

**COUNCIL PROCEEDINGS**

**Regular Meeting**

**Monday, October 12, 2009**

**CALL TO ORDER:** By Mayor Shaughnessy Monday, October 12, 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 Shaughnessy, followed by the pledge of allegiance.

**APPROVAL OF MINUTES FOR REGULAR MEETING OF SEPTEMBER 28, 2009:** Motion by Councilmember Lewis, second by Baker to approve the regular minutes of September 28, 2009, as presented. Carried. 7 Yeas. 0 Nays.

**PUBLIC COMMENT:** None

**CHARLOTTE HIGH SCHOOL LIAISON:** No Report

**APPROVAL OF AGENDA:** Motion by Mayor Pro Tem Smith, second by Arnold to approve the agenda, as presented. Carried. 7 Yeas. 0 Nays.

**APPROVAL OF CONSENT AGENDA:**

- A. Set Public Hearing for Interlocal Recreation Agreement for the Regular City Council meeting on October 26, 2009 at 7:00 p.m.
- B. Claims and Accounts – Total Claims - \$392,222.80

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

**ITEMS OF BUSINESS:**

**A. Cornerstone Award Presentation**

Mayor Shaughnessy presented the Mayor's Cornerstone Award to Doug and Nola Buck in recognition of their dedicated leadership and commitment to the Charlotte Community.

**B. Hearing Regarding Dangerous Building at 216 East Henry**

Hearing opened at 7:09 p.m. City Manager Guetschow advised Council that this building has been deemed dangerous by the Building Department and the Building Board of Appeals "Hearing Officer" (Zoning Board of Appeals). Owners and parties of interest have been notified of each step in the process and no action or verbal communication has taken place. The hearing officer ordered the building to be demolished. Council's responsibility is to affirm, modify or set aside the decision of the hearing officer. There was no one in the audience to speak on behalf of the property at 216 East Henry. Hearing closed at 7:11 p.m.

**C. Consider Action Regarding Dangerous Building at 216 East Henry**

Motion by Councilmember Lewis, second by Smith to affirm the order of demolition by the Building Board of Appeals Hearing Officer (Zoning Board of Appeals) regarding 216 East Henry. Carried. 7 Yeas. 0 Nays.

**D. Consider First Reading of an Ordinance Regarding Ethics**

At the request of Mayor Shaughnessy, City Manager Guetschow has researched various ethics ordinances and created the ordinance up for first reading from a Presidential Executive Order issued in 1989. This ordinance is the first step in the procedure, it states the principles that form the basis for the ethics policies. If Council chooses to approve first and second reading, it empowers Council to adopt policies that put the principles into practice. There may be future considerations in regard to union employees and it may be necessary to negotiate appropriate language in the union contracts.

**Motion by Mayor Pro Tem Smith., second by Lewis to approve first reading of an ordinance regarding Ethics. Carried. 7 yeas. 0 Nays.**

**E. Consider First Reading of an Ordinance Regarding Sidewalk Snow Removal**

City Manager Guetschow indicated that this ordinance complies with Councils discussions held at previous meetings in regard to sidewalk snow removal. It limits the snow removal district to Lawrence Avenue from Bostwick Street to Pleasant Street and Lansing Road from Pleasant Street to Tulley Brown Drive. The Downtown Development District is now covered by a Snow Removal Special Assessment, and this ordinance attempts to remove as many residential addresses as possible from the district. Residential areas will rely upon conscientious residents and a cooperative spirit to clear sidewalks. Councilmember Arnold pointed out that there are still a number of residential properties included in the district.

**Motion by Councilmember Baker, second by Cuttle to approve first reading of an ordinance regarding Sidewalk Snow Removal. Carried. 6 Yeas. 1 Nay (Arnold).**

**F. Special Tax Incentive Discussion and Recommendation**

City Manager Guetschow explained that in 2008 all cities that are county seats were given the Eligible Distressed Community designation making us eligible to offer incentives to local businesses that we have not been able to offer in the past. Although this has the potential of making us more competitive, it is not without its drawbacks. Staff recommends referring these tax incentive policies to the Local Development Finance Authority and Economic Development Advisory Board for review and recommendation. Some members of Council would also like staff to refer it to the Planning Commission as well.

**G. Authorize Moving into Closed Session Following Mayor and Council Comments Pursuant to 1976 PA 267, Section 15.268(a) to Discuss the City Managers Performance Evaluation**

**Motion by Mayor Pro Tem Smith, second by Lewis to authorize moving into Closed Session following Mayor and Council Comments pursuant to 1976 PA 267, Section 15.268(a) to discuss the City Managers performance evaluation. Carried. 7 Yeas. 0 Nays.**

**COMMUNICATIONS AND COMMITTEE REPORTS:**

**CITY ATTORNEY REPORT:** Attorney Hitch reviewed the information in his written report for Council and explained the case evaluation process.

**CITY MANAGER REPORT:** City Manager Guetschow reviewed the information in his written report. He announced that the Citizens Symposium will meet Tuesday, October 27, 2009 at 7 p.m. in the Community Room at City Hall. He will be presenting what he refers to as "Local Government 101. He also encouraged Council to attend the Fire Department Open House on Wednesday, October 14, from 6 p.m. – 9 p.m.

**COMMENTS ON REPORTS:**

If a resident requests that the trees removed for the Shepherd Street construction not be replaced, those trees cannot be put elsewhere in the city.

**COUNCILMEMBER COMMITTEE REPORTS:** None

**PUBLIC COMMENT:** None

**MAYOR AND COUNCIL COMMENTS:**

Councilmembers thanked the Fire Department in advance for the work they are doing for the Open House on Wednesday, October 14<sup>th</sup> from 6 p.m. to 9 p.m. Several Board members sent condolences to the family of Frank Pawli, city resident and longtime member of the Board of Review. And there were congratulations to Doug and Nola Buck on their very deserving recognition.

Councilmember Cuttle announced the Walkability Group will meet Wednesday, October 21<sup>st</sup> at 7 a.m.

Mayor Pro Tem Smith thanked Corey Sanders for his attendance at the last few Council meetings.

Councilmember Baker announced the Library book sale is October 15<sup>th</sup> – 17<sup>th</sup>.

Convened into closed session at 8:37 p.m.

**Motion by Councilmember Baker, second by Lewis to reconvene regular session at 9:37 p.m. Carried. 7 Yeas. 0 Nays.**

**Motion by Councilmember Arnold, second by Weissenborn to approve the minutes of the June 28, 2008 and October 13, 2008 closed sessions. Carried. 7 Yeas. 0 Nays.**

**There being no further business, the meeting was adjourned at 9:39 p.m.**

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Deb Shaughnessy, Mayor

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Michelle M. King, City Clerk