

REGULAR MEETING OF THE BUCHANAN CITY COMMISSION
MONDAY, FEBRUARY 12, 2024 – 7:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order Public Hearing

The public hearing was called to order at 7:00pm.

Motion made by Weedon, supported by Money, to open the public hearing and public comment on the possible sale of City property, 401 River St. Roll call vote carries unanimously.

II. Opening of Public Hearing

A. Public Hearing for the possible sale of City Property at 401 River St. – The public hearing is being held pursuant to Section 8.7 of the City Charter for the purpose of the City Commission, considering, accepting public comment on, and deciding upon the possible sale of City Property located at 401 River St. Buchanan, MI 49107.

B. Announcement of the Public Hearing Rules: At this time, the City Commission will hear public comments on the possible sale of 401 River St. All persons wishing to comment shall be given the opportunity to do so. Any person addressing the commission shall do so at the podium, state his/her name, and direct their comments directly to the commission. In the event many people wish to comment, I, as presiding officer, may determine that each person speaking shall limit his/her comments to three minutes. As the presiding officer, I may terminate any public comments that are unreasonably lengthy, violate the City’s Rules of Procedure for City Commission Meetings, or are unrelated to the subject of the public hearing. At this time, is there any public comment?

There is no public comment.

III. Close of Public Hearing

Motion made by Vigansky, supported by Money, to close the public hearing and public comment on the possible sale of City property, 401 River St. Roll call vote carries unanimously.

IV. Call to Order the Regular Meeting

The regular meeting was called to order at 7:01pm.

V. Pledge of Allegiance – Denison led in the pledge of allegiance.

VI. Roll Call

Present: Mayor Sean Denison, Mayor Pro Temp Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem

City Staff: City Manager, Tim Lynch; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Assistant Community Development Director, Ashley Regal; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police, Harvey Burnett; Fire Chief, Mike Adams

VII. Approve Agenda

Weedon motions, supported by Money, to approve the agenda. Roll call vote carries unanimously.

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

Tony Houser- comments pertaining to the Food Truck Fees.

Carla Jackson Johnson – Comments pertaining to Bennet vs. Police Chief 2006 the Mayor cited at last meeting. Comments pertaining to the suspending of the city manager.

Don Ryman Comments pertaining to the Charter removing Mayor Denison and the City Attorney.

James Busby, 319 Elizabeth St –Comments pertaining to working with others about brining in grant money for the city. And to please stop putting false narratives on Facebook that it does not help with getting that grant money. Also comments about moving on and working together.

Norma Ferris 304 N Oak St – Comments pertaining to encourage the commission to approve the material for the fire department.

Tony Houser – Question about how many vendors participated in Munchie Mondays.

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

A. Minutes

- 1) Consider approving the Regular Meeting Minutes from January 22nd, 2024.
- 2) Consider approving the Special Meeting Minutes from January 31st, 2024.
- 3) Consider approving the amended minutes from December 11, 2023.

B. Expenditures: Consider approving the expenditures for February 12, 2024, in the amount of \$94,383.43.

Motion made by Swem, supported by Weedon, to approve the consent agenda as presented. Roll call vote carries unanimously.

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

A. Presentation of "Did Grass Make Things Meaner? Legalization of Marijuana and Violent Crime in the Nicest Place in America". A recent article that was published by SKEPTIC Magazine and written by John D. Van Dyke.

- Brief reminder of Buchanan’s Nicest Place in America Designation – Buchanan in 2020
 - Memorial Day Parade was cancelled due to COVID, local American Legion Post #51 collected hundreds of veterans pictures and displayed them along Main St
 - In response to George Floyd’s murder, Deejra Lee organized a Black Lives Matter march where we knelt in solidarity for 8:14 alongside Buchanan PD
 - Answered Readers Digest ad calling for Nicest Place in America nominations, we won
- Marijuana fully implemented in 2020 after 10 years of respectful debate
- Review of the health and economic arguments against marijuana
- My study : Buchanan’s demographic breakdown in many ways, is a microcosm of America. FOIA request for crime statistics between Jan 1, 2016 and Dec 31, 2022 results: Highest crime rate was in 2016, there has been no increase since the adoption of marijuana.

XI. Reports by: Departments, Committees, Boards

A. Community Development Report – Director, Rich Murphy & Assistant Director, Ashely Regal

- 1) G2 Development/7Engines Marihuana Permit Renewals for 2024.

All applications and fees have been received, and the background check has been conducted. Recommendation is to approve renewal of adult use licenses for 2024.

Motion made by Weedon, supported by Swem, to approve the permit renewals as presented. Roll call vote carries unanimously.

2) Victory Park Pavilion Picnic Tables to be ordered from Schalon Foundation Grant.

In tandem with the north side neighbors, we’ve worked on the Victory Park Pavilion Project. Construction is now complete, and we’re looking at a ribbon cutting ceremony June 8th. Also, thanks to James Busby, \$25,000 in funding was brought in for park improvements. We plan to purchase eight picnic tables to go under the pavilion and are asking permission to proceed with that. There will be other items we bring forward as the neighborhood discusses their priorities.

Motion made by Swem, supported by Weedon, to approve the purchase of the picnic tables via funds from the Schalon Foundation Grant. Roll call vote carries unanimously.

3) Consider Resolution 2024.02/05- A resolution for Mobile Food Vending Fee Schedule.

Changes from 2023:

- Under Use Information there is a section for during events, need event manager approval
- Three dates excluded from the application for the summer concert festival series
- Per your recommendation the cost to participate in Munchie Mondays increased 100% from 2023. Based on the fact that Niles is \$25 a year for their food trucks and the farmers market charges both \$5 or \$10 a day for their vendors

The commission discusses combining the Yearly Use fee and Munchie Monday Series fee into one rate and increasing this yearly permit cost to \$75, and the Daily Use fee will remain \$10.

Motion made by Swem, supported by Weedon, to approve the amended resolution as presented. Roll call votes carries unanimously.

B. Fire Department – Chief Mike Adams

1) The City of Buchanan Fire Department applied for a grant and is requesting up to a 10% match if awarded. For the AFG Grant for Self-Contained Breathing Apparatus (SCBA), the match amount would be \$7,771.43.

Applied Feb 1 – it is open to the whole country through mid-March, decisions made Aug-Nov Fire Department owns 18 SCBA packs, their life expectancy is 10-15 years

- 12 are 21 yrs old (2003) → three standards outdated
- 6 are 11 yrs old (2013) → two standards outdated
- 3 of these are out of service

We are asking to replace 17 packs at \$9,600 each for a total of \$163,200

Motion made by Swem, supported by Money, to approve the match amount of \$7,771.43 for the AFG Grant, as presented. Roll call vote carries unanimously.

C. Election Report – City Clerk, Kalla Langston

1) Permanent Mail Ballot Voters-Selection Forms.

Under Michigan Election Law, for any presidential primary, voters must indicate if they wish to receive a Democratic Party, Republican Party, or “local” election ballot. If we don’t receive a ballot type selection by Feb 15th, by law, we must send voters a local ballot.

2) Early Voting Starts February 17th-February 25th – At the Berrien County South County Building, Door 13, 1205 North Front St. Niles, MI 49120

Early Voting Dates & Times	Sat Feb 17 th , 2024 - Tue Feb 20 th , 2024	8:30 AM - 4:30 PM
	Wednesday Feb 21 st , 2024	11:00 AM - 7:00 PM
	Thur Feb 22 nd , 2024 - Sun Feb 25 th , 2024	8:30 AM - 4:30 PM

3) Presidential Primary Election Tuesday February 27th, 2024 – Polls are open from 7 AM-8 PM.

Election Day Locations	PCT 1	City Hall, 302 N Redbud Trail
Buchanan Residents	PCT 2	Redbud City Center, 131 S Oak St

XII. Unfinished Business

A. Consider City Attorney Memorandum regarding Carla Jackson Johnson Complaint.

The commission received the Feb 8th, 2024 memo from the city attorney regarding review of the Carla Johnson complaint from Jan 8th and Jan 24th. I'd like to entertain a motion to waive attorney client privilege limited to the contents of the Feb 8th memos so it can be released to the public.

Motion made by Weedon, supported by Vigansky, to waive attorney client privilege limited to the contents of the Feb 8th memos so it may be released. Roll call vote carries unanimously.

B. Consider and Vote whether or not to proceed with the Commission Public Hearing, pursuant to the City Code of Conduct on Carla Jackson Johnson Complaint.

Vigansky motions to proceed with a public hearing exempt from lawyers. There is no support.

Swem: The memo says the mayor did his job and acted accordingly under the law

Motion made by Swem, supported by Weedon, to not proceed with a public hearing.

Motion is moved to a roll call vote.

Yea: Money, Swem, Denison, Weedon Nay: Vigansky Abstain: None.

Motion carries 4-1.

XIII. New Business

A. Consider Resolution 2024.02/06 – A Resolution of the Buchanan City Commission to sell the city-owned property at 401 River Street.

Major milestone in the sale of a large, strategic parcel for redevelopment. It must be approved by the commission and will authorize the city manager and clerk to execute all documents in conveyance of the property.

Motion made by Weedon, supported by Money, to approve resolution 2024.02/06 as presented. Roll call vote carries unanimously.

XIV. Communications (*informational only, formal board action is not necessary for these items, unless so desired*) → None.

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

Don Ryman reads an Anonymous Letter comments pertaining to city staff and commission.

Carla Jackson Johnson- Comments about the DPW site and financial for the city.

James Busby – Comments about foundations that he is working with for Park Projects. And excited for the ribbon cutting ceremony for Victory Park Pavilion.

Monroe Lemay, 118 Schirmer Pkwy – Comments about being displeased with the treatment of senior citizens that gave public comment. Allotting more time for public comment. Comments about more than a handful of people are displeased with leadership.

Chief Burnett – Chief Burnett of Buchanan PD. Want to extend a thank you to Dr. Pat Moore and the Tin Shop. They orchestrated our first Martin Luther King celebration event that took place this past weekend. I wish we had more people there; I appreciate Ashely and Sean representing the city being

there. We had Trish from the school, a lady from Core well, and press from Notre Dame and we really appreciated it. Hopefully we can do this more often. Thank you.

XVI. Executive Comments

A. City Manager Comments

The financial audit has been completed and submitted to the state. The auditors are tentatively scheduled to present the audit at the first commission meeting in March. Upon analysis the financials came in better than anticipated for the fiscal year. We are implementing financial practices and procedures to achieve continued improvement going forward. So be here at the meeting in March and we will have the audit presentation.

B. Commissioner Comments

Weedon – We sure have been all over the place tonight haven't we. We had the motions on one side and motions on another and of course they both think they are right and they are. For them, it is. Let's be content with that, take peace for a moment and understand that everyone in here has that opinion and they have that right. I disagree, she thinks seniors think slower and move slower. I have an 80 year old mother I'd like to put at that mic right there and I guarantee you'll get a piece of your mind. If anybody knows that young lady, she does not hold back. Age is a construct, don't live within that construct is you want to stay sharp. I promise you that. Overpaid staff member? Rich, I think you've done an outstanding job at taking slings and arrows once again. People like to think about what they don't know about and manifest their own opinion. Sometimes its false and its okay, you have to live with the falsity, we don't. I know the facts and the facts is that Rich has done more than anybody else had done. You keep talking about all of the things that are wrong, and I don't see anybody else coming up with a solution. Everybody is pointing fingers but nobody is stepping up and doing the changes he is, and going to the meetings he is, and making the systematic changes to make the city better. Lets talk about the things that are good lately. Anybody notice the beautiful Taco Bell? Probably one of the best looking Taco Bell's in the county, right. It may seem laughable but it's a company, it's a business. It's a place for people to work and have honor. In the Navy they taught us honor, courage, and commitment. Mr. Busby is indicative of what it means to be part of this community. Northside neighbors, every one of them that's other there is dedicated to doing things better. You don't see them pointing fingers and arguing among themselves. No, they work together as a community. It's a weird thing, a weird feeling when that starts to work. You can still have your own opinion but can still work together. Mike Baker I know for a fact graduated high school. How would I know that? That's right, I've heard this story before. My parents are retired teachers from here, many people here had them as a teacher. Interesting fact isn't it – 30 years teaching kids. So if you're going to cast judgement make sure you have the facts. Wasn't that part of the discussion tonight? Interesting when the facts are only said at one person, and once again within their echo chamber, its correct. Doesn't mean it's truly factual.

Swem – So we had a quarterly Joint Water & Sewer Board meeting, our 2023 water quality report is out. If its not already posted it will be shortly. Good news, our water is clean and well within the standards its expected to be. So you are safe to drink the water here. Thank you to Tim and the team, we are starting to implement some metrics so we can better monitor at the leadership level where we stand with different ratios that are expected of us by the state and others. So, just like what we're doing, moving forward continuing process improvement there. Busby, your comment about bringing everything through B.A.R.B. – not necessarily. We are the ultimate decision body here procedurally. If B.A.R.B would like to be included in that stuff and I know you are close with many members of that so keep doing the great work. We don't want that to prevent you from doing that, we appreciate it. Rich and Mike, staff treat at the podium in general, you know I do think it's the mayors ceremonial

responsibility as we've talked about many times to control our conduct. Yes I do support first amendment rights but in this room, degradation of our staff does not have to be tolerated and it can be stopped. I ask that everyone be professional up there and bring topics that we can address professionally and not use that podium for hate speech. Lastly, its been brought to everybody's attention and filed against this board, four of us anyway, that we've committed Open Meetings Act violations. I am waiting for the formal confirmation on this but it is my understanding that the county prosecutor has dismissed that violation due to lack of zero evidence to support that claim. So you can trust that we are doing things the right way to the best of our ability for this community.

Vigansky – The prosecuting attorney did not want to work with me at all on it so I took it to the next step, so we'll see, we'll find out. I believe in the rule, I believe that B.A.R.B. should be addressed for anything that we are doing for any of the parks. It's just another step, it's a formality its not helter-skelter. As far as helping the city manager out and helping things, there are four commissioners that speak to one another. They don't like my politics, they don't like my attitude, they don't like my delivery, so they don't talk to me. I don't care. It doesn't bother me at all, but some of the stuff even if they did talk to me I would want to raise so it was brought out publicly because I want the public to know. Because transparency and politicians when they say it, it makes me gag because there's nothing transparent about what goes on in any of the political realm. It doesn't matter if its this commission, I'm not pointing my finger at just this commission. Our republican party in this county, our republican party in this state, our republican party in this country for that matter. The things about it is, I have a lot of respect for Don Ryman, he is 96 years old. He did turn an aircraft carrier as he said numerous times, he fought in the great war. As far as hate speech, lets not classify it as something like hate speech. He was reading an anonymous letter. It's so easy to get your feelings hurt by words but nobody wants to pay attention to that actions. You can sing ring around the rosy while you're stabbing somebody in the back. I did have one thing – the numbers on the population, how can you have 80% white and 38% black? I mean I always count backwards as far as 100%. No, and then they had all these other different ones down there so I mean they had all these numbers there that amounted to like 175%. Just the way my brain works. That letter was anonymous, Don, thank you thank you. I know you don't hear very well so you interrupt people but its not on purpose. Thank you sir. I'm done.

Money – First off, I'll address Mr. Ryman's letter because if you don't have enough respect to sign your own letter (Don yells, " It's not my letter!") then that is not worth two cents to me because we've all had letters written through anonymity. And the sadly enough within this community if we showed the same amount of enthusiasm about criticizing everything that goes on around here instead of trying to step up to the plate and do something about it, it would be a lot better place to live. As far as disrespect for the people within this community, I think that small number you try to drag in here every day could be used to do better things for the city of Buchanan. We have a lot of boards you can sit on, there's a lot of things that can be done here but a few of you choose to run the whole thing down instead of trying to be an asset. Sadly enough, our press helps with that a lot too. On that note I want to thank Kalla for all the hard work she's done through our election. Our police department, even though we have multiple chiefs supposedly, they are doing a great job. Thank you to Mike for submitting your bid for the Fire Department because we all know within the city we have to have a functional Fire Department. This type of gear is everything we need to maintain our ISO ratings and be functional. Mike I am just really sorry that people think that about you because they don't see you when you're out there working 12/14/16 hours a day down in a hole with your blue jeans on, ruining your good work shoes because you're standing in a hole of water. Let them do that then. Once again thank you James and the Northside neighbors, I don't want to make a mistake because I was corrected on that one time. I don't want to make a mistake misquoting but thank you to the Northside neighborhood for all that you do up there. You're doing a great job, this commission does a great job in

improving the parks and everything that goes on in the Northside neighborhood. Once again, I want to thank this commission, all of us, for the work we do for the city. As you're all aware it's a pretty tough job, we even bring people from out of town to come listen to us. Whether you think about it or not, that's all I have.

Vigansky – I just want to give a shoutout to the boy scouts. I bought the steak dinner, when I was in there they had already sold over 150 of them but it was superb for \$10.

C. Mayor Comments

As Chief Burnett had mentioned, there was an event at the Tin Shop Theater this past weekend. We had planned to have it closer to MLK day but weather delayed it. It was a celebration of Dr. Martin Luther King Jr, Chief Burnett was one of the speakers, superintendent of the schools Patricia Robinson, and there was a lady named Deborah Johnson the VP of Corewell Health who was really a phenomenal speaker. She had told a story that correlated to Dr. Kings quote about judging people by the content of their character and I was going to tell you the story because it really is a fascinating story but its probably much better coming from her. So I'm not going to go there but the moral was to judge the human being that is in front of you and judge people by their actions and not what you hear about them. Which, as I listen to that Saturday, got me thinking. I want to make something really clear to the public that's present this evening and to the folks who will be watching on YouTube later. There are folks who live amongst us who are actively working against the best efforts of this city, it's administration, and its staff. Yesterday Commissioner Swem, the City Manager, and I received an email from a business owner downtown. The email was a blatant attempt to disparage the reputation of the city attorney. The allegation has since been debunked but what was really interesting about the email was that there was an email chain at the bottom he forgot to remove. If you don't know what an email chain is that's just a conversation of everyone who was on the emails. It made it incredibly clear to me that there is a coordinated effort by a handful of people in our community to file false complaints and grievances which is incredibly sad and an abusive process. The email was interesting in that it shed some light on how people were being informed of things. For instance, the people on it knew when we received the memorandum from the city attorney and had quote, "talked to Dan." It also stated things like quote, "time for another complaint." It even gave directions to a member of the press, who's no longer here, who was colluding with this group to file another FOIA which she did first thing this morning. That's not journalism. The city is in regular contact with folks in Lansing concerning our ambitions to be a Michigan Main Street community. We have been told they have been contacted several times by Alan Robandt who's trying to discredit the LiveBuchanan board so that the application will not be accepted. They have also told us there are a group of individuals trying to discredit and remove our community from the application process by finding faults in our status. The campaign these folks are waging interferes with our ability to receive state funds, technical assistance, and legitimacy as receiving those funds is only possible as a member of the Michigan Main Street program. These same people are telling falsehoods and half-truths about the financial status of the city or their stance on financial aspects relating to the city. I'm sorry that she left but in the January 27th edition of the Chronicle regarding the recall petitions costing the city \$40,000 when Monroe Lemay states and I quote, "the town simply cant afford that," yet at my second recall hearing on Dec 18th after the Berrien County Clerk Sharon Tyler warned of the cost of moving forward with a recall Monroe Lemay stated in her public comments and I quote, "I don't care how much it costs, I want to hit them where it hurts," end quote. She goes on to say, "there taxes have been raised nearly doubly in the past four years." That is simply not true. We have not raised taxes since we were elected in 2018. The truth matters. They are also saying things about myself and the commission that simply are not true. Carla Johnson stood at that podium and appeared outraged to learn that this entire commission was made up of

Republicans. Monroe Lemay went farther, stating at one point on her Facebook page that we are all Trump loving racists. I am a registered Democrat. Although I'll admit at this time I don't believe either party represents me or anyone I know but my point is this – you don't know me. If you did, you would know I only want what's best for Buchanan. Plain and simple. I would kindly ask all of you to stop working against the city. Please stop. Please use your energy for good, the world need it.

XVII. Adjourn

Motion made by Weedon, supported by Money, to adjourn. Roll call vote to adjourn the meeting at 8:47pm carries unanimously.

Kalla Langston, City Clerk

Mayor Sean Denison