

City of Albion
Council Session Minutes
February 20, 2018

I. CALL TO ORDER

Mayor Brown called the 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) and Mayor Brown.

ABSENT: Council Member Andrew French (6).

STAFF PRESENT:

Sheryl Mitchell, City Manager; Stacey Levin, Assistant City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Scott Kipp, Chief Public Safety; and John Tracy, Director Planning, Building & Code Enforcement.

*Mayor Brown asked for a motion to **postpone** Item F. (1) Request Approval Boards & Commissions Appointments for Jacqueline Slaby, Initial Appointment, Planning Commission, Term to Expire 12-31-2020

*Brown moved, Lawler supported, to **postpone** Request Approval Boards & Commissions Appointments for Jacqueline Slaby, Initial Appointment, Planning Commission, Term to Expire 12-31-2020. (6-0, rcv)

V. MAYOR AND COUNCIL MEMBER'S COMMENTS

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

VI. CITY MANAGER REPORT

City Manager Mitchell updated the Council on the following items:

- **MML – Capital Conference** – March 20-21 in Lansing. Some council members have expressed interest in attending. Registration Rate is \$225 before Feb. 28 and \$300 afterwards.

- **Boards & Commissions Orientation** – As part of the RRC certification process, it was recommended that the City develop information to share for Boards and Commissions regarding recruiting, the application process, orientation, and training. A copy of the document that was prepared primarily by Stacey Levin and Jill Domingo is at your desks for your review and comment.
- **Zoning Ordinance Update** – the first meeting on the updating of the ordinance was held in January. The next meeting is scheduled for March 15 at 7pm in the Mayor's Conference Room. The meetings are open to the public.
- **2017 Audit** – the auditing firm, Stevens, Kirinovic & Tucker, PC are planning to be on site during the last full week in March – the week of March 26th; and returning the 3rd week in April – the week of April 16th. They have provided the Council with a letter overviewing their responsibilities, planned scope, and timing of the audit.
- **Year-end Budget Report** – The report provided in your packet reflects preliminary numbers. There are still a lot of year-end adjusting entries that need to be made – some that will have a major impact on the final numbers (most of which are related to some of the grants).
- **North Country Trail Signage** – Met on Feb. 14th with Larry Pio, Director of North Country Trail Association, along with Eric Worley, Gregg Strand, and Mark Lelle, to discuss placement of trail markers where the trail coincides with the Albion River Trail. Discussed steps in having Albion designated as a Trail Town.
- **Michigan Economic Development Advisory Committee** – The Michigan Municipal League and Michigan Economic Development Corporation have jointly formed an advisory committee of local government leaders to offer advice on existing and future community development priorities, policies, and programming. I have been invited to serve on this advisory committee to share our local perspective.
- **Regional Health Alliance Leadership Cabinet** – Discussed commitment and strategy for health equity and developing tools to strengthen organizational effectiveness to address health disparities for disadvantaged groups. Will be implementing a more interactive web-based platform for the county report card (TCC) on MiCalhoun. First phase expected to roll out in Spring 2018.
- **Community Partners Committee** – There will be community presentations on the Big Albion Plan on Feb. 21 at 3pm and Feb. 22 at 10am in the EDC Conference room. As part of the Zoning update, Albion College was invited to review relative and offer comments relative to the College District. The Economic

Forecast is scheduled for March 1st at 5pm at the Courtyard Marriott. Presenters will include Mayor Garrett Brown, Amy Deprez (EDC) and Eric Worley (Chamber), in addition to Upjohn Institute representative.

- **Albion EDC** – held meeting on Feb. 1, 2018. The EDC Board authorized the sale of 2 lots in the Industrial Park, with a contingency based on implementation of the Medical Marihuana Ordinance in Albion. Krista Trout-Edwards gave a presentation on the “Transform This Commercial Property” program that will be implemented shortly. The Revolving Loan Fund Committee was re-established in anticipation of the receipt of applications. The AEDC offices will be relocating to the Albion Community Foundation office on Eaton Street. They are entering into a 2-year rental agreement. The building at 309 S. Superior, which is owned by the ABA, is on the market and may require some repairs.
- **City Hall Closed** – because of the President's Day Holiday observance, city offices will be closed on Monday, Feb. 19, 2018.
- **Mayor/City Manager Report** – City Manager was included on conference call between the Mayor and Attorney Scott Smith regarding the solicitation of a quote for his review of the Council Rules of Procedure.

Comments were received from Mayor Brown.

VII. PRESENTATIONS

A. Update on Superior Street-MDOT

Mark Diezel and Greg Finnila, Michigan Department of Transportation (MDOT) Representatives updated the Mayor and Council on Superior Street with the following:

- The “fix” needed for Superior Street was not going to be easy.
- The construction of the current street has obviously failed. They stated this type of street has been placed elsewhere successfully but it has not held up in Albion
- There is an issue with drainage and MDOT is running tests to see what caused the failure.
- The plan for fixing Superior Street is as follows:
 - The bricks and sand underneath will be dug up and replaced with asphalt and new bricks on top. The street will be closed and traffic unable to pass the areas that they are replacing the bricks
- A time frame as to how long the repair will take is yet to be determined
- A timeframe for the brick replacement to begin is not yet determined.
- MDOT will keep the City informed of timelines as the project develops.

Comments were received from Council Members Brown, Spicer and Lawler; Mayor Brown and City Manager Mitchell.

- B. Certificates of Appreciation for Cardboard Classic Sled Race, Eric Worley and Stacey Levin

Eric Worley, Greater Albion Chamber of Commerce & Visitors Bureau President & CEO and Assistant City Manager Stacey Levin gave the following update on the Cardboard Classic Sled Race:

2018 Albion Cardboard Classic Sled Race Report

The 28th Albion Cardboard Classic Sled Race saw plenty of snow on February 10th! Over 24 sleds were entered in the competition with the AmeriCorps VISTA's sled finishing with the fastest sled of the day. Events like this can only happen with the help of a strong team. We'd like to acknowledge and thank the following individuals who helped make the event a success:

Sled Race Planning Committee:

Chamber President/CEO Eric Worley
Assistant City Manager Stacey Levin
ADPS Chief Scott Kipp
PSO Justin Reniger
PSO Kelli Williamson
Recreation Department Director Larry Williams
Deputy Director of Public Services Harry Longon
AmeriCorps VISTA Lauren Freeman

Judges of the Sled Design Competition:

County Commissioner Gary Tompkins
Mayor Garrett Brown
Albion College Art Professor Michael Dixon
Artist Kris Hargis

Event Workers:

Event Announcer: Council Member Andrew French
Race Starter: Sam Porter
Race Timers: Madison Vaive, Katey Price, Ryan O'Dell and Denise Porter
Volunteer Crew: Pam Schuler and the Albion College Student Volunteer Bureau, Alpha Phi Omega Service Fraternity, and the Build Albion AmeriCorps VISTA team
Sound/PA System: Kelly Kidder
Special thanks to the City of Albion Parks Department, Street Department, and ADPS for preparing the sledding hill, plowing Victory Park, and plowing surrounding streets.

Thank you to the **County and City Officials** who supported the event: County Commissioner Gary Tompkins, Sheriff Matt Saxton, Mayor Garrett Brown,

Council Member Andrew French, Council Member Lenn Reid, Council Member Marcola Lawler, and City Manager Sheryl Mitchell.

We'd like to congratulate the **first-place winners** of the event:

Sled Design Challenge Winner: Kiera Cesco

Bunny Hill Winner: Tavis Reniger

Age 12 & Under Individual Rider: Megan Sterly

Age 13 & Above Individual Rider: Brion Cesco

Super Modified Winner: James Hoffman

Group Sled Winner: AmeriCorp VISTA (Andrew Texel & Chris Herweyer)

A complete list of winners can be found on the Cardboard Classic Facebook Page and the current issue of the Albion Recorder.

Lastly, the event would not have been possible without the support from our 21 local sponsors. In appreciation of their commitment to the event, we'd like to recognize the sponsors and ask them to come up and receive a Certificate of Appreciation. At the end of the presentation, we'd like to take a group photo.

We'd like to first recognize **Knauf Insulation** for its Platinum Sponsorship. Thank you for your generous donation.

We'd also like to acknowledge **Decker Manufacturing Corp.** for its Gold Sponsorship. We appreciate your generous donation.

We'd also like to thank the following sponsors:

Albion Lions Club

AAUW

Albion College Student Volunteer Bureau

Albion College Campus Programs & Organizations

Albion Heritage Bed & Breakfast

Albion Insurance Agency

Ashley Reniger Realtor

Biggby Coffee

Boy Scout Troop 158

Calhoun County Recycling

Dickerson Music

Granger

Haas Trucking, Inc.

The Harkness Law Firm, PLLC

Homestead Savings Bank

Oaklawn Hospital

Team 1 Plastics

Tractor Supply Co.

Yesterday's News

VIII. PUBLIC HEARINGS-None

- IX. 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).

Comments were received from Frank Passic, 900 S. Eaton St; Eric Worley, President & CEO Greater Albion Chamber of Commerce & Visitors Bureau; David Abbott, 412 S. Clinton St; Jim Cascarelli, Cascarelli's; Al Smith, 1209 Adams St; Kelly Kidder, Dickerson Music; Nancy Cascarelli, Cascarelli's and Cindy Stanczak, 929 Luther Drive.

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

- A. Approval Regular Session Minutes-January 16, 2018
B. Approval Regular Session Minutes, February 5, 2018

Brown moved, Reid supported, CARRIED, To Approve Consent Calendar as presented. (6-0, vv)

- XI. ITEMS FOR INDIVIDUAL DISCUSSION

- A. Request Approval 2nd Reading and Adoption of Ordinance # 2018-01, An Ordinance to Authorize Medical Marihuana Facilities Licensing and Regulations and Create Article V of Chapter 22 of the Albion Code or Ordinances (RCV)

Comments were received from Council Member Spicer, Mayor Brown and City Attorney Harkness.

Brown moved, Spicer supported, CARRIED, To Approve 2nd Reading and Adoption of Ordinance # 2018-01, An Ordinance to Authorize Medical Marihuana Facilities Licensing and Regulations and Create Article V of Chapter 22 of the Albion Code or Ordinances including the amendment to Section 22- to read-The City Clerk, after approval from the City Council, shall issue up to 20 licenses for the following types Grower Facilities, Processor Facilities, Secure Transporters and Safety Compliance Facilities (6-0, rcv)

- B. Discussion of Marihuana Facility License Fees

City Attorney Harkness recommended that the application fee be set at the maximum permitted by the State of \$5,000 per application annually. Review of other communities indicate that the administrative costs for inspections, attorney, planning, site review, income tax, public safety and the city clerk will exceed this amount. An estimate from the City of Battle Creek is included in your council packet. It would be recommended that Council request staff to adopt a resolution to establish an annual nonrefundable City of Albion

Marihuana Facility Permit fee in the amount of \$5,000 for each authorized medical marihuana facility within the City to help defray administrative and enforcement costs associated with these facilities. The annual renewal rate would also be the same amount and due on the anniversary date of when the City authorized the facility to operate.

The consensus of the Council is to have the City Attorney draft a resolution to set the Medical Marihuana License fees for \$5,000 per license to be approved at the next Council meeting.

Comments were received from Council Member Brown and Mayor Brown.

- C. Request Approval of Amendment to Council Rules to Add Appendix A; Roles & Responsibilities of City Officials (RCV)

Comments were received from Council Member Brown and Mayor Brown.

Brown moved, Lawler supported, CARRIED, to Approve the Amendment to Council Rules to Add Appendix A; Roles & Responsibilities of City Officials as presented. (6-0, rcv)

- D. Request Approval Amendment to Council Rules to Add Mayor/Manager Weekly Consultations (RCV)

Comments were received from Mayor Brown.

Brown moved, Lawler supported, CARRIED, To Approve Amendment to Council Rules to Add Mayor/Manager Weekly Consultations as presented. (6-0, rcv)

- E. Request Approval for Authorization of Funds for Attorney Smith for Council Rules Review (RCV)

Comments were received from Council Members Reid, Brown, Spicer and Barnes; Mayor Brown and City Manager Mitchell.

*Council Member Brown asked to **AMEND** the motion for Request Approval for Authorization of Funds for Attorney Smith for Council Rules Review to include a \$1200.00 funding maximum.*

Comments were received from Council Members Reid and Barnes.

Brown moved, Spicer supported, CARRIED, to Amend motion for Request Approval for Authorization of Funds for Attorney Smith for Council Rules Review to include a \$1200.00 funding maximum. (5-1, rcv) (Barnes dissenting).

Council Member Brown asked to **AMEND** the motion Request Approval for Authorization of Funds for Attorney Smith for Council Rules Review with a \$1200.00 funding maximum to include funding will be taken from Conference Costs in the City Council budget.

Comments were received from City Manager Mitchell.

Brown moved, Spicer supported, CARRIED, to Amend motion for Request Approval for Authorization of Funds for Attorney Smith for Council Rules with a \$1200.00 funding maximum to include funding will be taken from Conference Costs in the City Council budget. (5-1, rcv) (Barnes dissenting).

Brown moved, Lawler supported, CARRIED, to Approve Authorization of Funds for Attorney Smith for Council Rules Review with a \$1200.00 funding maximum with funding taken from Conference Costs in the City Council budget. (5-1, rcv) (Barnes dissenting).

F. Request Approval Boards & Commissions Appointments (RCV)

- Jacqueline Slaby, Initial Appointment, Planning Commission, Term to Expire 12-31-2020

Mayor Brown asked to have this agenda item postpone at the beginning of the meeting.

Brown moved, Lawler supported, to postpone Request Approval Boards & Commissions Appointments for Jacqueline Slaby, Initial Appointment, Planning Commission, Term to Expire 12-31-2020. (6-0, rcv)

- William Rfaill, Initial Appointment, Albion District Library, Term to Expire 12-31-2021

Comments were received from Council Members Barnes, Reid and Spicer.

Council Member Brown asked for Point of Order to remain on topic of Board Appointment to Albion District Library.

Spicer moved, Brown supported, CARRIED, To Approve Initial Appointment of William Rfaill, Albion District Library, Term to Expire 12-31-2021 as presented. (6-0, rcv)

G. Discussion-Austin Avenue

1. Abatements
2. Demolitions
3. City's Financial Ability for Demolition

Council Member Barnes stated his concerns for the health, welfare and safety for the public in regards to properties located at 608 and 610 Austin Avenue. These properties have holes in the structures and rodents living in them. They are a danger to the public as they could come down at any time.

Council Member Barnes would like to propose to Council to use the \$19,000 in the solid waste fund to demolish 608 Austin Avenue and recoup funds from homeowner.

City Attorney Harkness stated a nuisance lawsuit has been filed against the homeowner of 608 Austin Avenue with a judgement received that the City may demolish the structure. There has been no response from the homeowner. The Court has issued a bench warrant for contempt for the homeowner.

Mayor Brown called for Point of Order in keeping on topic of the current discussion.

Director of Planning, Building & Code Enforcement Tracy stated the approximate cost for the demolition of 608 Austin Avenue would be \$18,700; however, if there is asbestos in the building the cost may be more.

City Manager Mitchell asked if the Council would be interested in using funds for demolition of properties that are privately owned as we have several in the City.

Additional comments were received from Council Member Reid.

H. Discussion-Social Media Policy

Mayor Brown stated the City has a presence with social media via Facebook and the Council meetings recorded and placed on you tube. The administration and the City Attorney are working on drafting a social media policy for the City. Chief Kipp is working on the first phase with the public safety unions, as there are some items that are specific to their roles. Mayor Brown wanted to the Council to be aware this policy will be coming forth for approval at a later date.

Comments were received from Council Member Spicer and City Manager Mitchell.

I. Discussion-City Awards & Recognitions and Key to the City

Mayor Brown would like to re-start the Key to the City award. He is working with City Manager Mitchell on the cost of the key and the framework in which the award will be given. They are also working on the framework for which city awards & recognitions.

XII. Future Agenda Items

- Council Member Brown would like to add the following items to the next agenda:
 - Set a date/time for Council work session on Council Rules of Procedures
 - Final date for goal setting session
- City Attorney Harkness would like a resolution to set fees for Medical Marijuana Facilities license fees be added to the next agenda.
- Council Member Barnes would like approval of demolition of 608 Austin Avenue from solid waste funds added to the next agenda.
- Mayor Brown would the following items added to the next agenda:
 - Initial discussion on community development organizations
 - Discussion on Neighborhood Planning Council

XIII. Motion to Excuse Absent Council Member (s) (VV)

Brown moved, Barnes supported, CARRIED, to Excuse Council Member Andrew French (6). (6-0, vv)

XIV. 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 Cindy Stanczak, Director Albion District Library; Ronnie Sims, 710 W. Erie St; Eric Worley, President & CEO Greater Albion Chamber of Commerce & Visitors Bureau; Mark Lelle, 422 Elizabeth St and Andrew Texel, AmeriCorps Vista member.

XV. ADJOURNMENT

Brown moved, Lawler supported, CARRIED, to ADJOURN Regular Council Session. (6-0, vv).

Mayor Brown adjourned the Regular Session at 9:15 p.m.

Date

Jill Domingo
City Clerk