

## **COUNCIL PROCEEDINGS**

### **Regular Meeting**

**October 12, 2015**

**CALL TO ORDER:** By Mayor Burch on Monday, October 12, 2015 at 7:00 p.m.

**PRESENT:** Councilmembers Baker, Conway, Dyer, Johnston, Ridge, Mayor Pro-Tem Sanders, Mayor Burch, City Clerk Terpstra and City Manager Guetschow.

The invocation was offered by Mayor Burch followed by the Pledge of Allegiance.

**APPROVAL OF MINUTES FOR REGULAR MEETING OF SEPTEMBER 28, 2015:** Mayor Pro-Tem Sanders moved, supported by Baker to approve the minutes of September 28, 2015 as presented. Carried. 7 Yes. 0 No.

**ABSENT:** None.

**PUBLIC COMMENT:** Amy Gilson, DPW Director, on behalf of the entire Park Advisory Board, thanked Councilmember Baker for the park signs that she donated at Oak Park, Lincoln Park and Dean Park.

**CHARLOTTE HIGH SCHOOL LIAISON:** Madelynn Hull, reported that the fall sports programs are coming to a close. The soccer team is still undefeated and the tennis team is going to State's next week for the very first time. They are preparing for the upcoming musical "Singin' in the Rain" on November 5, 6 and 7<sup>th</sup>. The underclassman will be taking the PSAT next week.

Alex Reinbold is the LSJ Athlete of the Week. He has won 106 times in tennis.

**APPROVAL OF AGENDA:** Councilmember Ridge moved, supported by Dyer to approve the agenda as presented. Carried. 7 Yes. 0 No.

### **SPECIAL PRESENTATIONS:**

#### **A. PRESENTATION BY COUNCIL MEMBER DYER REGARDING ESTABLISHING A REVOLVING LOAN FUND:**

Councilmember Dyer explained that he, along with Community Development Director Myrkle and Councilmember Ridge, has researched the possibility of creating a revolving loan fund to help the downtown business community. This would be funded by some of the Owens Brockway funds. Two different options have been prepared for council's consideration.

Discussion was held regarding how the revolving fund would work.

Community Development Myrkle explained the program and how it would encourage business to the downtown area.

Rob Whitaker, Huntington Bank, explained how the bank would work in conjunction with the City to provide these loans to area businesses.

### **EXPEDITED RESOLUTIONS AND ORDINANCES**

#### **A. RESOLUTION 2015-16 TO APPROVE CLAIMS AND ACCOUNTS:**

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**A RESOLUTION TO APPROVE EXPENDITURES OF  
THE CITY FOR OCTOBER 12, 2015**

**WHEREAS**, Section 7.7 (B) of the City Charter requires  
Council approval for the expenditure of city funds; and

**WHEREAS**, the October 2, 2015 payroll totaled \$129,905.67;  
and

**WHEREAS**, the October 12, 2015 claims total \$198,658.45;

**THEREFORE, BE IT RESOLVED** that the City Council  
approves claims and accounts for October 12, 2015 in  
the amount of \$328,564.12.

**APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL  
CALL VOTE:** Mayor Pro-Tem Sanders moved, supported  
by Conway to approve the consent agenda as presented. 7  
Yes. 0 No.

**ACTION ITEMS – RESOLUTIONS AND ORDINANCES:**  
None.

**INTRODUCTION OF RESOLUTIONS AND  
ORDINANCES:**

**A. CONSIDER APPROVING FIRST READING OF  
EITHER RESOLUTION NO. 2015-17 OR  
RESOLUTION NO. 2015-18 REGARDING A  
CONTRACT FOR ENGINEERING SERVICES  
FOR THE WWTP CHEMICAL FEED BUILDING  
PROJECT:**

Resolution No. 2015-17 was introduced, reading as follows:

**WHEREAS**, this project was identified for construction within three  
years in the 2012 Capital Improvement Plan prepared by  
Fishbeck, Thompson, Carr, and Huber; and

**WHEREAS**, the WWTP uses ferric chloride (Fe Cl<sub>3</sub>) continually as  
a critical process chemical for the removal of phosphorus;  
and

**WHEREAS**, the Fe Cl<sub>3</sub> is currently located in the main control  
building and is corroding equipment in its vicinity including  
the main electrical feed to the plant, electrical switchgear for  
critical operations in the plant, HVAC equipment, doors,  
lighting, and the generator; and

**WHEREAS**, the two 5,000 gallon tanks and the required pumps for  
the FeCl<sub>3</sub> have previously experienced failures and have  
served beyond their useful life; and

**WHEREAS**, the building was built around the tanks and  
replacement of the tanks in the same location would require  
removal of the roof or a masonry wall; and

**WHEREAS**, the current location of the Fe Cl<sub>3</sub> requires pumping the  
chemical over 500 feet which leads to periodic plugging of  
the piping; and

**WHEREAS**, operational staff along with the engineers agree that it  
would be in the best interest of the operations to move the Fe  
Cl<sub>3</sub> to a location approximately 100 feet from the application  
point; removing the tank from a building where it is causing  
corrosion; that proper containment and ventilation be  
provided for safety; and that the existing tank area would be  
retrofit to increase efficiency of the operations in the main  
control building; and

**WHEREAS**, Moore & Bruggink has submitted a proposal in the  
amount of \$64,000 to prepare plans and specifications.

**THEREFORE, BE IT RESOLVED** That the City enter into a  
contract with Moore & Bruggink to provide the above

mentioned services and that the mayor or clerk be directed to sign said contract on behalf of the City.

Resolution No. 2015-18 was introduced, reading as follows:

**WHEREAS**, the WWTP uses ferric chloride ( $\text{Fe Cl}_3$ ) continually as a critical process chemical for the removal of phosphorus; and

**WHEREAS**, the  $\text{Fe Cl}_3$  is currently located in the main control building and is corroding equipment in its vicinity including the main electrical feed to the plant, electrical switchgear for critical operations in the plant, HVAC equipment, doors, lighting, and the generator; and

**WHEREAS**, the two 5,000 gallon tanks and the required pumps for the  $\text{FeCl}_3$  have previously experienced failures and have served beyond their useful life; and

**WHEREAS**, the building was built around the tanks and replacement of the tanks in the same location would require removal of the roof or a masonry wall; and

**WHEREAS**, Moore & Bruggink has submitted a proposal in the amount of \$7,000 to prepare a report detailing alternatives for the replacement of the above mentioned equipment.

**THEREFORE, BE IT RESOLVED** That the City enter into a contract with Moore & Bruggink to provide the above mentioned services and that the mayor or clerk be directed to sign said contract on behalf of the City.

Discussion was held by councilmembers regarding the current location of the chemicals and the need for them to be moved. The engineering costs were discussed along with the possibility of another type of building construction.

Matt Griffith, WWTP Superintendent, was present to answer questions that councilmembers had regarding the project.

**Motion by Councilmember Conway, second by Baker to approve the first reading of Resolution No. 2015-17 with the addition of language to read “including alternative building configurations, designs and construction” Carried. 7 Yes. 0 No.**

**B. CONSIDER APPROVING THE FIRST READING OF  
RESOLUTION NO. 2015-19 REGARDING  
DISPOSITION OF OWENS-BROCKWAY  
JUDGMENT FUNDS:**

Resolution No. 2015-19 was introduced, reading as follows:

**WHEREAS**, subsequent to the closure of Owens-Brockway’s plant in 2010, the City commenced legal action to enforce contract provisions related to damages owed to the City and other taxing jurisdictions and was successful in this action; and

**WHEREAS**, the City’s share of the judgment equaled \$883,000, which funds are being accounted for as a designated reserve in the City’s General Fund; and

**WHEREAS**, the City Council acknowledges that this judgment is unprecedented and unlikely to be repeated and that these funds should be managed in a manner that can best meet the needs of current and future residents while preserving their value;

**THEREFORE, BE IT RESOLVED** that the sum of \$883,000, hereinafter referred to as the principal amount, shall remain as a designated reserve in the General Fund and shall be invested in accordance with provisions of Public Act 20 of

1943 and such investment policies consistent with Public Act 20 as Council shall from time to time adopt; and

**BE IT FURTHER RESOLVED** that 90% of the net investment earnings on the principle amount in a fiscal year shall be appropriated in the budget for the subsequent fiscal year for such purposes as Council shall direct. The remaining 10% of net investment earnings shall be added to and become a part of the principal amount and retained as part of the designated reserve. "Net investment earnings" shall mean the amount earned through investing the funds less fees and commissions, if any; and

**BE IT FURTHER RESOLVED** that the Finance Director shall solicit proposals for investing the principal amount from financial institutions with offices in Charlotte that meet the City's standards for depositories of City funds, which proposals shall be submitted to City Council for review and action.

Discussion was held among councilmembers regarding the amount of funding and how much to appropriate for certain projects according to Resolution 2015-19.

**Motion by Dyer, second by Conway to approve the first reading Resolution 2015-19 with the amendment to designate the sum of \$600,000 as a reserve in the General Fund, the sum of \$200,000 be designated reserve for future downtown revolving loan program and that up to \$83,000 be appropriated in the 2015-16 fiscal year for the purpose of replacing two weather warning sirens and upgrading two other weather warning sirens. Any portion of the \$83,000 remaining after completion of the upgrades will become part**

**of the principal amount of the \$600,000. Carried. 7 Yes. 0 No.**

**C. CONSIDER APPROVING THE FIRST READING OF  
RESOLUTION NO. 2015-20 REGARDING  
ALLOWING SUNDAY MORNING LIQUOR SALES:**

Resolution No. 2015-20 was introduced, reading as follows:

**WHEREAS**, Public Act 231 of 2010 permitted the sale of alcoholic beverages between 7:00 a.m. and 12:00 noon on Sunday but also allowed the legislative body of a city, by resolution, to prohibit such sales; and

**WHEREAS**, during its meeting held on December 13, 2010, the City Council passed a resolution that continued the practice in Charlotte of prohibiting the sale of alcoholic beverages between 7:00 a.m. and 12:00 noon on Sunday; and

**WHEREAS**, the prohibition against the sale of alcoholic beverages between 7:00 a.m. and 12:00 noon on Sunday is found to be an inconvenience to members of the public and to put some merchants at a competitive disadvantage as compared to merchants in communities that permit such sales; and

**WHEREAS**, the City Council finds that the public welfare is better served by permitting the sale of alcoholic beverages between 7:00 a.m. and noon on Sunday and desires to rescind its December 13, 2010 resolution prohibiting such sales;

**THEREFORE, BE IT RESOLVED** that the resolution adopted by the City Council during its meeting held on December 13, 2010 that continued the prohibition against the sale of alcoholic beverages shall be and the same is hereby rescinded; and

**BE IT FURTHER RESOLVED** that the City Clerk shall submit a true copy of this resolution to the Michigan Liquor Control Commission together with such other documentation as the

Commission shall require so as to permit the issuance of licenses to Charlotte merchants for the sale of alcoholic beverages between 7:00 a.m. and noon on Sunday.

Discussion was held among councilmembers on the pros and cons of Sunday morning liquor sales.

**Motion by Councilmember Dyer, second by Sanders to approve the first reading of Resolution No. 2015-20 as presented. Carried. 6 Yes. (Dyer, Johnston, Ridge, Sanders, Baker, Burch) 1 No. (Conway)**

**D. CONSIDER APPROVING THE FIRST READING OF RESOLUTION NO. 2015-21 REGARDING FBO CONTRACT:**

Resolution No. 2015-21 was introduced, reading as follows:

**WHEREAS**, Charlotte Air Services and its owner, Todd Cotter, has provided Fixed Base Operator services at Fitch H. Beach Municipal Airport since 2009; and

**WHEREAS**, the contract for these services is in need of renewal; and

**WHEREAS**, Charlotte Air Services has satisfactorily met the obligations required under the contract; and

**WHEREAS**, the contract arrangements now in place have served the best interests of both parties throughout the duration of the contract.

**THEREFORE, BE IT RESOLVED** that the contract between the City of Charlotte and Charlotte Air Services for the provision of Fixed Base Operator services at Fitch H.

Beach Municipal Airport be renewed for an additional three years.

City Manager Guetschow stated that Todd Cotter is the current Fixed Base Operator at the airport and that the city has been very satisfied with his work.

**Motion by Councilmember Ridge, second by Baker to approve the first reading of Resolution No. 2015-21 as presented. Carried. 7 Yes. 0 No.**

**E. CONSIDER APPROVING THE FIRST READING OF RESOLUTION NO. 2015-22 REGARDING AIRPORT MANAGER CONTRACT:**

**WHEREAS**, Charlotte Air Services and its owner, Todd Cotter, has served as Airport Manager at Fitch H. Beach Municipal Airport since 2009; and

**WHEREAS**, the contract for these services is in need of renewal; and

**WHEREAS**, Charlotte Air Services has satisfactorily met the obligations required under the contract; and

**WHEREAS**, the contract arrangements now in place have served the best interests of both parties throughout the duration of the contract.

**THEREFORE, BE IT RESOLVED** that the contract between the City of Charlotte and Charlotte Air Services for the provision of 'Airport Manager' services at Fitch H. Beach Municipal Airport be renewed for an additional three years.

**Motion by Councilmember Dyer, second by Johnston to approve the first reading of Resolution No. 2015-22 as presented. Carried. 7 Yes. 0 No.**

**F. CONSIDER APPROVING THE FIRST READING  
OF ORDINANCE REGARDING BUILDING  
BOARD OF APPEALS AND SET A PUBLIC  
HEARING OF OCTOBER 26, 2015:**

An ordinance establishing a Building Board of Appeals was introduced as follows:

AN ORDINANCE TO AMEND CHAPTER 14 - BUILDINGS AND BUILDING REGULATIONS - OF THE CODE OF THE CITY OF CHARLOTTE BY REPEALING SECTION 14-30 AND ADDING ARTICLE VI, SECTIONS 14-120 THROUGH SECTION 14-127 TO ESTABLISH A BUILDING BOARD OF APPEALS FOR THE CITY OF CHARLOTTE.

THE CITY OF CHARLOTTE ORDAINS:

**SECTION 1. PURPOSE.** The purpose of this ordinance is to establish a board of appeals for the purpose of hearing and deciding appeals related to the City's enforcement of the building code. The board of appeals established hereby replaces the zoning board of appeals that had formerly been assigned responsibilities for hearing such appeals. The building board of appeals will be constituted as a board whose members possess knowledge and experience in the building trades so as to more effectively decide matters brought before it.

**SECTION 2. REPEAL.** Section 14-30 of Chapter 14 - Building and Building Restrictions - of the Code of the City of Charlotte is hereby repealed.

**SECTION 3.** Article VI of Chapter 14 - Buildings and Building Restrictions - of the Code of the City of Charlotte is hereby added to read as follows:

**Section 14-120. Creation; membership; rules.**

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code, there shall be, and is hereby created, a board of appeals, consisting of three members who are qualified by experience and training to pass upon matters pertaining to building construction. The building official shall be an ex officio nonvoting member and shall act as secretary of the board. The board of appeals shall be appointed by the mayor at or before the first council meeting of December of each year to serve from and after January 1 of each year. With the first appointments made prior to December, 2015, one member shall be appointed every year thereafter and each member appointed shall serve for a term of three years. A person may not serve on the board of appeals if he or she serves on a board of appeals of another governmental subdivision. The board shall adopt reasonable rules and regulations for conducting its investigations and may recommend to the city council such new legislation as is consistent therewith. Two members of the board shall

constitute a quorum for conducting the business of the board.

#### **Sec. 14-121. Hearings.**

The business which the board of appeals may perform shall be conducted at a public meeting of the board of appeals held in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. A record of decisions made by the board of appeals, properly indexed, and any other writing prepared, owned, used, in the possession of, or retained by the board of appeals in the performance of an official function shall be made available to the public, in compliance with Act No. 442 of the Public Acts of 1976.

#### **Sec. 14-122. Decisions.**

The board of appeals shall hear the appeal within 60 days after submission, and upon the concurring vote of two members, render and file its decision with a written statement of its finding of relevant fact and reasons therefor with the building official not later than 30 days after the hearing of the appeal. Failure of the board to hear an appeal and file its decision within the time limit is deemed a denial. A copy of the decision and statement of the facts and reasons shall be delivered or mailed to the appellant on

or before the date of filing.

#### **Sec. 14-123. Specific variance requirements.**

The board of appeals may grant a specific variance to a substantive requirement of this chapter if the literal application of the substantive requirement would result in an exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:

- (1) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall not substantially deviate from intended use and shall not substantially deviate from performance required by the code of that particular item or part for the health, safety, and welfare of the people of this state.
- (2) The specific conditions justifying the variance shall be neither so general nor recurrent in nature so as to make an amendment of the code with respect to the conditions reasonable, practical, or desirable.

The board of appeals may attach in writing any condition in connection with the granting of a variance that in its judgment is necessary to protect the health, safety, and welfare of the people of the state of Michigan. The breach of a

condition shall automatically invalidate the variance and any permit, license, and certificate granted on the basis of it. In no case shall more than a minimum variance from the code be granted than is necessary to alleviate the exceptional, practical difficulty.

**Sec. 14-124 Fees.**

A fee established by the City Council by resolution shall be paid at the time of filing each appeal.

**Sec. 14-125. Effect of appeal on orders, determinations, decisions and action.**

An appeal to a board of appeals or to a court of competent jurisdiction pursuant to Act No. 306 of the Public Acts of 1969, as amended, does not stay a stop construction order issued by an enforcing agency or prevent an enforcing agency from seeking an order in a court of competent jurisdiction enjoining the violation of the stop construction order. In other cases, an appeal to a board of appeals to a court of competent jurisdiction pursuant to Act No. 306 of the Public Acts of 1969, as amended, shall act as a stay upon an order, determination, decision, or action appealed from, unless the enforcing agency establishes that immediate enforcement of the order, determination, decision, or action is necessary to avoid substantial peril to life or property.

**Sec. 14-126. Violations of the construction code as civil infractions.**

(a) Pursuant to the authority given to governmental subdivisions that have the responsibility of administering and enforcing the Stille-DeRossett-Hale single state construction code act by MCL 125.1523, violations described in subsection (1) or (2) thereof are hereby designated as civil infractions and shall be subject to the penalties as set forth in section 1-17 of the Code of the City of Charlotte.

(b) The chief code official as designated by the city manager to direct and supervise code officials and any city employees or agents of the city that are registered under the building officials and inspectors registration act, 1986 PA 54, MCL 338.2301 to 338.2313, or any subsequent version of that act, are authorized to issue and serve municipal civil infraction citations for violations of the Stille-DeRossett-Hale single state construction code act and the code as defined by Section 4 of the act, being MCL 125.1504.

**Sec. 14-127. Sunset.** The ordinance codified herein will sunset after four years.



**Sec. 14-128 through 14-140 Reserved.**

**SECTION 4. OUTCOMES.** The effectiveness of this ordinance shall be assessed prior to its sunset dates based on the following objectives: 1) Maintenance over the entire period of a fully-constituted board whose members meet the qualifications established herein; 2) All decisions or orders of the board are rendered within the time limits established herein; and 3) A significant majority of decisions or orders of the board are affirmed by a court of competent jurisdiction if appealed.

**Motion by Councilmember Ridge, second by Sanders to approve the first reading of Ordinance regarding Building Board of Appeals and set a public hearing for October 26, 2015. Carried. 7 Yes. 0 No.**

**G. CONSIDER APPROVING THE FIRST READING  
OF ORDINANCE REGARDING FIRE  
PROTECTION AND SET A PUBLIC HEARING  
OF OCTOBER 26, 2015:**

An ordinance regarding Fire Protection was introduced as follows:

**AN ORDINANCE TO AMEND CHAPTER 30 - FIRE  
PREVENTION AND PROTECTION - OF THE CODE  
OF THE CITY OF CHARLOTTE BY AMENDING  
SECTION 30-27 TO PROVIDE THAT THE BUILDING**

**BOARD OF APPEALS SHALL BE CONSTITUTED AS  
THE BOARD OF APPEALS UNDER THE FIRE  
PREVENTION CODE FOR THE CITY OF CHARLOTTE.**

**THE CITY OF CHARLOTTE ORDAINS:**

**SECTION 1. PURPOSE.** The purpose of this ordinance is to designate the building board of appeals in lieu of the zoning board of appeals as the board that considers appeals under the International Fire Code so as to have those appeals considered and decided by a board constituted of members with knowledge and experience in the building trades so as to more effectively decide matters brought before it.

**SECTION 2.** Section 30-27 of Chapter 30 - Fire Prevention and Protection - of the Code of the City of Charlotte is hereby amended to read as follows:

**§ 30-27 CHANGES IN INTERNATIONAL FIRE CODE.**

The following articles or sections of the International Fire Code are hereby added, amended, or deleted as hereinafter set forth. Subsequent article, division and section numbers used in this § 30-27 shall refer to the like numbered articles, divisions, and sections of the International Fire Code, unless specified otherwise.

Sec. 101.1: Insert: City of Charlotte.

Section 102.10 is hereby added to read as follows:

Sec. 102.10. Inspection of Structures. The code official shall inspect all structures and premises except single-family

dwelling units in two-family dwellings as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life or any violations of the provisions or intent of this code or any other ordinance affecting fire safety.

Section 108.1 shall be amended to read as follows:

Sec. 108.1. Board of Appeals. The Building Board of Appeals of the City of Charlotte is hereby constituted the Board of Appeals under this Fire Prevention Code.

Section 109.3 shall be amended to read as follows:

Sec. 109.3. Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directions of the code official, or of a permit or certificate used under provisions of this code, shall be responsible for a municipal civil infraction, and sanctioned by a civil fine, plus costs, including reasonable attorneys fees, as provided by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 shall be amended to read as follows:

Sec. 111.4. Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than One Hundred Dollars (\$100)

or more than Five Hundred Dollars (\$500).

Section 302 shall be amended to read as follows:

Sec. 302. Definitions.

Add to definition of "Recreational Fire": "Fuel used for a recreational fire shall only be untreated wood or charcoal."

Add definition of "Contained Outdoor Fireplace:"

Contained Outdoor Fireplace shall mean a fireplace no larger than three (3) feet wide, three (3) feet deep, and three (3) feet high (exclusive of legs and chimneys) which is capable of fully enclosing the fire by means of screening or other non-combustible materials with sufficiently small openings to contain embers.

Add definition of "Freestanding Wood Burning Furnace:"

Freestanding Wood Burning Furnace shall mean any device or structure that is:

(a) Designed, intended, or used to provide heat and/or hot water to any residence or any structure; and

(b) Operated by the burning of wood or other solid fuel; and

(c) Not located within the structure for which it is providing the heat or hot water.

Excluded from the definition of a freestanding wood burning furnace is any device which is not designed or used to heat a structure other than the structure in which it is located.

Section 304.4 shall be added to read as follows:

Sec. 304.4. Special Permit. Under certain conditions, the fire chief or his designee may allow the burning of brush by permit.

Section 307.2 shall be amended to read as follows:

Sec. 307.2. Permit Required. A permit shall be obtained from

the code official prior to kindling a fire for recognized silvicultural or range or wildlife management or practices, prevention or control of disease or pests, a bonfire or a recreational fire. Applications for such approval shall only be presented by and permits issued to the owner of the lands upon which the fire is to be kindled.

Section 307.6 shall be added to read as follows:

Sec. 307.6. Outdoor Fireplace: Permit Required. No person shall kindle or maintain any fire or authorize any such fire to be kindled or maintained in a contained outdoor fireplace unless an annual contained outdoor fireplace permit is first obtained and in effect authorizing the owner of the property to maintain a fire in a contained outdoor fireplace and the fire is maintained in accordance with the regulations proposed by the Fire Marshall and adopted by resolution of the City Council for such fires.

Section 316 is hereby added to read as follows:

Sec. 316. Freestanding Wood Burning Furnace.

Sec. 316.1. Prohibition. Except as provided below, it shall be unlawful to install, use, maintain, or operate a freestanding wood burning furnace, and to cause or permit the installation or operation of a freestanding wood burning furnace, within the city of Charlotte.

Sec. 316.2. Separation Requirements and Permit. A freestanding wood burning furnace shall be permitted under the following circumstances:

(a) Where it is located no closer than 660 feet from any adjoining residential or commercial structure (excluding in this calculation the structure for which it is

used to provide heat and/or hot water);

(b) That the unit be inspected and a boiler permit be obtained, as required under the applicable mechanical code;

(c) That a permit be obtained pursuant to section 105 of this code.

Sec. 316.3 Existing Uses. This ordinance shall apply to any freestanding wood burning furnace that was installed, connected, and operating as of the effective date of this ordinance and, unless the conditions are met pursuant to section 316.2 above, such use, maintenance, and operation of the freestanding wood burning furnace is hereby prohibited.

Section 3204.3.1.1 is amended to provide that the geographic limits shall be the city limits of the city of Charlotte.

Section 3301.1.3 Fireworks is amended to add a new subsection (5) under exceptions which shall read as follows:

(5) The possessions, storage, sale, handling and use of sparklers.

Section 3404.2.9.5.1 is amended so that the geographic limits shall be the city limits of the city of Charlotte.

Section 3406.2.4.4 is amended so that the geographic limits shall be the city limits of the city of Charlotte.

Section 3804.2 is amended so that the geographic limits shall be the city limits of the city of Charlotte.

The ordinance codified herein will sunset after four years. (1993 Code, § 30-27) (Am. Ord. passed 9-22-2003)

**Motion by Councilmember Ridge, second by Sanders to approve the first reading of Ordinance regarding Fire Protection and set**

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**a public hearing for October 26, 2015 as presented. Carried.  
7 Yes. 0 No.**

**COMMUNICATIONS AND COMMITTEE REPORTS**

**a. CITY ATTORNEY REPORT:** None.

**b. CITY MANAGER REPORT:** City Manager Guetschow announced that Trick or Treating in the City will be held from 6 p.m. to 8 p.m. on October 31<sup>st</sup>. It has been learned that the Department of Education is abandoning its claim against the school's share of the Owens Brockway funds. OmniSource has notified the City that they will be discontinuing their service in the City of Charlotte. He reported that he and Chief Lisa Sherman attended presentations for Monique Colizzi's business foundation class to offer comments and suggestions. He announced that LeRoy Hummel has retired from the City of Charlotte after 27 years as a firefighter and building inspector for the City.

**c. COUNCILMEMBER COMMITTEE REPORTS:**

- Councilmember Conway reported that Planning Commission met on October 6<sup>th</sup> and approved a site plan for Spartan Motors. The Kiwanis Manor project has been put off until spring. The Planning Commission is in the process of reviewing the final draft of the sign ordinance which should be complete soon. The Recreation Co-op met and is still working on the softball field project.
- Councilmember Ridge reported that the Recreation Co-op is still working on the five year plan.

- Mayor Burch reported that the Fall Leaf collection dates will be October 19 – October 22 and November 16 – 19. Bags must be placed at the curbside by 7:00 a.m.

**PUBLIC COMMENT:** None.

**MAYOR AND COUNCIL COMMENTS:**

- Councilmember Ridge invited everyone to attend the Fire Department Open House to be held Wednesday, October 14, 2015 from 6:30 p.m. to 9:00 p.m. at the Westside Fire Station. The Almost Moonlight Madness Parade will be held October 26<sup>th</sup> at 6 p.m. downtown. Madelynn Hull will be performing in Singin' in the Rain on November 5, 6 and 7<sup>th</sup> at the High School. She congratulated LeRoy Hummel on his service to the city and wished him well.
- Mayor Pro-Tem Sanders wished LeRoy Hummel well and congratulated Adam Smith as the new Lieutenant taking LeRoy's shift.
- Councilmember Conway wished LeRoy Hummel the best in his retirement. He commented on the new format of the Council packet. He stated that the AV ballots have been sent for the November 3<sup>rd</sup> election and that he hoped candidates elected would continue to move the City in a positive direction.
- Councilmember Baker thanked LeRoy Hummel for his service and for the time that he devoted to the C.E.R.T. program over the years.
- Mayor Burch thanked LeRoy Hummel for his service to the community. She encouraged everyone to shop local and support your local businesses.

**Councilmember Conway moved, second by Sanders to adjourn at 8:35 p.m. Carried. 7 Yes. 0 No.**

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Mayor Burch

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Ginger Terpstra, City Clerk