

COUNCIL PROCEEDINGS
Regular Meeting
April 11, 2016

CALL TO ORDER: By Mayor Lewis on Monday, April 11, 2016 at 7:00 p.m.

PRESENT: Councilmembers Bahmer, Johnston, Russo, Ridge, Mayor Pro-Tem Sanders, Mayor Lewis, City Clerk Terpstra and City Manager Guetschow.

The invocation was offered by Pastor Andy Shaver, Real Life Church, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF MARCH 28, 2016: Mayor Pro-Tem Sanders moved, supported by Ridge to approve the regular meeting minutes of March 28, 2016 as presented. Carried. 6 Yes. 0 No.

ABSENT: Councilmember Mitchell.

Councilmember Ridge moved, supported by Johnston to excuse Councilmember Mitchell. Carried. 6 Yes. 0 No.

PUBLIC HEARINGS:

Public Hearing on variance request for 243 State St.:

Public hearing opened: 7:04 P.M.

No comments.

Closed at: 7:04 P.M.

Public Hearing on Ordinance to extend the sunset provision for keeping chickens:

Public Hearing opened at 7:04 P.M.

Ben Phlegar, 425 Horatio, asked if the sunset provision will still be in the ordinance, if so for how many years. He asked how many

permits are in place and if there are any pending and inquired about the provisions set forth in the ordinance.

Public Hearing closed at 7:06 P.M.

PUBLIC COMMENT: None.

CHARLOTTE HIGH SCHOOL LIAISON: Madelynn Hull was not present.

APPROVAL OF AGENDA: Mayor Pro-Tem Sanders moved, supported by Russo to approve the agenda as presented. Carried. 6 Yes. 0 No. 1 Absent (Mitchell)

SPECIAL PRESENTATIONS:

Police Officer Commendations presented by Chief Sherman

Life Savings Awards were presented to: Sgt. Falk, Officers Castle, Poortvliet and Bahm.

Police Commendation award presented to: Officer Poortvliet.

Unit Citation awards presented to: Sgt. Falk, Sgt. Brentar, Officers Poortvliet and Castle.

Certificate of Merit awards presented to: Sgt. Hafner, Officers Bahm and Gregory.

Unit Citation award presented to: Officer Bahm.

Unit Citation award presented to: Officer Hafner.

Mayor awards presented to: Officer Hafner and Detective Beal.

Retirement Presentation to Officer Paul Montague

Chief Sherman presented Officer Montague with a shadow box representing his 26 ½ years with the Charlotte Police Department. Mayor Lewis read the following proclamation honoring Officer Montague.

WHEREAS, Paul R. Montague has served the City of Charlotte for more than twenty six and a half years in the Charlotte Police Department and began his tenure with the City as an Officer on September 24, 1989; and

WHEREAS, Paul committed himself to the City, working his way through different roles in the Department in a capacity as a Dispatcher, Patrol Officer, D.A.R.E. Officer, Field Training Officer, Community Policing Officer Special Victims Unit, Tactical Operations and Hostage Negotiator; and

WHEREAS, Paul; is known for his community involvement and as an effective liaison for juvenile issues; and

WHEREAS, Paul’s calm and caring demeanor always allowed him to go beyond the requirements of his job and performed his duties with great character, integrity and dedication. These qualities are shown in his ten letters and certificates of Police Commendations; and

WHEREAS, Paul has been an invaluable asset to the City of Charlotte and his knowledge of the Department and the City will be extremely difficult to replace and he will be missed; and

NOW, THEREFORE BE IT RESOLVED, that the City of Charlotte and its citizens thank Officer Paul R. Montague for his twenty six and a half years of dedicated service to the citizens of this community and wish the best for him upon his retirement from the City; and

BE IT FINALLY RESOLVED, that this Resolution be entered into the official proceedings of the City Council on the 11th day of April, 2016.

Presentation by Lions Club on Beach Market Development Project:

Kathryn Conrad, representing Charlotte Lions Club, gave a presentation explaining the history of Beach Market. She stated that the Lions Club is planning to upgrade Beach Market with a new roof, floor and lighting and would like to do it in conjunction with the revitalization of Charlotte. They are looking to form a Friends of Beach Market and use crowd funding to raise funds for the project.

Presentation of Proclamation declaring April 29th – May 8th White Cane Drive:

Mayor Lewis presented the White Cane Proclamation to Lions Club members, Kathryn Conrad, Robert Phillips, Nancy Lampman and Connie O’Neil.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF PROCLAMATION NO. 2016-04 ARBOR DAY:

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the City of Charlotte has been recognized as a Tree City USA by the National Arbor Foundation and desires to continue its tree planting practices, by planting a tree at City Hall; and

NOW THEREFORE, the City Council of the City of Charlotte, Michigan does hereby proclaim Friday, April 29th as ARBOR DAY in the City of Charlotte and urges all citizens to celebrate Arbor Day; and

FURTHER, the City Council of the City of Charlotte, Michigan urges all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Councilmember Ridge moved, supported by Sanders to approve Proclamation No. 2016-04 as presented. Carried. 6 Yes. 0 No. 1 Absent. (Mitchell)

B. CONSIDER APPROVAL OF RESOLUTION NO. 2016-44 TO PURCHASE VARIABLE FREQUENCY DRIVE FOR WELL #5:

WHEREAS, Well #5 was recently cleaned and the pump was inspected; and

WHEREAS, it was determined that the pump was in disrepair and could not be rebuilt given its age (1971); and

WHEREAS, the other two wells already utilize variable frequency drives (VFD) to run the pumps more efficiently; and

WHEREAS, the replacement pump specified is conditional on the use of a variable VFD; and

WHEREAS, the payback period for the purchase of the VFD is approximately 3.5 years; and

WHEREAS, the City is eligible for a Consumers Energy rebate of up to \$6,000 for purchase of this VFD which shortens the payback period; and

WHEREAS, quotes were received from three contractors, including Edwards Industrial Sales, the contractor who installed the other two VFD's; and

WHEREAS, Edwards Industrial Sales submitted the lowest quote in the amount of \$10,599 plus freight (estimated \$200) to provide the VFD, cabinet and other miscellaneous materials required for the proper installation.

THEREFORE, BE IT RESOLVED That the City approve the purchase of the VFD from Edwards Industrial Sales, Inc. with the money taken from the Water and Sewer Fund reserves.

Mayor Pro-Tem Sanders moved, supported by Russo to approve Resolution No. 2016-44 as presented. Carried. 6 Yes. 0 No. 1 Absent. (Mitchell)

C. CONSIDER APPROVAL OF RESOLUTION NO. 2016-45 REGARDING SPECIAL BUDGET MEETINGS AND PUBLIC HEARING FOR FY 2016-17 BUDGET:

WHEREAS, pursuant to the provisions of the Charter, the city manager will propose a budget for the fiscal year that commences July 1, 2016; and

WHEREAS, the City Council will be undertaking a review of the proposed budget and wishes to establish a calendar of meetings during which various related activities will take place;

THEREFORE, BE IT RESOLVED that the following budget schedule is hereby adopted:

DATE	PURPOSE
April 11, 2016	Proposed Budget Published
April 18, 2016	Special Meeting to Review Budget
April 25, 2016	Regular Meeting—Budget Discussion
May 9, 2016	Regular Meeting—Budget Discussion
May 16, 2016	Special Meeting to Review Utility Budgets and Utility Rate Changes
May 23, 2016	Regular Meeting—Public Hearing; Budget Resolution Introduced
June 13, 2016	Budget Resolution Adopted
July 18, 2016	Special Meeting—2017 Street Reconstruction Program

; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to post and publish required notices of the special meetings and public hearing.

Councilmember Russo moved, supported by Bahmer to approve Resolution No. 2016-45 as presented. Carried. 6 Yes. 0 No. 1 Absent. (Mitchell)

D. CONSIDER APPROVAL OF RESOLUTION NO. 2016-43 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

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

WHEREAS, the April 1, 2016 payroll totaled \$146,271.29; and

WHEREAS, the April 11, 2016 claims total \$254,351.14;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for April 11, 2016 in the amount of \$400,622.43.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE: Mayor Pro-Tem Sanders moved, supported by Ridge to approve Resolution 2016-43 for expenditures of the City for April 11, 2016 as presented. Carried. 5 Yes. (Johnston, Ridge, Russo, Sanders, Lewis) 1 No. (Bahmer) 1 Absent (Mitchell)

ACTION ITEMS- RESOLUTIONS AND ORDINANCES

A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-42 TO AUTHORIZE CONTRACT WITH NELSON TANK ENGINEERING & CONSULTING, INC. FOR REPAIRS AND INTERIOR PAINTING OF NORTH WATER TOWER:

WHEREAS, the City operates two water towers; and

WHEREAS, the north tower was drained and inspected in 2013. A condition report was prepared and submitted to the City; and

WHEREAS, the report recommended certain repairs and preventative maintenance including painting the interior, seam seal the interior roof, work on the balcony, replace fall prevention on wet interior ladder, and replace the grate over the riser; and

WHEREAS, Nelson Tank Engineering & Consulting, Inc. submitted a package of qualifications including a quote in the amount

of \$8,300 to prepare the plans, specifications, cost estimates, and bid documents; attend meetings, shop drawing review, respond to RFI's, and preparation of contractor pay estimates for the project; and

WHEREAS, Nelson Tank Engineering & Consulting, Inc. has been providing professional water tower services for over twenty years; and

WHEREAS, funding for the professional services related to water tower repairs and painting is in the current year's budget.

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

Councilmember Ridge moved, supported by Sanders to approve the second reading and adoption of Resolution No. 2016-42 to authorize contract with Nelson Tank Engineering & Consulting, Inc. for repairs and interior painting of North Water Tower as presented. Carried. 6 Yes. 0 No. 1 Absent (Mitchell)

B. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-38 FOR VARIANCE REQUEST FOR 243 STATE STREET:

WHEREAS, the owners of 243 State Street desire to construct a 2,400 square foot building with dimension of 40 feet by 60 feet; and

WHEREAS, the parcel of property is irregularly shaped, making even reasonable construction difficult; and

WHEREAS, the construction of this building would encroach approximately 12 feet into the 40 foot front yard setback required by the I-1 zoning classification; and

WHEREAS, the City of Charlotte Planning Commission has considered this matter and approved a site plan that includes

this future building, pending a variance from the Zoning Board of Appeals; and

WHEREAS, the City of Charlotte Zoning Board of Appeals hereby makes the following findings:

1. The granting of this variance will not impair an adequate supply of light and air to adjacent property.
2. The granting of this variance will not unreasonably increase congestion in public streets.
3. The granting of this variance will not unreasonably diminish or impair established property values within the surrounding area.
4. The granting of this variance will not, in any other respect, impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

THEREFORE, BE IT RESOLVED a variance to the zoning ordinance is hereby granted that allows a new building to be constructed at 243 State Street encroaching on the required front yard setback by approximately 12 feet.

Councilmember Bahmer moved, supported by Sanders to approve the second reading and adoption of Resolution No. 2016-38 for variance request for 243 State Street as presented. Carried. 6 Yes. 0 No. 1 Absent (Mitchell)

C. CONSIDER SECOND READING AND ADOPTION OF ORDINANCE TO EXTEND THE SUNSET DATE FOR KEEPING OF CHICKENS:

City Manager Guetschow addressed the concerns that Ben Phlegar had asked about during the public comment on the ordinance.

Discussion was held among councilmembers on the permitting process and the length of the permits.

AN ORDINANCE TO AMEND SECTION 10-4 – DOMESTIC ANIMALS AND FOWL – OF CHAPTER 10 – ANIMALS – OF THE CODE OF THE CITY OF CHARLOTTE, BY AMENDING SUBSECTION 10-4(12) TO PROVIDE THAT THE ORDINANCE WILL SUNSET AND BECOME NULL AND VOID AFTER MAY 29, 2020.

THE CITY OF CHARLOTTE ORDAINS:

§10-4 – Domestic Animals and Fowl – of Chapter 10 – Animals – of the Code of the City of Charlotte is hereby amended to read as follows:

§ 10-4 DOMESTIC ANIMALS AND FOWL.

(A) Except as provided in this section, no person shall keep or house any animals or fowl within the city.

(B) Dogs, cats, birds and animals commonly classified as household pets may be kept within the city.

(C) Ponies, cattle and horses may be kept on premises constituting a farm, as defined in the zoning chapter of this Code.

(D) Persons may keep chickens if done so in conformity with all of the following.

(1) Any person who keeps chickens in the city shall obtain a permit from the city prior to acquiring the chickens. Application shall be made to the City Clerk with a fee as determined by Council resolution.

(2) The applicant must obtain approval of abutting landowners on a form provided by the City Clerk. The form must be submitted with the application fee.

(3) No more than ten permits may be outstanding at any time.

(4) Permits may be revoked at any time if the applicant fails to comply with all applicable ordinances, rules and regulations.

(5) Permits expire and become invalid one year after the date of issuance. A person who wishes to continue keeping chickens shall

obtain a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

(6) Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(7) A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:

(a) Have been issued the permit required under division (D)(1) of this section;

(b) Keep no more than four chickens;

(c) The principal use of the person's property is for a single-family dwelling;

(d) No person shall keep any rooster;

(e) No person shall slaughter any chickens outdoors;

(f) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure at all times;

(g) A person shall not keep chickens in any location on the property other than in the backyard as defined by the zoning code;

(h) All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure;

(i) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming

into contact with them;

(j) The coop and fenced enclosure may not be located nearer than 25 feet to any dwelling unit or property line; and

(k) The coop and enclosures must comply with all zoning ordinance requirements for accessory structures and use, including lot coverage requirements.

(8) The city may initiate prosecution for a civil infraction violation for any violation of this section. Each day a violation exists shall constitute a separate offense.

(9) A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer.

(10) This section shall not regulate the keeping of chickens on a farm, as defined at § 82-4 of the City Code, which is located outside the boundaries of either a proprietary or supervisor's plat and having an area of not less than five acres, and where the raising of poultry is a permitted principal use when conducted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices promulgated thereunder.

(11) Council may adopt additional rules and regulations as necessary to implement the ordinance codified herein.

(12) This Section 10-4 – Domestic Animals and Fowl – shall be null, void and of no force and effect on May 29, 2020.

This ordinance shall become effective 20 days after adoption and that the above ordinance be passed to a second reading.

Mayor Pro-Tem Sanders moved, supported by Bahmer to approve the adoption of the second reading and adoption of Ordinance for extension of the sunset date for keeping chickens as presented.

Discussion was held on getting more input before making a decision on the adoption. Discussion was held particularly on the length of the permits and the permitting process.

Councilmember Bahmer moved, supported by Johnston to table action on the adoption of the second reading and adoption of Ordinance for extension of the sunset date for keeping chickens to the meeting of April 25, 2016. Carried. 5 Yes. (Johnston, Bahmer, Ridge, Sanders, Lewis) 1 Abstain (Russo) 1 Absent (Mitchell)

INTRODUCTION OF RESOLUTIONS AND ORDINANCES - None

COMMUNICATIONS AND COMMITTEE REPORTS **CITY ATTORNEY REPORT: None.**

CITY MANAGER REPORT: City Manager Guetschow reported on the watermain break on Lansing Street near Rally's restaurant. He stated that the preconstruction conference has been held on the Sheldon Street project. He stated that the resolution included in the council packet relates to the dates for various matters related to the budget.

COUNCILMEMBER COMMITTEE REPORTS:

- Councilmember Ridge reported that the Charlotte Recreation Co-op met and the US Tennis Grant has one more issue to resolve that they are working on. The DNR Grant is in the final review process.
- Mayor Pro-Tem Sanders reported that the Airport Advisory Board met on April 1, 2016 for a goal setting session. There was not a quorum present.
- Councilmember Bahmer reported that the Planning Commission met on April 5, 2016. The business relating to 815 W. Shepherd was pulled off the agenda until a later date. Other business was for temporary use permits for Meijer and Walmart for the sale of fireworks. Both were passed. Other business discussed was the possibility of a

food truck ordinance. Community Development Director Myrkle reported, at the Planning Commission meeting, that Arby's and Walmart will be remodeling in the near future. Also Jim Cicorelli will be working on another phase of the Old School apartments on Horatio.

PUBLIC COMMENT: Ben Phlegar, 425 Horatio, stated that he is opposed to the chicken ordinance. He feels that the permitting process puts the neighbors in an uncomfortable situation if they are opposed to the permitting of chickens.

MAYOR AND COUNCIL COMMENTS:

- Councilmember Johnston congratulated the police department and wished Officer Montague a good retirement.
- Councilmember Ridge thanked Chief Sherman for coming to talk about the officers. She stated that she is proud of the city police force. She congratulated Officer Montague on 26 ½ years of service and wished him well in retirement. She thanked Kathryn Conrad for the presentation on Beach Market and thinks that it will be a wonderful project. She thanked Ron Hannold for the tour of the new apartments at the Masonic Temple. She reminded council of the upcoming Rising Tide meetings. She stated that Congressman Wahlberg visited on Friday and was impressed with what is going on in Charlotte.
- Mayor Pro-Tem Sanders congratulated Officer Montague on his retirement. He wished to congratulate all of the officers on their awards and stated that the police department is very dedicated and doing good things. He noted that the building inspections are rising with 21 permits issued in the last month. This may be a sign of an upswing in activities.
- Mayor Lewis thanked Chief Sherman and congratulated the officers and Officer Montague on his retirement. He stated that our officers are very dedicated to the safety of our City. He thanked the Lions Club for their interest in the

development of the city with their Beach Market project. He wished to thank Mr. Hannold for taking council on a tour of the Masonic Temple apartment project. He announced that Spring Leaf Collection will be May 2, 2016 – May 5, 2016. He thanked Mr. Phlegar for his comments.

Councilmember Johnston moved, second by Russo to adjourn at 8:37 p.m. Carried. 6 Yes. 0 No 1 Absent (Mitchell)

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC