

City of Albion
Council Session Minutes
May 4, 2020

PLEASE TAKE NOTICE that the meeting of the City of Albion Council Meeting scheduled for **May 4, 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); Jeanette Spicer (5); Shane Williamson (6) and Mayor Atchison.

ABSENT: All members were present

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)

Council Member Williamson asked for the following changes:

- Change Agenda Item F to Discussion of Rental Certification Next Steps
- Change Agenda Item N to Discussion of Censure of the Mayor

Comments were received from Council Members Spicer and Lawler

Reid moved, Smith supported, CARRIED, to Approve the Agenda with the above changes. (7-0, rcv)

VI. PRESENTATIONS

- A. Proclamation Honoring Dr. Curtis
- B. Proclamation Honoring Mr. Robert Holt
- C. Proclamation Celebrating Mother's Day
- D. Proclamation Celebrating National Teacher Appreciation Day

Mayor Atchison read above proclamations aloud.

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 Mark Goodman; Garrett Brown, 1016 S. Superior St and Mrs. Williams.

IX. CLOSED SESSION- None

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

- A. Approval Study Session Minutes, April 20, 2020
- B. Approval Regular Session Minutes, April 20, 2020
- C. Approval Lion's White Cane Event

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

XI. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval to Adopt Resolution # 2020-18, Approving the Employment Agreement Form as Required by Sec. 2-27 (c) of the City of Albion Code of Ordinances

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

Williamson moved, Smith supported, CARRIED, to Adopt Resolution # 2020-18, Approving the Employment Agreement Form as Required by Sec. 2-27 (c) of the City of Albion Code of Ordinances as presented. (7-0, rcv)

- B. Request Approval to Adopt Resolution # 2020-19, A Resolution to Direct the City Attorney to Draft an Ordinance for Adult Use Marihuana Growers, Processors, Secure Transport and Safety Compliance Facilities

Council Member Williamson asked to Amend Resolution # 2020-19 to Include Retail Sales

Comments were received from Council Members Lawler, Reid, Williamson, Clark and Spicer; Chief Kipp; City Attorney Harkness and Mayor Atchison.

Council Member Smith Called the Question

Smith moved, Spicer supported, CARRIED, to Call the Question. (4-3, rcv) (Reid, Clark and Mayor Atchison dissenting)

Williamson moved, Spicer supported, **FAILED**, Amend Resolution # 2020-19 to Include Retail Sales. (2-5, rcv) (Reid, Smith, Lawler, Clark and Mayor Atchison dissenting)

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

Clark moved, Spicer supported, **FAILED**, to Adopt Resolution # 2020-19, A Resolution to Direct the City Attorney to Draft an Ordinance for Adult Use Marihuana Growers, Processors, Secure Transport and Safety Compliance Facilities as presented. (1-6, rcv) (Reid, Smith, Lawler, Williamson, Clark and Mayor Atchison dissenting)

- C. Request Approval to Adopt Resolution # 2020-20, To Approve Ballot Language to Renew a Tax Levy of 3 Mills for Five Years to Further Rehabilitate Albion Streets

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

Reid moved, Smith supported, CARRIED, to Adopt Resolution # 2020-20, To Approve Ballot Language to Renew a Tax Levy of 3 Mills for Five Years to Further Rehabilitate Albion Streets as presented (7-0, rcv)

- D. Request Approval Resolution # 2020-21, A Resolution to Adopt Principles Supporting Effective City Council/Manager Relations

Comments were received from Council Members Williamson and Smith

Council Member Williamson asked to TABLE Approval Resolution # 2020-21, A Resolution to Adopt Principles Supporting Effective City Council/Manager Relations

Williamson moved, Smith supported, CARRIED, to **TABLE** Adopting Resolution # 2020-21, A Resolution to Adopt Principles Supporting Effective City Council/Manager Relations as presented. (7-0, rcv)

E. Discussion 1st, 2nd, 3rd, Wild and Hartwell Street Repairs

City Manager McClary stated in June of 2018, the Council expressed its intent to make 1st, 2nd, 3rd, Wild and Hartwell Streets as a priority for resurfacing in 2020. The action was taken as part of the Council's commitment to seek grant funding for the reconstruction of North Clark Street from E. North Street to B Dive North. The Council did not comment funding for these streets. City Engineer Bitner and the City Manager are planning to apply for MTEDF Category B funding for these streets by June 1 unless Council determines that other streets are a higher priority. He has asked Council to re-confirm 1st, 2nd, 3rd, Wild and Hartwell Streets as a priority for resurfacing.

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

F. Discussion/Approval to Move Forward with Rental Certification

Council Member Lawler stated rental certification has been on the table for a very long time. The Rental Certification Committee has worked with two City Managers and an Interim City Manager working on the process of rental certification. There have been numerous meetings with Council, the public and landlords. They have incorporated some of the landlord's suggestions into the current ordinance. She would like Council to make a decision whether to move forward with rental certification or take it off the table to focus on other City projects.

Council Member Williamson stated the Code Enforcement Committee comprised of Council Member Clark and himself, met with City Manager McClary and Director Tracy regarding code enforcement. He stated code enforcement is an important piece of rental certification. The committee collected a lot of information and was able to get most questions answered. He suggested the Code Enforcement Committee sharing the information they received with the Rental Certification Committee. The ordinance for rental certification is almost there but there are still a few things that need to be tweaked. He suggested the committee work with the landlords and make some additional changes to the ordinance before bringing it to Council for a

vote. The goal of rental certification is so renters are provided with safe and adequate housing options.

Council Member Smith stated landlords want to be a part of the creation of rental certification but aren't being asked to the table. They feel the base of the problem is code enforcement.

Mayor Atchison asked if the committee had met with the landlords since the rental certification study session.

Additional comments were received from Council Members Reid and Clark.

G. Discussion Neighborhood Improvement Grant for Precincts 1 & 4

City Manager McClary stated the City applied for MSHDA's Neighborhood Enhancement Program (NEP) in April 2019. The NEP grant monies would be used to increase the quality of life for low to moderate income residents, primarily through home enhancements. The NEP grant monies would be used to assist seniors living in Precinct's 1 & 4. The City was awarded \$50,000 through the grant program. After attending the grant program training, the City learned the requirements and guidelines for the NEP program. Due to a variety of barriers and constraints (limited internal capacity, demanding deadlines, etc.) the City decided to remove itself from the MSHDA NEP program process and delay involvement in the program until a later round.

Council Member Reid asked who make the decision to withdraw from the program and also why only precincts 1 & 4 were eligible for the program.

Council Member Smith asked why in the alternate analysis did we indicated that re-applying due to limited staff in Planning, Building & Code Enforcement apply as he understood we had just hired a new Code Enforcement Officer and when is the next time the City can apply for this grant?

City Manager McClary stated we are still interviewing candidates for the Code Enforcement position and he will provide answers to Council for the following questions:

- Who made the decision to withdraw from the program?
- Why did the program only apply to Precincts 1 & 4?
- When is the next time the City can apply for the grant?

Additional comments were received from Council Members Clark and Lawler.

H. Discussion Council Involvement in the Community

Council Member Spicer stated that because Council has asked the City Manager to be more involved in the community, a role in which he was not comfortable if Council Members would be willing to help the Mayor with meetings and events if he was not able to attend.

Council Member Lawler asked if the Mayor Pro Tempore would be willing to help with responsibilities if the Mayor was not able to attend multiple functions/meetings.

Mayor Pro Tempore Williamson stated he currently serves on several Boards in the community and he would be willing to help the Mayor with functions/meetings that he may not be able to attend.

Mayor Atchison stated that the general consensus of the Council and at least five members stated in the City Manager's review, that they wanted & expected the City Manager to be more of a participant and active in the community. He encourages all Council Members to be involved in the community.

I. Update on Sidewalk Committee Recommendations

City Manager McClary stated the Sidewalk Program Fund Review Committee was scheduled to meet last week, but the meeting was rescheduled due to an error in the meeting notice. The Commission is scheduled to meet on Wednesday.

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

J. Discussion State Report on How Many Properties were not Reconnected

City Manager McClary stated the Council was provide a copy of the report that was sent to the State for restoration of water services. This included which properties were restored and why properties were not restored. The City restored seven (7) services; one (1) service could not be restored due to a leak and several properties were vacant.

Comments were received from Mayor Atchison.

K. Discussion Economic Impact of COVID19

City Manager McClary stated the City does not have adequate data to estimate the financial impact of COVID19. A loss in revenue from state revenue sharing, Act 51 funding, local income tax, water billing late fees and other revenue sources are anticipated for FY 2020 and beyond. It is too soon to determine the extent of the impact. The State will be holding a revenue estimating conference on May 15 and should be able to provide some more detailed guidance within the next few weeks. The State may also hold a supplemental revenue sharing conference in August. The City's finance staff are monitoring the situation closely and will advise the City Manager and Council accordingly adequate information and analyses are available. They will explore revenue enhancement opportunities and expenditure reductions.

Comments were received from Mayor Atchison.

L. Request Approval to Set Date for Study Session for City Manager Goals

Council Member Williamson asked to TABLE Approval of Study Session for City Manager Goals

Comments were received from Council Member Lawler and Williamson; Mayor Atchison and City Manager McClary.

Williamson moved, Clark supported, CARRIED, to **Table** Approval to Set Date for Study Session for City Manager Goals, (7-0, vv)

M. Request Approval of Mechanical Amusement Device Licenses:

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

Comments were received from City Manager McClary and City Attorney Harkness.

Williamson moved, Clark supported, CARRIED, to Approve Mechanical Amusement Device Licenses for Albion College; Leisure Hour Club; Redbox Automated and Spartan Stores/Family Fare as presented. (7-0, rcv)

N. Discussion Censure of the Mayor

Mayor Atchison stated that according to Robert's Rules which states the presiding officer must temporarily relinquish the chair once the resolution of censure is moved and seconded. She or he must state the question on the

resolution of censure, then immediately surrender the chair to the next in line, and cannot resume the chair until the main motion is disposed of. He will ask Pro Tempore Williamson to lead the discussion on this agenda item.

Mayor Pro Tempore Williamson asked City Attorney Harkness to explain the censure process.

City Attorney Harkness stated the Council is able to censure for an ethics violation or through a censure resolution which outlines the occurrence and admonishment of actions. Grounds for a censure could be violation of the ethics ordinance; working for private or personal interest; noncompliance of the law; non-compliance of processes and rules of order established by the City Council; not prepared for Council meetings; not disclosing direct or indirect financial interest and releasing confidential information.

Comments from Council were as follows:

Council Member Lawler stated that some community members felt statements from a social media post made by the Mayor were racist. She would like to know how Council Members feel about it and what they want to do about it. She suggested asking for a resolution of censure or resignation.

Council Member Reid stated she looked at the article associated with the post and felt the Mayor was trying to make a point that African Americans in the community need to look after each other.

Council Member Spicer stated she would like the opportunity to get some answers. She feels African Americans are not the only ones who are not practicing social distancing. She felt the post was bad judgement as Albion is a diverse community and you need to be cautious in what you post on social media. She stated the reason more African Americans are contracting the virus is due to lack of healthcare.

Council Member Clark stated she was not offended by the post and many African Americans in the Albion community are not practicing social distancing. It was more about who made the post than the post itself.

Council Member Smith stated he did not view the post with racial intent but you do need to be careful what you post on social media as intent is not always captured in a social media post.

Mayor Pro Tempore Williamson stated he feels the post was a mistake. It was not as much the intent as the delivery which was not good. He feels Council should use this as a learning opportunity to work on diversity,

inclusion and equality in the community. The Council should seek professionals to provide this type of training.

Mayor Atchison stated he issued an apology on social media as he offended both African Americans and Caucasians with his post. He stated this was not his intent nor was he using it as an excuse. He apologized to the community for those who were offended by the post. He stated he made the post on Saturday evening and received two texts between 30 - 45 minutes after posting his original text, advising him the individuals were not offended but that some people might be offended and suggested he take down the post - which he did within less than an hour of having posted it. Some 15-minutes later he was contacted by Sheryl Mitchell who made the same comments - she was not offended but suggested others might and thought it would be advisable to remove the post - which he had already done. His intent was to suggest the African-American community is at a higher risk of catching and dying from COVID-19 and therefore have more at risk from not social distancing. He stated some members of the community were offended because of the who made the post rather than the content. He agreed with Councilwoman Clark that if someone else had made the same post - nothing would have been said. His final comment was the basis for any censure should be judged on the content of the post regardless of who made the post. He again apologized for offending people with the post.

Council Member Lawler stated she appreciated the Mayor for his explanation, intent and apology to the community. She is only bringing to the Council what the community has brought to her. She would like to see cultural training.

XII. FUTURE AGENDA ITEMS

The following items were requested for the next agenda:

- Council Member Reid asked when a Council Member can speak as a taxpayer and not a Council Member and for a list of the chain of command; City employees and their position.
- Council Member Lawler asked for a Resolution of Censure of the Mayor

XII. 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 Tompkins.

XIII. CITY MANAGER REPORT

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

- COVID19 Update
- Irwin Avenue Reconstruction Project
- North Clark Street Reconstruction Project
- Sidewalk Program Fund Review and Code Enforcement Review Committees
- 1st, 2nd, 3rd, Wild and Hartwell Streets
- Economic Impact of COVID19
- Iron Belle Trail Extension
- Wastewater Treatment Plant Upgrade Project
- Tree Maintenance Contract and Tree Dump Operations Investigations
- Legislative Management System

Comments were received from Mayor Atchison.

XIV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Clark, Smith, Lawler 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

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

Mayor Atchison adjourned the Regular Session at 11:04 p.m.

Date

Jill Domingo
City Clerk