

COUNCIL PROCEEDINGS
Regular Meeting
October 10, 2016

CALL TO ORDER: By Mayor Lewis on Monday, October 10, 2016, at 7:00 p.m.

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

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

APPROVAL OF MINUTES FOR REGULAR MEETING OF SEPTEMBER 26, 2016: Councilmember Ridge moved, supported by Mitchell to approve the regular meeting minutes of September 26, 2016 as presented. Carried. 6 Yes. 0 No. 1 Absent. (Johnston)

ABSENT: Councilmember Johnston.

Mayor Pro-Tem Sanders moved, supported by Russo to excuse Councilmember Johnston. Carried. 6 Yes. 0 No.

PUBLIC HEARINGS:

PUBLIC HEARING: 912 WARREN – SIDE YARD SETBACK:
Opened: 7:02 P.M.

Charles McDermott, 912 Warren, explained that he needs the variance to build a garage. He is located on a corner lot so it makes it difficult to achieve the setbacks required.

James Rogers, 910 Warren, expressed that he has no problem with the variance.

Public Hearing Closed: 7:06 P.M.

PUBLIC COMMENT: None.

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

SPECIAL PRESENTATIONS: None.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2016-114 REPAIR OF WATERMAIN ON N. CLINTON ST.:

WHEREAS, on September 4, 2016 the watermain on Clinton Street at the CN Railroad sustained a break; and

WHEREAS, the Public Works Department repaired the break but has grave concerns about the integrity of the pipe going underneath the railroad tracks; and

WHEREAS, City Council was notified at their meeting on September 12, 2016 about an emergency engineering contract to prepare plans and specifications in order to obtain permits for the replacement of the pipe under the tracks; and

WHEREAS, quotes were solicited from two contractors to perform the emergency bore and watermain replacement under the railroad tracks; and

WHEREAS, Ward Excavating submitted the lowest quote in the amount of \$86,896.84 and ET Mackenzie submitted a quote for \$86,921.50; and

WHEREAS, both bids excluded water service work that will be performed by the DPW and unknown conditions of the forthcoming railroad permit; and

WHEREAS, the work will commence as soon as the Michigan Department of Environmental Quality and the CN Railroad permits have been issued; and

THEREFORE, BE IT RESOLVED That the City Council enter into a contract with Ward Excavating 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 Resolution No. 2016-114 to authorize repair of watermain on N. Clinton Street as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2016-115 CONTRACT CHANGE SOUTH STAIRWELL REMODEL & REPAIR ON NORTH STAIRWELL:

WHEREAS, the North Stairwell was completed and the South Stairwell started by the contractor; and

WHEREAS, the contract was terminated for the work not being performed in a timely manner; and

WHEREAS, the City approved the bid amount of \$17,600, of which we have expended \$11,300; and

WHEREAS, the City wishes to hire SBC Sommer Building Company to finish the project; and

WHEREAS, the cost to finish the south stairwell will be \$13,115; and

WHEREAS, after the north stairwell was completed the roof leaked causing paint damage that now needs repair; and

WHEREAS, SBC Sommer Building Company has agreed to make those repairs for an additional cost of \$3,497.00; and

THEREFORE BE IT RESOLVED that the City of Charlotte City Council hereby authorize the completion of the work on the South stairwell and the repair to the north stairwell for the City Hall Building in the total amount of \$16,612.00

Mayor Pro-Tem Sanders moved, supported by Ridge to approve Resolution No. 2016-115 contract change south stairwell remodel & repair on north stairwell as presented. Carried. 5 Yes. (Sanders, Ridge, Russo, Mitchell, Lewis) 1 No. (Bahmer)

C. CONSIDER APPROVAL OF RESOLUTION NO. 2016-116 FOR MAYORAL APPOINTMENT:

WHEREAS, a need for an appointment exists on the Downtown Development Board; and

WHEREAS, the Downtown Development Board appointment is a new appointment; and

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

Name	Board	Term Ending
Paul Wilson	Downtown Development	March 15, 2020

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

Councilmember Ridge moved, supported by Russo to approve Resolution No. 2016-116 to authorize Mayoral appointment as presented. Carried. 6 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2016-117 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 September 30, 2016 payroll totaled \$139,642.83; and

WHEREAS, the October 10, 2016 claims total \$260,614.61;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for October 10, 2016 in the amount of \$400,257.44.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL

VOTE: Mayor Pro Tem Sanders moved, supported by Russo to approve Resolution 2016-117 for expenditures of the City for October 10, 2016 as presented. Carried. 6 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-106 AUTHORIZING SALE OF 128 SOUTH BOSTWICK:

WHEREAS, the City owns a parcel of property located at 128 South Bostwick Street legally described as follows:

South ½ of Lots 11 & 12, south 3 feet of the east 108 feet of the north ½ of Lot 11, Lots 13 & 14 Original Plat of Block 25 City of Charlotte

; and

WHEREAS, the City has received an offer to purchase said parcel for \$25,000 from the First Congregational Church United Church of Christ which offer is contained in a proposed purchase agreement dated July 7, 2016; and

WHEREAS, the City finds that the property is not needed for corporate or public purposes; and

WHEREAS, the City Attorney has reviewed the proposed purchase agreement and has approved it as to form;

THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the execution of the proposed purchase agreement and such other actions as are necessary to complete the sale of 128 South Bostwick Street in accordance with its provisions.

Mayor Pro-Tem Sanders moved, supported by Mitchell to approve the second reading and adoption of Resolution 2016-106 to authorize the sale of 128 South Bostwick as presented. Carried. 6 Yes. 0 No.

B. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-113 FOR CONSIDERATION OF AUDIO EQUIPMENT PURCHASE AND INSTALLATION:

WHEREAS, the City of Charlotte desires the capability to broadcast and record certain public meetings with full video and audio; and

WHEREAS, certain components of the audio-visual system are aging or no longer functioning; and

WHEREAS, the City of Charlotte has received a proposal from Moss to replace these components;

THEREFORE, BE IT RESOLVED that the purchase and installation of the equipment as proposed is hereby authorized by the Charlotte City Council.

Councilmember Bahmer moved, supported by Mitchell to approve the second reading and adoption of Resolution 2016-113 to authorize audio equipment purchase and installation as presented. Carried. 6 Yes. 0 No.

City Manager Guetschow asked to move Item I on the agenda to be considered first since Mr. McDermott was present in case council had any questions.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2016-123 GRANTING A SIDE YARD SETBACK VARIANCE FOR PROPERTY LOCATED AT 912 WARREN AVE.:

WHEREAS, Charles McDermott is the owner of property located at 912 Warren Avenue described as Lot 6, Block 4, Widdicomb Addition, City of Charlotte, which parcel measures 52 feet in width by 132 feet in length; and

WHEREAS, this parcel is located on a corner lot requiring a 25-foot setback on the side of the property abutting Monroe Street; and

WHEREAS, Mr. McDermott wishes to construct a garage on the property measuring 24 feet in width by 32 feet in length, which garage would encroach into the required 25-foot side yard setback by several feet but would not increase the degree of nonconformity created by the location of the house which already encroaches into the required 25-foot side year setback; and

WHEREAS, Section 82-453 (G) of the Code of Ordinances provides as follows:

“In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance to yard requirements may be obtained through the Board of Appeals.”

; and

WHEREAS, a garage is an accessory building customarily found in single-family residential districts; and

WHEREAS, an application for a variance from the side yard setback requirement has been submitted by Mr. McDermott, the required notice has been published in the County Journal and delivered to surrounding property owners in accordance with the provisions of the zoning ordinance and a public hearing has been held affording an opportunity for interested parties to voice the opinions regarding the matter;

THEREFORE, BE IT RESOLVED that the City Council, acting as Zoning Board of Appeals pursuant to Section 82-56 of the Code of Ordinances, does hereby find that due to the exceptional narrowness of the lot described above, the strict application of the regulations contained in the zoning ordinance would result in an undue hardship and that the relief requested may be granted without substantial detriment

to the public good and without substantially impairing the intent and purpose of the zoning ordinance; and
BE IT FUTHER RESOLVED that the side yard variance requested is hereby approved

Councilmember Bahmer moved, supported by Russo to approve the first reading of Resolution 2016-123 granting a side yard setback variance for property located at 912 Warren Ave. as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF FIRST READING OF ORDINANCE TO REZONE 436 N. SHELDON ST. FROM I-2 GENERAL INDUSTRIAL TO R-1 SINGLE FAMILY RESIDENTIAL AND SET PUBLIC HEARING FOR NOVEMBER 1, 2016 BEFORE THE PLANNING COMMISSION:

AN ORDINANCE TO AMEND CHAPTER 82 - ZONING, BY AMENDING THE ZONING MAP TO CHANGE A CERTAIN DESCRIBED PARCEL FROM _ (GENERAL INDUSTRIAL) TO R-1 (SINGLE FAMILY RESIDENTIAL)_.

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: Lots 15 & 16 Lying W of G.T.W.R.R. McClures Addition. City of Charlotte.

is hereby rezoned from I-2 General Industrial to R-1 Single

Family..

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. 2016-_____ 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 Ridge moved, supported by Russo to approve the first reading of Ordinance to rezone 436 N. Sheldong St. from I-2 General Industrial to R-1 Single family residential and set public hearing for November 1, 2016 before the Planning Commission as presented. Carried. 6 Yes. 0 No.

C. CONSIDER APPROVAL OF FIRST READING OF ORDINANCE TO AMEND CHAPTER 46 TO RENAME THE CHAPTER, REMOVE REFERENCES TO CANVASSERS AND PROVIDE FOR FOOD TRUCKS KNOWN AS SPECIAL TRANSITORY FOOD UNITS AND SET PUBLIC HEARING FOR OCTOBER 24, 2016:

AN ORDINANCE TO AMEND CHAPTER 46: SOLICITORS AND CANVASSERS, BY RENAMING THE CHAPTER, BY REMOVING ANY REFERENCES TO CANVASSERS BY AMENDING SECTION 4.6-1 AND DELETING SECTIONS 4.6-6 AND 4.6-7, AND BY ADDING ARTICLE II, SECTION 46-51 THROUGH 46-70 TO PROVIDE FOR FOOD TRUCKS, KNOWN AS SPECIAL

TRANSITORY FOOD UNITS, WITHIN THE CITY OF CHARLOTTE.

THE CITY OF CHARLOTTE ORDAINS:

Chapter 46 - Solicitors and Canvassers - of the Code of the City of Charlotte is hereby amended as follows:

1. Chapter 46: SOLICITORS AND CANVASSERS, is hereby renamed PEDDLERS AND TRANSITORY BUSINESSES.

2. Sections 46-1 through 46-5 of Chapter 46: SOLICITORS AND CANVASSERS, of the Code of the City of Charlotte is amended to read as follows:

ARTICLE I, Peddlers

§ 46-1 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

PEDDLER. Any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, books, or magazines, personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on

such sales or not. This definition includes any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for immediate or future delivery.

(1993 Code, § 46-1)

Cross reference:

Definitions and rules of construction generally, see § 1-2

§ 46-2 PEDDLER'S LICENSE – REQUIRED; POLICE CHIEF CERTIFICATION.

(A) No person shall engage in the business of a peddler within the city without first obtaining a license therefor. No such license shall be granted except upon certification of the Chief of Police or his designee.

(B) In all cases where the certification of the Police Chief is required prior to the issuance of any license by the City Clerk, such certification shall be based upon a finding that the person making application for such license is of good moral character.

(C) The phrase GOOD MORAL CHARACTER, when used in this chapter for the purpose of licensing, shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.

(D) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he has the ability and is likely to serve the public in a fair, honest and open manner, that he is rehabilitated or that the substance of the former offense is not reasonably related to the

occupation or profession for which he seeks to be licensed.

(E) The following criminal records shall not be used, examined or requested by the city in a determination of good moral character:

- (1) Records of an arrest not followed by a conviction;
- (2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction;
- (3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest and open manner;
- (4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

(F) When a person is found to be unqualified for a license because of a lack of good moral character or similar criteria, the person shall be furnished by the City Clerk with a statement to that effect. The statement shall contain a complete record of the evidence upon which the determination was based. The person shall be entitled, as of right, to a rehearing on the issue before the Council if he has relevant evidence not previously considered regarding his qualifications.

(1993 Code, § 46-2)

Statutory reference:

Similar provisions, see M.C.L.A. §§ 338.41 et seq.

§ 46-3 SAME – APPLICATION.

The peddler's license application shall furnish the following information:

- (1) Name and description of the applicant;
- (2) Permanent home address and telephone number and full local address of the applicant;
- (3) Driver's license, automobile make and automobile license number;

(4) A brief description of the nature of the business and the goods to be sold;

(5) The length of time for which the right to do business is desired;

(6) The place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery;

(7) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be 2 inches by 2 inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(1993 Code, § 46-3)

§ 46-4 SAME – FEES.

The fees for a peddler's license shall be \$5 per day, \$10 per week, \$25 per month, or \$50 per year. This fee may be changed by resolution of the City Council from time to time. No fee for a peddler's license shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he may apply to the City Manager for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within 6 months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and gross volume or estimated gross volume of business and such other information as the City Manager may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The City Manager shall then conduct an investigation, comparing the applicant's business with other businesses of like nature, and shall

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make findings of fact from which he shall determine whether the fee fixed for the solicitor's license is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the City Manager shall have the power to base the fee upon a percentage of gross sales or any other method which will ensure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fee as prescribed. Should the City Manager determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of the applicant's business in the city or at the end of each 3 month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any 1 license year shall be required after the licensee shall have paid an amount equal to the annual license fee.

(1993 Code, § 46-4)

§ 46-5 RESIDENTIAL PEDDLING PROHIBITED.

(A) It is hereby declared to be the policy of the city that the occupants of the residences in the city shall make the determination of whether peddlers shall be, or shall not be, invited to their respective residences.

(B) Notice of the refusal of invitation to peddlers, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO PEDDLERS INVITED"

(C) The card so exhibited shall constitute sufficient notice to any peddler of the determination by the occupant of the residence of the information contained thereon.

(1993 Code, § 46-5)

3. Sections 46-6 and 46-7 of Chapter 46: SOLICITORS AND CANVASSERS, of the Code of the City of Charlotte are hereby deleted and of no further force and effect.

4. Chapter 46: SOLICITORS AND CANVASSERS, of the Code of the City of Charlotte is hereby amended by adding Article II, Special Transitory Food Units, Sections 46-51 through 46-70, which sections shall read as follows:

ARTICLE II, Special Transitory Food Units

§46-51. Short title.

This article shall be known as the City of Charlotte Special Transitory Food Unit Ordinance.

§46-52. Purpose

It is the purpose of this article to regulate the operation of Special Transitory Food Units, to provide licensing requirements for same; and to protect the public health, safety and welfare.

§46-53. Validity and Severability.

The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

§46-54. Repealer Clause.

All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

§46-55. Effective Date.

This Ordinance shall be effective twenty (20) days from the date of final publication.

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§46-56. Definitions.

Administrator means the City Manager, Zoning Administrator or official designee.

Operate shall mean the actual hours when the Special Transitory Food Unit is open for business, not including the hours to set up and take down.

Operator shall mean any person engaged in the business of sales from a Special Transitory Food Unit; if more than one individual is operating a motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable, then operator shall mean all individuals operating such motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable.

Operating a Special Transitory Food Unit means serving or offering for sale food and/or beverages from a Special Transitory Food Unit.

Special Transitory Food Unit shall mean any motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground from which food is served or offered for sale.

§46-57. Permitted Locations.

Operating a Special Transitory Food Unit shall be permitted on private property in zoning districts B-2, B-3 and I-2; as well as at churches, schools and public parks, regardless of zoning designation. In no circumstances shall a Special Transitory Food Unit be permitted to operate within a street Right-of-Way. Special Transitory Food Units shall be permitted to operate in other areas of the city during special events and festivals as authorized by City Council Resolution, provided that operation of a Special Transitory Food Unit, with permission of property owners at 100 West Lawrence Avenue (Courthouse Square), 120 West Lovett Street (Beach Market), and 1025 South Cochran Avenue (Eaton County Fairgrounds) be allowed without a City Council Resolution.

§46-58. Permitted Hours.

Operating a Special Transitory Food Unit shall be only be permitted between the hours of 7:00 a.m. and 11 p.m. Operation outside these hours may be permitted during special events and festivals as authorized by City Council Resolution.

§46-59. Permit Required.

No person shall operate a Special Transitory Food Unit without a permit issued by the Administrator. The serving or sales of food and/or other consumables shall not be allowed unless the operation meets the definition of Special Transitory Food Unit herein and complies with the requirements of this ordinance.

§46-60. Exceptions to Permit Requirement.

The following operations are exempt from the permit requirement and the corresponding fee:

(1) Operating a Special Transitory Food Unit as part of a special event or sidewalk sale organized and operated by an established restaurant or business for a period of time not to exceed three (3) days.

(2) Operating a Special Transitory Food Unit for a period of three (3) days or less on church and school properties conducted in conjunction with a special event at the church or school. The exemption shall only apply to three (3) special events or fewer per year.

(3) Veterans who have been issued a permit by the County Clerk pursuant to Public Act 359 of 1921.

(4) Special Transitory Food Units being operated by permission of City Council through a City Council Resolution, as well as Special Transitory Food Units being operated with the permission of property owners at 100 West Lawrence Avenue (Courthouse Square), 120 West Lovett Street (Beach Market), and 1025 South Cochran Avenue (Eaton County Fairgrounds).

§46-61. Duration; Number; Local Preference; Non-Transferability.

Permits may be issued by the Administrator for a monthly period of thirty days (30) or a seasonal period of one hundred twenty (120) days from the date of issuance. Monthly permits shall not be issued to the same operator for consecutive months. Seasonal permits may be renewed by an operator in good standing.

At any one time, there may be only three (3) permits in effect which allow an operator to engage in transitory sales from a food unit. The Administrator shall not issue more than two (2) monthly, or two (2) seasonal permits at any one time, and no combination of monthly and seasonal permits that total more than three (3) shall be in effect at any one time.

When the number of applicants exceeds the number of available permits, the Administrator shall issue permits to Charlotte residents and business owners before considering other applicants.

Any permit issued under this article is non-transferrable between operators, properties, and Special Transitory Food Units.

§46-62. Permit Application.

A person or individual desiring to operate a Special Transitory Food Unit shall submit a permit application to the Administrator's Office. No application shall be processed until it is complete. The application shall contain the following information:

- (1) The applicant's name, address, phone number, and email.
- (2) The address and/or parcel number of the property where the Special Transitory Food Unit will be located.
- (3) The name, address, phone number, driver's license or photo identification and email of the party responsible for operating the Special Transitory Food Unit, if different from the applicant. If more than one individual is employed at the Special Transitory Food Unit, the names, addresses, phone numbers, driver's permit or photo identification, and emails for all employees shall be provided.

(4) If applicable, the license plate number of the Special Transitory Food Unit; as well as a copy of the registration and proof of insurance.

(5) The proposed days and hours of operation and estimated staffing level.

(6) Written permission from the owner of the property on which the Special Transitory Food Unit will operate.

(7) A sketch depicting the location of the special transitory food Unit, existing buildings, parking, streets, driveways, and sidewalks.

(8) Copies of any license, permit, or authorization required by any other ordinance, statute, or administrative rule. It shall be the responsibility of the operator to know and understand what other licenses, permits or authorizations may be required by other ordinances, statutes or administrative rules outside the immediate jurisdiction of the City of Charlotte.

(9) Copy of the menu, or list of primary food items planned for sale.

§46-63. Processing of Permit Application.

A Special Transitory Food Unit permit shall be issued or denied within ten (10) business days from the day the application was originally filed. If the application is denied, the Administrator shall notify the applicant in writing of the specific reason(s) why the application was denied.

§46-64. Enforcement.

It shall be the responsibility of the Administrator to enforce the terms of this article.

§46-65. Fees.

An application for a permit under this ordinance shall be accompanied by a fee in the amount established in the **schedule of fees adopted by the City of Charlotte City Council**. There shall be no proration of fees. Fees are non-refundable once a permit is issued by the Administrator.

§46-66. Requirements.

Persons operating a Special Transitory Food Unit shall comply with the following requirements:

(1) Special Transitory Food Units shall not be located within any street right of way; and shall adhere to the requirements of Charlotte City Code section 82-463 Corner Clearance.

(2) Signage related to Special Transitory Food Units shall be in compliance with the regulations of the City of Charlotte Sign Ordinance. No signage shall be displayed or erected outside of the immediate vicinity of the Special Transitory Food Unit.

(3) Special Transitory Food Units shall be removed entirely from the site every day, no overnight storage of any kind shall be permitted. The operator shall remove all litter and debris attributable to the operation on at least a daily basis.

(4) Outdoor seating, including but not limited to tables, chairs, benches, or stand up counters shall be subject to the approval of the Administrator.

(5) An operator shall not extend power cables, extension cords or similar devices across any public street, sidewalk or pathway.

(6) Special Transitory Food Units shall be completely self-contained, and are prohibited from using water from public hydrants and disposing of liquid wastes, including but not limited to grease, into storm drains or sanitary sewers.

(7) The Special Transitory Food Unit shall not be located so as to block a public sidewalk or pathway, designated fire lane, or otherwise impede pedestrian or vehicular movement.

(8) A Special Transitory Food Unit shall not make or cause to be made any excessive noise. The operation of all Special Transitory Food Units shall be in compliance with the City of Charlotte noise ordinance, including generators.

(9) Operators who conduct business on city owned properties shall provide a copy of their Certificate of General Liability Insurance which names City of Charlotte as an additionally insured.

(10) The Special Transitory Food Unit permit from City of Charlotte, state sales tax permit and license from the county health department shall be displayed at all times by the operator in a conspicuous location.

(11) Special Transitory Food Units shall be inspected by the Administrator before issuance of a permit. The Administrator's inspection shall ensure that a permitted Special Transitory Food Units are:

(a) In safe operating condition as required by the State of Michigan Motor Vehicle Code;

(b) Clean; free of food waste, debris and grime;

(c) Free of graffiti, excessive rust, and broken or neglected fixtures;

(12) Special Transitory Food Units shall offer a substantially unique menu. The Administrator shall not issue a permit for a Special Transitory Food Unit that offers the same primary food item as another contemporary permit holder, i.e. hot dogs, donuts, tacos, barbecue, ice cream, coffee, or similar, recognizing that many Special Transitory Food Units may have extensive menus and some duplication of offering is expected. This determination shall be made by the Administrator.

§46-67. Sales Tax Permit.

If an operator does not have a state sales tax permit, the Administrator shall send a notification to the registration section of the Michigan Department of Treasury at the time the Administrator issues the permit.

§46-68. Revocation.

The Administrator shall revoke the permit of any operator of a Special Transitory Food Unit who ceases to meet the requirements of this article; who commits fraud, misrepresentation or makes a false statement on their application or in the course of operating the Special Transitory Food Unit; who is convicted of a felony; or who

creates a public nuisance or constitutes a danger to the public health, safety, and welfare.

It is the intention of the City that permits issued under this ordinance shall be used. Therefore, the Administrator shall revoke the permit of any operator who does not make use of the permit within ten (10) days following issuance.

Immediately upon such revocation the permit shall become null and void and the Administrator shall provide written notice to the permit holder and property owner by certified mail to the address provided on the application. No person whose Special Transitory Food Unit permit has been revoked shall be eligible to receive another permit within the City of Charlotte for two (2) years from the date of permit revocation.

§46-69. Appeals.

Any person aggrieved by an order, requirement, decision or determination of the Administrator as it relates to this article may appeal to the City of Charlotte City Council in accordance with the following procedures:

(1) A written statement containing the specific reason(s) for the appeal must be filed with the City Clerk within fifteen (15) calendar days of the date of the decision sought to be appealed.

(2) The City of Charlotte City Council shall hold a hearing on the appeal, which shall be open to public comment and shall include an opportunity for the appealing party to present their appeal.

(3) Notice of the time and place for consideration of an appeal shall be sent by the City Clerk by mail or personal delivery not less than ten (10) calendar days prior to the date of the hearing to the parties making the appeal.

(4) The City of Charlotte City Council shall issue its decision on the appeal within a reasonable time. In its determination of the appeal,

the City of Charlotte City Council may take, but is not limited to, any of the following actions:

(a) Affirm the decision of the Administrator with or without modification and with or without such conditions as the Board deems necessary or appropriate to further the intent and purposes of this ordinance.

(b) Reverse the decision of the Administrator and state its reasons for reversal.

(c) Make any other decision, determination, order, or requirement that the Administrator could have made with respect to the subject matter of the appeal.

(5) The City Clerk shall notify the parties making the request in writing of the City of Charlotte City Council decision regarding the appeal.

§46-70. Sunset.

The ordinance codified herein will sunset after one year.

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 Russo to approve the first reading of Ordinance to amend Chapter 46 to rename the chapter, remove references to canvassers and provide for food trucks known as special transitory food units and set public hearing for November 1, 2016 as presented. (No Vote)

Councilmember Bahmer stated that he wishes to review the ordinance more before voting on it.

Councilmember Bahmer moved, supported by Russo to table this action until more information can be provided by staff. Carried. 6 Yes. 0 No.

D. CONSIDER APPROVAL OF FIRST READING OF ORDINANCE TO AMEND CHAPTER 82 TO PERMIT SPECIAL TRANSITORY FOOD UNITS IN THE B-2 AND B-3 BUSINESS DISTRICTS AND SET PUBLIC HEARING FOR NOVEMBER 1, 2016:

AN ORDINANCE TO AMEND ARTICLES XII AND XIII OF CHAPTER 82: ZONING, OF THE CODE OF THE CITY OF CHARLOTTE, BY AMENDING SECTIONS 82-248 AND 82-268 IN ORDER TO PERMIT SPECIAL TRANSITORY FOOD UNITS IN THE B-2 COMMUNITY BUSINESS DISTRICT AND B-3 GENERAL BUSINESS DISTRICT WITHIN THE CITY OF CHARLOTTE.

THE CITY OF CHARLOTTE ORDAINS:

1. Section 82-248 of Article XII of Chapter 82: ZONING, of the Code of the City of Charlotte is hereby amended to read as follows:

§ 82-248 REQUIRED CONDITIONS.

Required conditions in a Community Business District are as follows.

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.

(2) All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special conditions in § 82-249 shall be conducted within completely enclosed buildings, except where permitted pursuant to Article II of Chapter 46 of this Code.

2. Section 82-268 of Article XIII of Chapter 82: ZONING, of the Code of the City of Charlotte is hereby amended to read as follows:

§ 82-268 REQUIRED CONDITIONS.

Required conditions in a General Business District are as follows.

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.

(2) All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special conditions in § 82-269 shall be conducted within completely enclosed buildings, except where permitted pursuant to Article II of Chapter 46 of this Code.

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

No action taken.

E. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2016-118 FOR SALE OF ORWALK BALER:

WHEREAS, the City is the designated financial agent for the Charlotte Area Recycling Authority (CARA); and
WHEREAS, CARA no longer has use for the smaller baler and would like to sell it; and

WHEREAS, the CARA Board has authorized the sale of its smaller Orwalk baler through the online auction used by the Public Works Department for disposition of equipment; and
WHEREAS, the proceeds from the sale would be returned to the CARA fund; and
WHEREAS, a minimum bid will be set at the approximate scrap price for the metal.
THEREFORE, BE IT RESOLVED That the City Council authorizes the sale of the Orwalk baler through govbids.com in accordance with City Ordinance 2-185.

Councilmember Russo moved, supported by Mitchell to approve the first reading of Resolution 2016-118 to authorize the sale of Orwalk Baler as presented. Carried. 6 Yes. 0 No.

F. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2016-119 FOR SALE OF AUGER MONSTER PART:

WHEREAS, the City removed the Auger Monster from the Tirrell Lift Station in 2015 and replaced it with a flex rake; and
WHEREAS, the screw from the Auger Monster has been laying behind the building since its decommissioning; and
WHEREAS, being a proprietary piece of equipment, the number of facilities that would have a use for it is limited; and
WHEREAS, the Utility Division would like to sell the screw through an online auction used by the Public Works Department for disposition of equipment; and
WHEREAS, a minimum bid will be set at the approximate scrap price for the metal.
THEREFORE, BE IT RESOLVED That the City Council authorizes the sale of the Auger Monster screw through govbids.com in accordance with City Ordinance 2-185.

Councilmember Russo moved, supported by Mitchell to approve the first reading of Resolution 2016-119 to authorize the sale of Auger Monster part as presented. Carried. 6 Yes. 0 No.

G. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2016-120 FOR APPROVAL OF CONSTRUCTION ENGINEERING FOR MOORE & BRUGGINK FOR THE GRIT PROJECT:

WHEREAS, the City Council approved the construction of the grit project at their meeting on June 27, 2016; and
WHEREAS, the contractor has since ordered the equipment and expects to start work at the end of October; and
WHEREAS, Moore & Bruggink, Inc. had prepared the design and construction documents for the project and is therefore the most qualified to provide construction engineering services for the project; and
WHEREAS, Moore & Bruggink, Inc. has submitted a proposal for the construction engineering for an amount not to exceed \$56,425.00, and
WHEREAS, funding for the professional services related to grit equipment replacement is in the current year's budget.
THEREFORE, BE IT RESOLVED That the City Council enter into a contract with Moore & Bruggink, 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 Russo moved, supported by Sanders to approve the first reading of Resolution 2016-120 for approval of construction engineering for Moore & Bruggink for the grit project as presented. Carried. 5 Yes. (Ridge, Russo, Sanders, Mitchell, Lewis) 1 No. (Bahmer)

H. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2016-121 FOR APPROVAL TO PURCHASE A SKID STEER AND ATTACHMENTS:

WHEREAS, the City's FY 17/18 budget has appropriated \$60,000 for the purchase of a skid steer, \$7,000 for the skid steer hydraulic hammer, \$4,500 for the skid steer gutter broom, and \$4,200 for the skid steer angle broom; and

WHEREAS, the Public Works staff identified comparable models from five major manufacturers instead of writing a neutral specification that would require more work on the part of staff and the vendors; and

WHEREAS, the staff has been researching and demoing the skid steer models that were identified as comparable; and

WHEREAS, the machines were evaluated on the power, visibility, ease of maintenance, availability of parts, comfort, controls, and other various features; and

WHEREAS, quotes were received for the top three contenders after the evaluations: Bobcat \$37,439.00, Wacker \$49,950.00 and New Holland \$37,000.00; and

WHEREAS, the DPW garage staff is requesting the purchase of one new Bobcat S650 T4 at a cost of \$37,439.00; and

WHEREAS, quotes were also received for the hydraulic hammer, gutter broom, and angle broom attachments from the top three contenders; and

WHEREAS, the Bobcat attachments were the lowest cost in each instance; and

WHEREAS, the DPW garage staff is requesting the purchase of one new hydraulic breaker at a cost of \$5,871.00, one new gutter broom at a cost of \$4,097.00, and one new angle broom at a cost of \$3,647.00; and

WHEREAS, Section 2-178 of the City Ordinances allows for the waiver of sealed bids.

THEREFORE, BE IT RESOLVED that the City Council authorizes the purchase of the Bobcat S650 T4, the hydraulic breaker, the gutter broom, and the angle sweeper from Bobcat of Lansing in amount of \$ 51,054.00 and agrees to waive the sealed bid process.

Councilmember Russo moved, supported by Ridge to approve the first reading of Resolution 2016-121 for approval to purchase a skid steer and attachments as presented. Carried. 4 Yes (Ridge, Russo, Sanders, Lewis) 2 No. (Bahmer, Mitchell)

I. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2016-122 FOR REPAIR OF TRICKLING FILTER PUMP #3:

WHEREAS, Trickling Filter Pump #3 has been shutting down due to high temperatures; and

WHEREAS, pump #3 is the last of the three original trickling filter pumps; and

WHEREAS, the pump was sent to Kennedy Industries for evaluation as they are the manufacturer's representative in the State of Michigan for Flyght pumps; and

WHEREAS, the pump was disassembled to determine the needed repairs; and

WHEREAS, the estimate to fix the pump is \$4,687.00 plus an estimated \$1,000.00 to reinstall the pump; and

WHEREAS, the estimated cost of a new pump is approximately \$25,000.00; and

WHEREAS, we feel that this rebuilt pump will continue to serve us well until we can budget money for its replacement.

THEREFORE, BE IT RESOLVED That the City Council approve the rebuilding of the Trickling Filter Pump #3 by Kennedy Industries and it be paid for from the Water and Sewer Fund.

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Mayor Pro-Tem Sanders moved, supported by Ridge to approve the first reading of Resolution 2016-122 for repair of trickling filter pump #3 as presented. Carried. 6 Yes. 0 No.

J. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2016-123 GRANTING A SIDE YARD SETBACK VARIANCE FOR PROPERTY LOCATED AT 912 WARREN AVE.:

WHEREAS, Charles McDermott is the owner of property located at 912 Warren Avenue described as Lot 6, Block 4, Widdicomb Addition, City of Charlotte, which parcel measures 52 feet in width by 132 feet in length; and

WHEREAS, this parcel is located on a corner lot requiring a 25-foot setback on the side of the property abutting Monroe Street; and

WHEREAS, Mr. McDermott wishes to construct a garage on the property measuring 24 feet in width by 32 feet in length, which garage would encroach into the required 25-foot side yard setback by several feet but would not increase the degree of nonconformity created by the location of the house which already encroaches into the required 25-foot side year setback; and

WHEREAS, Section 82-453 (G) of the Code of Ordinances provides as follows:

“In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both,

that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance to yard requirements may be obtained through the Board of Appeals.”

; and

WHEREAS, a garage is an accessory building customarily found in single-family residential districts; and

WHEREAS, an application for a variance from the side yard setback requirement has been submitted by Mr. McDermott, the required notice has been published in the County Journal and delivered to surrounding property owners in accordance with the provisions of the zoning ordinance and a public hearing has been held affording an opportunity for interested parties to voice the opinions regarding the matter;

THEREFORE, BE IT RESOLVED that the City Council, acting as Zoning Board of Appeals pursuant to Section 82-56 of the Code of Ordinances, does hereby find that due to the exceptional narrowness of the lot described above, the strict application of the regulations contained in the zoning ordinance would result in an undue hardship and that the relief requested may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance; and

BE IT FUTHER RESOLVED that the side yard variance requested is hereby approved

Councilmember Bahmer moved, supported by Russo to approve the first reading of Resolution 2016-123 granting a side yard setback variance for property located at 912 Warren Ave. as presented. Carried. 6 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow stated that he attended a training program for communities involved in Rising Tide. He reported that Governor Snyder visited Charlotte last Thursday as part of the Rising Tide initiative. He reported that the presentation by Peter Kageyama was well attended with upwards of 100 community members in attendance. There were several projects that were funded for the community through this effort. He reminded that the Camp Frances Open House is scheduled for Sunday, October 23rd at 6:00 P.M., weather permitting. He stated that the furnace at Camp Frances has been replaced with LP Gas and many of the windows have been repaired.

COUNCILMEMBER COMMITTEE REPORTS:

- Councilmember Ridge reported that the Recreation Co-op will be working on the five year Master Plan, Tuesday, October 11th at 7:00 P.M. at Carmel Township. Thursday, October 13th will be their regular meeting at 7:00 P.M. at Carmel Township.
- Councilmember Bahmer reported that last Tuesday the Planning Commission approved a lot split at 234 N. Cochran/112 E. Stoddard Street. He also stated that Commissioner Bly would like the parking on Johnson Street near M-50 to be limited to one side of the road parking.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS:

- Councilmember Ridge thanked Paul Wilson for willing to serve on the Downtown Development Authority and Dr.

Edward Foster for serving on the Airport Advisory Board. She reported that she was out of state and unable to attend the amazing community event with Mr. Kageyama but heard how amazing it was. She reported that she attended the Governors visit last Thursday. He was very impressed with the things that Charlotte is doing. The first board meeting for **Charlotte Rising** is tomorrow morning at 7:00 A.M. She stated that everyone needs to take part and make Charlotte great!

- Councilmember Bahmer stated that he will not be in attendance at the next council meeting.
- Mayor Lewis stated that the Governors visit was very exciting. He was impressed with all the enthusiasm in town. He stated that Mr. Kageyama helped to look at the community in a different way and to dream bigger. He thanked Mr. Wilson and Mr. Foster for serving on the boards. He thanked Chief Fullerton and staff for doing a great job.

City Clerk Terpstra reported that 1,047 Absentee ballots have been sent out to date. She reminded that the last day to register to be eligible to vote for the November election is tomorrow, October 11th.

Mayor Pro Tem Sanders moved, second by Russo to adjourn at 8:04 p.m. Carried. 6 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC