

City of Albion  
Council Session Minutes  
November 4, 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: Lenn Reid (2); Sonya Brown (3); Marcola Lawler (4); Jeanette Spicer (5); Shane Williamson (6) and Mayor Atchison.

ABSENT: Vicky Clark (1) was absent

STAFF PRESENT:

Darwin McClary, City Manager; 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 Moment of Silence to the Agenda for the young man that was shot on Saturday morning and lost his life.*

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

**A moment of silence was given for the young man that was shot on Saturday morning and lost his life.**

VI. PRESENTATIONS

A. Demolition of Union Steel Building-Calhoun County Land Bank

Krista Trout-Edwards, Executive Director Calhoun County Land Bank provided the Council with the following update on the Calhoun County Land Bank and the Demolition of Union Steel Building:

- 2008-2013 Minimal Land Bank funded demolitions
- 2014 CDBG Demolition Grant, 200 S. Superior St. demo, Collaboration Corner
- 2015-First Transform this Home Project; 203 N. Superior; HHF Demo Grant, TMA & Little Lambs of Jesus
- 2016-AmeriCorps Vista, Gina's, HHF 3.8 Demos
- 2017-Albion Community Gardens, Dalrymple School demo, HHF 3.8 Demos & First NMM
- 2018 American Colloid, HHF 3.8 Demos, Chemical Grant Funds
  
- Land Bank Grants for the past five years with other partners and local match:
  - CDBG Grant                                 \$408,799     32 Demos
  - Albion HHF                                 \$268,517     27 Demos
  - HHF3.8                                     \$3.8           38 Demos in Albion  
(County Wide)
  - Cronin Foundation                     \$125,000     Dalrymple School
  - Target Market Analysis               \$20,000     1 Study
  - EPA Assessments                       \$600,000     5 Projects in Albion  
(County Wide)
  - Chemical Grant                         \$2,000       1 Project
  
- Large Scale Projects (Non-Residential):
  - 200 S. Superior St                     \$84,000     Demo & Restoration
  - 203 N. Superior St                     \$128,328     Stabilization
  - 406 S. Ann St                           \$341,749     Demo & Restoration
  
- Union Steel-501 N. Berrien St:  
Demolition Bid \$420,750   Range up to \$963,850
  - 2008- Property foreclosed, sold at auction
  - 2011-Property foreclosed, sold at auction
  - 2012-Private owner, oil & asbestos spill, EPA response
  - 2014-Property foreclosed, sold at auction
  - 2019-Environmental assessments; demolition bid; seek funds for demo
  - Property is a safety hazard and negatively impacting property value of properties in the area
  
- Other Properties in Albion that need stabilization; demolition or investment:
  - Stabilization: 203 N. Superior St   Failing brick, unable to enter
  - Demolition:   200 S. Superior St       Failing brick, unable to enter
  - Other Costs:                               Boarding and securing-

- Investment: 709 N. Clinton St \$74,152  
EPA Grant-in process
- Investment: 129-131 N. Superior St EPA Grant-in process  
\$70,000 in cleanup
- Investment 100 S. Superior St Needs clean-up &  
Stabilization-\$99,725
- Investment 1000 W. Erie St Coming to the Land  
Bank Authority

Comments were received from Council Members Lawler and Brown and Mayor Atchison

B. Entrepreneurship & Community Service Certificates for:

- TNT Beauty Supply

Mayor Atchison read aloud the entrepreneurship certificate and he and Council Member Brown presented to TNT Beauty Supply.

- Cuts by Moose

Mayor Atchison read aloud the entrepreneurship certificate for Cuts by Moose.

- Kerizma

Mayor Atchison read aloud the entrepreneurship certificate for Kerizma.

- Mike & Brenda Lopez

Mayor Atchison read aloud the community service certificate and he and Council Member Brown presented to Mike and Brenda Lopez.

Comments were received from Mike Lopez and Council Member Brown.

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 Elrarene Showers, 805 Valhalla Dr; Mayor Atchison and City Manager McClary.

IX. CLOSED SESSION- None

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

A. Approval Regular Session Minutes, October 21, 2019

Williamson moved, Brown supported, CARRIED, to Approve the Consent Calendar as presented. (6-0, vv)

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Discussion/Approval of City of Albion to Contribute Funding for Demolition of Union Steel Building

Comments were received from Council Members Lawler, Brown, Spicer, Williamson and Reid; Mayor Atchison; Krista Trout-Edwards, Director Calhoun County Land Bank; City Manager McClary and Jim Dyer, Calhoun County Legal Counsel.

Council Member Williamson made a motion with support from Council Member Lawler to Approve a contribution from the City to the Calhoun County Land Bank Authority in the amount not to exceed \$150,000 upon approval and execution by the City of an acceptable intergovernmental contract and receipt of invoices acceptable to the Finance Director for the purpose of participating in the cost of the Authority's demolition of the Union Steel property located at 501 Berrien Street. The Calhoun County Land Bank Authority shall draft said contract.

Comments were received from Council Members Brown, Williamson, Lawler and Spicer; City Manager McClary; City Attorney Harkness; Mayor Atchison; Jim Dyer, Calhoun County Legal Counsel and Finance Director Mead.

**Council Member Williamson rescinded his motion**

Mayor Atchison stated he had spoke with Jim Dyer, Calhoun County Legal Counsel and an offer was made for the City to pay \$100,000 in 2020 and \$50,000 for the next four years for a total contribution of \$300,000 at the end of five years.

Lawler moved, Reid supported, CARRIED, to Approve a Contribution from the City to the Calhoun County Land Bank Authority in the Amount of \$100,000 in 2020 and \$50,000 for the Next Four Years for a Total Contribution of \$300,000 at the End of Five Years upon Approval and Execution by the City of an Acceptable Intergovernmental Contract and Receipt of Invoices Acceptable to the Finance Director for the Purpose of Participating in the cost of the Authority's Demolition of the Union Steel

Property Located at 501 Berrien Street. The Calhoun County Land Bank Authority Shall Draft Said Contract. (6-0, rcv)

- B. Request Approval 2<sup>nd</sup> Reading & Adoption 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 City Attorney Harkness who clarified the title of the Ordinance should read Sections 10.1 – 10.8, Zoning.

Williamson moved, Brown supported, CARRIED, to 2<sup>nd</sup> Reading & Adoption 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. (6-0, rcv)

- C. Request Approval 1<sup>st</sup> Reading Ordinance # 2019-09, An Ordinance to Amend Chapter 1, Section 1-28, Ethics

Council Member Brown asked to Amend the Ordinance # 2019-08, Section 1-28 Section 1 (2) to Read Said Public Hearing Shall be Scheduled Within 30 Days and the Public Hearing Shall Occur Within 60 days of the Date the Three Council Persons Notify the Mayor, Mayor Pro Tem, the City Attorney and the City Manager, in Writing of their Call for a Public Hearing.

Comments were received from City Attorney Harkness.

Brown moved, Lawler supported, CARRIED, to Approve Amendment to Ordinance # 2019-08, Section 1-28 Section 1 (2) to Read Said Public Hearing Shall be Scheduled Within 30 Days and the Public Hearing Shall Occur Within 60 days of the Date the Three Council Persons Notify the Mayor, Mayor Pro Tem, the City Attorney and the City Manager, in Writing of their Call for a Public Hearing.. (6-0, rcv)

Spicer moved, Brown supported, CARRIED, to Approve 1<sup>st</sup> Reading Ordinance # 2019-09, An Ordinance to Amend Chapter 1, Section 1-28, Ethics, amending Section 1-28 Section 1 (2) to Read Said Public Hearing Shall be Scheduled Within 30 Days and the Public Hearing Shall Occur Within 60 days of the Date the Three Council Persons Notify the Mayor, Mayor Pro Tem, the City Attorney and the City Manager, in Writing of their Call for a Public Hearing.. (6-0, rcv)

D. Request Approval Consumers Energy Easement for Electric Facilities at 111 and 113 E. Erie St

Comments were received from City Attorney Harkness

Williamson moved, Brown supported, CARRIED, To Approve Consumers Energy Easement for Electric Facilities at 111 and 113 E. Erie St as presented. (6-0, rcv)

E. Request Approval 1<sup>st</sup> Reading 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 Council Member Spicer and City Attorney Harkness.

Brown moved, Reid supported, CARRIED, to Approve 1<sup>st</sup> Reading Ordinance # 2019-10, An Ordinance to Amend Chapter 22 to Add Article VI. Sections 22-220 through 22-227, Collection Bins as presented. (6-0, rcv)

XII. FUTURE AGENDA ITEMS

The following items were requested for the next agenda:

- Council Member Williamson asked for a Recreation Update
- City Attorney Harkness asked for 2<sup>nd</sup> Reading and Adoption of Ordinances # 2019-09 and #2019-10
- Mayor Atchison asked for an update on tax issues with non-profits and goals and objectives for the City Manager

Mayor Atchison stated the budget meeting has been set for Saturday, November 16, 2019 from 9:00 a.m. – 2:00 p.m. at City Hall.

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 Antonio Nelson, 28855 C Drive; Emily Smith, AmeriCorps Vista member; Nidia Wolf, 409 Irwin Avenue; Garrett Brown, 1016 S. Superior St; Calhoun County Commissioner Gary Tompkins and Council Member Reid.

XIV. CITY MANAGER REPORT

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

- The amendments that were approved by the City Council at the last meeting to the City Managers contract have been executed. He will not seek an amendment for the moving expense provision.
- Attended the following meetings:
  - October 17-Hearing on a union grievance
  - October 17-Webinar: Branding Your Community for Economic Success
  - October 18-23 ICMA Annual Conference in Nashville, TN
  - October 25-Irwin Avenue Reconstruction Project progress meeting
  - October 28-Finance Director regarding FY 2020 budget preparation
  - October 29-Building Authority special meeting
  - October 30-Public Safety Director to discuss public safety operations and to tour facilities
  - October 30-Calhoun County Land Bank Authority to discuss Union Steel demolition project
  - October 30-Weekly meeting with Mayor Atchison
  - October 31-Finance Director regarding Income Tax Administrator functions
- A FY 2020 budget work session has been scheduled for City Council for Saturday, November 16 to review the proposed FY 2020 budget
- The ICMA Executive Board approved his designation as an ICMA Credentialed Manager
- Union Steel Demolition-He recommends that the City Council authorize a contribution from the City for the project but the City does not have the financial capacity to contribute the amount requested
- Will be meeting with representatives from the Albion Community Gardens to discuss their concerns regarding removal of their tax-exempt status. The matter is now scheduled to go before the Michigan Tax Tribunal in December
- Irwin Avenue Reconstruction and Precinct 3 Election:
  - The contractors will ensure that both ends of the construction are open to traffic to the polling location
  - DPS will provide flag persons to help direct traffic during elections hours of 7:00 a.m. to 8:00 p.m.
  - No construction work will occur in front of the three driveways to the church polling location on the day of the election
  - City staff has mailed letters to all Precinct 3 voters informing them of the construction work and how to access the polling location
  - DPS employees are placing door hangers on all visible doors at each home
  - City staff is posting information on the City's website and social media
  - Temporary signage will be placed at the polling location driveways directing traffic into and out of the polling location
- He and his husband have closed on their home within the City last Friday, and will be moving in next week once the contractors are finished with some interior improvements. He looks forward to joining the Albion community as a resident and a taxpayer

XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Member Lawler; Mayor Atchison and City Attorney Harkness.

*Council Member Lawler called Privilege at 8:50 p.m. and left.*

XVI. EXCUSE ABSENT COUNCIL MEMBER (S)

Brown moved, Williamson supported, CARRIED, to Excuse Council Member Vicky Clark (1). (5-0, vv)

XVII. ROLL CALL

PRESENT: Lenn Reid (2); Sonya Brown (3); Jeannette Spicer (5); Shane Williamson (6) and Mayor Atchison.

ABSENT: Council Member Vicky Clark (1) was absent and *Council Member Lawler called Privilege at 8:50 p.m. and left*

XVIII. ADJOURNMENT

Brown moved, Spicer supported, CARRIED, to adjourn the regular session. (5-0, vv)

Mayor Atchison adjourned the Regular Session at 8:52 p.m.

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Date

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Jill Domingo  
City Clerk