

COUNCIL PROCEEDINGS
Regular Meeting
Monday, August 22, 2011

CALL TO ORDER: By Mayor Smith on Monday, August 22, 2011, at 7:00 p.m.

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

ABSENT: None

The invocation was offered by Mayor Smith, followed by the pledge of allegiance, led by John Geddie, Chaplain and Former Commander, American Legion Post 42.

APPROVAL OF MINUTES FOR THE REGULAR MEETING OF AUGUST 8: Motion by Councilmember Cuttle, second by Baker to approve the minutes of the regular meeting of August 8, 2011, as presented. Carried. 7 Yeas. 0 Nays.

EXCUSE ABSENT MEMBERS: None.

PUBLIC COMMENT/PRESENTATIONS: Julie Shaver, 424 West Seminary, expressed concerns regarding Oak Park and the surrounding neighborhood. There has recently been a large number of Junior High and High School aged children congregating at Oak Park, they use vulgar language, fight, intimidate others who try to use the park, and may be smoking marijuana. What can be done?

Joe E. Pray, 316 W. Seminary, shared his neighbors concerns and read a letter from his wife, Lori. He suggests more frequent Police appearances are needed to get the situation under control, but indicated that they are willing to help any way they can.

Carol Pion, 6 Fenn Court, also spoke regarding Oak Park and inquired as to the process for establishing a neighborhood watch

CHARLOTTE HIGH SCHOOL LIAISON: No report during summer break

APPROVAL OF AGENDA: Motion by Councilmember Kruger, second by Sanders to approve the agenda, with the addition of item 11H) Consider Amendment to Camp Frances Educational Recreational Center, Inc. Articles of Incorporation. Carried. 7 Yeas. 0 Nays.

APPROVAL OF CONSENT AGENDA:

- A. Approve the sale of a new Baldor electric motor to the City of Eaton Rapids in the amount of \$1,750, pursuant to the recommendation of the Utilities Superintendent
- B. Approve recommendation from DPW Director for crack sealing of major and local streets from the low bidder, Pavement Restoration in the amount of \$1.18 per pound
- C. Approve recommendation from DPW Director for painting of the WWTP Primary Clarifier from the low bidder, Fedewa, Inc. in the amount of \$24,400
- D. Adopt the revised resolution approving festivities and road closings for Frontier Days Celebration September 8 – 11, 2011

WHEREAS, the Frontier Days Festival is a community based, organized event that is to be held September 8 through the 11, 2011; and
WHEREAS, the Frontier Days Festival Committee is responsible for organizing events that contribute to community wide fellowship, benevolence, and welfare; and

WHEREAS, the Committee in conjunction with the Chief of Police, Lieutenant and DPW Director, have planned the Frontier Days Parade and other events that require use and closure of certain public streets and right of ways; and

WHEREAS, the Committee has requested that the Charlotte City Council approve the following requests and conditions:

CLOSURE OF STREETS

1. Closure to through traffic from 6:00 a.m. to 1:00 p.m. on Saturday, September 10, 2011:

West Lovett from Cochran to Bostwick
East Lovett from Cochran to Pleasant
Seminary from Cochran to Pleasant
Krebs Ct. from Cochran to Horatio
Henry from Cochran to Pleasant
Warren from Cochran to Pleasant
Shaw from Cochran to Pleasant
Horatio from Lawrence to Shepherd
Washington from Lawrence to Seminary

With one side of above mentioned street remaining open for emergency vehicle access.

2. The Committee will provide for street closure signing as per the Michigan Manual of Uniform Traffic Devices for the above streets, except for Horatio. The city will supply closing signs for Horatio at Shepherd and Lawrence.
3. The Committee requests W. Lovett from Cochran to Bostwick closed on Saturday, September 10, after 5:00 am to Saturday, September 10, at 6:00 p.m. for special events.
4. The Committee requests E. Lovett from Cochran to Washington closed on Friday, September 9, after 8:00 p.m. to Saturday, September 10, at 6:00 p.m. for placement of a "Reviewing Stand" east of the Cochran intersection and for special events.
5. The Committee requests Cochran from Lawrence south to Fourth St. be closed from 9:30 a.m. Saturday, September 10, until 1 p.m. Saturday, September 10 for a parade and as approved by the Michigan Department of Transportation Permit.

PARADE – SEPTEMBER 10, 2011

1. The Department of Public Works shall be responsible for placement of the required "NO PARKING" signs at 5:00 a.m., Saturday, September 10, 2011, along the parade assembly area as well as

Third St., Fourth St., and the 100 Blk. of W. Stoddard St. or as designated by the Charlotte Police Department.

2. The Committee will provide parade marshals near the street closure locations to assist with traffic.
3. The Committee requests that the Charlotte Police Department provide assistance for the parade on September 10, and further assistance will be provided by parade marshals, with the route and detour of the parade and time being provided to the Charlotte Police at the earliest opportunity.
4. The Committee will rope the parade route and display "No Parking" signs on the morning of the parade between 5:00 a.m. and 6:00 a.m. and remove them immediately after the parade.
5. Due to the parade route no parking will be allowed on Third Street, both on the East and West side of the fairgrounds.

OTHER REQUESTS

1. Council gives special approval for the use of Eatan Trolley pickup signs placed in the right-of-way where necessary.
2. The Committee will provide "No Parking" signs for the above streets except for Horatio which the city will provide the "No Parking" signs.
3. The Committee will provide, for approval, to the Chief of Police, a completed liquor license application for the saloon.
4. HGB Hospital in cooperation with the Committee will organize and hold a "5 K Race" on Saturday morning, September 10, 2011. The race will begin in the 200 Block of N. Oliver St., follow the parade route, circle through Bennett Park and return to finish on Lawrence Ave. near Pleasant Street.
5. That the City Department of Public Works install event signs to be placed in the right of way on S. Cochran - South bound, North of Third Street (60" x 18"), North bound South of Third Street (48" x 6"), and North bound, South of tennis court/fairgrounds entrance (60" x 18").
6. Grant the use of Bennett Park, south of the river, for the 18th Century Encampment as in the past years and in front of foot bridge to history camp.
7. Grant use of Camp Francis roadway and back roadway of Bennett Park for Conestoga wagon rides from 1 p.m. to 4 p.m., Saturday, September 10, 2011 only.

8. The Committee will provide several kids rides and petting zoo, at the Eaton County Fairgrounds from September 9 through September 11, 2011.
9. Grant the use of the back entrance into the fairgrounds camping area located adjacent to the waste water treatment plant, for the entrance and exit of campers and their vehicles and for access on and off the grounds Saturday, September 10, during the 5k race and the parade (9:30 a.m. to 1:00 p.m.)
10. That the following area be designated as “No Parking”: All four sides of the 1885 Courthouse block which includes East bound Harris, South bound Cochran, West bound Lawrence, and North bound Bostwick and the North side of 100 and 200 blocks of West Harris, with a portion of N. Bostwick Ave. reserved for handicapped parking. The “No Parking” signs will be placed around the square as coordinated by the Charlotte Police Department and the Arts and Craft Chairman with signing to be provided by the Arts and Crafts Committee.
11. Permission to place arts and crafts in the parkway around Courthouse square boarded by Cochran, Lawrence, Bostwick, and Harris streets under the direction of the Charlotte Police Department in accordance with a layout map provided.
12. A license will be granted to Charlotte Frontier Days, Inc. to be the designated agent for all solicitor licenses in the City of Charlotte during the Frontier Days Celebration from September 8 through September 11, 2011, per City Code, Chapter 46, Section 2.

WHEREAS, the City Council of the City of Charlotte determine these temporary street closings and other requests are in the best interest of the City.

WHEREAS, the City of Charlotte may require payment for in kind services to cover the costs of overtime labor and equipment charges used in conjunction with this special event.

NOW, THEREFORE BE IT RESOLVED, that these street closures at the specified times and the other requests be granted.

BE IT ALSO RESOLVED, that the Department of Public Works will provide the requested barricades and signs for street closings and parking.

E. Claims and Accounts – \$217,780.14

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

ITEMS OF BUSINESS:

A. Designate Voting Delegates to the Michigan Municipal League 2011 Annual Meeting

Motion by Councilmember Kruger, second by Cuttle to appoint Mayor Deleski Smith as the City’s Official Voting Representative and Mayor Pro Tem Mary Jean Baker as the Alternate to the Michigan Municipal League 2011 Annual Meeting. Carried. 7 Yeas. 0 Nays

B. Consider Request for Waiver of Cost Reimbursement Policy from Frontier Days

City Manager Guetschow explained that the City’s costs for Frontier Days events, as estimated by the City Police Department and Department of Public Works totals in excess of \$11,000. City Council, in considering its decision, should determine whether the City’s participation in the event constitutes a public purpose related to the City’s mission of protecting the public health, safety and welfare; and whether there is an absence of other means to accomplish the objectives for which the City services are required. Further, Council should recognize that its actions will establish a precedent for future requests. Since the Policy was established so close to the Frontier Days event, the Frontier Days Committee is also requesting that City Council allow them to pay for the costs associated with its 2011 festivities after the event rather than before.

Motion by Councilmember Conway, second by Kruger to waive the costs associated with the 2011 Frontier Days Festivities with the exception of the Saloon and allow for 2011 payment, if Police are used for the Saloon, to be made following the event. Carried. 7 Yeas. 0 Nays.

C. Consider Request for Waiver of Cost Reimbursement Policy from American Legion Riders Post 42

City Manager Guetschow explained that the roll of the Police Department was related to traffic control and acting as an escort for the parade. The Police Department costs incurred was \$347. Mr. Guetschow believes that traffic control and the escort role serve to protect the safety of motorists and pedestrians and thus constitute a public purpose.

Motion by Councilmember Sanders, second by Kruger to approve the request for waiver of the Cost Reimbursement Policy from the American Legion Riders Post 42. Carried. 7 Yeas. 0 Nays.

D. Discussion Regarding Proposed Dashboard Elements

City Manager Guetschow explained that the Economic Vitality Incentive Program requires that communities establish a performance dashboard and make it available to the public prior to the end of September. The City Manager is requesting input from Council on indicators that they believe are important, measurable and something in which we can effect change. Recommendations included:

- 1) How many businesses have been started as a result of the City's Entrepreneurship Classes?
- 2) The percentage of businesses that are owner/operated
- 3) Quality of Place measurements
- 4) Park related complaints before/after new park policy is implemented
- 5) Renters v owner occupied homes
- 6) Vacancy rates for homes and businesses
- 7) Spending on police, fire and roads compared to standards set by a relevant professional/trade organization

E. Consider Policy Statement: Environmental Stewardship

Councilmember Cuttle explained that the policy, as presented, envisions City Council in an educational and leadership role. No

changes were recommended as a result of discussion at the last meeting.

Motion by Councilmember Conway, second by Baker to approve the City Council Policy Statement on Environmental Stewardship, as presented. Carried. 7 Yeas. 0 Nays.

F. Update Policy Discussion Calendar

The September Policy Statement discussion is Traffic Calming, Trails and Transportation presented by Mayor Pro Tem Baker; October is Housing Stabilization and Revitalization by Councilmember Weissenborn.

G. Consider request to meet in closed session at the conclusion of regular business for the purpose of discussing attorney/client privilege communications pursuant to MCL 15.268(e)

Motion by Councilmember Cuttle, second by Sanders to approve request to meet in closed session at the conclusion of regular business for the purpose of discussing attorney/client privilege communications pursuant to MCL 15.268 Sec 8(e). Carried. 7 Yeas. 0 Nays.

H. Consider Amendment to Camp Frances Educational Recreational Center, Inc Articles of Incorporation

The City Treasurer received notification in the mail today that the Camp Frances Articles of Incorporation wording under Section II "Purpose" is not sufficient to allow Camp Frances to be deemed a 501(c) (3) organization by the Internal Revenue Service. The IRS sent us suggested verbiage to amend the Articles of Incorporation to read. However, the deadline to submit the language to the IRS is September 19th, and it must be approved by City Council and the State of Michigan before it goes to the IRS. Therefore, time is of the essence.

Motion by Councilmember Kruger, second by Baker to waive notice of special meeting by Camp Frances

Educational Recreational Center, Inc. shareholders and consent to hold the special meeting of the corporation on August 22, 2011, pursuant to MCL 450.2141. Carried. 7 Yeas. 0 Nays.

Motion by Councilmember Sanders, second by Conway to amend Article II, Purpose, of the Camp Frances Educational Recreational Center, Inc. Articles of Incorporation to read “The Corporation is organized and operated exclusively for charitable, educational, religious or scientific purposes within the meaning of section 501(c)(3) of the Internal Revenue Code.” Carried. 7 Yeas. 0 Nays.

COMMUNICATIONS AND COUNCILMEMBER COMMITTEE REPORTS:

The City Attorney Report will be given in closed session.

The City Manager reviewed his written report, highlighting the memo regarding the general office change of hours from the City Treasurer and Clerk, the November Election overview, and the receipt of deeds for foreclosed property the City purchased from the State of Michigan. The City Manager and Police Chief are contemplating the appropriate Police Department staffing levels in light of two recent retirements. The Police Department is currently creating an eligibility list to hire from when the staffing level has been determined.

Councilmember Weissenborn expressed his opposition to the change in general office hours stating that there were additional opportunities that should have been explored, but were not.

PUBLIC COMMENT: John Geddie, 832 Walnut Street, asked if the American Legion and VFW will need to request a waiver for the Memorial Day Parade; and gave notice that they will be escorting the 119th Infantry back home next month, but will probably not require traffic control for that event.

Dianne Barmes, Walton Township, thanked Council for waiving the fees for Frontier Days and stated that they have considered moving all of the events to the Fair Grounds, however, the downtown businesses have asked them not to. She stated that the funds raised by Frontier Days go back into the community to support programs such as the parks and hospice.

MAYOR AND COUNCIL COMMENTS:

Several Councilmembers expressed their concern at the tough decisions they have had to make as Councilmembers and about the changing times and challenging financial concerns. Some showed an interest in attending the Frontier Days meeting on Wednesday, August 24th at 7:00 p.m. in the Community Room downstairs in City Hall.

Councilmember Sanders thanked the DPW for the letter he and other local residents received announcing the construction on Washington Street. It is going very well.

Mayor Smith recognized the efforts Tim and Angie Bahmer on Munson and Washington Streets for the improvements made to their property and the surrounding area. He congratulated Charlotte Police Officer Steve Poshedly on his retirement and the American Legion Riders Post 42 on the well organized Legacy Run event held August 21st.

Motion by Councilmember Kruger, second by Cuttle to convene in closed session pursuant to MCL 15.268(e) at 8:39 p.m. Carried. 7 Yeas. 0 Nays.

Motion by Councilmember Cuttle, second by Kruger to reconvene into open session at 9:14 p.m. Carried. 7 Yeas. 0 Nays.

Motion by Councilmember Sanders, second by Kruger to approve the minutes of the closed session held on March 23, 2011, as presented. Carried. 7 Yeas. 0 Nays.

Motion by Mayor Pro Tem Baker, second by Conway to approve a Settlement Agreement with Charlotte Southern Railroad and authorize the City Manager to execute the agreement on the City's behalf. Carried. 7 Yeas. 0 Nays.

There being no further business, the meeting was adjourned at 9:16 p.m.

Deleski R. Smith, Mayor

Michelle M. King, City Clerk