

REGULAR MEETING OF THE BUCHANAN CITY COMMISSION
MONDAY, JULY 12, 2021 – 7:00 PM
BUCHANAN CITY HALL CHAMBER - 302 N. REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers; Chief of Police, Tim Ganus; Interim Director of Public Works, Mike Baker

GUESTS: Approximately 16 individuals including Don Ryman, Dan Vigansky, Penny Slocum, Fran Terry, Ralph McDonald, Norma Ferris, Rebecka Hoyt, Dale Toerne, Joe Paolucci, Alan Robandt

III. Approve Agenda

Amendments to the agenda to remove New Business Item XI. A. Special Use Permit presented by Attorney Sam Kilburg representing Zen Leaf; add New Business item XI. C. Set Date for Special Meetings Regarding DPW Building; and add New Business Item XI. D. Requests regarding Hannan Roberts Olympic Debut Special Broadcast Event at The Common.

Motion made by Commissioner Downey, Seconded by Commissioner Money to accept the agenda as amended. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

IV. Public Comment - Agenda Items Only (3-minute limit)

Alan Robandt - Spoke regarding the Social District and asked why it was truncated. In regards to Joe Paolucci's request to release attorney letter, Robandt accused the prior City Manager and Mayor of corruption, lies and creating false documents to cover the lies and stated if there is nothing hide, there is no reason the letter should not be made public.

Norma Ferris - The Dial-A-Ride Board has not heard from the City regarding the contract with the City of Niles.

V. Consent Agenda (can be approved all in one motion, for general housekeeping items)

A. Approve Minutes of the June 28, 2021 Regular Meeting

B. Approve expenditures for July 12, 2021 in the amount of is \$67,469.88.

Items of note:

- 4-Ton Hot Box out of the Capital Projects; \$27,512.77
- The Barton Group retainer fee; \$3,000
- Affordable Asphalt Paving for asphalt patching; \$3,000

C. Banner Placement Request Form

Approve Banner Placement Request Form for Larry Money on behalf of the American Legion for their Annual Benefit Ride. Banner to be placed from August 16-23, 2021.

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to approve consent agenda as presented. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

VI. **Scheduled Matters from the Floor** *(if any)*

A. Joe Paolucci - Public Release of City Attorney Randy Hyrns' 2019 Letter Regarding DDA Law

Paolucci discussed his involvement with the DDA and his account of disagreements between the City and the DDA; opinion letters of City attorney, DDA attorney, and a third-party attorney which he states were all lies with the exception of the DDA attorney opinion letter. Has requested the Randy Hyrns attorney opinion letter which was presented to the City Commission in closed session on September 23, 2019 should be released to the public.

Downey stated the opinion letter was revised, there were two letters released to the ad hoc committee and they were lies, and that the letters need to be released.

Swem stated he sees no reason not to release the letter. Money was in agreement.

Denison stated that, regardless of the content, the letter should not be released. He read from Michigan Municipal League publication regarding the law pertaining to closed sessions. We are not above the law. We need to think about not only this commission but future commissions and should not set this precedent.

Paolucci interrupted stating it was a policy issue, not a legal issue, so there should not have been a closed session.

Denison continued, the information is irrelevant. The issue is whether we are going to release closed session materials.

Weedon agreed that this would be setting a precedent that would provide an opportunity to strong-arm the commission in the future. He asked fellow commissioners and public to consider a situation where a family member who was employed by the City had an employment matter that, as permitted by law, was discussed in closed session - how would they feel if that information was released to the public?

Denison reiterated this has nothing to do with the content of the letter and everything to do with the law.

Motion made by Commissioner Downey, Seconded by Commissioner Swem to release City Attorney Randy Hyrns' 2019 letter regarding DDA law. Roll Call vote failed.

Voting Yea: Commissioner Downey, Commissioner Swem

Voting Nay: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Money

VII. **Reports by: Departments, Committees, Boards**

A. Treasurer's Report

City Treasurer, Stephanie Powers reviewed some of the items of note on current expenditures.

VIII. Unfinished Business

A. AFSCME Union Contract Correction

The City Manager explained the error that dates were included on the submitted table, how it occurred, and how it could be misinterpreted. The submitted budget was correct, but the Commission may approve the update the table to omit the dates so the table would be more clear.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to accept the correction to the AFSCME contract as presented by City Manager Grace. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

IX. New Business

A. Special Use Permit presented by Attorney Sam Kilberg representing Zen Leaf

Item removed from agenda.

B. Social District Application

The State of Michigan recently approved the Buchanan Social District. The next step is that our city licensees must submit an application to opt into the Social District. The Social District law requires the City Commission approve a motion to recommend approval of the licensee's application to the Michigan Liquor Control Commission. The State has confirmed that the Licensee, Maize N Brew Ltd. DBA B&W Village Inn of Buchanan, Michigan has submitted his application to opt into the Buchanan Social District.

Consider recommendation by the Buchanan City Commission of Social District application from Licensee, Maize N Brew Ltd. DBA B&W Village Inn of Buchanan, Michigan for approval by the Michigan Liquor Control Commission.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to submit a recommendation by the Buchanan City Commission of Social District application from Licensee, Maize N Brew Ltd. DBA B&W Village Inn of Buchanan, Michigan for approval by the Michigan Liquor Control Commission. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

C. Set Date for Special Meetings Regarding DPW Building

City Manager Grace indicated seven (7) bids were received for feasibility, design, and engineering of a new DPW building. Consider setting a date for a special meeting to conduct an initial review of submissions and a second meeting to conduct formal interviews.

The Commission will hold a special meeting on Wednesday, July 20 at 6:00 p.m. in the Chamber of City Hall to conduct initial review of submissions. No date was set to conduct formal interviews.

D. Request Regarding Hannah Roberts' Olympic Debut Special Broadcast at The Common

Consider request to hold the event at the Common on July 31, 2021, from 9:00 p.m. to approximately 12:15 a.m., including a special waiver of the City's noise ordinance (Sec. 38-29) which generally prohibits amplified sound later than 11:00 p.m., pay broadcast fees of \$935, and approve a future banner request to hang the related banner, if able to be produced in time.

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon approve the event at the Common on July 31, 2021, from 9:00 p.m. to approximately 12:15 a.m., including a special waiver of the City's noise ordinance (Sec. 38-29) which generally prohibits amplified sound later than 11:00 p.m., pay broadcast fees of \$935, and approve a future banner request to hang the related banner, if able to be produced in time. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

X. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

A. Michigan Municipal League Annual Convention & Annual Meeting

The MML Annual Convention will be held in Grand Rapids, September 22-24, 2021. The League's Annual Meeting is scheduled during the convention. Pursuant to the provisions of the League Bylaws, the City is requested to designate by action of the Commission one official who will be in attendance at the Convention as the City's official representative to cast the vote of the City at the Annual Meeting, and, if possible, to designate one other official to serve as alternate. Details included in the packet and at <http://mml.org/delegate/>

Commissioner Weedon commented that MML meetings have been informative and valuable networking opportunities for him in the past and volunteered to be the City's delegate. Commissioner Money will be the alternate.

XI. Public Comment - Non-Agenda Items Only *(3-minute limit)*

Dan Vigansky - Would like City Hall to make a public statement about the dissolution of the DDA. We need to learn from our history so we can move forward.

Dan Benak - Spoke regarding the Social District application process and his concerns.

Penny Slocum - Asked the City to consider irrigation for planters at the Common or access to the hose so people don't need to pull buckets of water out of the creek. She also noted the vegetation between the creek and the wrought iron fence along Days Avenue needs to be cleaned up. (Mike Baker indicated the jail crew currently working in the City is moving in that direction.)

Rebecka Hoyt - The Buchanan Chronicle is adding a public page and comic strip to its site. They will be at the Farmer's Market.

Fran Terry - Spoke regarding the Social District, clarified some discrepancies, stated there were some errors in the contract and map. Stated the City cannot reimburse for licenses.

XII. Executive Comments

A. City Manager Comments

Speaking to the discussion and concerns about the Social District, the City is getting similar confusion from the State and hopes to have clarification soon. Many events are coming up at the Common and other locations throughout the City. Spoke to Norma Ferris' concern regarding Dial-A-Ride; the City met with the local board in February to review the contract and that is what has been moving forward. Thanked everyone for their passion and encouragement.

B. Commissioner Comments

Money - It is great to get back into this forum and see people in person. Thanked everyone for their participation. On behalf of the American Legion and Auxillary, thanked the DPW and

Cemetery crews for their help in hanging the new veteran banners. Due to the tremendous response, the Legion is working on a third set.

Commissioners, Downey, Swem and Weedon had no comments.

C. Mayor Comments

The Dial-A-Ride contract ensures the same fares and services. Thanked everyone for attending, adding it is so good to be back in this room. Wished Hannah Roberts good luck; she carries herself with grace and humility, unlike some other athletes. Recognized Ashley Hanson for her work to make the Buchanan Farmers Market a success; she is always adding vendors and amazing attractions. Recognized the organizers of the Avery Brown Classic; the event was well-organized and attended. Congratulations to Redbud for another successful event. Stated he has no shame or embarrassment for his decision to dissolve the DDA. He is proud of the direction the City is going and believes that the creation of the Economic Development position has had more of an impact in the past 6 months than the DDA did in the last 6 years. Noted that the Social District Map is able to be adjusted.

XIII. **Adjourn**

Being no further business, motion made by Commissioner Downey, Seconded by Commissioner Money to adjourn the meeting at 8:16 p.m. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Barbara A. Pitcher, City Clerk

Mayor Sean Denison