

**City of Buchanan Commission Minutes**  
**March 22, 2021**

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, March 22, 2021, and was called to order at 7:00 p.m. by Mayor Sean Denison. The Mayor led the Pledge of Allegiance.

**Recognition**

**City of Buchanan Fire Department-** The Buchanan City Commission would like to formally recognize the extraordinary efforts of the City of Buchanan Fire Department, as it fought valiantly to contain the recent West Winds Apartments Fire. Multiple other agencies and non-profits also provided assistance, both during and after the blaze, and the dedication and compassion of everyone involved is commended as a shining example of the many ways the people of Buchanan and the surrounding areas come together to support one another in times of need.

**Roll Call**

Present: Mayor Sean Denison, Commissioners Cameron Downey, Larry Money, Patrick Swem, Mark Weedon  
Absent: None  
City Staff: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers; DPW Staff, Mike Baker; Community Development Director, Rich Murphy; Police Chief, Tim Ganus; Fire Chief, Mike Adams  
Guests: 18 guests, including Don Ryman, Jake Smith, Alan Robandt, John Peohner, Corilee Scanlon, Kim Moyer, Ric Paniagua, Debra Haight, Rebecka Hoyt, Joe Paolucci, Lesley Odom, Jan Jacobs, Tom Jolly, Dan Viansky

**Agenda**

***The Mayor proceeded with the agenda as presented without motion.***

**Public Comments (agenda items)**

- **Alan Robandt** – Spoke in favor of postponing Thrill on the Hill as it is too much of a distraction with everything else going on. Expressed concern regarding the Buchanan Area Chamber of Commerce proposal for a shared job with the City, stating that a Mainstreet Manager is supposed to be a full-time role.
- **Dan Vigansky** – Questioned if the franchise agreement with AEP would give them permission to clear cut trees. Stated 6 weeks paid maternity leave is too much. Spoke to the Chamber having proposed something similar before which did not move forward. Commended the Commissioners on Buchanan Restaurant Month. Stated his opinion that electronic meetings should continue.

**Consent Calendar**

- Approve Minutes: Regular City Commission Meeting, March 8, 2021; Work Session, March 13, 2021.
- Approve Invoices/Expenditures: for March 8, 2021 in the amount of \$345,621.31.

***Weedon moved, seconded by Money to accept the consent calendar as presented. Roll call vote carried unanimously.***

**Scheduled Matters from the Floor**

None

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

**Community Development Department:** Community Development Director Rich Murphy provided a Department Report, including an update related to a request involving a potential re-zoning of 101 Terre Coupe/421 W. Front St, which included a summary of the processes involved in such requests.

**Unfinished Business**

**Proposal to Amend Personnel Policies Manual** – Initially proposed at the March 8, 2021 Commission meeting, Mayor Denison’s motion to approve was unsupported. The issue is being revisited at the request of Commissioner Money. Manager Grace seeks approval to update the City’s Personnel Policies Manual, as the current policies are somewhat disjointed and out of date. Manager Grace also seeks approval to add a new section to the Personnel Policies Manual which would allow for 6 weeks of paid maternity/paternity leave following the birth or adoption of a child, to run concurrently with FMLA eligibility. This recommendation is based upon consultation with Ted Chase of Nulty, who assists the City with the administration of its employee benefits. This proposal is also based upon the consensus of opinions from other City Managers throughout Michigan that was recently solicited by the Village Manager of Decatur. Since a non-Union city employee will soon be having a child, Manager Grace is hoping that the Commission would be willing to vote on the proposed maternity/paternity leave issue now, and then allow for a vote on the rest of the proposed updates at a later date, once an entirely new draft of the manual has been completed and reviewed by the City Attorney to ensure that it is up to date with current employment law requirements.

***Money moved, seconded by Denison to approval the proposal to amend personnel policies manual, inclusive of addition of 6 weeks paid parental leave. Roll call vote failed: Yea – Denison, Money; Nay – Downey, Swem, Weedon.***

**New Business**

**Indiana Michigan Power: Electric Franchise** – Consider adoption of Ordinance No. 2021.03/421, an ordinance granting a revocable franchise to Indiana Michigan Power Company, its successors and assigns, for the right to acquire, construct, maintain, and operate in the streets, thoroughfares, alleys, bridges, and public places of the City of Buchanan, Berrien County, State of Michigan, and its successors, lines and appurtenant equipment for the transmission and distribution of electric energy to the City of Buchanan, and the inhabitants thereof, and for the transmission and distribution of the same within, through, or across said City of Buchanan, Berrien County, State of Michigan. Manager Grace has reviewed the proposed ordinance and recommends its adoption.

***Downey moved, seconded by Money to adopt Ordinance No. 2021.03/421 to grant a revocable electric franchise to Indiana Michigan Power Company. Roll call vote carried unanimously.***

**Spring Clean-Up** – Due to the pandemic, last year’s event was postponed until the Fall. Consider approval of the annual Spring Clean-up event, tentatively scheduled for April 23rd and 24th in conjunction with Reliable Disposal.

***Downey moved, seconded by Money to approve the Spring Clean-up event on April 23<sup>rd</sup> and 24<sup>th</sup>. Roll call vote carried unanimously.***

**Thrill on the Hill** – The Commission discussed the possibility of having a modified Thrill in the Common event this year, with a plan to create a committee to plan for a large-scale Thrill on the Hill Festival for 2022, but took no action on the item.

**Cannavista 2021 Marihuana Permit Renewals** – Canavista has submitted renewal applications and fees for the following permits:

1. Medical Marihuana, 120 E. Front St., Provisioning Center, PC3, \$5000, 04.13.2020
2. Adult Use, 120 E. Front St., Retailer Establishment, ALUMRE3, \$5000, 03.23.2020

The Community Development Director has reviewed each application and the accompanying documentation including any updates to the applicant's original application and all documentation is in proper order. The required background checks have been performed by Buchanan Police Department and there are no issues with renewal. All permit fees have been collected. The Buchanan City Department Heads have reviewed the applications and find them to be in proper order and have signed off with their approval. Therefore, approval of the above permit renewals is recommended.

***Swem moved, seconded by Downey to approve Cannavista 2021 Marihuana Permit Renewals for Medical Marihuana, 120 E. Front St., Provisioning Center, PC3; and Adult Use, 120 E. Front St., Retailer Establishment, ALUMRE3. Roll call vote carried unanimously with Weedon abstaining due to a conflict of interest resulting from his employment in the cannabis industry.***

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

**Chamber Board Update-** A sub-committee of the Buchanan Area Chamber of Commerce (BACC) recently met with Manager Grace and Community Development Director Murphy to further discuss the proposal presented at last weekend's Budget Priority Setting Work Session. The meeting went well and ended with a plan for Manager Grace to develop a proposed job description for a potential new position with the City that would serve as a "Mainstreet Manager/Chamber Executive Director." Details will be presented for further Commission review at a future City Commission meeting, after the proposed job description is developed by Grace and subsequently reviewed by the BACC Board.

**American Rescue Plan (ARP) Funding-** The recently approved federal stimulus package, entitled the "American Rescue Plan" (or "ARP"), includes payments that will pass through the Michigan Department of Treasury to then be distributed directly to municipalities, with the City of Buchanan anticipated to receive approximately \$1,747,199 in total over the next 18 months or so, with around \$793,443 anticipated to arrive within the next few months, and around \$953,756 to arrive approximately one year later. Restrictions on the use of the funds indicate that they cannot be used to pay down pension liabilities or reduce taxes. However, they are otherwise fairly open to use on other projects, such as water/wastewater infrastructure and economic development geared at recovering the local economy following COVID-19. Municipalities have until 2024 to spend the funds, so we can strategize the best use of the funding and integrate its receipt and planned use into our next fiscal budget, which is currently under development. Policy discussions on the best use of the funds should be considered.

**American Legion: Memorial Day Parade** – Marvin Pruett, Chairman of the American Legion Ralph Rumbaugh Post 51 in Buchanan sent a letter to the City requesting permission to hold the Memorial Day Parade on May 31, 2021. Manager Grace and Police Chief Ganus are supportive of the proposed parade, provided Covid-19 restrictions in place at the time are followed, which should be doable.

**Berrien County Commission Press Release RE Virtual Meetings (3/17/21)** – As the impending expiration of the virtual meeting option for public meetings approaches (March 31, 2021), the Berrien County Board of Commissioners announced that at their meeting next week they will address that. The Board recognizes that the current Michigan Department of Health and Human Services orders limit the number of attendees in a meeting to 25, while maintaining social distancing of 6'. The current amendment to the Open Meetings Act (OMA) that allows for virtual meetings will expire March 31, 2021. Given the number of people allowed in a meeting, the twelve members of the Board of Commissioners recognize that they cannot limit the public and yet the order restricts the number of attendees to 25. They also recognize that many boards, councils, and organizations are facing the same challenge. Consequently, at next week's Board of Commissioners' meeting, they are planning to pass a resolution enacting a state of emergency for the purpose of allowing continued virtual meetings to be compliant with the OMA after March 25, 2021. In declaring a local state of emergency to maintain continuity of government by the County, it will include the ability for all public bodies within Berrien County to meet virtually, consistent with the OMA provisions, without further action on their part. The resolution will authorize the state of emergency through June 30, 2021. At any time that legislators take action at the state level to create allowances for public bodies to meet and / or if the number of allowed people in a room expands to an adequate level, the Berrien County Board of Commissioners will rescind the state of emergency. This situation will continue to be monitored

**Edgewater Bank Correspondence** – Edgewater Bank CEO Richard E. Dyer has submitted correspondence addressed to the City Commission providing an update regarding the bank's intent to vacate its current location, which is presently owned by the City of Buchanan. An exact date of when the space will be fully vacated is still yet to be determined, but a date of April 30, 2021 has been provided as an expected date for the possible cessation of Edgewater Bank operations, after which operations would be moved to the United Federal Credit Union location.

**West Wind Apartment Fire** – Redbud Area Ministries (RAM) has been working directly with the Red Cross and Michigan Gateway Foundation to assess and serve the needs of those impacted by the March 15, West Wind Apartment fire. The situation remains fluid and, as of March 17, Jan Nowak, Executive Director at RAM indicates they have all the immediate clothing needs met. Currently, food donations are encouraged as well as bottles of white vinegar which can be used in the washing machine to remove smoke smell (2 cups per load) once the victims are allowed to salvage their belongings. Particularly helpful are gift cards, such as prepaid visa, Harding's, Walmart, etc. Cards will be dispersed as needed. Financial donations be made through either Michigan Gateway Foundation or Redbud Area Ministries. Please notate it for Fire Assistance for Gateway and Angel Fund if given to RAM. Small housewares, bedding linens, blankets etc., are currently needed, but please do not take larger items like furniture to RAM but call to let them know what you have. RAM will create a list that will be shared with fire victims.

Redbud Area Ministries

Facebook: Redbud Area Ministries

Email: [redbudareaministries@yahoo.com](mailto:redbudareaministries@yahoo.com)

Phone: 269-695-5083 Website: [www.redbudareaministries.weebly.com](http://www.redbudareaministries.weebly.com)

In addition to the aforementioned agencies, the City of Buchanan would like to extend its gratitude to the first responders, agencies and organizations who immediately sprung into action :

- Buchanan City Fire Department
- Buchanan City Police Department
- Buchanan Township Fire Department

- Bertrand Township Fire Department
- Galien Fire Department
- Niles City Fire Department
- Niles Township Fire Department
- Berrien Springs Oronoko Township Fire Dept.
- Berrien County Sheriff's Department
- Three Oaks Fire Department
- SMCAS Ambulance
- The Buchanan Church of the Nazarene
- HART of Berrien County
- The Salvation Army of Niles
- The Red Cross
- Southwestern Community Action Agency
- Buchanan Area Ministerial Alliance (BAMA)
- Redbud Area Ministries (RAM)
- The Buchanan Community

#### **Public Comment (non-agenda items)**

- **Dan Vigansky** – Stated he applied to serve on several committee that are in need of members and requested the Commission immediately appoint him to the Planning Commission, B.A.R.B., and the Brownfield Redevelopment Authority.

#### **Executive Comments**

- **City Manager Grace** – Thanked everyone who provided assistance with the West Wind fire. The community generosity cannot be understated.
- **Commissioner Downey** – None.
- **Commissioner Money** – The Buchanan Fire Department did a great job with the West Wind fire and community response was overwhelming.
- **Commissioner Swem** – Expressed gratitude to all departments involved with the West Wind fire, especially the Buchanan Fire Department. Acknowledged Michigan Gateway for their support. Questioned if the fire inspection program proposed by Chief Adams could have prevented the fire. Stated movement was needed on board appointment process. Expressed his excitement that the Memorial Day Parade is moving forward.
- **Commissioner Weedon** – Described how the community immediately responded and met needs following the West Wind fire. It was a proud moment in a sad situation. Suggested the Commission has seen how Dan Vigansky can grab onto a piece of meat and not let go and that they should give him a piece of meat that can benefit the City.
- **Mayor Denison** – Kudos to the Buchanan Area Chamber of Commerce and the City of Buchanan for promoting Restaurant Week.

#### **Adjourn**

***Money moved, seconded by Swem to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 8:09 p.m.***