

City of Albion
Council Session Minutes
May 7, 2018

I. CALL TO ORDER

Mayor Brown called the meeting to order at 7:00 p.m.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Maurice Barnes (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5) and Mayor Brown.

ABSENT: Council Member Andrew French (6).

STAFF PRESENT:

Scott Kipp, Interim City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk and John Tracy, Director Planning, Building & Code Enforcement.

V. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Barnes and Brown and Mayor Brown.

VI. CITY MANAGER REPORT

Interim City Manager Kipp stated that he was notified by Senator Nofs that the City was awarded an Iron Belle Trail Grant for \$231,900 to purchase sixty-five (65) acres of property and also the Albion River Trail Expansion grant for \$255,000.

VII. PRESENTATIONS

A. Older Americans Month Proclamation-CareWell Services Southwest

Mayor Brown read aloud the Older Americans Month Proclamation.

B. Ride the River During Albion Week Proclamation

Mayor Brown read aloud the Ride the River During Albion Week Proclamation and presented it to Linda LaNoue on behalf of the Recreation Department.

Comments were received from Linda LaNoue.

VIII. PUBLIC HEARINGS-Amendment to Medical Marijuana Zoning Ordinance

Mayor Brown opened the public hearing at 7:16 p.m.

No public comments were received.

Mayor Brown closed the public hearing at 7:17 p.m.

Comments were received from Mayor Brown and City Attorney Harkness.

A. Request Approval 1st Reading Ordinance # 2018-04, An Ordinance to Amend Chapter 30 of the 1984 Zoning Code of the City of Albion, by Amending the Section 30-04 Definitions, Division 8 B-3 Highway Service District, Division 9 Section 30-269 M-1-P Light Industrial Parks, Division 10 Section M-2 Heavy Industrial District and Section 30-285 Heavy Industrial Parks M-2-P (RCV)

Brown moved, Barnes supported, CARRIED, to Approve 1st Reading Ordinance # 2018-04, An Ordinance to Amend Chapter 30 of the 1984 Zoning Code of the City of Albion, by Amending the Section 30-04 Definitions, Division 8 B-3 Highway Service District, Division 9 Section 30-269 M-1-P Light Industrial Parks, Division 10 Section M-2 Heavy Industrial District and Section 30-285 Heavy Industrial Parks M-2-P as presented. (6-0, rcv)

IX. 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.)

No public comments were received.

X. CONSENT CALENDAR (vv) (Items on Consent Calendar are vote4d on as one unit)

A. Approval Regular Session Minutes, April 16, 2018

B. Approval Special Session Minutes, April 23, 2018

C. Approve Study Session Minutes, April 26, 2018

D. Approve Poppy Days Campaign on May 17th, 18th & 19th, 2018

E. Approve Assembly Permit for Annual French Market, Saturday, June 9th, 2018 from 9 a.m. to 2 p.m., Stoffer Plaza

F. Approve Assembly Permit for Juneteenth Celebration, June 16th, 2018, Holland Park

Brown moved, Reid supported, CARRIED, To Approve Consent Calendar as presented. (6-0, vv)

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval Five (5) Medical Marihuana Grower Licenses for Greenhouse Farms, LLC (RCV)

Comments were received from Council Members Barnes, Brown and Spicer; Mayor Brown and Gary Goodman, Operating Owner of Greenhouse Farms, LLC.

City Attorney Harkness asked for clarification on two issues from Gary Goodman, Owner of Greenhouse Farms, LLC.

Council Member Brown asked for Point of Order for Procedure. She requested outstanding issues pertaining to licenses be taken care of prior to coming to Council for approval.

Mayor Brown stated he will allow approval of the licenses but asked that moving forward, a department checklist for licenses be included with packets.

Brown moved, Barnes supported, CARRIED, to Approve Five (5) Medical Marihuana Grower Licenses for Greenhouse Farms, LLC as presented. (6-0, rcv)

B. Request Approval One (1) Medical Marihuana Processor License for Greenhouse Farms, LLC (RCV)

Comments were received from City Attorney Harkness.

Brown moved, Barnes supported, CARRIED, to Approve One (1) Medical Marihuana Processor License for Greenhouse Farms, LLC as presented. (6-0, rcv)

C. Discussion-Asbestos Inspection of 608 Austin Avenue

Director of Planning, Building & Code Enforcement Tracy stated on April 19th, 2018 sixty-one (61) samples had been taken from 608 Austin Avenue for testing. The results of the testing revealed there is asbestos in the floor tiles, heat shield and 100 square foot of concrete but that it was not to extensive. The cost of the assessment was approximately \$2,000. The approximate cost of removal is \$2500.00. Currently only sampling and testing have been done. The next steps will be requesting bids for removal of the asbestos and demolition.

Questions/Comments from the Council were as follows:

- Was the cost of the testing taken from the solid waste fund- **The cost for testing was taken from the solid waste fund as will the removal of the asbestos and demolition.**

- How much money is in the solid waste fund and will there be enough to cover the asbestos removal and demolition? **There is approximately \$18,000 in the solid waste fund and we are hoping that will cover the asbestos removal and demolition.**
- Can we look for alternate ways of paying for this? **Currently the City is unaware of any additional funding for the demolition of privately owned property.**
- Can grant funding from the Calhoun County Land Bank be used for this property? **The grant funding from the Calhoun County Land Bank can only be used for tax-reverted property and residential. 608 Austin Avenue is commercial property.**
- Would like to begin a process of obtaining funds to demolish other property on Austin Avenue. **This may be difficult as other properties on Austin Avenue are commercial property and privately owned.**
- Would like to check with the State for any additional opportunities for funding.

The consensus of the Council is to have Director of Planning, Building & Code Enforcement Tracy move forward with obtaining bids for asbestos removal and demolition of 608 Austin Avenue.

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

D. Request Approval Resolution # 2018-13, Approve Ballot Language for Recreation Millage

Comments were received from Council Members Lawler, Reid, Brown, Spicer and Barnes; Mayor Brown, City Attorney Harkness; Interim City Manager Kipp and City Clerk Domingo.

Council Member Barnes cited privilege and left at 8:15 p.m.

Spicer moved, Reid supported, CARRIED, to Approve Resolution # 2018-13 (Option B), Approve Ballot Language for Recreation Millage as presented. (4-1, rcv) (Lawler dissenting).

E. Request Approval Resolution # 2018-14, A Resolution to Approve Proposal for "Heavy Equipment" Noxious Vegetation Abatement and Mowing Bid and to Approve Contract for "Heavy Equipment" Noxious Vegetation Abatement and Mowing with John J. Hawkins Construction Contractor (RCV)

Comments were received from Director of Planning, Building & Code Enforcement Tracy and Mayor Brown.

Reid moved, Spicer supported, CARRIED, to Approve Resolution # 2018-14, A Resolution to Approve Proposal for "Heavy Equipment" Noxious Vegetation

Abatement and Mowing Bid and to Approve Contract for "Heavy Equipment" Noxious Vegetation Abatement and Mowing with John J. Hawkins Construction Contractor as presented. (5-0, rcv)

- F. Request Approval 2nd Reading and Adoption of Ordinance # 2018-05, An Ordinance to Amend Article V of Chapter 22, Section 22-205, of the Albion Code of Ordinances, Medical Marihuana Facilities License Applications Evaluation (RCV)

Comments were received from City Attorney Harkness.

Brown moved, Spicer supported, CARRIED, to Approve 2nd Reading and Adoption of Ordinance # 2018-05, An Ordinance to Amend Article V of Chapter 22, Section 22-205, of the Albion Code of Ordinances, Medical Marihuana Facilities License Applications Evaluation as presented. (5-0, rcv)

- G. Discussion-Purchase Offer of City Owned Property at 702,704,706 & 708 W. Erie St

Questions/Comments on the purchase offer for City Owned Property located at 702,704,706 & 708 W. Erie St were as follows:

- The charter change passed in 2016 states a public hearing must be held before the sale of any city owned property. This allows residents to raise objections or make other offers.
- We have sold one property since the charter change, how was the selling price calculated? **Interim City Manager Kipp stated he thought it was 10% of fair market value but he will get the information from the Assessor and pass onto Council.**
- The purchaser of this property would like to combine two of the lots and build a house. His plan is to start building in the next two (2) to three (3) years. Until such time, he will maintain the lots.
- Regardless of the sale price, it will not affect the taxable value of the property.
- Has there been any other interest in anyone purchasing this property? **There has been no interest in anyone else purchasing this property.**
- The cost for the closing costs and recording fees should be paid by the purchaser not the City.
- Would like to develop a plan for future sales of City owned property.
- The Council needs to determine whether to accept the offer made or make a counter-offer.

Comments were received from Council Members Brown, Reid and Spicer; Mayor Brown, City Attorney Harkness; Interim City Manager Kipp and Ronnie Sims, 710 W. Erie Street.

Council Member Reid made a motion supported by Council Member Brown to accept the offer of \$4.00 for all four (4) parcels and proceed with public hearing.

Council Member Reid **AMENDED** the motion to include closing costs and recording fees.

Reid moved, Brown supported, CARRIED, to **AMEND** the motion to include closings costs and recording fees. (5-0, vv)

Reid moved, Brown supported, CARRIED, To Accept offer the offer of \$4.00 for all four (4) parcels including closing costs and recording fees and proceed with public hearing. (5-0, rcv)

H. Request Approval of Firm for City Manager Search (RCV)

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

Spicer moved, Brown supported, CARRIED, to **POSTPONE** Approval of Firm for City Manager Search for discussion and approval at a special meeting. (5-0, vv)

XII. Future Agenda Items

The following items were requested for the next agenda:

- Council Member Brown asked on behalf of Council Member Barnes for Discussion/Approval of 608 Austin Avenue.
- Mayor Brown asked for a discussion on rental certification.
- Council Member Reid asked for a presentation on the Juneteenth celebration.
- Council Member Lawler asked for a discussion on a procedure for the sale of City owned property.
- Council Member Brown asked to set a date for the final goal setting session.
- Mayor Brown asked for a discussion on Income Tax collection.

XIII. Motion to Excuse Absent Council Member (s)

Brown moved, Lawler supported, CARRIED, to Excuse Absent Council Member Andrew French (6). (5-0, vv)

XIV. 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 Dave Atchison, 108 W. Erie St; Andrew Texel/AmeriCorps Vista Member, 1112 E. Porter St; Commissioner Gary Tompkins;

Jay Loomis, 408 W. Ash St; Ronnie Sims, 710 W. Erie St; Mayor Brown and City Attorney Harkness.

XV. ADJOURNMENT

Lawler moved, Spicer supported, CARRIED, to ADJOURN Special Council Session. (5-0, vv).

Mayor Brown adjourned the Regular Session at 9:22 p.m.

Date

Jill Domingo
City Clerk