor Atchison and City Attorney Harkness.

Smith moved, Williamson supported, CARRIED, to Approve 2<sup>nd</sup> Reading & Adoption Ordinance # 2019-10, An Ordinance to Amend Chapter 22 to Add Article VI. Sections 22-220 through 22-227, Collection Bins as presented. (7-0, rcv)

F. Request Approval of 2020 Council Meeting Dates

Comments were received from Council Member Clark and Mayor Atchison.

Williamson moved, Clark supported, CARRIED, To Approve 2020 Council Meeting Dates as presented. (7-0, vv)

G. Discuss Establishment of a Permanent Parks, Trails & Recreation Commission

Mayor Atchison stated he would like the community to have more involvement and say on what happens with the City's parks and recreation. Parks and recreation are very important to the community. If the Council agrees to establish a Commission, City Attorney Harkness could draft an ordinance.

Council Member Smith questioned the type of control the Commission would have over the funds from the Recreation millage. City Attorney Harkness stated the City of East Lansing has a similar Commission. The City's Recreation

Department creates a budget and presents it to the Commission. The Commission then makes a recommendation to Council.

Mayor Atchison asked City Manager McClary to work with City Attorney Harkness to draft an ordinance for a Parks, Trails & Recreation Commission.

Comments were received from Council Member Smith, Lawler, Reid, Spicer, Williamson, and Mayor Atchison.

#### H. Discuss Establishment of a Permanent Arts & Culture Commission

Mayor Atchison stated more public art has started to come to the community. Music, dance, and theater is important to the Albion Community. Similar to the Commission discussed during the last agenda item, looking to create a Commission to help bring art to the community that reflects all ages, genders, and ethnicities.

Council Member Williamson stated it would be nice if the City had something in place to allow artists to apply and seek resources. Williamson stated the Commission would assist with capacity building for the City.

Mayor Atchison asked City Manager McClary to work with City Attorney Harkness to draft an ordinance for an Arts & Culture Commission.

Comments were received from Council Member Smith, Lawler, Williamson, and Mayor Atchison.

#### I. Discuss Establishment of a Permanent Public-Private Partnership Program

Businesses, non-profits, and churches have been taking care of different maintenance within the community. A formal process could be created to define what all can be taken care of by outside groups and organizations. When doing so, we will ensure no jobs are being taken away from City employees.

City Attorney Harkness stated the Labor Attorney provided a written opinion on this topic which can be review by Council in a closed session.

Mayor Atchison asked City Manager McClary to work with City Attorney Harkness to draft an ordinance for a Public-Private Partnership Program.

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

#### J. Request Approval for Boards & Commissions Appointments:

- Scott Evans, Reappointment, DDA, Term to Expire 12-31-2023
- Nidia Wolf, Reappointment, DDA, Term to Expire 12-31-2022
- Herm McCall, Partial Term, EDC, Term to Expire 7-1-2020
- \*\*Annette Norris, EDC Workforce Development, Term to Expire at Completion of Project

Lawler moved, Spicer supported, CARRIED, to Approve Board & Commission appointments one by one. (7-0, vv)

Williamson moved, Reid supported, CARRIED, to Approve Scott Evans' DDA Reappointment, Term to Expire 12-31-2023. (7-0, rcv)

Williamson moved, Reid supported, CARRIED, to Approve Nidia Wolf DDA Reappointment, Term to Expire 12-31-2022. (5-2, rcv) (Lawler & Spicer)

Comments were received from Council Member Smith, Lawler, and Mayor Atchison.

Williamson moved, Reid supported, CARRIED, to Approve Herm McCall, EDC Partial Term, Term to Expire 7-1-2020. (7-0, rcv)

Williamson moved, Reid supported, CARRIED, to Approve Annette Norris EDC Workplace Development, Term to Expire at Completion of Project. (7-0, rcv)

*Council Member Lawler called privilege at 9:09 p.m.*

## XII. FUTURE AGENDA ITEMS

The following items were requested for the next agenda:

- Resolution for Insurance Opt Out – City Attorney Harkness
- Presentation on 2020 Budget – Mayor Atchison
- City Manager Goals and Priorities – Mayor Atchison

## 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 Rick Lane 810 Haven Road, Jada Stewart Albion College, Desmond Hallman Albion College, John Tracy Director of Planning, Building & Code Enforcement, and Gary Thompkins County Commissioner.

## XIV. CITY MANAGER REPORT

City Manager McClary included a written report in the Council packets detailing the following:

- Project Rising Tide – Thank you to Community Development Fellow, Linda LaNoue.
- Welcome to Council Member Smith.
- Fiscal year 2020 budget preparations.
- Property tax assessment issues.
- Irwin Avenue Project
- Council / City Manager email communications.
- City Manager goals and priorities.

#### XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Smith, Spicer, Williamson, and Mayor Atchison.

#### 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); Jeannette Spicer (5); Shane Williamson (6) and Mayor Atchison.

ABSENT: All members were present

#### XVIII. ADJOURNMENT

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

Mayor Atchison adjourned the Regular Session at 9:33 p.m.

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Date

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Jill Domingo  
City Clerk