

**COUNCIL PROCEEDINGS**  
**Regular Meeting**  
**April 25, 2016**

**CALL TO ORDER:** By Mayor Lewis on Monday, April 25, 2016 at 7:00 p.m.

**PRESENT:** Councilmembers Bahmer, Johnston, Mitchell, 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 APRIL 11, 2016:** Mayor Pro-Tem Sanders moved, supported by Ridge to approve the regular meeting minutes of April 11, 2016 as presented. Carried. 7 Yes. 0 No.

**APPROVAL OF MINUTES FOR SPECIAL MEETING OF APRIL 18, 2016:** Councilmember Ridge moved, supported by Mitchell to approve the special meeting minutes of April 18, 2016 as presented. Carried. 7 Yes. 0 No.

**ABSENT:** None.

**PUBLIC HEARINGS:** None.

**PUBLIC COMMENT:** Julie O'Neill, Candidate for Eaton County District Court Judge, announced her candidacy and gave an overview of her background.

**Amanda Lipsey**, 515 Forest Street, spoke in favor of the chicken ordinance and gave suggestions on changes she would like to see.

**Ben Phlegar**, 425 Horatio, stated that he is not in favor of the ordinance but if council chose to keep it he would like the same regulations imposed.

**CHARLOTTE HIGH SCHOOL LIAISON:** Madelynn Hull was not present.

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

**SPECIAL PRESENTATIONS:**

**Discussion on re-establishing Zoning Board of Appeals Board – Councilmember Bahmer:**

Councilmember Bahmer introduced the idea of re-establishing the Zoning Board of Appeals Board. He feels that this is the best thing to do because of separation of powers. He feels that citizens would be best served by an independent body.

Discussion was held regarding the number of appeals to come before the board and the ability to fill board positions. No decision was made at this time.

**Discussion on Council pay elimination – Councilmember Bahmer:**

Councilmember Bahmer introduced the idea of eliminating council pay. He stated that this would take a charter amendment in order to be able to change this.

Discussion was held between councilmembers regarding whether there was a consensus on what they would like to do.

City Manager Guetschow reminded council that if they desired to do this that there is a timeline in order to have a charter amendment on the ballot.

Discussion was held on the cost of a charter amendment to be placed on the ballot. No decision was made to move forward at this time.

**Budget Discussion FY 2016/2017:**

Mayor Lewis asked council to consider what information that they would like to discuss in relation to the FY 2016/2017 budget.

Discussion was held on consideration to road projects, capital outlay projects and the utility budget.

Council commended city department heads for the overview of their budgets and stated that it was very helpful in outlining the needs of their departments.

**EXPEDITED RESOLUTIONS AND ORDINANCES**

**A. CONSIDER APPROVAL OF RESOLUTION NO. 2016-47 MAYORAL APPOINTMENTS:**

**WHEREAS** , a need for an appointment exists on the Parks Advisory Board; and

**WHEREAS**, Mayor Lewis is recommending the following individual to fill this vacancy:

<b>Name</b>	<b>Board</b>	<b>Term Ending</b>
BreAnna Johnson	Park Advisory Board	May 30, 2017

**THEREFORE, BE IT RESOLVED** that the appointments listed above shall be and the same are hereby approved.

**Councilmember Johnston moved, supported by Bahmer to approve Resolution No. 2016-47 as presented. Carried. 7 Yes. 0 No.**

**B. CONSIDER APPROVAL OF RESOLUTION NO. 2016-46 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 15, 2016 payroll totaled \$164,814.88; and

**WHEREAS**, the April 2016 Bank of America credit card charges totaled \$6,396.06; and

**WHEREAS**, the April 25, 2016 claims total \$178,816.13;

**THEREFORE, BE IT RESOLVED** that the City Council approves claims and accounts for April 25, 2016 in the amount of \$350,027.07.

**APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:** Mayor Pro-Tem Sanders moved, supported by Russo to approve Resolution 2016-46 for expenditures of the City for April 25, 2016 as presented. Carried. 7 Yes. 0 No.

**ACTION ITEMS- RESOLUTIONS AND ORDINANCES**

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

Mayor Pro-Tem Sanders moved, second by Ridge to remove the second reading and adoption of ordinance to extend the sunset date for keeping of chickens from the table. Carried. 7 Yes. 0 No.

**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.

Discussion was held on changing parts of the ordinance to make the permitting process less cumbersome.

**Councilmember Ridge moved to table this to the next meeting for more discussion. Motion died with lack of support.**

**Councilmember Bahmer moved, second by Mitchell to abolish**

**D(2) the need for the neighbors permission to obtain a permit for chickens. Carried. 5 Yes. (Ridge, Sanders, Bahmer, Mitchell, Lewis) 1 No. (Johnston) 1 Abstain (Russo)**

**Mayor Pro-Tem Sanders moved, second by Bahmer to amend D7(j) to allow the coop and fenced enclosure may not be located nearer than 15 feet (instead of 25 feet) to any property line. Carried. 4 Yes. (Ridge, Sanders, Bahmer, Mitchell) 2 No. (Johnston, Lewis) 1 Abstain (Russo)**

**Councilmember Bahmer moved, second by Mitchell to amend D7(j) to eliminate the 25' from any dwelling. Carried. 4 Yes. (Ridge, Sanders, Bahmer, Mitchell) 2 No. (Johnston, Lewis) 1 Abstain (Russo)**

**Councilmember Mitchell moved, second by Bahmer to change D7(b) the number of chickens allowed from 4 to 6. Carried. 5 Yes. (Ridge, Sanders, Bahmer, Mitchell, Lewis) 1 No. (Johnston) 1 Abstain (Russo)**

**Councilmember Bahmer moved, second by Mitchell to change D(5) the duration of the permit from one year to 2 years. Carried. 5 Yes. (Ridge, Sanders, Bahmer, Mitchell, Lewis) 1 No. (Johnston) 1 Abstain (Russo)**

## **INTRODUCTION OF RESOLUTIONS AND ORDINANCES**

### **A. CONSIDER FIRST READING FOR REZONE REQUEST 681 LANSING ST. FROM R-1 SINGLE FAMILY RESIDENTIAL TO B-3 GENERAL BUSINESS AND SET PUBLIC HEARING FOR MAY 3, 2016 BEFORE THE PLANNING COMMISSION:**

The following Ordinance was introduced as follows:

THE CITY OF CHARLOTTE ORDAINS:

Section 1. The Zoning District Map of the City of Charlotte, being part of Chapter 82 - Zoning, of the Code of the City of Charlotte, is hereby amended as follows:

That property described as:

YET TO BE DESCRIBED PENDING SURVEY

is hereby rezoned from R-1 Single Family Residential to B-3 General Business District.

Section 2. That the City Clerk is hereby directed to make the necessary corrections evidencing this zoning change.

Section 3. The attached map evidencing this change shall be marked and designated as Ordinance No\_ and the City Clerk shall enter on the zoning map this ordinance number and the date of the adoption thereof and shall maintain a file containing a copy of this ordinance and a map thereto attached.

Section 4. This ordinance shall become effective upon the date of its publication.

**Councilmember Russo moved, supported by Bahmer to approve the first reading of an Ordinance to rezone 681 Lansing St. from R-1 Single Family Residential to B-3 General Business and set public hearing for May 3, 2016 before the Planning Commission. Carried. 7 Yes. 0 No.**

**COMMUNICATIONS AND COMMITTEE REPORTS**

**CITY ATTORNEY REPORT: None.**

**CITY MANAGER REPORT:** City Manager Guetschow reported on the high level of activity regarding private developments in the City. He reported that he attended an airport pilots group meeting

and there was good input from that group. He reminded council to contact city department heads with any questions they have or need more information on in regards to the FY 2016/2017 budget.

**COUNCILMEMBER COMMITTEE REPORTS:**

- Councilmember Ridge reported that the Charlotte Area Recreation Co-op met and they are discussing the five year plan. They continue to work on the softball complex project. The Land/Water grant has been passed on to the state and they are waiting on approval for that. They expect to be able to start this summer. USTA grant for the tennis courts is moving forward and they expect to receive \$45,000 toward that project.

**PUBLIC COMMENT: Ben Phlegar, 425 Horatio, voiced his disappointment in the council passing the chicken ordinance at this meeting without having another chance for public input on the changes that were proposed.**

**Amanda Lipsey, 515 Forest, announced that she is the director of the Chamber of Commerce and invited a councilmember to set on the Chamber board as a liason member.**

**MAYOR AND COUNCIL COMMENTS:**

- Councilmember Johnston thanked everyone for attending.
- Councilmember Ridge thanked everyone for coming out. She thanked Pastor Andy Shaver for attending the last couple of meetings. She wished Julie O’Neill the best in her race for office. She thanked both Amanda Lipsey and Ben Phlegar for their opinions on the chicken ordinance. She announced that there will be an open house held on May 12<sup>th</sup> at the Masonic Temple for the new apartment project and urged everyone to attend. She reminded everyone of the special budget meetings coming up to discuss utilities and road projects.

- Councilmember Mitchell thanked everyone for attending.
- Councilmember Bahmer thanked city staff for preparing the budget documents so that he could pick them up after hours. He stated that the community lost a very good person in Harry Bell last week and sent condolences to his family.
- Mayor Lewis thanked Amanda and Ben for their comments. He announced that Friday is Arbor Day and stated that the City will be planting a tree at City Hall at 9:30 A.M. He stated that he attended the ground breaking at Spartan Motors last week.

**Councilmember Johnston moved, second by Russo to adjourn at 8:37 p.m. Carried. 7 Yes. 0 No**

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Mayor Tim Lewis

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Ginger Terpstra, City Clerk, CMMC