

COUNCIL PROCEEDINGS
Regular Meeting
Monday, November 23, 2009

CALL TO ORDER: By Mayor Smith Monday, November 23, 2009, at 7:00 p.m.

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

ABSENT: None

The invocation was offered by Reverend Karen Wheat of Lawrence Avenue Methodist Church, followed by the pledge of allegiance.

APPROVAL OF MINUTES FOR THE ORGANIZATIONAL AND REGULAR MEETING OF NOVEMBER 9, 2009: Motion by Councilmember Arnold, second by Sanders to approve the organizational and regular minutes of November 9, 2009, as presented. Carried. 7 Yeas. 0 Nays.

EXCUSE ABSENT MEMBERS: None

PUBLIC COMMENT: None.

CHARLOTTE HIGH SCHOOL LIAISON: Mayor Smith introduced Kelsey Mansel, a senior at Charlotte High School. Kelsey has agreed to be the High School Liaison and will bring her first report to the December 14th meeting.

APPROVAL OF AGENDA: Motion by Councilmember Arnold, second by Cuttle to approve the agenda, as presented. Carried. 7 Yeas. 0 Nays.

APPROVAL OF CONSENT AGENDA:

- A. Approve Budget Adjustment 1
- B. Approve Budget Adjustment 2
- C. Approve Budget Adjustment 3
- D. Approve Budget Adjustment 4
- E. Approve Resolution 2009-21 a Reaffirmation and Amendment of Right of Way Agreement- Wolverine Power Supply Cooperative

WHEREAS, Wolverine Power Supply Cooperative, Inc. has presented a reaffirmation and amendment of a right-of-way easement agreement amending an easement recorded at Liber 298, Page 481, of Eaton County Records; and

WHEREAS, it is in the interest and benefit of the City and the public at large that the proposed reaffirmation and amendment of right-of-way easement agreement be accepted by the City, subject to all of the conditions and terms of such reaffirmation and amendment agreement;

NOW, THEREFORE, BE IT RESOLVED that the City of Charlotte accepts the reaffirmation and amendment of right-of-way easement agreement, subject to all of the terms and conditions expressed therein; and

BE IT FURTHER RESOLVED that the City Manager and the City Clerk of the City of Charlotte be, and they are, authorized to execute the reaffirmation and amendment of right-of-way easement agreement and to do all acts, and execute all instruments appropriate or necessary in carrying out the terms of the reaffirmation and amendment agreement.

- F. Approve Resolution 2009-22 Oakridge Condominiums Utility Easements

WHEREAS, Eaton Federal Savings Bank, on behalf of the Oak Ridge Condominium Association, a Michigan nonprofit corporation, has granted easements to the City for the operation and maintenance of water and sanitary sewer facilities, copies of which easements are attached to this resolution; and

WHEREAS, it is in the interest and benefit of the City and the public at large that the proposed grants of easement be accepted by the City, subject to all of the conditions and terms of such grants of easement;

NOW, THEREFORE, BE IT RESOLVED that the City of Charlotte accepts the grants of easement, subject to all of the terms and conditions expressed therein; and

BE IT FURTHER RESOLVED that the City Manager and the City Clerk of the City of Charlotte be, and they are, authorized to do all acts and execute all instruments appropriate or necessary in carrying out the terms of the grants of easement.

- G. Appoint Andrew Shirvell to the Planning Commission for term expiring 3/31/2012
- H. Appoint Richard Potter as regular member to the Zoning Board of Appeals for a term expiring 9/9/2012 and Eric Emery as Alternate to the Zoning Board of Appeals for a term expiring 9/9/2012.

- I. Accept Grant Award from State of Michigan Forestry Program for GPS Inventory of Trees in City of Way in the amount of \$12,238.
- J. Claims and Accounts – Total Claims - \$356,780.

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

ITEMS OF BUSINESS:

- A. **Presentation to Eagle Scout Elmo J. Harris**
Mr. Harris was unable to attend the meeting, but a proclamation was prepared for him. Eagle Scouts are required to perform a community service project and Mr. Harris' chosen project was to make repairs to the cabin at Camp Frances. No action is necessary.
- B. **Presentation to the Winner of the Evening With the Experts Business Plan Contest**
Mayor Smith introduced the winners of the Evening with the Experts Business Plan Contest, Vincent and Karen Wheat. Mayor Smith and Amy Price of Independent Bank thanked them for and congratulated them on their successful business plan and presented them with gifts from local businesses.
- C. **Approve Council Policy Regarding City Attorney at Council Meetings**
City Manager Guetschow indicated that this is the policy created to comply with the Charter Amendment approved at the November 3, 2009 election. It has been reviewed by the City Attorney who believes that the policy abides by the intent of the Charter Amendment.
Motion by Councilmember Arnold, second by Baker to approve the Council Policy regarding the City Attorney's attendance at Council Meetings. Carried. 7 Yeas. 0 Nays

COMMUNICATIONS AND COMMITTEE REPORTS:

CITY ATTORNEY REPORT: Attorney Hitch reviewed the information in his written report for Council. Councilmembers inquired about the license agreement permitting the maintenance of the downtown mural. This agreement is intended to go to the DDA for approval. The City Manager will furnish copies to City Council for their information in the next packet.

CITY MANAGER REPORT: City Manager Guetschow reviewed the information in his written report. He indicated that there is a copy of a letter sent to Chuck Brand on the desk in front of Councilmembers. This letter was sent to Mr. Brand after meeting with him late last week over his bid submission to the City for City Hall improvements. Following Mr. Brands explanation, it was ascertained that the bid was misinterpreted to conclude that he was the high bidder when in fact, he was the low bidder. Mr. Brand understands that it is too late to backtrack, but we apologize for the inconvenience this has caused him. After some discussion Council requested that staff prepare a leash ordinance for review by City Council.

COUNCILMEMBER COMMITTEE REPORTS:

Councilmember Cuttle attended the Step by Step meeting. They are trying to raise funds for the downtown mural and working to create a walking path of historical points of interest throughout the City.

Councilmember Arnold reported that the Interlocal Agreement for Recreation went to Carmel Township’s Board last week, but he was unable to attend and does not know the result. He has given copies of the revised version to the City Attorney, Manager and Mayor for their review.

Mayor Smith made the following Committee assignments:

Mayor Pro Tem Baker - Eatran

Councilmember Arnold - Recreation Committee
Councilmember Weissenborn - City/Township Board
Councilmember Kruger - Planning Commission
Councilmember Cuttle - CARA and Cable Access
Councilmember Sanders - Airport Advisory

PUBLIC COMMENT: Andrew Shirvell, 216 Legacy Park Drive, thanked Council for appointing him to the Planning Commission

MAYOR AND COUNCIL COMMENTS:

Councilmembers thanked Mr. Shirvell and Mr. Emery for their interest in public service and for attending the Council Meeting. They welcomed the new high school liaison and extended their apologies to Mr. Brand for the misunderstanding concerning his bid. They also congratulated Vincent and Karen Wheat on their winning Business Plan and thanked Amy Price for attending the meeting.

In addition Councilmember Arnold and Mayor Smith thanked the Chamber of Commerce, City Police and Fire Departments for organizing the Holiday Parade, Tree Lighting and Singing.

Mayor Pro Tem Baker thanked Elmo Harris for his hard work on the cabin at Camp Frances.

Councilmembers Sanders and Cuttle attended the Newly Elected Officials workshop presented by the Michigan Municipal League.

Councilmember Cuttle mentioned that the streets that were resurfaced this late summer and fall are vastly improved.

Mayor Smith congratulated Simplified Accounting and announced that he is taking part in the Mayors Challenge which revolves around walking, running and exercising.

There being no further business, the meeting was adjourned at 8:23 p.m.

Deleski R. Smith, Mayor

Michelle M. King, City Clerk