

COUNCIL PROCEEDINGS
Regular Meeting
Monday, September 14, 2009

CALL TO ORDER: By Mayor Shaughnessy Monday, September 14, 2009, at 7:00 p.m.

PRESENT: Councilmembers Arnold, Baker, Cuttle, Lewis, Weissenborn, Mayor Pro-Tem Smith, Mayor Shaughnessy, City Attorney Tom Hitch and City Manager Guetschow

ABSENT: None

The invocation was offered by Mayor Pro Tem Smith, followed by the pledge of allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF AUGUST 24, 2009: Motion by Councilmember Lewis, second by Baker to approve the regular minutes of August 24, 2009, as presented. Carried. 7 Yeas. 0 Nays.

PUBLIC COMMENT: Maurica Brown, 641 Prairie, expressed concerns regarding the proposed increase in water and sewer rates

CHARLOTTE HIGH SCHOOL LIAISON: No Report

APPROVAL OF AGENDA: Motion by Councilmember Arnold, second by Smith to approve the agenda, moving item 10g, Approve Settlement Agreement regarding William & Mary Marilyn Crittendon v City of Charlotte, Eaton County Circuit Court Case No. 08-1061-AW to item 11f, and re-numerate. Carried. 7 Yeas. 0 Nays.

APPROVAL OF CONSENT AGENDA:

- A. Adopt proclamation recognizing the CROP Hunger Walk and its participants, September 20, 2009
- B. Adopt proclamation to congratulate Eaton Area Senior Center on 10 year anniversary

- C. Reappoint Andrew Pruden to the Cable Access Board, term expiring 9/30/2012
- D. Reappoint Wayne Kruger and Andrew Shirvell to the Zoning Board of Appeals, terms expiring 9/9/2012
- E. Reappoint Dale Dodds to the District Library Board, term expiring 6/30/2012
- F. Appoint Harry Schmidt to the Utility Board of Appeals unexpired term ending 11/30/2011
- G. Approve recommendation from Amy Schoonover to award bids for hail damaged roof replacement as follows:
 - Division A, Mast Roofing \$24,000
 - Division B, Olivet Roofing \$52,375
 - Division C, Mast Roofing \$18,931
 - Division D, Skyline Design \$10,726
- H. Consider proposal from Trees N Scapes for 2nd phase of the Memorial Tree Garden
- I. Set hearing for dangerous building at 216 E. Henry Street for regular City Council meeting on October 12, 2009 at 7:00 p.m.
- J. Claims and Accounts – Total Claims - \$560,594.48

APPROVAL OF CONSENT AGENDA: Motion by Councilmember Lewis, second by Baker to approve the consent agenda. Carried. 7 Yeas. 0 Nays.

ITEMS OF BUSINESS:

- A. **Public Hearing Regarding Downtown Snow Removal Special Assessment**
Public hearing opened at 7:10 p.m. City Manager Guetschow informed the audience and Council that this is the last step in the series leading up to approval of the Special Assessment for downtown sidewalk snow removal. This public hearing is in regard to the assessment roll. In the Council packet is a letter of protest/appeal by Elijio and Linda Martinez, owners of the

property at 142 South Cochran. No other written appeals were received. There were no comments from the audience. Public hearing closed at 7:11 p.m.

- B. Consider Special Assessment Resolution No. 5
Motion by Mayor Pro Tem Smith, second by Cuttle to approve Special Assessment Resolution No. 5, confirming and approving the assessment roll. Carried. 7 Yeas. 0 Nays.**

- C. Consider Interlocal Agreement for Recreation
Councilmember Arnold and Eaton Township Trustee David Bankhead presented the draft of the Interlocal Agreement for Recreation. Attorney Hitch requested the following amendments to the agreement:**

- 1) That under Article III, Section 1, General Powers, the ability to sue and be sued is included. This is important because the co-op will own facilities.
- 2) Language in the last line of Article II, Section 2c “the Board may appoint a citizen from the proceeding governmental unit in order of rotation.” is clarified.

Motion by Councilmember Arnold, second by Weissenborn to approve the Interlocal Agreement for Recreation provided it includes the two recommendations of the City attorney. Carried. 7 Yeas. 0 Nays.

- D. Consider Resolution regarding Water and Sewer Rates
City Manager Guetschow advised council that the recommended water and sewer rates are a step toward achieving the objectives outlined during the budget process. As a result of that process many projects were dropped or postponed and this rate adjustment reflects what is needed to operate the water system and still achieve the capital improvements that council cited as priorities. The reason the water and sewer funds are in the situation they are in now is that previous administrations and councils did not evaluate rates annually, but only reviewed them every five years, adjusting the rates if necessary. Five years ago, a rate increase was**

implemented, but it was a slight adjustment because the equity fees charged to new development helped subsidize the funds. This year, revenue from equity fees is almost non-existent and that trend does not appear to change any time soon.

Motion by Mayor Pro Tem Smith., second by Lewis to approve the new sewer and water rates to be implemented over a two year period. Carried. 4 yeas. 3 Nays. (Weissenborn, Arnold, Baker)

- E. Discussion of Citywide Sidewalk Snow Removal
Following Councilmember Arnolds report on the recommendations of the sidewalk snow removal committee, Council asked City Manager Guetschow for a report on the feasibility of those recommendations. Mr. Guetschow’s report is included in the council packet, and his recommendation is that we publicize the city’s expectation that residents clean their sidewalks and monitor voluntary compliance this winter. Then revisit this discussion at a later time.**

- F. Approve Settlement Agreement regarding William & Mary Marilyn Crittenden v City of Charlotte, Eaton County Circuit Court Case No. 08-1061-AW**

City Attorney Hitch explained that this is only a small portion of the litigation involving the Crittendens. It is in regard to an easement for utility lines that service the Sanstone and Wal-Mart developments, that cross under land that Mr. Crittenden farms. The agreement will allow him to continue to farm the property and allow the utility lines to remain buried in the easement,

Motion by Councilmember Arnold, second by Cuttle to approve the settlement agreement regarding William & Mary Marilyn Crittenden v City of Charlotte, Eaton County Circuit Court Case No. 08-1061-AW. Carried. 7 Yeas. 0 Nays.

COMMUNICATIONS AND COMMITTEE REPORTS:

CITY ATTORNEY REPORT: Attorney Hitch reviewed the information in his written report for Council.

CITY MANAGER REPORT: City Manager Guetschow reviewed the information in his written report. He announced the Citizens Symposium resumes on Wednesday, September 23rd at 7 pm in the City Hall Community Room (lower level).

COMMENTS ON REPORTS:

COUNCILMEMBER COMMITTEE REPORTS:

Mayor Pro Tem Smith attended the Planning Commission Meeting on September 1st. The Planning Commission approved a lot split which will allow the owner of 107 West Lawrence to deed a portion of the south piece of his property to 112 S. Cochran.

Councilmember Arnold indicated that he will be attending the Carmel Township Board meeting on September 17th and the Eaton Township Board meeting on October 2nd to present the Interlocal Agreement for Recreation to them.

Councilmember Baker announced that Step by Step will meet Wednesday, September 16th at 7:30 a.m. They are distributing tee-shirts. It is recommended that those interested in the tee-shirts arrive early. Mrs. Baker also reported that 28 planes took part in the September 11th “Fly-in” at the Fitch Beach Airport. A plaque was presented to the airport manager and will be displayed at the airport.

PUBLIC COMMENT: David Bankhead, Eaton Township Trustee, thanked Council for their support of recreation in the community and would like to discuss, in the future, other ways the city and townships can work together.

MAYOR AND COUNCIL COMMENTS:

Councilmembers thanked and congratulated the Frontier Days Committee on a very successful and well attended celebration.

Councilmember Baker announced a special television recycling opportunity at the Road Commission on Friday, September 18th, from noon until 2:00 p.m.

Councilmember Cuttle indicated that he is looking forward to attending a Frontier Days celebration and reiterated Councilmember Bakers comments about Step by Step.

Councilmember Arnold recognized and thanked key members of the Recreation Committee.

Councilmember Weissenborn expressed his disappointment in the decision of Council to move forward with the water and sewer rate increase.

Mayor Pro-Tem Smith thanked the VFW for its support of our deployed troops and their families and congratulated Victor Braatz and the Recovery Group on a very good Labor Day run.

Mayor Shaughnessy conveyed the difficulty with which Council arrived at the decision to implement the water and sewer rate increase. It was neither impulsive nor easy. She indicated that she will be initiating the City Managers evaluation.

There being no further business, the meeting was adjourned at 9:40 p.m.

Deb Shaughnessy, Mayor

Michelle M. King, City Clerk