

City of Albion
Council Session Minutes
March 16, 2020

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 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 N. under Items for Individual Discussion to be moved before item E. under Items for Individual Discussion.

City Manager McClary asked for COVID-19 Emergency Actions be added under Items for Individual Discussion.

Mayor Atchison asked for all presentations removed, items F., G., and H. under Items for Individual Discussion be removed, and under Rule 17 of the Council Rules that Rule 10(c) be suspended for this meeting to the extent that both public comments be consolidated into a single public comment period at the beginning of the meeting.

Smith moved, Lawler supported, CARRIED, to Approve the Agenda with the above removals and additions. (7-0, rcv)

VI. PRESENTATIONS

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 Garrett Brown, 1013 S. Superior, and Sonya Brown, 713 Orchard Drive.

IX. CLOSED SESSION- None

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

A. Approval Regular Session Minutes, March 2, 2020

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

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. COVID-19 Emergency Actions

City Manager McClary stated in order to respond to the increasing threat of spread of virus among city staff and between staff and the public, administration is requesting that City Council authorize the following actions:

- Authorize the City Manager to close City Hall to the public effective Tuesday, March 17, 2020, through Friday, April 3, 2020, and authorize the City Manager to extend the closure based upon an assessment of conditions at that time. City Hall staff will continue to report to work, but employees at higher risk for serious adverse effects from the virus will be provided with reasonable accommodation as necessary. The City Manager will determine if or when City employees will need to self-isolate and work from home. City employees will not experience a loss in pay if city operations close, employees are denied work, and those employees are otherwise willing and able to work.
- Authorize the City Manager to postpone water shut-offs for the duration of the public health emergency in support of efforts to encourage citizens to self-isolate at home and to encourage the uninterrupted provision of goods and services to the public by local businesses. While considerations was given to reinstating water service to customers whose water service was previously discontinued, this option does not appear to be feasible due to occupancy status of the structures and other considerations.

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

Smith moved, Spicer supported, CARRIED, to Authorize the City Manager to close City Hall to the public effective Tuesday, March 17, 2020, through Friday, April 3, 2020, and authorize the City Manager to extend the closure based upon an assessment of conditions at that time. City Hall staff will continue to report to work, but employees at higher risk for serious adverse effects from the virus will be provided with reasonable accommodation as necessary. The City Manager will determine if or when City employees will need to self-isolate and work from home. City employees will not experience a loss in pay if city operations close, employees are denied work, and those employees are otherwise willing and able to work. Authorize the City Manager to postpone water shut-offs for the duration of the public health emergency in support of efforts to encourage citizens to self-isolate at home and to encourage the uninterrupted provision of goods and services to the public by local businesses, and attempt to verify occupancy of other shut off accounts.

Smith moved, Spicer supported, CARRIED, To Attempt to Verify Occupancy of Other Shut Off Accounts. (7-0, rcv)

B. Request Approval Resolution #2020-12, To Approve Special Event Alcohol Application Fee

Comments were received from Council Member Williamson, Mayor Atchison and City Attorney Harkness.

Williamson moved, Smith supported, CARRIED, to Approve Resolution #2020-12, Special Event Alcohol Application Fee as presented. (7-0, rcv)

C. Request Approval Resolution #2020-13, To Approve Annual Council Default Check

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

Smith moved, Reid supported, CARRIED, to Approve Resolution #2020-13, Annual Council Default Check as presented. (7-0, rcv)

D. Request Approval Resolution #2020-14, A Resolution in Support of the Reinstatement of State Historic Tax Credits Senate Bill 54/House Bill 4100

Comments were received from Council Member Williamson and Mayor Atchison.

Williamson moved, Smith supported, CARRIED, to Approve Resolution #2020-14, A Resolution in Support of the Reinstatement of State Historic Tax Credits Senate Bill 54/House Bill 4100 as presented. (7-0, rcv)

E. Update on \$6500 Repayment from Former City Manager Rufus

City Attorney Harkness stated the repayment time period has come and gone. The City filed a lawsuit against Former City Manager Rufus in August 2019. In October 2019, judgement was awarded. An attempt to garnish any open account has been made. Full repayment amount without interest is \$6,825.

Comments were received from Mayor Atchison and City Attorney Harkness.

F. Request Approval for Kent Phillips to Purchase One (1) Year and Three (3) Months Service Credit in the MERS Retirement System

Comments were received from Council Member Smith, Mayor Atchison and City Manager McClary.

Williamson moved, Clark supported, CARRIED, To Approve Kent Phillips to Purchase One (1) Year and Three (3) Months Service Credit in the MERS Retirement System as presented. (7-0, rcv)

G. Request Approval Boards & Commission Appointments:

- Jim Stuart, DDA, Initial Appointment, Term to Expire 12-31-2021
- Christopher Burdette, Initial Appointment, Albion Building Authority, Term to Expire 6-30-2022

Comments were received from Council Member Lawler and Mayor Atchison.

Williamson moved, Reid supported, CARRIED, To Approve Boards & Commission Appointments: Jim Stuart, DDA, Initial Appointment, Term to Expire 12-31-2021 and Christopher Burdette, Initial Appointment, Albion Building Authority, Term to Expire 6-30-2022 as presented. (7-0, vv)

H. To award a contract to Granger Waste Services of Lansing, Michigan, in accordance with the company's City of Albion Waste, Recycling, and Yard Waste Proposal, Option _____, dated March 2, 2020, for a term of ten (10) years commencing on April 1, 2020, and terminating on March 31, 2030, at a cost per household of \$_____ (\$_____ for senior citizens aged 60 years or older) per month and special events solid waste collection cost of \$45.00 per ton of waste disposed plus \$200.00 per hour per truck and 2-person crew. Said prices shall increase by three percent (3%) annually in each

subsequent year of the contract. The Mayor and City Clerk are authorized to execute the contract on behalf of the city after approval of the contract as to legality in form and content by the City Attorney.

Comments were received from Council Member Clark, Williamson, Mayor Atchison; City Manager McClary; and City Attorney Harkness.

Williamson moved, Clark supported, CARRIED, to award a contract to Granger Waste Services of Lansing, Michigan, in accordance with the company's City of Albion Waste, Recycling, and Yard Waste Proposal, Option 10D, dated March 2, 2020, for a term of ten (10) years commencing on April 1, 2020, and terminating on March 31, 2030, at a cost per household of \$16.39 (\$14.63 for senior citizens aged 60 years or older) per month and special events solid waste collection cost of \$45.00 per ton of waste disposed plus \$200.00 per hour per truck and 2-person crew. Said prices shall increase by three percent (3%) annually in each subsequent year of the contract. The Mayor and City Clerk are authorized to execute the contract on behalf of the city after approval of the contract as to legality in form and content by the City Attorney as presented. (7-0, rcv)

- I. To award a contract to Great Lakes Engineering Group, LLC, of Lansing, Michigan, in the lump sum amount of \$1,100.00 for the preparation of the City of Albion's 2023 Local Bridge Program grant application for funding for the replacement of the North Albion Street Bridge in accordance with the firm's proposal, Bridge Engineering Services – Local Bridge Program Application for N. Albion Street over Kalamazoo River, dated February 27, 2020, and authorize the City Manager to execute all documents related to this contract award on behalf of the city after any necessary approvals from the City Attorney

Comments were received from Council Members Clark, Reid and Smith; Mayor Atchison and City Manager McClary.

Clark moved, Williamson supported, CARRIED, To award a contract to Great Lakes Engineering Group, LLC, of Lansing, Michigan, in the lump sum amount of \$1,100.00 for the preparation of the City of Albion's 2023 Local Bridge Program grant application for funding for the replacement of the North Albion Street Bridge in accordance with the firm's proposal, Bridge Engineering Services – Local Bridge Program Application for N. Albion Street over Kalamazoo River, dated February 27, 2020, and authorize the City Manager to execute all documents related to this contract award on behalf of the city after any necessary approvals from the City Attorney as presented. (7-0, rcv)

- J. Discussion/Approval 1st Reading Ordinance #2020-03, An Ordinance to Amend Chapter 2, Article II, Division I to Amend Sections 2-27, Employment Agreements

Comments were received from Mayor Atchison and City Manager McClary.

Williamson moved, Smith supported, CARRIED, To Approve 1st Reading Ordinance #2020-03, An Ordinance to Amend Chapter 2, Article II, Division I to Amend Sections 2-27, Employment Agreements as presented. (7-0, rcv)

- K. Request Approval to Schedule Public Hearing Date of April 6, 2020 and to Approve the 2020 Amended City of Albion Downtown Development Authority Development Plan & Tax Increment Financing Plan

Comments were received from Mayor Atchison.

Smith moved, Clark supported, CARRIED, To Approve Public Hearing Date of April 6, 2020 and to Approve the 2020 Amended City of Albion Downtown Development Authority Development Plan & Tax Increment Financing Plan as presented. (7-0, vv)

- L. Request Approval to Appoint a Special Counsel to Prosecute City Charter Violations by Former Council Member Sonya Brown

Comments were received from Council Members Clark, Lawler, Spicer and Williamson, Mayor Atchison and City Attorney Harkness.

Lawler moved, Spicer supported, **FAILED**, to Table Indefinitely. (3-4, rcv) (Reid, Smith, Williamson, and Mayor Atchison dissenting)

Williamson moved, Lawler supported, CARRIED, to Appoint a Special Counsel to Prosecute City Charter Violations by Former Council Member Sonya Brown (4-3, rcv) (Clark, Lawler, and Spicer dissenting)

- M. Request Approval for the City Council to Direct City Manager to Live Stream all City Council Meeting Open Sessions with a Contingency to Record for Future Streaming and the City Manager will Notify Mayor and Council if AV Equipment Problems Prevent Record-Streaming of Meetings

Comments were received from Council Members Smith, Lawler and Williamson, Mayor Atchison and City Attorney Harkness.

Smith moved, Clark supported, CARRIED, To Approve the City Council to Direct City Manager to Live Stream all City Council Meeting Open Sessions with a Contingency to Record for Future Streaming and the City Manager will

Notify Mayor and Council if AV Equipment Problems Prevent Record-Streaming of Meetings. (6-1, vv) (Williamson dissenting)

- N. Request Approval to Authorize up to \$15,000 for Additional Temporary Support of Essential Community Services within the City of Albion during the Three-Week School Closure to Include Supplemental Food Distributions and Emergency Relief Day Camps

City Attorney Harkness advised the Council that if they proceed, the \$15,000 expenditure would not be a lawful expenditure of public funding.

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

Clark moved, Williamson supported, **FAILED**, To Approve the Authorization of up to \$15,000 for Additional Temporary Support of Essential Community Services within the City of Albion during the Three-Week School Closure to Include Supplemental Food Distributions and Emergency Relief Day Camps. (0-7, rcv) (Clark, Reid, Smith, Lawler, Spicer, Williamson and Mayor Atchison dissenting)

XII. FUTURE AGENDA ITEMS

The following items were requested for the next agenda:

- Report on landlords in the area – Council Member Clark
- Tree Dump Cleanup Discussion – Council Member Smith
- New Recording Equipment – Council Member Smith
- Establish parameters for Item L. - Appoint a Special Counsel to Prosecute City Charter Violations by Former Council Member Sonya Brown

- XIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.)

No public comments were received.

XIV. CITY MANAGER REPORT

City Manager McClary provided a written report to Council detailing the following:

- COVID-19 Emergency Preparedness
- Status of City Staffing
- Issues with City Cell Phones
- City Manager Extended Office Hours

XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Smith and Lawler 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); Marcola Lawler (4); Jeannette Spicer (5); Shane Williamson (6) and Mayor Atchison.

ABSENT: All members were present

XVIII. ADJOURNMENT

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

Mayor Atchison adjourned the Regular Session at 8:22 p.m.

Date

Haley Snyder
Interim Assistant City
Manager/Deputy
Clerk/Treasurer