

City of Albion  
Council Session Minutes  
July 15, 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); Jeanette Spicer (5), Shane Williamson (6) and Mayor Atchison.

ABSENT: All members were present.

STAFF PRESENT:

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

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

*\*\* Mayor Atchison asked to remove Lia Jenson-Abbott for Reappointment to the Building Board of Appeals, Term to Expire 12-31-2024. Council Member Lawler asked to add Introduction of French Interns, Mary Slater to Presentations and to Move Community Engagements to Item C Under Items for Individual Discussion.*

Lawler moved, Brown supported, CARRIED, to Approve the Agenda with the above corrections. (7-0, vv)

*\*\* Council Member Brown asked for everyone to speak into the mike.*

VI. PRESENTATIONS

A. Oaklawn Capacity Building Update-Richard Lindsey

Richard Lindsey, Oaklawn Hospital stated he Express Care Clinic in Albion has been open for 5 months. The number of visits to date is 5,625.

Beginning on Sunday, August 4<sup>th</sup>, 2019 the clinic will open for Sunday hours from 11:00 a.m. to 8:00 p.m. Oaklawn is working on the parking on the side of the building. The entrance to the old has station and concrete slab will create additional parking for the clinic. No changes will be made to Collaboration Park. Oaklawn is continuing their outreach into the community with flyers, facebook, Instagram, etc. They are also featuring Albion residents in upcoming videos.

B Drive North will be the new PACE Center and is a two (2) million-dollar expansion project. This is for residents 55 years and older and those eligible for nursing home care.

The Cram Center is adding two new exam rooms that will provide vision and audiology services upon completion which will take approximately 2 months.

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

#### B. 2018 Annual Fiscal Audit Results

Bill Tucker, Maner Costerisan gave a following overview of the 2018 Annual Fiscal Audit:

- The purpose of an audit is for the auditors to express opinions on the City's financial statements
- The City has received a "clean opinion" which is the best opinion that can be received
- The City added \$67,827.00 in 2018 to the fund balance
- The fund balance as of 12-31-2018 was \$1,281,177.00 which is 33% of the City's operating cost
- There were no significant changes in revenues
- The City's pension fund is 98% funded and the Public Safety Pension Fund is 146.18% funded
- Expenses in the general fund were down about 3.1%
- Material journal entries for the adjustment of the beginning net position were proposed by the auditors. These misstatements were not detected by the City's internal control over financial reporting. These were brought to the attention of management and subsequently recorded in the City's general ledger
- During the testing of the credit card controls, instances were noted in which the City's internal controls were not followed in practice. Specifically, during the review of credit card purchases, it was noted that supporting receipt documents were not retained. Also, odometer information was not recorded for gas card purchases. City Management was also unable to verify the total amount of credit cards that are currently in use. It is

recommended the City take steps to ensure internal controls related to credit use are followed.

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

C. Local Officers Compensation Panel Findings & Recommendations-Bill Stoffer

Bill Stoffer, Chair of the Local Officers Compensation Commission stated that based on research of similar communities and with a unanimous vote of the commission, they are recommending the following changes to both the salary base and compensable meetings for the Mayor and Council:

Mayor-Base \$3,600 annually (\$300/mo.)  
Council-Base \$2,700 annually (\$225/mo.)  
No additional pay for additional meetings

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

D. Property Tax Assessments for Non-Profits-Ed Vandervries, Assessor

Ed Vandervries, Assessor provided the following information to the Council pertaining to property tax assessments for non-profits:

Exemptions are as follows:

- Federal Property
- State Property
- City or Local Municipality (Must be used for a public purpose)
- Churches

Exemptions by Statute:

- Land Banks
- Habitat for Humanity

For a non-profit to be exempt there are the following conditions that apply:

- They must file an application applying to be exempt and must include (a letter from the IRS indicating they are a 501c3; by-laws for the corporation/company and articles of incorporation
- Property must be owned and occupied by the non-profit
- Must be a relief of burden from the public

The application for exemption is reviewed by the Assessor and is either approved or denied

Non-profits can charge a fee for services to cover expenses while retaining their 501 c3 status.

The Assessing Department is evaluating all the non-profits in Albion to indicate whether the status should be exempt or if they should be on the tax roll. They will be sending out letters with the application for exempt status and will work with non-profits on what information they made need to either achieve or maintain their exempt status.

The Assessing Department makes determinations based on what is written in the statute. If a determination is made by the Assessing Department that a resident does not agree with, they can appeal to the State Tax Tribunal. Whatever decision The State Tax Tribunal makes is what Assessing will adhere to.

The City of Albion currently has 293 exempt properties and approximately 15 have been removed from the exempt status and added back onto the tax roll in the last year.

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

E. Albion's Branding-Marketing Campaign-Eric Worley, Greater Albion Chamber of Commerce & Visitors Bureau

Eric Worley, President & CEO Greater Albion Chamber of Commerce & Visitors Bureau gave the following update on Community Marketing Strategy & Implementation:

- Through Project Rising Tide a new logo and look was created- "Naturally Connected" and also the City's logo was revamped adding some additional color
- Marketing Implementation within the community would include:
  - Downtown lamp post banners
  - Over the street banners
  - Vinyl trash wraps in parks
  - City flags
- Pricing:

• 30 Downtown lamp post banners (18'x24')	=\$504
• 2 Over the street banners (30ft)	=\$430
• 350 Vinyl trash wraps in parks (2 colors)	=\$1,170
• 6 City flags (3x5)	=220
• TOTAL	=\$2,324

- The Chamber is willing to pay the upfront cost for the above items. They are also willing to include lamp post banners for Austin Avenue; Eaton Street and Michigan Avenue
- Future Marketing Implementation within the Community would include partnerships with the City of Albion and also local businesses. Those type of items would be
  - City vehicle wraps
  - Wayfinding signage
  - Welcome Signs

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

F. Downtown Authority Strategic Plan- Mike Tymkew, DDA Chair

Mike Tymkew, DDA Chair stated Public Act 57 includes new rules, regulations & procedures for Downtown Development Authorities. One of those procedures is for the DDA to hold two public meetings to discuss DDA projects. He stated the DDA Board is working with Beckett & Radar on updating the Strategic Plan. There is a survey on the City's website for public comments for Albion's Downtown. The Strategic Plan should be complete in October or November of this year.

Comments were received from Council Members Lawler and Reid.

G. Introduction of French Interns, Mary Slater

Mary Slater, Co-Chair French Sister City Committee introduced French Interns who are working with the Greater Albion Chamber of Commerce & Visitors Bureau and the Albion Food Hub.

Comments were received from Council Member Reid and French Interns.

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 Wayne Arnold, 906 Hall St.

IX. CLOSED SESSION-None

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

- A. Approval Study Session Minutes, July 1, 2019
- B. Approval Regular Session Minutes, July 1, 2019

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

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval of Recommendations from Local Officers Compensation Panel

Comments were received from City Attorney Harkness who stated as outlined by the Charter, unless rejected by a two-thirds vote of City Council, the recommendations will go into effect 30 days following filing with the City Clerk.

Williamson moved, Reid supported, CARRIED, To **TABLE INDEFINATELY** Recommendations from Local Officers Compensation Commission as presented. (7-0, vv)

B. Request Approval Boards & Commissions Appointments & Reappointments

- Bruce Nelson, Initial Appointment, Building Board of Appeals, Term to Expire 12-31-2021
- Ed Haas, Reappointment, Albion Economic Development Corporation, Term to Expire 7-1-2025
- Bernie Konkle, Reappointment, Albion Economic Development Corporation, Term to Expire 7-1-2025
- Cheryl Krause, Initial Appointment, Board of Review, Term to Expire 12-31-2019

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

Reid moved, Atchison supported, CARRIED to Approve the Bruce Nelson, Initial Appointment, Building Board of Appeals, Term to Expire 12-31-2021 as presented. (7-0, vv)

Williamson moved, Reid supported, CARRIED to Approve the Ed Haas, Reappointment, Albion Economic Development Corporation, Term to Expire 7-1-2025 as presented. (7-0, vv)

Williamson moved, Reid supported, CARRIED to Approve the Bernie Konkle, Reappointment, Albion Economic Development Corporation, Term to Expire 7-1-2025 as presented. (7-0, vv)

Williamson moved, Reid supported, CARRIED to Approve the Cheryl Krause, Initial Appointment, Board of Review (Alternate), Term to Expire 12-31-2019 as presented. (7-0, vv)

### C. Discussion-Community Engagement

Council Member Lawler stated the first meeting for the Housing Committee meeting has been held. Goals and objectives were discussed along with discussion of developing an RFP to bring developers into the City for housing.

Mayor Atchison stated the Infrastructure Committee has also met and established the purpose of the committee is to provide assistance for a comprehensive integrated plan for infrastructure which would include:

- Sidewalks
- Streets
- Sewer
- Water
- Lighting
- Bridges & dams

Mayor Atchison asked the Committee minutes to be sent to Interim City Manager/Chief Public Safety Kipp or Clerk Domingo so they may be added to the City's website.

Comments were received from Council Members Williamson and Reid and City Attorney Harkness.

*\*\*\* Council Member Lawler cited Privilege and left at 9:15 p.m.*

### D. Discussion/Approval 2<sup>nd</sup> Reading & Adoption Ordinance # 2019-05, An Ordinance to Create Section (s) 58-228 Prohibition on Selling, Giving or Furnishing a Tobacco Product, Vapor Product or Alternative Nicotine Product to a Minor, and 58-229 Prohibition on Possession, Attempted Possession or Use of Tobacco Products, Vapor Products or Alternative Nicotine Products by a Minor

Comments were received from Council Member Brown, City Attorney Harkness and Interim City Manager/Chief Public Safety Kipp.

Williamson moved, Brown supported, CARRIED to Approve 2<sup>nd</sup> Reading & Adoption Ordinance # 2019-05, An Ordinance to Create Section (s) 58-228

Prohibition on Selling, Giving or Furnishing a Tobacco Product, Vapor Product or Alternative Nicotine Product to a Minor, and 58-229 Prohibition on Possession, Attempted Possession or Use of Tobacco Products, Vapor Products or Alternative Nicotine Products by a Minor as presented. (6-0, rcv)

E. Discussion-Ordinance # 2019-06, An Ordinance to Amend Ordinance 58-165, Consumption of Alcoholic Beverages in Public Places

City Attorney Harkness stated Ordinance # 2019-06, An Ordinance to Amend Ordinance 58-165, Consumption of Alcoholic Beverages in Public Places is a draft ordinance based on the City of Charlotte's ordinance and will combine Ordinance #'s 58-165 and 58-168. This would create a permit process for special event licensing for the sale and consumption of alcoholic beverages. These licenses would not be for individuals but for businesses only.

Council Member Williamson asked to include a provision in the ordinance that a business could not be in default of the City and the process for providing the ordinance to Council for the 1<sup>st</sup> reading and approval.

Mayor Atchison asked if a public hearing was necessary.

City Attorney Harkness stated the ordinance is slated for 1<sup>st</sup> reading on August 5<sup>th</sup>, 2<sup>nd</sup> reading and adoption on August 19<sup>th</sup> with an effective date of September 19<sup>th</sup>, 2019. A public hearing is not necessary as the ordinance can be discussed/changed during the 1<sup>st</sup> reading.

Additional comments were received from Council Member Clark.

F. Request Approval to Pursue Collection of \$6500.00 from Former City Manager

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

Clark moved, Reid supported, CARRIED to Approve Pursuing Collection of \$6500.00 from Former City Manager as presented. (6-0, rcv)

G. Request Approval to Pursue Damages from GovHR for Professional Negligence

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

Williamson moved, Brown supported, CARRIED to **TABLE TO A LATER DATE** the Approval of Pursuing Damages from GovHR for Professional Negligence as presented. (6-0, rcv)

H. Request Approval Resolution # 2019-26, To Approve Michigan Municipal League (MML) Liability & Property Insurance Renewal

Comments were received from Council Members Clark and Spicer and Interim City Manager/Chief Public Safety Kipp.

Williamson moved, Clark supported, CARRIED to Approve Resolution # 2019-26, To Approve Michigan Municipal League (MML) Liability & Property Insurance Renewal as presented. (6-0, rcv)

I. Discussion/Approval of Proposed Language for Special Election Ballot to Prohibit Retail Facilities within the City of Albion for the Sale or Consumption of Recreational Marijuana

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

*\*\*Council Member Williamson called Point of Order as a motion and support had been made, therefore discussion should cease, and a vote taken.*

Williamson moved, Brown supported, CARRIED, To **TABLE** Approval of Proposed Language for Special Election Ballot to Prohibit Retail Facilities within the City of Albion for the Sale or Consumption of Recreational Marijuana as presented. (5-1, rcv) (Mayor Atchison dissenting).

J. Discussion Environmental Concerns & Access Control for 406 Ann Street and 407 Dalrymple Street (Dalrymple School)

Interim City Manager Kipp stated the Dalrymple School property was taken over by the City last year. The soil contains arsenic over most of the property. This has been the case for several years. Although the property is not dangerous to walk on, the soil should not be disturbed by mowing, digging, etc. There are several options for maintaining the property. They are as follows:

- Cutting a path for people to walk through the property
- Adding thorny bushes which may not be a good idea as generally the bushes have berries which may be problematic with the arsenic in the soil.
- Adding a farm type fence
- Adding no trespassing signs
- Adding topsoil to the property

The general consensus of the Council is for Interim City Manager/Chief Public Safety Kipp to obtain costs for cutting a path and adding no trespassing signs and also for adding topsoil to the property.

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

## XII. FUTURE AGENDA ITEMS

The following items were requested for the next agenda:

Council Member Williamson asked for the following items:

- 1<sup>st</sup> Reading & Approval Ordinance # 2019-06, An Ordinance to Amend Ordinance # 58-165, Consumption of Alcoholic Beverages in Public Places
- Recreation Update

Council Member Brown asked for the following items:

- City Attorney Evaluation
- Estimates for Dalrymple Site
- Workforce Development Committee Update

Council Member Reid asked for a Recreation Committee Update

City Attorney Harkness asked for an Amendment to the Drug Paraphernalia Ordinance

Council Member Clark asked for a Grocery Store Committee Update

Council Member Spicer asked for a Rental Certification Committee Update

Mayor Atchison asked for a Discussion for a Community Unity Day of Service on Saturday, September 14<sup>th</sup>, 2019

## 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

Interim City Manager/Chief Public Safety Kipp provided the following City Manager Report:

- A written report will be provided to Council in August on the street sweeper
- The new lawn mower has been received and is in use
- The North Street project is moving along and on track for completion
- Irwin Avenue street project will begin in August. From Woodlawn Street west to Finley Road will be completed this year and from Woodlawn Street to Superior Street will be completed by July 2020
- Thanks to all volunteers who helped at Victory Park
- Thanks to DPW staff that worked on the street sweeper project that ran 24 hours/ 7 days to complete the project.

XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

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

XVI. EXCUSE ABSENT COUNCIL MEMBER (S)

*Council Member Lawler cited Privilege and left at 9:15 p.m.*

XVII. ROLL CALL

PRESENT: Vicky Clark (1), Lenn Reid (2), Sonya Brown (3), Jeanette Spicer (5), Shane Williamson (6) and Mayor Atchison.

ABSENT: *Council Member cited Privilege and left at 9:15 p.m.*

XVIII. ADJOURNMENT

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

Mayor Atchison adjourned the Regular Session at 10:15 p.m.

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Date

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Jill Domingo  
City Clerk