

COUNCIL PROCEEDINGS
Regular Meeting
Monday, June 27, 2011

CALL TO ORDER: By Mayor Smith on Monday, June 27, 2011, at 7:00 p.m.

PRESENT: Councilmembers Cuttle, Kruger, Sanders, Weissenborn, Mayor Pro-Tem Baker, Mayor Smith, City Manager Guetschow and City Clerk King

ABSENT: None

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

APPROVAL OF MINUTES FOR THE REGULAR MEETING OF JUNE 13: Motion by Councilmember Cuttle, second by Sanders to approve the minutes of the regular meeting of June 13, 2011, as presented. Carried. 6 Yeas. 0 Nays.

EXCUSE ABSENT MEMBERS: None

PUBLIC COMMENT/PRESENTATIONS: None

CHARLOTTE HIGH SCHOOL LIAISON: No Report during summer break

APPROVAL OF AGENDA: Motion by Councilmember Sanders, second by Baker to approve the agenda, removing item 10i from the consent agenda and moving it to communications. Carried. 6 Yeas. 0 Nays.

APPROVAL OF CONSENT AGENDA:

- A. Second reading and adoption of an emergency ordinance to repeal Section 28(b) of Chapter 14 – Agency Designated - of the Code of the City of Charlotte and transfer responsibility for the administration and enforcement of its electrical code to the County of Eaton under the provisions of the State Construction Code Act of 1972.

THE CITY OF CHARLOTTE ORDAINS:

Section 1. Pursuant to the provisions of Section 8b(7) of the State Construction Code Act of 1972, as amended, the City of

Charlotte hereby transfers responsibility for the administration and enforcement of its Electrical Code provisions to the County of Eaton.

Section 2. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be considered an emergency ordinance under the provisions of Section 5.3(B) and shall become effective immediately upon adoption.

- B. Second reading and adoption of an emergency ordinance to repeal Section 28(b) of Chapter 14 – Agency Designated - of the Code of the City of Charlotte and transfer responsibility for the administration and enforcement of its mechanical code to the County of Eaton under the provisions of the State Construction Code Act of 1972

THE CITY OF CHARLOTTE ORDAINS:

Section 1. Pursuant to the provisions of Section 8b(7) of the State Construction Code Act of 1972, as amended, the City of Charlotte hereby transfers responsibility for the administration and enforcement of its Mechanical Code provisions to the County of Eaton.

Section 2. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be considered an emergency ordinance under the provisions of Section 5.3(B) and shall become effective immediately upon adoption.

- C. Second reading and adoption of an emergency ordinance to repeal Section 28(b) of Chapter 14 – Agency Designated - of the Code of the City of Charlotte and transfer responsibility for the administration and enforcement of its plumbing code to the County of Eaton under the provisions of the State Construction Code Act of 1972

THE CITY OF CHARLOTTE ORDAINS:

Section 1. Pursuant to the provisions of Section 8b(7) of the State Construction Code Act of 1972, as amended, the City of Charlotte hereby transfers responsibility for the administration and enforcement of its Plumbing Code provisions to the County of Eaton.

Section 2. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be considered an emergency ordinance under the provisions of Section 5.3(B) and shall become effective immediately upon adoption.

- D. Approve contract from Rowe Engineering for engineering services for 2011 paving projects in the amount of \$14,500.
- E. Approve DPW Director's request to waive the bidding requirements for the first phase of the 2011 paving project and award it to Dunn Company in the amount of \$203,628.20.

- F. Approve contract from Dixon Engineering for professional services work on Clarifier in the amount of \$2,400.00
- G. Approve Budget Adjustments #1 - #9
- H. Appoint Ernest Meyers, Sr. to Planning Commission for unexpired term ending 3/31/2012
- I. Claims and Accounts – \$266,657.33

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

ITEMS OF BUSINESS:

A. Consider a Resolution to place on the November Ballot a Headlee Override Question

City Manager Guetschow a resolution has been prepared by the City Attorney to place a question on the November 2011 ballot to ask voters for a Headlee override of the maximum millage authorized by Charter. Council needs to decide if they want to ask for the Headlee override, and if so, for what period of time they want it for. If it passes, it will not affect the budget until July 1, 2012. The override, would give the ability, but would not require, Council to levy an additional .7087 mills. Council should decide the period of time they wish the override to continue before it begins to ratchet back.

Motion by Councilmember Kruger, second by Weissenborn to limit the Headlee override to a period of three years before it begins to ratchet back and make a correction in the ballot language “The estimate of the revenue the City will collect if the millage is authorized and levied by the City in the 2011 calendar year...” from 2011 to 2012. Carried. 6 Yeas. 0 Nays.

Councilmember Sanders offered the following resolution and moved its adoption:

WHEREAS, the City Council has determined that the City faces a significant reduction in revenues due to the decrease in the value of real property within the City of Charlotte and the reduction in revenue sharing from the State of Michigan; and

WHEREAS, the City is prevented from levying its full authorized millage as set forth in the City Charter pursuant to the millage reduction provisions of the Headlee Amendment to the Michigan Constitution; and

WHEREAS, the City Council has determined that it is in the best interests of the City if it seeks approval from the voters pursuant to MCL 211.34d to override the rollback of the City millage rate from the current maximum allowed millage of 14.2913 mills to 15 mills and to reinstate said rate for a term of years; and

WHEREAS, the City Council wishes to submit this proposal in question to the voters at the November 8, 2011 election.

NOW, THEREFORE, BE IT RESOLVED that:

1. The following proposition shall be submitted to the electors of the City at the November 8, 2011 election:

HEADLEE OVERRIDE BALLOT PROPOSAL

Shall the authorized charter millage for the City of Charlotte, established at 15 mills (\$15.00 per \$1,000 of taxable value) and reduced to 14.2913 mills (\$14.2913 per \$1,000 of taxable value), by the required millage rollbacks, be increased in an amount not to exceed .7087 mills (\$.7087 per \$1,000 of taxable value) to restore the full amount of the original authorized charter rate for each year for three (3) years, 2012 to 2014, inclusive, for all City and municipal purposes authorized by law; and shall the City levy such new additional millage? The estimate of the revenue the City will collect if the millage is authorized and levied by the City in the 2012 calendar year is approximately \$159,800, a portion of which (\$2,000) will be disbursed to the Charlotte Downtown Development Authority and a portion (\$2,300) which will be disbursed to the Charlotte Local Development Finance Authority.

2. The City Clerk, the City Attorney, and other City officials are authorized and directed to take any and all actions necessary to have the proposal placed on the November 8, 2011 election ballot.

3. All existing or previous resolutions and parts of resolutions, insofar as they may conflict with the provisions of this resolution, are hereby rescinded to the extent necessary to avoid such conflict.

Second by Kruger. Carried. 6 Yeas. 0 Nays.

B. Confirm City Clerk's Recommendation for Ward Apportionment Map

Pursuant to the decennial census, the Charter requires the City Council establish ward boundaries that are "compact, contiguous and of equal population" the City Clerk advised Council that this proposed map changes the boundaries very slightly. The boundary line is unchanged, starting at the north city limits on Cochran then west on Beech Street, south on Sheldon to Tirrell Highway and east to Cochran then south to the city limits. However, now everyone east of the District (Ward) boundary line will be in District 1 and everyone west of the boundary line will be in District 2. This configuration meets the Charters standards.

Motion by Weissenborn, second by Kruger to approve the Clerk's recommendation for the Ward Apportionment map boundaries starting at the north city limits on Cochran then west on Beech Street, south on Sheldon to Tirrell Highway and east to Cochran then south to the city limits based upon it meeting the criteria established in the Charter. Carried. 6 Yeas. 0 Nays.

C. Consider Contract with the Eaton County Prosecuting Attorney's Office for Prosecution of Alcohol, Drug and Juvenile Cases

City Manager Guetschow explained that originally this shift to the prosecutors office for the prosecution of some violations was going to be made by the officers simply writing violations under state statute rather than city code, however, if that is done, the fines and penalties derived will be diverted to libraries, and the result is that the prosecutors office bears the burden of the cost of

prosecution, but does not receive the benefit of the income from the fines and penalties. This was not the intention. Therefore, the County has drawn up a short term contract which has been reviewed by Tom Hitch. It may be extended upon mutual agreement by both parties.

Motion by Councilmember Sanders, second by Baker to approve a Contract with the Eaton County Prosecuting Attorney for prosecuting alcohol, drug and juvenile violations of City ordinances committed with in the City for a period of three months, extendable upon mutual agreement of the parties. Carried. 6 yeas. 0 Nays.

D. Consider Purchase of Tax Foreclosed Property

The City Manager explained that every year about this time, the State holds a public auction of tax foreclosed properties. Prior to that auction, the properties are offered to the taxing jurisdiction in which they are located for the minimum bid price. This year there are five in the City. Two of them are homes that will probably either be redeemed by the owner or purchased at auction for rehabilitation and/or resale. One is an odd shaped property that will be expensive to obtain and is really of little value to the City. However, the final two are worth pursuing. The first is commonly known as the Wollin Property located just north of Hope Landing. There is some interest in potential future development on that property. The other is the property located at the corner of Shaw and Sheldon where the City tore down a house last year. Acquiring this property will give the City an opportunity in the future to recoup the cost of the demolition.

Councilmember Kruger offered the following resolution and moved its adoption:

WHEREAS, the State of Michigan annually offers the City of Charlotte the opportunity to purchase tax foreclosed properties within its jurisdiction, and

WHEREAS, the list of properties available for acquisition numbers five this year, and

WHEREAS, the City of Charlotte has an interest in the property identified by Local Parcel Number 23-200-056-800-205-00 located on the north east corner of Shaw and Sheldon Streets available to the City for \$1,857.04, and

WHEREAS, the City of Charlotte has an interest in the property identified by Local Parcel Number 23-200-006-300-011-02 commonly known to us as the Wollin Products Property located north of Hope Landing available to the City for \$3,229.53.

NOW THEREFORE, BE IT RESOLVED that the Charlotte City Council approves the purchase of Local Parcel Number 23-200-056-800-205-00 and Local Parcel Number 23-200-006-300-011-02 in the total amount of \$4,236.89.

Second by Sanders. Carried. 6 Yeas. 0 Nays.

E. Consider Revised Draft Policy Statement: Community and Economic Development

City Manager Guetschow directed Council to the change that was suggested by former Councilmember Arnold in regard to collaboration and quality of place. There were no other recommendations.

Motion by Councilmember Cuttle, second by Baker to approve the Council Policy Statement on Community and Economic Development. Carried. 6 Yeas. 0 Nays.

F. Discuss Procedure for filling City Council Vacancy

Mayor Smith announced that we have officially received the resignation of Bill Arnold. We now have 30 days in which to fill it, which, because of the way the meetings fall in July, means it needs to be filled at the July 11th meeting. He directed the City Clerk to publish the vacancy as soon as possible. Applications can be directed to the Clerk and will be immediately forwarded to the Mayor and City Manager. If the vacancy is not filled by July 21st, the vacancy will remain until the November election.

COMMUNICATIONS AND COUNCILMEMBER COMMITTEE REPORTS:

The City Manager was out last week at “Girls State” and therefore, there was no written report from him. He gave a report on Girls State, the American Legion Auxiliary Government program he is involved in. He indicated that this is the last printed Council packet that Council will receive. If, in the future, anyone would like a portion of the packet printed, notify the Clerk and she will see that it is done.

PUBLIC COMMENT: None

MAYOR AND COUNCIL COMMENTS:

Councilmember Weissenborn requested that we replace the American flag at the I-69 interchange if it is our responsibility, and if not, try to figure out whose it is and let them know it needs to be done. He also mentioned that the cement is done for the hockey rink and the boards may be painted by a volunteer group from Lansing.

Councilmembers wished former Councilmember Arnold well.

Councilmember Cuttle attended the Car Show during Celebrate Charlotte with his boys and enjoyed it very much.

Mayor Smith congratulated the organizers of Relay for Life on a successful event this year. There were 31 teams who raised just under \$64,000 bringing the to-date total for Charlotte Relay for Life to over \$675,000. He thanked Councilmember Weissenborn for his commitment to the Hockey Rink project and congratulated him on its recent progress. He also acknowledged Victor Braatz work on the Community Garden and recognized The Gavel Restaurant for donating stone for the project.

There being no further business, the meeting was adjourned at 8:11 p.m.

Deleski R. Smith, Mayor

Michelle M. King, City Clerk