

COUNCIL PROCEEDINGS
Regular Meeting
Monday, December 14, 2009

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

PRESENT: Councilmembers Arnold at 7:03 p.m., Cuttle, Kruger, Weissenborn, Mayor Pro-Tem Baker, Mayor Smith, City Attorney Tom Hitch and City Manager Guetschow

ABSENT: Councilmember Sanders

The invocation was offered by John Colgrove, Pastor of Liberty Church, followed by the pledge of allegiance.

APPROVAL OF MINUTES FOR THE REGULAR MEETING OF NOVEMBER 23, 2009: Motion by Councilmember Kruger, second by Cuttle to approve the regular minutes of November 23, 2009, as presented. Carried. 6 Yeas. 0 Nays.

EXCUSE ABSENT MEMBERS: Motion by Mayor Pro Tem Baker, second by Weissenborn to excuse Councilmember Sanders from the December 14, 2009, regular meeting. Carried. 6 Yeas. 0 Nays.

PUBLIC COMMENT: None.

CHARLOTTE HIGH SCHOOL LIAISON: Kelsey Mansel reported that winter sports have begun at the High School and so has practice for the winter drama "Rumors." Students are raising funds for Student Congress and the Choir will present its Holiday Concert on December 17, 2009 at 7:30 p.m. at CPAC.

APPROVAL OF AGENDA: Motion by Mayor Pro Tem Baker, second by Cuttle to approve the agenda with the addition of item #10I, "Appoint Douglas Lowe to the Board of Review". Carried. 6 Yeas. 0 Nays.

APPROVAL OF CONSENT AGENDA:

A. Approve Statement of Doing Business with the City of Charlotte for 2010

Pursuant to the provisions of Section 15.4 of the City Charter, the undersigned, doing business in the City of Charlotte, hereby states that he/she intends to have business dealings with the City of the type that is on a continuing basis, involving more than one or a sequence of transactions. Such dealings will be as listed or similar transactions.

Keith Moss – Cable Operator

Matt Griffith – Cable Operator

Darrell Greenhoe – Cable Operator

Mary Jean Baker – Insurance Transactions

Diana Lake – Cable Operator

- B. Approve purchase of two Police Department Patrol vehicles for \$20,898, a total cost of \$41,796 from Candy Ford.
- C. Approve Resolution #2009-23 establishing 2010 meeting dates.

WHEREAS, Public Act 267 of 1976 requires a resolution setting meeting dates.

NOW THEREFORE BE IT RESOLVED, that the regular meeting dates of the Charlotte City Council and other Boards and Commissions be as follows for the year 2010.

CHARLOTTE BOARD OR COMMISSION	DATE OF MEETING	PLACE OF MEETING
CHARLOTTE CITY COUNCIL		COUNCIL CHAMBERS 2 ND Floor, City Complex 111 E. Lawrence Ave Charlotte MI 48813
	Monday, January 11	Phone: 543-2750
	Monday, January 25	7:00 P.M.
	Monday, February 8	
	Monday, February 22	
	Monday, March 8	
	Monday, March 22	
	Monday, April 12	
	Monday, April 26	
	Monday, May 10	
	Monday, May 24	
	Monday, June 14	
	Monday, June 28	
	Monday, July 12	
	Monday, July 26	
	Monday, August	

CHARLOTTE BOARD OR COMMISSION	DATE OF MEETING	PLACE OF MEETING
	9	
	Monday, August 23	
	Monday September 13	
	Monday, September 27	
	Monday, October 11	
	Monday, October 25	
	Monday, November 8	
	Monday, November 22	
	Monday, December 13	
	Monday, December 27	
AIRPORT ADVISORY	4 th Tuesday of January, April, July, and October	FITCH BEACH AIRPORT 1325 Island Highway Charlotte MI 48813
	Tuesday, January 26	8:00 A.M.
	Tuesday, April 27	
	Tuesday, July 27	
	Tuesday, October 26	

CHARLOTTE BOARD OR COMMISSION	DATE OF MEETING	PLACE OF MEETING
BOARD OF REVIEW	Tuesday, March 2; Monday, March 8; Tuesday, March 9; Tuesday, July 20; Tuesday, Dec 14	COMMUNITY ROOM Basement, City Complex Hours to be published
BUILDING AUTHORITY (Special meetings to be called as necessary)	Tuesday, July 7, 2009 (1 st Tuesday in July)	CITY HALL 1 st Floor Conference Room 111 E. Lawrence Ave Charlotte MI 48813 9:00 A.M.
CABLE ACCESS COMMITTEE (Special meetings called as necessary)	Thursday, February 25, 2010 (4 th Thursday in February)	COUNCIL CHAMBERS 2 nd Floor City Complex 111 E. Lawrence Ave Charlotte MI 48813 7:30 P.M.
CAMP FRANCES BOARD	Wednesday, Jan 27, 2010	CAMP FRANCES 1307 S. Cochran Ave

CHARLOTTE BOARD OR COMMISSION	DATE OF MEETING	PLACE OF MEETING
	Wednesday, Apr 28, 2010 Wednesday, Jul 28, 2010 Wednesday, Oct 27, 2010	Charlotte MI 48813 7:00 P.M.
CHARLOTTE AREA RECYCLING AUTHORITY	Last Tues of Jan, Apr, Jul and Oct	COUNCIL CHAMBERS 2 nd Floor City Complex 111 E. Lawrence Ave Charlotte MI 48813 5:30 P.M.
	Tuesday, Jan. 26, 2010	
	Tuesday, Apr. 27, 2010	
	Tuesday, Jul. 27, 2010	
	Tuesday, Oct. 26, 2010	

CHARLOTTE PLANNING COMMISSION	1 st Tues monthly except for *Election Days or Holidays.	COUNCIL CHAMBERS 2 nd Floor City Complex 111 E. Lawrence Ave Charlotte MI 48813
	Tuesday, Jan. 5, 2010	7:00 P.M.
	Tuesday, Feb. 2, 2010	
	Tuesday, Mar. 2, 2010	
	Tuesday, Apr 6, 2010	
	Tuesday, May 4, 2010	
	Tuesday, Jun 1, 2010	
	Tuesday, Jul. 6, 2010	
	*Tuesday, Aug. 10, 2010	
	Tuesday, Sept. 7, 2010	
	Tuesday, Oct. 5, 2010	
	*Tuesday, Nov. 9, 2010	
	Tuesday, Dec 7, 2010	

LOCAL COMPENSATION COMMISSION	JANUARY ODD YEARS	COMMUNITY ROOM Basement, City Complex 111 E. Lawrence Ave Charlotte MI 48813
		9:00 A.M.
DOWNTOWN DEVELOPMENT AUTHORITY	2 nd Thursday monthly	COUNCIL CHAMBERS 2 nd Floor City Complex 111 E. Lawrence Ave Charlotte MI 48813
	Thursday, Jan. 14, 2010	7:30 A.M.
	Thursday, Feb. 11, 2010	
	Thursday, Mar. 11, 2010	
	Thursday, Apr. 8, 2010	
	Thursday, May 13, 2010	
	Thursday, Jun. 10, 2010	
	Thursday, Jul. 8, 2010	

	Thursday, Aug. 12, 2010	
	Thursday, Sep. 9, 2010	
	Thursday, Oct. 14, 2010	
	*Thursday, Nov. 18, 2010	
	Thursday, Dec. 9, 2010	

LDFA & BROWNFIELD DEVELOPMENT	February - 2 nd Thursday Special meetings as necessary	COUNCIL CHAMBERS 2 ND Floor, City Complex 111 E. Lawrence Ave Charlotte Mi 48813
	Thursday, February 11, 2010	7:00 P.M.
PARK ADVISORY BOARD	1 st Tuesday of the months of Jan, Feb, April, May, Sept, Oct.	COMMUNITY ROOM Basement, City Complex 111 E. Lawrence Ave Charlotte MI 48813
	Tuesday, Jan. 5, 2010	7:00 P.M.
	Tuesday, Feb.	

	2, 2010	
	Tuesday, Apr. 6, 2010	
	Tuesday, May 4, 2010	
	Tuesday, Sep. 7, 2010	
	Tuesday, Oct. 5, 2010	
ZONING BOARD OF APPEALS	2 nd Tuesday monthly	COUNCIL CHAMBERS 2 ND Floor, City Complex 111 E. Lawrence Ave Charlotte MI 48813
	Tuesday, Jan. 12, 2009	6:00 P.M.
	Tuesday, Feb. 9, 2010	
	Tuesday, Mar. 9, 2010	
	Tuesday, Apr. 13, 2010	
	Tuesday, May 11, 2010	
	Tuesday, Jun 8, 2010	
	Tuesday, Jul 13, 2010	
	Tuesday, Aug. 10, 2010	

	Tuesday, Sept. 14, 2010	
	Tuesday, Oct. 12, 2010	
	Tuesday, Nov. 9, 2010	
	Tuesday, Dec. 14, 2010	
UTILITY BOARD OF APPEALS	At least one meeting in July 2 nd Thursday. Others as necessary	COUNCIL CHAMBERS 2 ND Floor, City Complex 111 E. Lawrence Ave Charlotte MI 48813
	Thursday, July 8, 2010	7:30 P.M.

CHARLOTTE HOSPITAL AUTHORITY BOARD	3 rd Monday in September	COUNCIL CHAMBERS 2 nd Floor, City Complex 111 E. Lawrence Ave Charlotte MI 48813
	Monday, Sept. 20, 2010	8:00 A.M.

SPECIAL MEETINGS SHALL BE POSTED 18 HOURS BEFORE SUCH MEETING IS HELD

- D. Approve Mutual Aid Agreement with Eaton County Sheriff's Department for (Police) Emergency Services
- E. Approve Resolution 2009-24 recognizing and thanking key participants in the Battle Creek Restoration Project.

WHEREAS, the Battle Creek River flows through the City of Charlotte and is an important recreational resource for the residents of the city, and the river, once a free flowing river, is now an established county drain in Eaton County, whose watershed encompasses 195,000 acres; and

WHEREAS, in the Fall of 2003 the Calhoun County Conservation District was contracted to do a river inventory to find ways to improve water quality as a result of Total Maximum Daily Loading (TMDL) regulations set by the State of Michigan; and

WHEREAS, when the Calhoun County Conservation District entered the Bennett Park area they discovered the Charlotte Dam opened and water levels extremely low which led to the formation of the Battle Creek River Restoration Project, a partnership between the Michigan Department of Natural Resources, the Eaton County Drain Commission, Eaton Conservation District and the City of Charlotte, among others, under the leadership of Kristine Boley-Morse; and

WHEREAS, on March 22, 2004, the City Council gave its blessing to the Battle Creek River Restoration Project to incorporate an innovative approach to dam removal and stream restoration to meet the goals of improved water quality and community enhancement over the period of 5 years and three phases; and

WHEREAS, the Battle Creek River Restoration Project raised \$206,234 in grants and donations to fund the projects associated with it and received many hours of work donated by its members and community volunteers; and

WHEREAS, Phase I of the Battle Creek River Restoration Project began and was completed in the Summer of 2005 which included the removal of the Charlotte Dam and the construction of three channel structures utilizing natural channel design; and

WHEREAS, Phase II of the project which began in 2005 and was completed in 2006 involved the excavation of the historical channel and the construction of in-stream structures to create the pool and riffle dimensions of the channel; and

WHEREAS, Phase III, the longest and most extensive phase began in 2007 and was completed in the late summer of 2009, involved the movement of the excavated channel spoils to the berm, a cut at the downstream end of the historic channel to the present drain, a cut at the upstream portion of the historic channel to the present drain, installation of the upstream and downstream channel block to maintain the flow diversion, adjustment of in-stream structure elevations, fill the abandoned drain to floodplain elevation, and mulch and seeding of the project site.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Charlotte, Michigan does hereby recognize and thank Kristine Boley-Morse, the Michigan Department of Natural Resources and the Eaton Conservation

District for taking a lead and active role in the restoration of the historic Battle Creek River in and through Charlotte; and

FURTHER, the City Council urges its citizens to take advantage of the recreational opportunities of the beautiful Battle Creek River and challenges all to help keep our rivers free of pollution and debris to promote the health and well-being of this and future generations.

- F. Approve Change Order #1 for City Hall Renovations Project in the amount of \$2,326.41
- G. Approve the following recommendations by the Mayor for Councilmember Appointments:
 - 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
- H. Claims and Accounts – Total Claims - \$363,573.99
- I. Appoint Douglas Lowe to the Board of Review for a term ending December 31, 2011.

APPROVAL OF CONSENT AGENDA: Motion by Councilmember Arnold, second by Kruger to approve the consent agenda. Carried. 6 Yeas. 0 Nays.

Mayor Smith presented the Resolution for the Battle Creek River Restoration Project to Keith Moss, WWTP Superintendent. Mr. Moss presented gifts of appreciation to Kristine Boley Morse, Chris Frieburger and Andrea Stay for the work they have done on the project.

ITEMS OF BUSINESS:

A. First Reading of a Proposed Leash Ordinance

City Manager Guetschow introduced the ordinance prepared, in part, from examples he obtained from other communities. This ordinance is fairly restrictive but gives council the opportunity to loosen it up to meet the communities needs. It basically requires that dogs be on a leash when they are not in their owner's yard.

Patti Bruinsma, 1681 S. Stewart Road - not in favor of a leash law unless the city provides a dog park.

Eileen Boone, 293 Van Sickle - in favor of a leash law

Annette Brainard - not in favor of a leash law unless provided a place for dogs to run

Stephanie Brown, 303 VanSickle - in favor of a leash law and a dog park

Nora Homminga, 1830 Flanders Road - in favor of a leash law and a dog park

Mike Ranville, 403 S. Cochran – would like to see especially larger dogs accommodated in a dog park

Mary Nordenbrock, 418 Horatio – not in favor of a leash law although does believe it is the responsibility of the owners to have one available

Tim Homminga, 1830 Flanders Road – Suggested the open area by Lincoln Park for a dog park

Eileen Boone, 293 VanSickle – there is a police report on the dog jumping on her in the park. She is not a dog hater, but she believes that although dogs are trainable, they are unpredictable.

Councilmembers believe that there could be a compromise in the discussions that have taken place. There is an opportunity for the Parks Board of the City and the City/Townships Recreation Council to consider a dog park, one is included in the Parks Master Plan, although not a priority at the time the plan was written. Most agree that some form of a leash law is necessary, but would like to hear from the Parks Board and maybe the Recreation Council before putting this on the agenda for second reading.

Motion by Councilmember Weissenborn, second by Kruger to refer the ordinance to the Parks Board for review and a recommendation for a location to put a dog park. Motion Withdrawn.

Motion by Councilmember Kruger, second by Weissenborn to approve first reading of the ordinance with the deletion of Paragraph E3, and refer it to the Parks Board for discussion of a location for a dog park before it is considered by Council for 2nd reading. Carried. 6 Yeas. 0 Nays.

B. 2008/2009 Audit Presentation

Mary Shafer and Shaun Krick of Plante Moran presented the results of the 2008/2009 Audit. They explained that our audit consists of three separate reports, a long version, a shorter version and this presentation. The presentation indicated that last year the City had greater than budgeted revenues and less than budgeted expenses. Our fund balance is at approximately 4.3 months of expenditures. They caution that the trend is that our taxable values will either level out or decrease in the future and that State Revenue Sharing will continue to decrease. They also indicated that our Sewer and Water (Enterprise Fund) is of immediate concern because our revenues are going down and expenses going up significantly.

Motion by Councilmember Arnold, second by Baker to accept the 2008/2009 Audit Report. Carried. 6 Yeas. 0 Nays.

C. Consider Approval of the Camp Frances Educational and Recreational Center, Inc. By-Laws

City Manager Guetschow indicated that these by-laws pave the way for a transition from the private non-profit that exists now to a Municipal non-profit. The purpose of this is

to allow the City to cover the Camp Frances facilities under our insurance policy and allows the Camp Frances governing board a greater opportunity to apply for grants. The City will not create a line item in our budget for Camp Frances because it is not expected that we will have many expenses related to it other than the property and liability insurance and some nominal repairs and maintenance performed by the DPW.

Motion by Councilmember Arnold, second by Cuttle to approve the Camp Frances Educational and Recreational Center, Inc. By-Laws. Carried. 6 Yeas. 0 Nays

D. Set a Date for a Council Planning Work Session

City Manager Guetschow suggested Council consider a Saturday from 8 am until noon. Council agreed to hold a Planning Session on Saturday, January 16, 2009 at City Hall.

E. Discussion Regarding Green Community Challenge Resolution

Councilmember Weissenborn explained that this program is provided by the Michigan Department of Energy, Labor and Economic Growth (DELEG) and the Michigan Municipal League (MML). There are currently 74 communities taking part. The first step is to approve a resolution and then the MML facilitates the remaining 5 steps. Mr. Weissenborn is not asking council to adopt the resolution but would like to know if Council is interested in receiving more information on this opportunity. The consensus of council is that they are interested in receiving more information.

F. Consider Approval of Amendments to the Inter-Local Agreement for Recreation

Councilmember Arnold indicated that the highlighted sections of the agreement are those added or revised by the attorney for Eaton Township. There is also a minor change

that was made by Carmel Township. Attorney Hitch indicated that he would recommend against the use of AAA Arbitration, not because it is not a good organization, but because it is expensive. He would prefer that differences which reach that point be litigated through the Court system. As a result of the discussion, Mr. Arnold will try to meet with the representatives of Carmel and Eaton Townships to discuss some changes or compromises to this language.

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.

COUNCILMEMBER COMMITTEE REPORTS: Mayor Smith reported on the Downtown Development Authority meeting held on December 10.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS:

Councilmember Kruger received a copy of the City's Master Plan and has reviewed it, as well as the audit report. He also toured the Waste Water Treatment Plant.

Councilmember Baker announced that the community is invited to help wrap presents for Christmas Kiddies at the Downtown Fire Station on Saturday, December 19th from 9 am to noon.

Councilmember Cuttle thanked the finance department and other staff for the good audit results. He has spoken with the parents of the Eagle Scout who made improvements to Camp Frances and they indicated that there are other things that could be done if anyone else

is interested in a similar community project. He also announced that Step by Step will meet December 16th at City Hall at 7am.

Mayor Smith thanked Douglas Lowe for filling the vacancy on the Board of Review, the VFW for sponsoring the Christmas Dinner for families of deployed troops, and the sponsors of “Shop with a Hero” in which families are paired up with police, fire and other service representatives to shop for Christmas items. Mayor Smith wished everyone a Merry Christmas.

There being no further business, the meeting was adjourned at 9:42 p.m.

Deleski R. Smith, Mayor

Michelle M. King, City Clerk