

COUNCIL PROCEEDINGS
Regular Meeting
December 12, 2016

CALL TO ORDER: By Mayor Lewis on Monday, December 12, 2016, at 7:00 p.m.

PRESENT: Councilmembers Mitchell, Russo, Bahmer, Johnston, 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 NOVEMBER 28, 2016: Mayor Pro-Tem Sanders moved, supported by Russo to approve the regular meeting minutes of November 28, 2016 as presented. Carried. 6 Yes. (Mitchell, Russo, Bahmer, Johnston, Sanders, Lewis) 0 No. 1 Absent. (Ridge)

ABSENT: Councilmember Ridge.

PUBLIC HEARINGS: None.

PUBLIC COMMENT: None.

APPROVAL OF AGENDA: Councilmember Johnston moved, supported by Mitchell to approve the agenda as presented. Carried. 6 Yes. 0 No.

SPECIAL PRESENTATIONS: None.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2016-141 MAYORAL APPOINTMENTS:

WHEREAS , a need for several appointments exist on the Compensation Commission Board ; and

WHEREAS, two are new appointments and two are reappointments; and

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

| Name | Board | Term Ending |
|---------------|-------------------------|--------------------|
| Ken Wirt | Compensation Commission | 1/14/2019 |
| Jeff Wildern | Compensation Commission | 1/14/2020 |
| Charles Green | Compensation Commission | 1/14/2021 |
| Becky Kendall | Compensation Commission | 1/14/2022 |
| | | |
| | | |

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

Mayor Pro-Tem Sanders moved, supported by Johnston to approve Resolution No. 2016-141 Mayoral Appointments as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2016-142 TO AMEND THE FY 2016/2017 BUDGET:

WHEREAS, Section 17 of the Michigan Uniform Budgeting and Accounting Act requires that the original annual appropriations by a

legislative body be amended for any deviations from the annual original appropriations; and

WHEREAS, it has been determined that deviations from the FY 2016-2017 original budget appropriations exist in the General Fund and LDFA Fund; and

WHEREAS, the deviations will be covered by a draw on fund balance within the General Fund and LDFA fund, and

WHEREAS, the required budget adjustments to remove these deviations are;

| Budget Adjustment Number: 1 | | | | |
|---|---------------------|-------------------------|-----------------|-----------------|
| ACCOUNT # TO | ACCOUNT # FROM | ACCOUNT NAME | AMOUNT TO | AMOUNT FROM |
| 101-350.000-864.000 | | Cap. Outlay - Equipment | 69,900 | |
| | 101-000.000-399.000 | Planned Use of Cash | | 69,900 |
| | | | \$69,900 | \$69,900 |
| Fund(s)/Dept. | | | | |
| General / Fire | | | | |
| Explanation & justification | | | | |
| To Cover the purchase of warning sirens and system upgrade approved by Resolution 2016-35 | | | | |

| Budget Adjustment Number: 2 | | | | |
|---|---------------------|---------------------------|------------------|------------------|
| ACCOUNT # TO | ACCOUNT # FROM | ACCOUNT NAME | AMOUNT TO | AMOUNT FROM |
| 261-800.000-746.000 | | Cap. Outlay - Equipment | 23,500 | |
| 261-800.000-862.000 | | Cap. Outlay - Improvement | 159,600 | |
| | 261-000.000-399.000 | Planned Use of Cash | | 183,100 |
| | | | \$183,100 | \$183,100 |
| Fund(s)/Dept. | | | | |
| LDFA / LDFA | | | | |
| Explanation & justification | | | | |
| To cover the design and construction of the industrial park road extension to the new ballfields as approved by the LDFA Board. | | | | |

THEREFORE, BE IT RESOLVED that the City Council approve the budget adjustments set forth above to cover expenditures projected to exceed budget.

Mayor Pro-Tem Sanders moved, supported by Johnston to approve Resolution No. 2016-142 to amend the FY 2016/2017 Budget as presented. Carried. 6 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2016-144 TO ADOPT MEETING DATES FOR CITY COUNCIL FOR 2017

| | | |
|-------------------------------|---------------------|---|
| CHARLOTTE CITY COUNCIL | | COUNCIL CHAMBERS 2 ND Floor, City Complex 111 E. Lawrence Ave Charlotte MI 48813 Phone: 543-2750 |
| | Monday, January 9 | 7:00 P.M. |
| | Monday, January 23 | |
| | Monday, February 13 | |
| | Monday, February 27 | |
| | Monday, March 13 | |
| | Monday, March 27 | |
| | Monday, April 10 | |
| | Monday, April 24 | |
| | Monday, May 8 | |
| | Monday, May 22 | |
| | Monday, June 12 | |
| | Monday, June 26 | |

| | | |
|--|------------------------------|--|
| | | |
| | Monday, July 10 | |
| | Monday, July 24 | |
| | Monday, August 14 | |
| | Monday, August 28 | |
| | Monday, September 11 | |
| | Monday, September 25 | |
| | Monday, October 9 | |
| | Monday, October 23 | |
| | Monday, November 13 | |
| | Monday, November 27 | |
| | Monday, December 11 | |
| | *Tuesday, December 26 | |

Councilmember Bahmer moved, supported by Johnston to approve Resolution No. 2016-144 to adopt Meeting Dates for City Council for 2017 as presented. No Vote.

Councilmember Russo moved, supported by Mitchell to approve Resolution No. 2016-144 changing the meeting date of Tuesday, December 26, 2017 to Wednesday, December 27, 2017. Carried. 6 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2016-145 BEACH MARKET ACCEPTANCE OF BLIGHT DETERMINATION:

WHEREAS, the State of Michigan is considering a proposal to fund improvements at Beach Market in downtown Charlotte; and

WHEREAS, this would take the form of Community Development Block Grant funds in support of blight elimination; and

WHEREAS, the City of Charlotte Fire Department, acting in its role as City of Charlotte Building Department, has determined that blight conditions exist at Beach Market; and

WHEREAS, a statement of this determination has been prepared by the Building Department.

NOW, THEREFORE BE IT RESOLVED THAT the City of Charlotte City Council hereby accepts the finding of this blight determination statement issued for Beach Market.

Councilmember Russo moved, supported by Johnston to approve Resolution No. 2016-145 Beach Market Acceptance of Blight Determination as presented. Carried. 6 Yes. 0 No.

E. CONSIDER APPROVAL OF RESOLUTION NO. 2016-143 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 December 9, 2016 payroll totaled \$166,169.33; and

WHEREAS, the December 12, 2016 claims total \$134,214.69;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for December 12, 2016 in the amount of \$300,384.02.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:

Mayor Pro-Tem Sanders moved, supported by Johnston to approve Resolution 2016-143 for expenditures of the City for December 12, 2016 as presented. Carried. 6 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-137 FOR GRANTING A SIDE YARD SETBACK VARIANCE FOR PROPERTY LOCATED AT 445 PRAIRIE STREET:

WHEREAS, the owner of 445 State Street desires to construct an addition to his home; and

WHEREAS, this addition would encroach approximately 7 feet into the required 8 foot side yard setback; and

WHEREAS, the purpose of this building addition would be to provide accommodations to a disabled person soon to reside in the home; and

WHEREAS, the homeowner also seeks a front yard setback variance for the construction of a handicap access ramp; and

WHEREAS, the Americans with Disabilities Act requires local zoning officials to make reasonable accommodations to people with disabilities; and

WHEREAS, alternatives that would not require a zoning variance appear to be unavailable; 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.

5. **THEREFORE, BE IT RESOLVED** a variance to the zoning ordinance is hereby granted that allows both a building addition and a handicap access ramp to be constructed at 445 Prairie Street encroaching into the required side yard and front yard setbacks as previously described.

Councilmember Bahmer moved, supported by Johnston to approve the second reading and adoption of Resolution 2016-137 for granting a side yard setback variance for property located at 445 Prairie Street with the correction of the first paragraph to be changed to 445 Prairie Street. Carried. 6 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. MOTION TO REMOVE FROM THE TABLE CONSIDERATION OF FIRST READING OF RESOLUTION NO. 2016-140 TO AUTHORIZE A CONTRACT WITH CONSUMERS ENERGY ES SERVICES FOR REPLACEMENT OF TIRRELL LIFT STATION GENERATOR:

Councilmember Johnston moved, supported by Russo to approve the removal from the table consideration of first reading of Resolution 2016-140 to authorize a contract with Consumers Energy ES Services for replacement of Tirrell Lift Station Generator. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2016-140 TO AUTHORIZE A CONTRACT WITH CONSUMERS ENERGY ES SERVICES FOR REPLACEMENT OF TIRRELL LIFT STATION GENERATOR:

WHEREAS, the generator at the Tirrell Lift Station was originally installed in 1979 and has been budgeted for replacement in the current fiscal year; and

WHEREAS, the diesel generator will be replaced with a natural gas powered generator eliminating the need for an underground storage fuel tank; and

WHEREAS, Consumers Energy ES Services has provided design/ build services to the City for the Reynolds Road Lift Station and the Chad Lift Station backup generators with great success; and

WHEREAS, a Consumers Energy ES Services has visited the site, performed preliminary load testing, and provided calculations for sizing the generator; and

WHEREAS, a Consumers Energy ES Services has estimated that the project will cost approximately \$65,000 including their fee, the purchase and installation of the generator and upgrading the gas service for the generator; and

WHEREAS, Consumers Energy ES Services submitted a proposal to perform the services listed in the contract for a fee of 10% of the total amount to be paid by the City for the procurement and installation of the new generator.

THEREFORE, BE IT RESOLVED That the City enter into a contract with Consumers Energy ES Services to provide the above mentioned services and that the mayor or clerk be directed to sign said contract on behalf of the City.

Councilmember Bahmer voiced his concerns and reasons for not replacing the generator.

Mayor Pro-Tem Sanders stated that he feels a portable generator may be a solution.

Mayor Lewis called for the original motion to proceed with the generator purchase from previous meeting to approve the first reading of Resolution 2016-140 to authorize a contract with Consumers Energy ES Services for replacement of Tirrell Lift Station Generator as presented. Denied. 2 Yes (Lewis, Johnston) 4 No. (Russo, Sanders, Bahmer, Mitchell)

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow reported that Blue Cross is unwilling to offer a reduction in premiums at this time for splitting off the retired employees. The city will be looking into this further in the coming year. A meeting is being arranged to meet with township supervisors to address the CARA issues regarding allocation of operational deficits among the participating entities. He stated that street reconstruction and rehabilitation matters will be appearing on Council agendas in the near future. He stated that the citizens guide and dashboard has been posted to the City's website as required. The next meeting will be held on Tuesday, December 27th due to the holiday. City Hall will be closed Friday, December 23 and Monday, December 26 and again on Friday, December 30 and Monday, January 2nd.

COUNCILMEMBER COMMITTEE REPORTS: None.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS

- Councilmember Johnston wished everyone a Merry Christmas this holiday season.
- Mayor Pro-Tem Sanders wished everyone a Merry Christmas.

- Councilmember Bahmer wished everyone a Merry Christmas and joyous season. He asked that everyone to remember the true reason for the season. He stated that his heart and prayers go out to the family of Connie Swander.
- Mayor Lewis reminded everyone that the Christmas Kiddies program is not over. He encouraged residents to stop by and drop off a toy at the Fire Department. He thanked all of the fireman that go out on Christmas Eve to brighten the season. He thanked the Department of Public Works for clearing of the streets in the last storm.

Mayor Pro-Tem Sanders moved, second by Johnston to adjourn at 7:36 p.m. Carried. 6 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC