

City of Albion
Council Session Minutes
April 6, 2020

PLEASE TAKE NOTICE that the meeting of the City of Albion Council Meeting scheduled for **April 6, 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 7:00 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); Shane Williamson (6) and Mayor Atchison.

ABSENT: Jeanette Spicer (5)

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)

Lawler moved, Smith supported, CARRIED, to Approve the Agenda as presented. (6-0, vv)

VI. PRESENTATIONS

- A. Proclamation in Honor of Professional Municipal Clerk's Week, May 3-May 9, 2020

City Manager McClary read aloud the Proclamation in Honor of Professional Municipal Clerk's Week, May 3-May 9, 2020

- B. Proclamation Thanking Essential City Workers

Mayor Atchison read aloud the Proclamation Thanking Essential City Workers

- C. Proclamation Thanking Food Hub and Community Volunteers Supporting Seniors

Mayor Atchison read aloud the Proclamation Thanking Food Hub and Community Volunteers Supporting Seniors

- D. Proclamation Thanking Calhoun County Senior Millage Association, Albion Homer United Way, Albion Community Foundation and Battle Creek YMCA for Supporting Community Needs

Mayor Atchison read aloud the Proclamation Thanking Calhoun County Senior Millage Association, Albion Homer United Way, Albion Community Foundation and Battle Creek YMCA for Supporting Community Needs

- E. Proclamation Thanking Public School Systems, Leadership, Faculty and Staff of Marshall and Homer for Supporting our Students and their Families

Mayor Atchison read aloud the Proclamation Thanking Public School Systems, Leadership, Faculty and Staff of Marshall and Homer for Supporting our Students and their Families

- F. Proclamation Thanking all Medical Professionals and HealthCare Workers in Calhoun County for Putting our Friends and Families First

Mayor Atchison read aloud the Proclamation Thanking all Medical Professionals and HealthCare Workers in Calhoun County for Putting our Friends and Families First

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, 1016 S. Superior St and Sonya Brown, 713 Orchard Dr.

IX. CLOSED SESSION- None

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

- A. Approval Special Session Minutes, March 7, 2020
- B. Approval Study Session Minutes, March 12, 2020
- C. Approval Regular Session Minutes, March 16, 2020
- D. Approval Study Session Minutes, April 3, 2020

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

XI. ITEMS FOR INDIVIDUAL DISCUSSION

- A. Request Approval 2nd Reading & Adoption Ordinance # 2020-03, An Ordinance to Amend Chapter 2, Article II, Division I to Amend Sections 2-27, Employment Agreements

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

Smith moved, Reid supported, CARRIED, to Approve 2nd Reading & Adoption Ordinance # 2020-03, An Ordinance to Amend Chapter 2, Article II, Division I to Amend Sections 2-27, Employment Agreements as presented. (4-2, rcv) (Clark and Lawler dissenting)

- B. Discussion/1st Reading 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

Smith moved, Reid supported, CARRIED, to Approve 1st Reading 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. (6-0, rcv)

- C. Request Approval of Letter of Understanding with the Albion Command Officers Association for Pension Contributions

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

Smith moved, Reid supported, CARRIED, to Approve Letter of Understanding with the Albion Command Officers Association for Pension Contributions as presented. (6-0, rcv)

D. Request Approval Resolution # 2020-15, A Resolution to Approve Calhoun County Reciprocal Law Enforcement Agreement

Comments were received from Council Member Clark; Chief Kipp; Mayor Atchison and City Attorney Harkness.

Williamson moved, Smith supported, CARRIED, to Approve Resolution # 2020-15 A Resolution to Approve Calhoun County Reciprocal Law Enforcement Agreement not to exceed five (5) years. (6-0, rcv)

E. Discussion/Update on Union Steel Building

City Manager McClary stated a portion of the Union Steel building will be demolished as it is deemed a public hazard.

Krista Trout-Edwards, Director Calhoun County Land Bank stated the contractors have demolished the portion of the building that was a hazard and will be cleaning up the rubble tomorrow and will be off-site until we receive further direction from the State. Prior to the demolition, the Calhoun County Land Bank worked with the Friends of Albion animals to remove the cats living in the building. No complaints have been received concerning any other type of animals/rodents in the building. She stated the Land Bank sent out a press release last week and also did a Facebook post to make residents aware of the status of the project.

Comments were received from Mayor Atchison who stated the \$250,000 that was allotted to the Land Bank for the City's portion of the demolition has been rescinded by the Governor to help with funding for the COVID-19 pandemic. Representative Haadsma feels this money may get re-appropriated once the COVID-19 pandemic is over.

Additional comments were received from Council Members Clark, Lawler and Williamson.

F. Discussion/Update on City Hall Vacancies

City Manager McClary gave the following City Staffing Update:

- Assistant City Manager/HR Coordinator-offer made; finalizing employment agreement
- Public Utilities Superintendent-offer made; finalizing employment agreement

- Public Works Superintendent-offer made; finalizing employment agreement
- Public Services Director-position advertised; no applications received; extending deadline and expanding outreach-new deadline is April 17th.
- Public Safety Officers-four (4) positions-one began last week; one will begin on April 13th, one on April 20th and one on April 27th
- Received five (5) applications for Code Enforcement Position-Director Tracy will review and work with HR to set-up phone/virtual interviews

Comments were received from Council Members Clark, Reid and Lawler and Chief Kipp.

G. Discussion/City Issues with City Cell Phones

City Manager McClary stated that some time ago, the City established a program that allowed City employees to “piggy-back” on the City’s mobile phone contract with Verizon to receive better rates for personal cell phones. The City subsequently experienced problems with collecting on outstanding personal cell phone charges from some employees. When he assumed the duties of City Manager, he discontinued this program and required all employees to seek their own personal cell phone accounts effective December 31, as well as reimburse the City for outstanding bills. The City has set up reasonable payment arrangements with employees and substantial progress has been achieved. I expect the outstanding balances to be paid in full within the next few months.

H. Discussion of Expanding Essential City Services During Michigan’s COVID19 State of Emergency

Questions/Comments from the Council were as follows:

Council Member Clark asked what is the difference between an essential and non-essential employee? She stated there have been on-going issues with an area in her precinct that are not being taken care of, i.e. streets, catch basins flooding. She stated she checked with other communities and they are continuing this type of work.

Council Member Reid stated debris from stumps that have been ground up are in the gutters and the catch basins are clogged with leaves all down Albion Street. This is an opportune time to clean up the City and patch streets since they are not a lot of vehicles out on the streets.

City Manager McClary stated he realizes this is frustrating for Council Members but the City is doing its best to comply with the Governor’s 2020-21 Order.

The City must be careful what type of work we have employees doing under the order. The exemptions for infrastructure must be to sustain and protect life. The Finance Department must maintain basic financial functions. Public Services employees are on-call and will come in and do work when necessary. The wastewater and water department are working split shifts. Administrative employees are working from home. Work is being done behind the scenes.

Council Member Williamson asked how we could maximize this time and whether we can be reimbursed from the State. He also asked about the 20-30 trees that were deemed critical to remove and if that could be done during this time.

City Manager McClary stated the Finance Department is keeping track of expenses related to COVID-19 for reimbursement. The reimbursements must be above normal operating expenses. The City is looking at training that can be done remotely from home. The alternative is to lay employees off and if we do that, we cannot call employees in to do work as easily due to employees having a laid off status. He stated that many trees have been removed but it has come to his attention that we have not had a contract with the current company removing the trees since 1995. We are preparing the RFP for tree removal to go out for bid.

Mayor Atchison asked for three Council Members to work with City Manager McClary to further discuss these issues. Council Members Reid, Williamson and Smith will work with City Manager on these issues.

I. Discussion/Approval to Temporarily Ban Open Burning of Yard Waste or Debris within the City of Albion

Comments were received from Council Members Smith, Lawler and Reid; Mayor Atchison; City Attorney Harkness; City Manager McClary and Chief Kipp.

Williamson moved, Atchison supported, CARRIED, to **TABLE** Temporarily Ban Open Burning of Yard Waste or Debris within the City of Albion as presented. (6-0, vv)

J. Discussion-Status of Albion Tree Dump and Status of Environmental Clean-Up

City Manager McClary stated that the Michigan Department of Environment, Great Lakes and Energy (EGLE) had discussions with the City concerning environmental compliance for the tree dump. The tree dump was never registered with the State as a composite facility. We have approximately an

excess of 60% materials than cannot be stored for an unregistered composite facility. Interim Director of Public Services Lohrke is working with the State on getting the tree dump registered which will involve creating wind-rows. Interim Director of Public Services Lohrke is also working on compliance and checking contractors on removing the excess materials. Some of the material has been moved to Rieger Park.

Council Member Smith stated he has the following issues with the tree dump:

- It is his understanding that previously you must have a permit to obtain access to the tree dump and that it was only open certain days/times and was attended by a City employee. Currently the gates are open and anyone can go in and dump anything anytime.
- In February, there were several slabs and wood chips in the tree dump that have been placed there recently. Who dumped these items as he is not aware of a saw mill in the City, are non-residents accessing the City tree dump?
- Three (3) trees were recently removed, who authorized the tree removal? where is the money for the wood and who has the contract to remove the trees?
- Recently upon a visit, there was a smoldering fire that was not attended on a windy day
- Who is authorizing dumping scrap from a saw mill?
- Why were materials moved from the tree-dump to Rieger Park?

City Manager McClary will follow-up on all of the above issues.

Additional comments were received from Mayor Atchison.

K. Discussion Upgrade of Video Recording Equipment/IT Resources

Chief Kipp stated the video recording equipment is outdated and is difficult to record the meetings. He stated the cost to update the equipment would be approximately \$8,000 - \$15,000.

Council Member Clark would like a list of all the equipment that needs to be replaced.

Council Member Lawler asked if the department heads every submitted their wish list to the City Manager.

Council Member Reid stated she would also like a list of equipment that needs to be replaced and feels that we need to put money aside for these expenditures at the end of the year and may also be able to obtain funding from community members.

City Manager McClary stated the Capital Improvement Plan will address all the capital needs for the City i.e. equipment, vehicles, streets, sidewalks, etc. The plan will enable to Council to see the big picture of the overall needs of the City so they can then prioritize the City's limited resources. He will follow up with department heads for the wish list requested by Council. He recommends Council wait until Fall to make any decisions or piecemeal equipment until the Capital Improvement Plan can be presented.

Council Member Smith stated he does not feel they should wait until Fall to replace the video equipment as it is extremely antiquated and needs to be replaced.

L. Discussion/Approval of Contract Parameters for Appointment of Special Counsel

Comments were received from City Attorney Harkness who suggested the Council set a not to exceed amount of \$5,000 and additional funds would need to be approved by Council.

Additional comments were received from Council Members Clark and Lawler and Mayor Atchison.

Atchison moved, Williamson supported, CARRIED, to Direct the City Manager and City Attorney to Hire Special Counsel not to Exceed \$5,000 and any Additional Funding must be Approved by Council (4-2, rcv) (Clark and Lawler dissenting)

M. 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

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

Williamson moved, Lawler supported, CARRIED, to **TABLE** Approval of 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. (5-1, vv) (Atchison dissenting)

N. Discussion/Approval to Direct City Manager to Review Past Practice of City Regarding Compensation of Essential Employees During City Hall Closures or Other Extended Disruptions of City Operations

Comments were received from Mayor Atchison and City Manager McClary

Smith moved, Atchison supported, CARRIED, to Approve Directing City Manager to Review Past Practice of City Regarding Compensation of Essential Employees During City Hall Closures or Other Extended Disruptions of City Operations as presented. (6-0, rcv)

XII. FUTURE AGENDA ITEMS

The following items were requested for the next agenda:

Council Member Smith asked for contracts for tree trimming
Council Member Reid asked to hire someone that can write grants
Council Member Clark asked for definition of essential and non-essential workers

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 Garrett Brown, 1016 S. Superior St and Calhoun County Commissioner Gary Tompkins.

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
- Non-Essential Employees Work Tasks
- Governor's Executive Orders
- Upcoming Agenda Items

XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

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

XVI. EXCUSE ABSENT COUNCIL MEMBER (S)

Smith moved, Williamson supported, CARRIED, to Excuse Council Member Jeanette Spicer (5). (6-0, vv)

XVII. ROLL CALL

PRESENT: Vicky Clark (1); Lenn Reid (2); Al Smith (3); Marcola Lawler (4); Shane Williamson (6) and Mayor Atchison.

ABSENT: Jeanette Spicer (5)

XVIII. ADJOURNMENT

Williamson moved, Smith supported, CARRIED, to adjourn the regular session. (6-0, vv)

Mayor Atchison adjourned the Regular Session at 9:50 p.m.

Date

Jill Domingo
City Clerk