City of Albion

City Council Meeting

April 3, 2017

1. Call To Order

Mayor Brown opened the regular session at 7:00 p.m.

1. Moment of Silence To Be Observed
2. Pledge of Allegiance
3. Roll Call

PRESENT: Maurice Barnes (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4) Jeanette Spicer (5), Andrew French (6) and Mayor Brown.

Staff Present: Sheryl Mitchell, City Manager; Cullen Harkness, City Attorney; Stacey Levin, Assistant City Manager; Jim Lenardson, Public Services Director; Jill Domingo, City Clerk; John Tracy, Director, Planning, Building & Code Enforcement and Scott Kipp, Chief Public Safety.

1. Mayor & Council Member’s Comments

Comments were received from Council Member Lawler.

VI. Presentations

1. Proclamation for Mayor & County Recognition Day for National Service

Mayor Brown read aloud the proclamation for Mayor and County Recognition Day of National Service and presented to the AmeriCorps Vista members working in the Albion community.

VII. Public Hearing

A. Capital Improvement Plan

Mayor Brown opened the Public Hearing for the Capital Improvement Plan at 7:08 p.m.

No public comments were received.

Mayor Brown closed the Public Hearing for the Capital Improvement Plan at 7:09 p.m.

No Council Member comments were received.

B. CDBG ICE-Grant for Irwin Avenue Improvement Project

Mayor Brown opened the Public Hearing for the CDBG ICE-Grant for Irwin Avenue Improvement Project at 7:09 p.m.

No public comments were received.

Mayor Brown closed the Public Hearing for the CDBG ICE-Grant for Irwin Avenue Improvement Project at 7:10 p.m.

No Council Member comments were received.

VIII. Public Comments (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required.)

No comments were received.

1. Consent Calendar (VV)
2. Approval Special Session Minutes – March 16, 2017
3. Approval Regular Session Minutes-March 20, 2017
4. Approval Study Session Minutes-March 27, 2017

Council Member Lawler asked to make a correction to the March 27, 2017 study session minutes as follows:

Page 2- Mayor and Council decided to re-assign each category/item with a number 1-15 (1 being the highest, with no repeating numbers) should read

Mayor and Council decided to re-assign each category/item with a number 1-15 (1 being the lowest, with no repeating numbers)

Spicer moved, Lawler supported, CARRIED, to approve the Consent Calendar with the above correction. (7-0, vv)

Mayor Brown asked for a motion to amend the agenda and add to the Items for Individual Discussion a presentation from Michael Trotter.

French moved, Reid supported, CARRIED, to amend the agenda and add to the Items for Individual Discussion a presentation from Michael Trotter. (7-0, rcv)

1. Items for Individual Discussion

A. Presentation-Michael Trotter

Michael Trotter Jr. discussed he and his wife Tanya’s Grammy nominated song-“Down by the River” and upcoming music video shoot to take place in Albion. They would like to invite Mayor and Council to have a cameo in the video. The video will be shot on April 10th, 2017 with a time to be determined. The band’s name is War and Treaty and they would like everyone to participate and are open to suggestions.

Comments were received from Council Members Reid and Spicer.

B. Update on Blinking Lights on Watson St., Eaton St., Clark St., and Michigan Avenue

City Manager Mitchell stated Federal highway requires a minimum standards (warrants) to be met to retain signal and in order to spend federal money to upgrade the signal. If traffic signal warrants are not met then MDOT follows a step-by-step procedure to determine if the signal should be removed. This process has been completed. MDOT will remove the light at Eaton and Watson Street and replace with a stop sign on Watson Street. The light on Michigan Avenue and Clark Street will be replaced with an overhead four (4) way flasher. The City can assume responsibility/ownership for the lights, however there has been no interest in doing so.

Comments were received from Council Members Spicer and French.

C. Request Approval 2nd Reading Ordinance # 2017-03, An Ordinance to Amend Ordinance 66-139 Solid Waste (RCV)

Comments were received from Mayor Brown and City Attorney Harkness.

French moved, Lawler supported, CARRIED, to Approve 2nd Reading Ordinance # 2017-03, An Ordinance to Amend Ordinance 66-139 Solid Waste as presented. (7-0, rcv)

D. Request Approval Resolution # 2017-13, Albion Community Development Plan

(RCV)

Comments were received from Council Members Brown, Spicer and French; Mayor Brown and City Manager Mitchell.

French moved, Spicer supported, CARRIED, to Approve Resolution # 2017-13, Albion Community Development Plan as presented. (7-0, rcv)

E. Request Approval Resolution # 2017-14, Capital Improvement Plan (RCV)

City Manager Mitchell stated a change was made to the Albion Capital Improvement Plan to place Dam and Mill Race Removal (Repair) to FY year 2022.

Comments were received from Council Members French and Lawler.

French moved, Brown supported, CARRIED, to Amend the Capital Improvement Plan to place Dam and Mill Race Removal (Repair) to year FY 2022 as requested. (7-0, rcv)

French moved, Brown supported, CARRIED, to Approve Resolution # 2017-14, Capital Improvement Plan with the above amendment. (7-0, rcv)

F. Request Approval Resolution # 2017-15, CDBG-ICE Grant for Irwin Avenue Improvement Project (RCV)

City Manager Mitchell stated Resolution #2017-15, CDBG-ICE Grant for Irwin Avenue Improvement Project has been revised to reflect updated dollar amounts and percentage rate for low to moderate income persons.

Brown moved, French supported, CARRIED, to Accept revisions to Resolution # 2017-15, CDBG-ICE Grant for Irwin Avenue Improvement Project has been revised to reflect updated dollar amounts and percentage rate for low to moderate income persons as presented. (7-0, rcv)

French moved, Spicer supported, CARRIED, to Approve Resolution # 2017-15, CDBG-ICE Grant for Irwin Avenue Improvement Project with the above revision (7-0, rcv)

G. Request Approval Discharge of Mortgage for Bernita Armstrong aka Bernita Motley & Curtis Motley, 217 W. Porter Street (RCV)

Comments were received from City Manager Mitchell and Mayor Brown.

Brown moved, French supported, CARRIED, to Approve Discharge of Mortgage for Bernita Armstrong aka Bernita Motley & Curtis Motley, 217 W. Porter Street as presented. (7-0, rcv)

H. Discussion-Sidewalks

City Manager Mitchell stated the City has a $50.00 per parcel/10 year special assessment for sidewalks. For the past two years, the Council has allowed for sidewalk exemptions. She has asked for direction on whether the Council would like to move forward with the Public Notice and Public Hearing for sidewalk exemptions.

She also stated the sidewalk ordinance would need to be reviewed along with a discussion on the sidewalks moving forward as this is the last year of the assessment.

Comments were received from Council Member Lawler and Mayor Brown.

I. Request Approval Assessing Services Contract with the City of Marshall (RCV)

Comments were received from Council Members French, Spicer and Brown; City Manager Mitchell and Mayor Brown.

French moved, Brown supported, CARRIED, to Approve Assessing Services Contract with the City of Marshall as presented. (7-0, rcv)

J. Discussion Austin Avenue/Former Albion Malleable/Harvard Site

* Steps taken to notify owners of abatement violations-Austin Avenue
* Zoning updates for Austin Avenue
* Has the EDC made attempts to attract businesses to the former Albion Malleable/Harvard site

Council Member Barnes stated he asked for this update as he feels this demographic needs to be serviced and wants this area to be addressed and not forgotten. He stated if a viable business if interested in the former Albion Malleable/Harvard site, there is funding through the federal government for clean-up. He would like to see this area included in the plan for Albion and also to be diverse. The owners of the properties on Austin Avenue need to be held accountable.

John Tracy, Director Planning, Building & Code Enforcement stated the City is trying the avenue of working through the court systems on some of these properties. He also stated the City needs money to move forward and in one direction.

Additional comments were received from Mayor Brown.

K. Updates on Former Burger King and Ponderosa Buildings

1521 N. Eaton Street (formerly known as Ponderosa). Director of Planning, Building & Code Enforcement Tracy received information from John Denton of CLK Properties that the last offer on said address had fallen through. Mr. Denton was to have Mr. Knight, owner of CLK Properties was going to sign a contract with a demolition contractor and the City should receive confirmation within two weeks of signing. No contact has been received from either Mr. Denton or from a contractor. Since there has been no contact with either Mr. Denton or a contractor, Director of Planning, Building & Code Enforcement Tracy requested Glenn Lindsey to proceed with requesting City Attorney to proceed with obtaining a court order to demolish structure at 1521 N. Eaton Street.

1508 N. Eaton Street (formerly known as Burger King). The property owner had previously been cited for sign and structure in disrepair. Property owner complained he was being picked on since the signage at 1521 N. Eaton Street was allowed when it previously had an order to be taken down (Welcome to Albion/Cooper Tire Sign).

At this time, the City is moving forward with 1521 N. Eaton Street seeking a court order for demolition of the structure. Glenn Lindsey will proceed with City Attorney in obtaining court order for abatement of 1508 N. Eaton Street.

City Attorney Harkness stated the City had a judgement for the Welcome to Albion/Cooper Tire sign to come down along with a $15,000-$18,000 judgement to the City. Former Acting City Manager however told owners that the sign could remain standing and they did not have to pay the $15,000-$18,000 judgment.

We can receive judgements but without the funds to demolish, there isn’t a lot the City can do.

Additional comments were received from Council Members Spicer and Lawler and Mayor Brown.

L. Update on Medical Marijuana Moratorium

City Attorney Harkness stated Public Act 281-Medical Marijuana Facilities Licensing Act is an act that regulates the growth, processing, transport, sales, and taxation of medical marijuana. The law creates three levels for growing licenses: up to 500 plants; up to 1,000 plants; and up to 1,500 plants. The actual framework for this Act will not be in place until December of 2017.

The City has two options:

1. The City can let the moratorium expire and no other action needs to be taken or

2. If the City were to choose to allow medical marijuana facilities, ordinances would need to be changed to allow the medical marijuana facilities to exist in the City.

No facilities may establish themselves in the City unless an ordinance is passed allowing them to do so.

City Attorney Harkness recommends the Albion City Council allow the moratorium to lapse and re-visit the issue in 2018.

Comments were received from Council Member Spicer, City Manager Mitchell and Mayor Brown.

M. Request Approval Mechanical Amusement Device for Cascarelli’s of Albion (RCV)

French moved, Lawler supported, CARRIED, to Approve Mechanical Amusement Device for Cascarelli’s of Albion as presented. (6-1, rcv) (Barnes dissenting)

N. City Manager Report

City Manager Mitchell updated the Council with the following City Manager report:

* The City has received the letter of interest for the Peabody Project from the MEDC. This is the first step.
* MDOT has a youth summer employment program-ages 16 years and older.
* The Albion Economic Development Corporation has two positions available- Albion Food Hub Manager and Albion Farmer’s Market Coordinator.
* The Run Albion races will be coming May 5th, July 14th & September 15
* MDOT will begin the Superior Street reconstruction project in a couple of weeks. Updates can be found on the City’s website.

Comments were received from Mayor Brown.

O. Future Agenda Items

Council Member Barnes asked for an update from the EDC regarding the redevelopment of the former Albion Malleable/Harvard site. Mayor Brown also asked for a quarterly update from the EDC.

P. Motion to Excuse Absent Council Member (s) (VV)

No action was necessary as all members were present.

XI. 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 Rick Tibbs, 304 Miller Drive and 7th District County Commissioner Gary Tompkins.

XII. Executive Session-The City Attorney requests an Executive Session under the Open Meetings Act (Section 15.268 (h), P.A. 267 of 1976, as amended) to consider material exempt from discussion or disclosure by state or federal statute.

French moved, Spicer supported, CARRIED, to adjourn to Executive Session. (7-0, rcv)

Mayor Brown adjourned to Executive Session at 8:20 p.m.

Mayor Brown re-adjourned regular council session at 9:00 p.m.

1. Adjournment

French moved, Brown supported, CARRIED, to adjourn council session. (7-0 vv)

Mayor Brown adjourned the meeting at 9:00 p.m.

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Date Jill Domingo City Clerk