

COUNCIL PROCEEDINGS
Regular Meeting
August 22, 2016

CALL TO ORDER: By Mayor Lewis on Monday, August 22, 2016, at 7:00 p.m.

PRESENT: Councilmembers Bahmer, Johnston, Mitchell, Russo, Ridge, Sanders, Mayor Lewis, City Clerk Terpstra, City Manager Guetschow and Attorney Hitch.

The invocation was offered by City Manager Guetschow followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF AUGUST 8, 2016: Mayor Pro-Tem Sanders moved, supported by Johnston to approve the regular meeting minutes of August 8, 2016 with corrections to page #4 motion for Artist contract to as presented. Carried. *6 Yes. (Ridge, Russo, Mitchell, Johnston, Sanders, Lewis) 1 No. (Bahmer);* and page #12 motion for Resolution No. 2016-94 to Mayor Pro-Tem Sanders moved.

ABSENT: None.

PUBLIC HEARINGS: None.

PUBLIC COMMENT: None.

APPROVAL OF AGENDA: Councilmember Ridge moved, supported by Mitchell to approve the agenda with the addition of Items 11e) Resolution No. 2016-99 and Resolution No. 2016-99 Resolution to Relinquish its Rights to Purchase a Parcel of

Property from Louise G. McLane and 11f) Resolution No. 2016-100 Resolution to Release Terms of Industrial Use Contained in a Purchase Agreement Between the City and Wollin Products, Inc. and to switch the order of Items 10a and 10b.to . Carried. **7 Yes. 0 No.**

Councilmember Bahmer expressed his desire to get back to not as many items on the expedited resolutions and ordinances section of the agenda.

SPECIAL PRESENTATIONS:

A. DISCUSSION OF CITY OWNED RIGHT-OF-WAY BETWEEN THE 400 AND 500 BLOCKS OF NORTH WASHINGTON – COUNCILMEMBER RUSSO:

Councilmember Russo expressed that he has been contacted by Mr. Hunt about problems with parking on this parcel of land three times and feels that there is an escalation of this issue between the two neighbors. He is looking for a solution to the problem. Councilmember Russo proposed a motion to erect sign posts to read City Right-of-way and No Parking Zone with a letter to be sent to the property owners and memo to the Police Chief directing her to instruct the officers to enforce the issue.

Attorney Hitch explained how the traffic control orders are normally handled.

Discussion was held on whether this was a city right-of-way and how it is determined what constitutes a city right-of-way.

Discussion was held on the enforcement issues involved with the sign being erected as it is not a city right-of-way.

City Manager Guetschow suggested several alternatives to try and help solve the issue between the two neighbors and asked for council's direction in this matter.

Discussion was held regarding different options on handling the parking issue and helping to resolve the issue.

It was the consensus of the council to have the City Manager meet with Mr. Lea and Mr. Hunt to discuss a resolution to the parking issue. If that does not resolve the issue the council will take action to help remedy the problem with a possible license issuance for use of the property.

B. DISCUSSION OF CITY COUNCIL HAVING DIRECT INVOLVEMENT IN THE TERMINATION OF EMPLOYEES – COUNCILMEMBER RUSSO:

Councilmember Russo stated that he would like to see where council stands on this issue.

Councilmember Bahmer stated that he had researched this issue over the weekend and found that Potterville, Mason and Grand Ledge all have charter language pertaining to council involvement in termination.

Attorney Hitch explained that in order to allow this there would need to be a charter revision or charter amendment. He stated that he would have to check with the Attorney General to know which action that it would take and the estimated cost for such.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2016-95 MAYORAL APPOINTMENT:

WHEREAS , a need for an appointment exists on the Camp Frances Board and the Library Board; and

WHEREAS, the Library Board appointment is a reappointment; and

WHEREAS, Mayor Lewis is recommending the following individuals to fill those vacancies:

Name	Board	Term Ending
Greg Nitchman	Camp Frances Board	May 15, 2018
Gloria Wilson	Library Board	June 30, 2019

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

Councilmember Russo moved, supported by Johnston to approve Resolution No. 2016-95 Mayoral Appointments as presented. Carried. 7 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2016-96 BID AWARD TO REITH RILEY FOR PARKING LOTS 4 & 10:

WHEREAS, the City has received bids in accordance with City Code for the reconstruction of parking lots 4 and 10 and for the paving of abutting areas of private properties; and

WHEREAS, the low bid was submitted by Reith-Riley Construction Company, Inc with a base bid of \$315,247.06 and an alternate bid for the private paving work of \$53,749.00; and

WHEREAS, the City wishes to award the bid for the project so as to proceed with the reconstruction of these parking lots and the paving of abutting areas;

THEREFORE, BE IT RESOLVED that the City Council hereby authorizes awarding a contract to Reith-Riley Construction Company, Inc. for the reconstruction of parking lots 4 and 10 and abutting private properties in accordance with the company's bid and prepared plans; and

BE IT FURTHER RESOLVED that City staff shall authorize paving of only those areas of abutting private properties for which the property owners have agreed to reimburse the City their share of the alternate bid plus the allocated share of construction engineering services.

Mayor Pro-Tem Sanders moved, supported by Russo to approve Resolution No. 2016-96 Bid Award to Reith Riley for Parking lots 4 & 10 as presented. Carried. 7 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2016-97 ENGINEERING CONTRACT WITH ROWE ENGINEERING FOR PARKING LOTS 4 & 10:

WHEREAS, the City has awarded a bid for the reconstruction of parking lots 4 and 10 and wishes to contract for construction engineering services for the project; and

WHEREAS, Rowe Professional Services Company has submitted a proposal dated August 17, 2016 detailing the services to be provided with a proposed budget of \$36,000;

THEREFORE, BE IT RESOLVED that the City Council hereby accepts the proposal from Rowe Professional Services

Company and authorizes the City Manager to sign the proposal form on behalf of the City.

Councilmember Ridge moved, supported by Russo to approve Resolution No. 2016-97 Engineering Contract with Rowe Engineering for Parking Lots 4 & 10 as presented. Carried. 6 Yes. (Johnston, Mitchell, Ridge, Russo, Sanders, Lewis) 1 No. (Bahmer)

D. CONSIDER APPROVAL OF RESOLUTION NO. 2016-98 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 August 19, 2016 payroll totaled \$153,543.57; and

WHEREAS, the July 2016 Bank of America credit card charges totaled \$5,277.50; and

WHEREAS, the July 25, 2016 claims total \$155,589.60;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for August 22, 2016 in the amount of \$314,410.67.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL

VOTE: Mayor Pro-Tem Sanders moved, supported by Mitchell to approve Resolution 2016-98 for expenditures of the City for August 22, 2016 as presented. Carried. 7 Yes. 0 No.

E. RESOLUTION 2016-99 TO RELINQUISH ITS RIGHTS TO PURCHASE A PARCEL OF PROPERTY FROM LOUISE G. MCLANE:

WHEREAS, on September 13, 1984, the City entered into an option to purchase agreement, recorded at Liber 672 pages 555 and

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56, Eaton County Records, with Samuel A. Combs and Louise G. Combs for the purchase of a parcel of land described as follows:

That part of the South ½ of Section 6, T2N, R4W, Eaton Township, Eaton County, Michigan, beginning on the West line of said Section at a point S00°54'09"E 316.00 feet from the West ¼ corner thereof, thence running parallel with the South line of the plat of WOODSELL ACRES, as recorded in Liber 2 of Plats on page 86, Eaton County Records, N89°58'01"E 300.00 feet; thence parallel with said West Section line N00°54'89" W 313.78 feet to the East-West ¼ line of said Section 6, thence along said ¼ line S89°36'35"E 100.76 feet; thence parallel with said West Section line S00°54'09"E 2064.76 feet; thence parallel with the South line of said Section 6 S89°49'52"W 400.74 feet to said West Section line; thence N00°54'09"W 1752.67 feet to the point of beginning, subject to the right of way of Cochran Road and any other rights of way or easements of record, described parcel containing 16.843 acres of land, more or less; and

WHEREAS, the City subsequently purchased from Louise G. McLane a portion of the above described parcel which deed is recorded at liber 1317 pages 740 and 741; and

WHEREAS, Louise G. McLane, through the Louise G. McLane Trust, subsequently received an offer to purchase the remainder of the above described parcel not previously sold to the City and described as follows:

Com 1762 ft S of W ¼ cor Sec 6; E 400.62 ft; S 306.73 Ft; W 400.60 ft; N 306.73 ft to beg. Sec 6, T2N, R4W, City of Charlotte, 2.82 acres.
; and

WHEREAS, the Louise G. McLane Trust did not submit the offer to purchase to the City so as to permit the City to determine whether it wished to exercise its option to purchase said remainder parcel; and

WHEREAS, the City wishes to relinquish any rights that it had pursuant to the September 13, 1984 option to purchase agreement so as to provide a clear title to the purchaser of the remainder parcel;

THEREFORE, BE IT RESOLVED that the City, by and through its City Council, hereby waives any claims that it might have pursuant to law for the failure on the part of the Louise G. McLane trust to submit the offer to purchase to the City; and **BE IT FURTHER RESOLVED** that the City, by and through its City Council, hereby relinquishes any right to purchase said remainder parcel and affirmatively states that it did not, at the time of the sale of the remainder parcel, and does not currently have any interest in acquiring said remainder parcel.

Councilmember Ridge moved, supported by Russo to approve Resolution No. 2016-99 to relinquish its rights to purchase a parcel of property from Louise G. McLane as presented. Carried. 7 Yes. 0 No.

F. RESOLUTION 2016-100 TO RELEASE TERMS OF INDUSTRIAL USE CONTAINED IN A PURCHASE AGREEMENT BETWEEN THE CITY AND WOLLIN PRODUCTS, INC.:

WHEREAS, on April 12, 1999, the City entered into a purchase agreement with Wollin Products Inc. recorded at Liber 1295 Page 554 for a parcel of land described as follows:

A parcel of land in the SW ¼ of Sec 6, T2N, R4W, Eaton Twp, Eaton County, Michigan, the surveyed boundary of said parcel described as: Com. At the W1/4 cor of said Sec 5; thence S00°54'22"E along the W line of said sec 740.84 ft to the P.O.B of this description; thence N89°49'52" E parallel with the S line of said Sec 400.68 ft; thence S00°54'09"E 1021.11 ft; thence s89°49'52"W parallel with said S line 400.62 ft to said W line; thence N00°54'22"W along said line 1021.11 feet to the P.O.B.
; and

WHEREAS, said purchase agreement contained various restrictions concerning the use and development of the parcel, which restrictions were applicable to any future purchasers, successors or assigns

WHEREAS, the City subsequently reacquired title to said property through a tax sale and entered into a purchase agreement dated July 16, 2013 through which it sold the parcel to Larcyn Development, LLC; and

WHEREAS, Larcyn Development, LLC intends to use the property for the purpose of expanding its business of providing care for elderly individuals in a residential setting and other similar uses; and

WHEREAS, the City wishes to exercise its right it retained pursuant to paragraph 13 of the purchase agreement between the City and Wollin Products, Inc., to approve any substantial change in industrial use of the property;

THEREFORE, BE IT RESOLVED that the City, by and through its City Council, after due consideration of the development proposed by Larcyn Development, LLC, does hereby exercises its right pursuant to paragraph 13 of the purchase agreement with Wollin Products, Inc. and approves the use proposed by Larcyn Development, LLC for use of the

property for care for elderly individuals in a residential setting and other similar uses; and

BE IT FUTHER RESOLVED THAT THE City, by and through its City Council, does hereby release the terms of industrial use established in the purchase agreement between the City and Wollin Products, Inc and further removes any and all restrictions contained in said purchase agreement except to the extent that they are the same as restrictions contained in its July 16, 2013 purchase agreement with Larcyn Development, LLC.

Mayor Pro-Tem Sanders moved, supported by Mitchell to approve Resolution No. 2016-99 to relinquish its rights to purchase a parcel of property from Louise G. McLane as presented. Carried. 7 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-92 CHARLOTTE FRONTIER DAYS:

WHEREAS, the Frontier Days Festival is a community based, organized event that is to be held September 8 through the 11, 2016; and

WHEREAS, the Charlotte 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 and DPW Director, have planned the Charlotte 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, 2016:

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
Oliver from Lawrence to Horatio
Horatio from Oliver 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 6:00 am to 6:00 p.m. for special events.
4. The Committee requests E. Lovett from Cochran to Washington closed on Friday, September 9, after 6:00 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 Street 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, 2016

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, 2016, along the parade assembly area as well as Third Street, Fourth Street and the 100 Block of W. Stoddard Street 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 Eattran 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. Hayes Green Beech Hospital in cooperation with the Committee will organize and hold a “5k Race” on Saturday morning, September 10, 2016. The race will begin in the 200 Block of N. Oliver Street, follow the parade route, circle through Bennett Park and return to finish on Lawrence Avenue 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 entire use of Bennett Park, south of the river, for the 18th Century Living Encampment as in the past years and in front of footbridge to history camp. Also include the Battle Creek River for a Rotary Duck Drop and to request use of the pavilion, which was rented for event weekend.

7. The Committee will provide several kids’ activities and a petting zoo, at the Eaton County Fairgrounds from September 8 through September 11, 2016.
8. 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.)
9. 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 Avenue 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.
10. 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.
11. 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, 2016, per City Code, Chapter 46, and 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.

Councilmember Ridge moved, supported by Johnston to approve the second reading and adoption of Resolution No. 2016-92 Charlotte Frontier Days Resolution as presented. Carried. 7 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES – None.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: City Attorney Hitch reported on his memo to council.

CITY MANAGER REPORT: City Manager Guetschow invited everyone to the Open House at Camp Frances on Saturday, August

27th from 5:00 P.M. to 8:00 P.M.

COUNCILMEMBER COMMITTEE REPORTS:

- Councilmember Bahmer reported on the Planning Commission meeting on August 9th pertaining to the discussion on food trucks.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS:

- Councilmember Johnston thanked everyone for attending.
- Councilmember Ridge thanked everyone for attending. She stated that Charlotte Rising will be meeting downtown on September 22nd at 6:00 P.M. The next Recreation Co-op Meeting will be held on September 8th.
- Mayor Pro-Tem Sanders stated that he attended the closing for 108 & 110 E. Lawrence Ave. He also attended the reopening of Walmart on August 12th in the Mayor's absence. He thanked everyone for coming out.
- Councilmember Mitchell thanked everyone for coming out.
- Councilmember Bahmer invited everyone to enjoy Frontier Days. He welcomed the new addition to the City Manager's family.
- Mayor Lewis stated that he appreciated Mayor Pro-Tem Sanders assistance. He invited everyone to the Library appreciation event on Friday from 4:00 PM to 7:00 PM. He thanked various departments for their reports that were included in the packet. He invited everyone to come out to the Camp Frances event for some food and a sing-a-long by the camp fire.

**Councilmember Johnston moved, second by Sanders to adjourn
at 9:35 p.m. Carried. 7 Yes. 0 No**

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC