

City of Albion  
Council Session Minutes  
June 3, 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: Vicky Clark (1), Lenn Reid (2); Sonya Brown (3), Marcola Lawler (4); Shane Williamson (6) and Mayor Atchison.

ABSENT: Jeanette Spicer (5) was absent.

STAFF PRESENT:

Scott Kipp, Acting City Manager/Chief Public Safety; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Kent Phillips, Acting Interim Public Services Director; John Tracy, Director Planning, Building & Code Enforcement and Haley Snyder, Acting Assistant City Manager/Deputy Clerk/Treasurer.

V. APPROVAL OF THE AGENDA (Includes any proposed additions, deletions or other changes to the agenda)

Mayor Atchison asked for two corrections to the agenda:

- Remove Battle Creek YMCA from presentations as presenter was unable to attend
- Correct ITEM IV from City Attorney to City Council

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

VI. PRESENTATIONS

A. Project Rising Tide Update

Linda LaNoue, Community Development Fellow for Project Rising Tide gave the following update:

- Reaching out to the Community with public meetings on Branding Strategies

- Utilizing the Neighborhood Enhancement Program
- Working & partnering with Community Action Agency and Calhoun County Land Bank
- Working towards receiving additional funds for Federal Home Loan Bank of Indiana & USDA Rural Grants
- Address needs for licensed contractors
- Skill set inventory to help build workforce
- Need for open communication & collaboration
- Working on updating DDA Strategic Plan-Next DDA Meeting will be Wednesday, June 5, 2019 at 7:30 a.m. in the Mayor's Office
- Working on power analysis
- Dam improvements
- Community Branding has taken place-encourage feedback from the community

Comments were received from Council Member Williamson and Mayor Atchison.

#### B. Battle Creek YMCA

*This item was removed from the agenda.*

#### C. HUD Neighborhood Choice Program-Harmony Fierke

Harmony Fierke gave the following overview of the HUD Neighborhood Choice Program:

- The HUD Neighborhood Choice Program supports locally driven strategies to address struggling neighborhoods with public housing.
- The grants will be awarded in August/September of 2019. This will be a three (3) year program that will start in 2020.
- Co-Applicants are MSU and Albion Housing Commission
- The focus of this grant will be in Precincts 1, 2 & 3
- Participants will be public housing residents, residents in Northview, Mather, Grandview and Peabody Place; resident neighborhoods that include public housing and community groups
- Residents will participate in the planning

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

#### 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 Tom Hunsdorfer, 803 S. Superior St.

- IX. CLOSED SESSION-The Labor Attorney requests a Closed Session under the Open Meetings Act (Section 15.268 (e), P.A. 267 of 1976, as amended) to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation.

Brown moved, Williamson supported, CARRIED to adjourn to Closed Session. (6-0, vv)

Mayor Atchison adjourned to closed session at 7:40 p.m.

Mayor Atchison re-convened the regular session at 8:10 p.m.

#### ROLL CALL

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

ABSENT: Jeanette Spicer (5) was absent.

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

A. Approval Regular Session Minutes, May 20, 2019

B. Approval Special Session Minutes, May 23, 2019

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

- XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval Seven (7) Medical Marihuana Grower Licenses for Greenhouse Farms, LLC

Comments were received from City Attorney Harkness

Williamson moved, Brown supported, CARRIED to Approve Seven (7) Medical Marihuana Grower Licenses for Greenhouse Farms, LLC as presented. (6-0, rcv)

B. Request Approval 2<sup>nd</sup> Reading & Adoption Ordinance # 2019-04, An Ordinance to Amend Ordinance 58-161, Fireworks

Comments were received from City Attorney Harkness

Brown moved, Williamson supported, CARRIED to Approve 2<sup>nd</sup> Reading & Adoption Ordinance # 2019-04, An Ordinance to Amend Ordinance 58-161, Fireworks as presented. (6-0, rcv)

C. Discussion/Approval of Settlement Terms for Personnel Matter

Williamson moved, Brown supported, CARRIED to **TABLE INDEFINETELY** Settlement Terms for Personnel Matter based on Closed Session discussion. (6-0, rcv)

D. Sidewalk Update

Interim Director Public Services Phillips stated the City is moving forward with data collection for the sidewalks and information is being mapped on the GIS system.

Mayor Atchison asked for a timeframe and commitment on sidewalk repairs.

Additional comments were received from Council Members Williamson and Reid and Interim City Manager/Chief Public Safety Kipp.

E. Update on Moving Expenses for Former City Manager

City Attorney Harkness stated based on the agreement made with former City Manager Rufus, she has 120 days from March 18<sup>th</sup> to pay the City back for moving expenses. These expenses are due to the City by July 16<sup>th</sup>. At this time, the City has not received any payment from former City Manager Rufus. If the funds are not paid by July 16<sup>th</sup>, 2019 the City may sue the former City Manager for the funds.

F. Discussion Single Hauler Contract

Council Member Lawler stated she is concerned with the benefits for seniors and veterans pertaining to the single hauler. The contract expires on 3-31-2020 and she would like the Council to consider options that benefit all residents. One of the main complaints received from residents is the number of yard waste bags that can be set out for pickup.

City Attorney stated the Council has three (3) options for the Single Hauler Contract:

1. The City can re-negotiate the existing contract with Granger Service
2. The City can send out an RFP and seek competitive bids
3. The City can change the ordinance and revert to multiple haulers

Mayor Atchison asked Interim City Manager/Chief Public Safety to provide Council with a report on the benefits of a single hauler service.

Additional comments were received from Council Members Brown, Reid and Williamson.

#### G. Discussion Leaf Pick-Up

Council Member Lawler stated the following:

- Leaves remain in the gutters/streets when the snow plowing begins
- The single hauler service only allows for 6 bags of waste service per week which isn't enough for residents with large yards
- The tree dump is no longer available for leaves
- Is it possible to negotiate with Granger the number of lawn waste bags residents may put out each week? i.e. Instead of 6 bags per residence, a flat number of bags city wide.
- Would also like to receive information from neighboring communities on how they handle their leaves.

Mayor Atchison asked if there was a long-term plan for the tree dump and that a recommendation be provided to Council.

Interim Director of Public Services Phillips stated the options would be:

- Hauling yard waste to a recycling location or
- Composting ourselves which would require hiring an employee and additional equipment.

Interim City Manager/Chief Public Safety stated the City is working on removing the leaves/yard waste already at the tree dump.

#### H. Discussion Vaping Ordinance

City Attorney Harkness stated there is a growing number of minors using vaping devices and has increased significantly in the last year. A pair of bills awaiting the Governor's signature would make it illegal to sell vaping products to minors and for minors to be in possession of vaping products. City Attorney Harkness stated the City may also pass a local ordinance for minors in possession and sale of vaping products to minors.

Interim City Manager/Chief Public Safety Kipp stated there has been an increase in vaping in schools in the area.

It was the general consensus of Council for Attorney Harkness to draft a local ordinance prohibiting the sale of vaping products to minors and minors in possession of vaping products.

City Attorney Harkness will draft ordinance and bring to Council for approval at a future meeting.

Additional Comments were received from Council Members Brown and Williamson.

#### I. Discussion Trash Cans Along the Walking Trail

Council Member Brown stated she had spoken with Interim City Manager/Chief Public Safety Kipp and a few trash cans had been located and will be placed on the trail.

#### J. Discussion/Approval City Manager Recruitment Salary Range

Council Member Reid made a motion to set the Salary Range for the City Manager at \$85,000-\$110,000

Council Member Williamson asked to make a friendly amendment to Council Member Reid's motion and add based on qualifications and experience.

Comments were received from Council Members Brown, Williamson and Lawler; Mayor Atchison; City Attorney Harkness and Interim City Manager/Chief Public Safety Kipp.

Reid moved, Lawler supported, CARRIED to Approve a Range of \$85,000-\$110,000 based on qualifications and experience as the City Manager Recruitment Salary Range. (6-0, rcv)

#### K. Discussion North Street Improvement Project Update

Interim Director Public Services Phillips stated there are cutting the water main crosses at three of the intersections of North Street and the project is moving forward.

#### L. Discussion Irwin Avenue Street Improvement Project Update

Interim Director Public Services Phillips have the following update on the Irwin Avenue Street Project:

- We have had a few setbacks with this project
- We deal with the MEDC, MDOT & DEQ and they all want final approval of any changes to the project

- An addition was made for to fix a shut-off valve that is stuck in the closed position on Superior Street which creates an additional scope of work
- Required by the DEQ that all lead/cooper/brass services be replaced
- Bids for the project are due June 25, 2019
- Due to bids going out later than anticipated, it is anticipated that a 25% increase in costs will occur
- Working on the detour routes for Irwin Avenue

Comments were received from Mayor Atchison.

#### M. Discussion/Approval of Independent Investigation Scope of Work/Parameters

Comments were received from Council Members Brown, Clark and Reid; Mayor Atchison and City Attorney Harkness.

Council Member Brown made a motion for the Scope of Work for the Independent Investigation include a Comprehensive investigation and Comprehensive Report of the 11/24 Incident and Handling of the Incident; Recommended Changes to Policies and Procedures; Recommended Trainings and Include but not Limited to Interviewing Officers, Personnel and Council Members.

Brown moved, Lawler supported, CARRIED to Approve the Independent Investigation Scope of Work/Parameters to Include a Comprehensive investigation and Comprehensive Report of the 11/24 Incident and Handling of the Incident; Recommended Changes to Policies and Procedures; Recommended Trainings and Include but not Limited to Interviewing Officers, Personnel and Council Members. (6-0, rcv)

#### N. Request Approval Resolution # 2019-22, A Resolution to Support the “Transforming Albion” Project, under a HUD ‘Choice of Neighborhoods’ Grant Application; Authorizing to Enter into a Memorandum of Understanding with Michigan State University’s School of Planning, Design and Construction for the Grant Activities; and Authorizing a Firm Commitment of Local Cash Contribution to the Planning Phase of “Transforming Albion”

Comments were received from Council Members Lawler and Brown; City Attorney Harkness; Interim City Manager/Chief Public Safety Kipp; Acting Assistant City Manager/Deputy Clerk/Treasurer Snyder and Harmony Fierke.

Williamson moved, Brown supported, CARRIED to Approve Resolution # 2019-22, A Resolution to Support the “Transforming Albion” Project, under a HUD ‘Choice of Neighborhoods’ Grant Application; Authorizing to Enter into a Memorandum of Understanding with Michigan State University’s School of

Planning, Design and Construction for the Grant Activities; and Authorizing a Firm Commitment of Local Cash Contribution to the Planning Phase of "Transforming Albion" as presented. (6-0, rcv)

## XII. FUTURE AGENDA ITEMS

The following items were requested for the next agenda:

- City Attorney Harkness would like the settlement agreement for Wells Equipment
- Council Member Lawler would like Negotiation of Single Hauler Contract
- Council Member Brown would like update from Rental Certification Committee
- Council Member Clark would like an Update from ARC/ACE

## 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 Renee Miller, 208 Booth Dr; Linda Culver, 105 Irwin Avenue; Ilene Williams; Lonnie Brewer, 1200 Hillside Rd and Calhoun County Commissioner Gary Tompkins.

## XIV. CITY MANAGER REPORT

Interim City Manager Kipp provided the following City Manager Report:

- The grass on Dalrymple & Erie Street will be taken care of and mowed
- Application for demolition permits have been submitted for 604, 608 and 610 W. Broadwell St.

## XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Reid and Brown and Mayor Atchison.

## XVI. EXCUSE ABSENT COUNCIL MEMBER (S)

Brown moved, Reid supported, CARRIED, To Excuse Council Member Jeanette Spicer (5). (6-0, vv)

## XVII. ROLL CALL

PRESENT: Vicky Clark (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler Shane Williamson (6) and Mayor Atchison.

ABSENT: Jeanette Spicer (5) was absent.

XVIII. ADJOURNMENT

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

Mayor Atchison adjourned the Regular Session at 9:20 p.m.

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Date

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Jill Domingo  
City Clerk