

City of Albion
Council Session Minutes
April 20, 2020

PLEASE TAKE NOTICE that the meeting of the City of Albion Council Meeting scheduled for **April 20, 2020 starting at 7:00 p.m.** will be conducted virtually (online and/or by phone) due to health concerns surrounding Coronavirus/COVID-19 under the Governor of Michigan's Executive Orders 2020-15 and 2020-21.

Public comment will be handled by the "Raise Hand" method

To comply with the **Americans with Disabilities Act (ADA)**, Any citizen requesting accommodation to attend this meeting, and/or to obtain this notice in alternate formats, please contact the ADA coordinator, (517) 629-5535, at least five business days prior to the meeting.

I. CALL TO ORDER

Mayor Atchison called the regular meeting to order at 7:10 p.m.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Vicky Clark (1); Al Smith (3); Marcola Lawler (4); Jeanette Spicer (5); Shane Williamson (6) and Mayor Atchison.

ABSENT: Lenn Reid (2) joined the meeting at 7:25 p.m. due to computer/connectivity issues.

STAFF PRESENT:

Darwin McClary, City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk 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 Agenda Item: Discussion/Approval to Direct City Manager and City Attorney to Hire a Consultant from the MML, ICMA or Other Organization to Help Council Work Together More Collaboratively.

Council Member Smith asked to remove Item B- Receive and File February 2020 and March 2020 Revenue and Expense Reports from the agenda.

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

VI. PRESENTATIONS-None

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 O'Neal Warnsley, 1213 2nd St and Garrett Brown, 1016 S. Superior St.

IX. CLOSED SESSION- None

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

A. Approval Regular Session Minutes, April 6, 2020

Spicer moved, Atchison supported, CARRIED, to approve the Consent Calendar as presented. (6-0, vv)

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval 2nd Reading & Adoption Ordinance # 2020-04, An Ordinance to Amend Chapter 14, Article II to Add Division V, Sections 14-12 to 14-115, Humane Treatment of Dogs

Comments were received from Council Member Smith and City Attorney Harkness.

Williamson moved, Spicer supported, CARRIED, to Approve 2nd Reading & Adoption Ordinance # 2020-04, An Ordinance to Amend Chapter 14, Article II to Add Division V, Sections 14-12 to 14-115, Humane Treatment of Dogs as presented. (7-0, rcv)

B. Discussion-Definition of Essential/Non-Essential Employees Under Governor's Order 2020-21

City Manager McClary stated the City is operating under Governor's Order # 2020-42 "Stay Home-Stay Safe" which is a temporary requirement to

suspend activities that are not necessary to sustain or protect life. Workers that meet the essential employee requirement must maintain social distancing requirements. Currently Public Safety, Public Services, Finance Department and Planning, Building and Code Enforcement are providing City services and are maintaining social distancing and providing only essential services provided by the Governor's order. The City is consistently identifying and re-identifying essential workers.

Comments were received from Council Member Spicer

- C. Discussion/Approval to Direct City Manager and City Attorney to Conduct an Internal Investigation into Potential Violations of State, County and Local Laws, Regulations, Statutes, Ordinances, the City of Albion Charter, Local City Ordinances and Internal City Policies and Procedures Associated with the Operation of the City of Albion's Tree Dump

Comments were received from Council Members Smith and Williamson; City Manager McClary, Interim Director of Public Services Lohrke and Mayor Atchison.

Smith moved, Atchison supported, CARRIED, to Direct City Manager and City Attorney to Conduct an Internal Investigation into Potential Violations of State, County and Local Laws, Regulations, Statutes, Ordinances, the City of Albion Charter, Local City Ordinances and Internal City Policies and Procedures Associated with the Operation of the City of Albion's Tree Dump as presented. (5-1, rcv) (Spicer dissenting) (Clark was not available to vote)

- D. Discussion/Approval to Direct City Manager and City Attorney to Conduct an Internal Investigation into Potential Violations of the City Charter, Local City Ordinances and Internal City Policies and Procedures Associated with the Tree Trimming Services Provided to the City of Albion by Private Entities or Other Non-Municipal City Employees

Comments were received from Council Members Smith and Spicer; City Manager McClary and Mayor Atchison.

Smith moved, Atchison supported, CARRIED, to Direct City Manager and City Attorney to Conduct an Internal Investigation into Potential Violations of the City Charter, Local City Ordinances and Internal City Policies and Procedures Associated with the Tree Trimming Services Provided to the City of Albion by Private Entities or Other Non-Municipal City Employees as presented. (7-0, rcv)

E. Discussion-Contaminated Compost Removal from Tree Dump and Deposited on City Property, Including Rieger Park

City Manager McClary acknowledged that compost removed from the tree dump should not have been removed and deposited in Rieger Park. Interim Director Lohrke is working with Granger on removal and disposal of the material as it cannot be taken back to the tree dump. Once the services and pricing have been identified, a contact will be brought to Council for approval.

Mayor Atchison asked for a list of locations and how many loads were deposited on these sites. He also asked if City workers could remove the metal/plastic that was in the compost deposited at Rieger Park.

City Manager McClary stated the metal could be removed as it is a safety and health issue.

F. Discussion/Approval to Modify City Ordinance # 2019-09, Ethics to Specify it is Unethical for Any City Elected Official to Serve as a City Poll Worker During Any Election

City Attorney Harkness advised that Council must determine whether Council Member Lawler is able to vote on this agenda item based on substantial direct or indirect financial interest. It is up to each individual Council Member to determine what is considered substantial.

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

Smith moved, Atchison supported, **FAILED**, Council Member Lawler Should Not Be Able to Vote on the Modifying City Ordinance # 2019-09, Ethics to Specify it is Unethical for Any City Elected Official to Serve as a City Poll Worker During Any Election Due to Substantial Direct or Indirect Financial Interest. (2-4, rcv) (Spicer, Williamson, Clark and Reid dissenting).

Smith moved, Atchison supported, **FAILED**, To Approve Modifying City Ordinance # 2019-09, Ethics to Specify it is Unethical for Any City Elected Official to Serve as a City Poll Worker During Any Election as presented. (3-4, rcv) (Lawler, Spicer, Williamson and Clark dissenting).

G. To Approve the Necessary FY 2020 Budget Amendments to the Appropriate General Fund Revenue and Expense Line Items for Revenues in the Amount of \$5,160.00 and Expenses in the Amount of \$5,160.00 for the Coding and Testing of Ballot Tabulators for the March 2020 Presidential Primary Election; and to Waive Competitive Bidding Requirements due to Sole Source Supplier and to Approve the Payment of \$5,160.00 to Election

Source of Grand Rapids, Michigan, for the Coding and Testing of Ballot Tabulators for the March 2020 Presidential Primary Election, and Direct the City Clerk to Seek Reimbursement for these Expenses from the State of Michigan

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

Williamson moved, Reid supported, CARRIED, To Approve the Necessary FY 2020 Budget Amendments to the Appropriate General Fund Revenue and Expense Line Items for Revenues in the Amount of \$5,160.00 and Expenses in the Amount of \$5,160.00 for the Coding and Testing of Ballot Tabulators for the March 2020 Presidential Primary Election; and to Waive Competitive Bidding Requirements due to Sole Source Supplier and to Approve the Payment of \$5,160.00 to Election Source of Grand Rapids, Michigan, for the Coding and Testing of Ballot Tabulators for the March 2020 Presidential Primary Election, and Direct the City Clerk to Seek Reimbursement for these Expenses from the State of Michigan as presented. (7-0, rcv)

H. Request Approval of Mechanical Amusement Device Licenses:

- Albion College
- Leisure Hour Club
- Redbox Automated
- Spartan Stores/Family Fare

Comments were received from Council Members Smith, Spicer and Williamson; Mayor Atchison; City Manager McClary and City Attorney Harkness.

Williamson moved, Spicer supported, CARRIED, To **TABLE** Approval of Mechanical Amusement Device Licenses for Albion College; Leisure Hour Club; Redbox Automated and Spartan Stores/Family Fare as presented. (7-0, vv)

I. Request Approval of Garbage Licenses:

- Republic Waste
- Waste Management
- Granger Container Service

Comments were received from Mayor Atchison, City Attorney Harkness and City Manager McClary.

Williamson moved, Spicer supported, CARRIED, To Approve Garbage Licenses for Republic Waste; Waste Management and Granger Container Service as presented. (7-0, rcv)

- J. Request Approval Resolution # 2020-16, A Resolution to Approve a Temporary Moratorium on the Imposition of Late Fees for Untimely Water Payments Imposed Pursuant to Ordinance 86-137

Comments were received from Mayor Atchison.

Spicer moved, Williamson supported, CARRIED, To Approve Resolution # 2020-16, A Resolution to Approve a Temporary Moratorium on the Imposition of Late Fees for Untimely Water Payments Imposed Pursuant to Ordinance 86-137 as presented. (7-0, rcv)

- K. Request Approval of Resolution # 2020-17, A Resolution Approving Submission of 2023 Local Bridge Program Grant Application for North Albion Street Bridge Reconstruction Project

Comments were received from Council Members Reid, Lawler, Clark, Spicer, Williamson and Smith and City Manager McClary.

Williamson moved, Smith supported, CARRIED, To Approve Resolution # 2020-17, A Resolution Approving Submission of 2023 Local Bridge Program Grant Application for North Albion Street Bridge Reconstruction Project as presented. (7-0, rcv)

- L. Discussion-Street Millage Renewal

City Manager McClary stated the street renewal millage will expire at the end of this year. It was approved in 2015 for five (5) years for three (3) mills. Due to the headlee rollback the amount collected was 2.9 mills. Council will need to approve ballot language for the August 2020 Primary Election. If the renewal fails in August, it can be re-submitted for the November 2020 General Election.

Mayor Atchison asked if the number of mills could be increased?

City Attorney Harkness will review and let Council know at the next meeting.

Council Member Lawler asked if the infrastructure committee was notified that the millage would be expiring.

City Manager McClary stated he just became aware of the millage expiring as has not had time to notify the Infrastructure Committee.

M. Discussion-Grant Writer

Council Member Clark and Reid feel it is necessary for the City to have a grant writer. Grants and monies are available that the City may be missing out on due to not having a designated person to facilitate grant writing for the City.

Council Member Williamson asked if grant writing is already in someone's job description and whether it would be possible for the City to partner with other entities in the community that also use grant writers. He also stated that we should not pay per grant. He has offered his assistance in facilitating partnering the City with entities that would be able to assist with grant writing.

Mayor Atchison stated it is the City Manager's discretion of how to handle the grant writing responsibilities but he would like the City Manager to submit a plan on how this process will be handled.

Council Member Lawler asked if the City can add the salary cost of a grant writer to the grants that are submitted.

City Manager McClary stated administrative costs can sometimes be added to a grant but it depends on the project and funding. He also stated that grant administration has been added to the Assistant City Manager position.

N. Discussion/Approval to Direct the City Manager and City Attorney to Hire a Consultant from the MML, ICMA or Other Organization to Help Council Work Together More Collaboratively

Comments were received from Council Member Lawler and Spicer.

Atchison moved, Smith supported, CARRIED, To Approve Directing the City Manager and City Attorney to Hire a Consultant from the MML, ICMA, or Other Organization to Help Council Work Together More Collaboratively. (7-0, rcv)

City Manager McClary stated he will look into services and prices and bring recommendations back to Council for approval.

XII. FUTURE AGENDA ITEMS

The following items were requested for the next agenda:

- Council Member Clark asked for an update on 1st, 2nd, 3rd, and Wild street repairs
- Council Member Lawler asked for the following:
 1. Rental Certification
 2. Update on 1st, 2nd, 3rd, and Wild street repairs
 3. Update on Clark St. Project
 4. Approval of City Managers request for commitment from Council for
 1. Improved compensation for recruiting and retaining quality employees
 2. Open to ideas/risks
 3. Acknowledge and support risk takers
 4. Realistic goals and deadlines
 5. Allow for reestablishment of basic operations
 6. City Manager is to manage the organization and provide high quality services to citizens
 5. Hire consultant for Council Procedures
 6. Neighborhood Improvement Grant that was previously submitted for Precincts 1 & 4
- Council Member Williamson asked for Approval of Fundraiser for Lions Club
- Council Member Spicer asked for Discussion on Council being more involved in the community
- Mayor Atchison asked for the following:
 1. Update on Sidewalk Committee recommendations
 2. Street Millage Renewal
 3. Report to the State on how many properties were not re-connected
 4. Discussion-Economic Impact of COVID19
 5. Study Session/Special Meeting for City Manager Goals

Comments were received from Council Member Smith

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 Calhoun County Commissioner Tompkins and Council Members Lawler and Spicer.

XIV. CITY MANAGER REPORT

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

- COVID19 Update
- The City is currently operating under the following Governor's Orders: 2020-26

2020-28
2020-36
2020-38
2020-41
2020-42
2020-48

- Status of City Staffing
- Streets Division Building Break-In
- Damaged Sidewalk at 604 Sycamore St
- Damaged Pavement at Catch Basin-South Dalrymple St and Mechanic Streets
- Irwin Avenue Reconstruction Project
- North Clark Street Reconstruction Project
- Haven Road Utility Extensions
- Other Projects
- Web Site Redesign
- Sidewalk Program Fund Review & Code Enforcement Review Committees

XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Smith, Lawler, Spicer and Williamson.

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

ABSENT: All members were present

XVIII. ADJOURNMENT

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

Mayor Atchison adjourned the Regular Session at 10:07 p.m.

Date

Jill Domingo
City Clerk