

COUNCIL PROCEEDINGS
Regular Meeting
January 9, 2017

CALL TO ORDER: By Mayor Lewis on Monday, January 9, 2017, at 7:00 p.m.

PRESENT: Councilmembers Russo, Bahmer, Johnston, Ridge, Sanders, Mayor Lewis, City Clerk Terpstra and City Manager Guetschow. Director of Public Works Gilson and Matt Griffith were also present.

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

APPROVAL OF MINUTES FOR REGULAR MEETING OF DECEMBER 27, 2016: Councilmember Johnston moved, supported by Russo to approve the regular meeting minutes of December 27, 2016 with a correction to paragraph 6 to read Councilmember Russo moved. Carried. 6 Yes. 0 No. 1 Absent. (Mitchell)

ABSENT: Councilmember Mitchell.

Councilmember Russo moved, supported by Sanders to excuse Councilmember Mitchell. Carried. 6 Yes. 0 No.

PUBLIC HEARINGS: None.

PUBLIC COMMENT: Ben Phlegar, 425 Horatio, voiced his concerns regarding the situation that has been created with an anonymous complaint taken by Councilman Russo. He stated he is concerned with the attorney's opinion regarding misconduct in office by Councilman Russo and the cost to the city if they go through with the excavation of water services.

Gene Conley, 104 Kensington Ct., questioned what type of inventory records the city keeps for these type of fittings.

Don Sovey, 106 Kensington Ct., spoke in regards of the roles of council as a whole and the involvement of investigations and daily operations.

Bruce Hart, 213 N. Cochran, stated that he does not like the negativity being displayed by some councilmembers.

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

SPECIAL PRESENTATIONS: None.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2017-01 POVERTY EXEMPTION 2017:

WHEREAS, the adoption of guidelines for poverty exemption is within the purview of the City Council; and

WHEREAS, the homestead of persons who, in the judgment of the City Assessor and board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390, 1994 (MCL.211.7u); and

WHEREAS, pursuant to PA 390, 1994 the City of Charlotte, Eaton County adopts the following Income and Asset levels establishing eligibility for Poverty Exemptions in the year 2017,

FEDERAL INCOME GUIDELINES FOR 2016 POVERTY EXEMPTION

1 person	\$ 11,880
2 persons	\$ 16,020
3 persons.....	\$ 20,160
4 persons.....	\$ 24,300
5 persons.....	\$ 28,440
6 persons.....	\$ 32,580
7 persons.....	\$ 36,730
8 persons.....	\$ 40,890
For Each Additional Person add.....	\$ 5,200

MAXIMUM ASSET STANDARDS TO BE ELIGIBLE FOR A POVERTY EXEMPTION

(PA 390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit shall include an asset level test)

1 person	\$ 25,911
2 persons	\$ 32,097
3 persons.....	\$ 38,391
4 persons.....	\$ 44,564
5 persons.....	\$ 50,948
6 persons.....	\$ 57,222
7 persons.....	\$ 63,411
8 persons.....	\$ 69,681
9 persons or more.....	\$ 76,248

Councilmember Johnston moved, supported by Russo to approve Resolution No. 2017-01 Poverty Exemption for 2017 as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2017-02 MAYORAL APPOINTMENTS:

WHEREAS, a need for a reappointments exists on the Airport Advisory Board; and

WHEREAS, Mayor Lewis is recommending the following individuals to be reappointed:

Name	Board	Term Ending
Robert Monschein	Airport Advisory Board	4/1/2018
Jeff Wildern	Airport Advisory Board	4/1/2019
Dave Roberts	Airport Advisory Board	4/1/2018

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

Mayor Pro-Tem Sanders moved, supported by Russo to approve Resolution No. 2017-02 Mayoral Appointments as presented. Carried. 6 Yes. 0 No.

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C. CONSIDER APPROVAL OF RESOLUTION NO. 2017-03 STATEMENT OF DOING BUSINESS 2017:

WHEREAS, Pursuant to the provisions of Section 15.4 of the City Charter, the undersigned, doing business in the City of Charlotte, hereby states that he/she intends to have business dealings with the City of of the type that is on a continuing basis, involving more than one or a sequence of transaction. Such dealings will be as listed or similar transactions.

Bryan Myrkle – Cable Operator
Mikayla Densmore – Cable Operator
Tom Archer – Straw Sales
Brandon Youngs – Straw Sales
Tyger Fullerton – Straw Sales

Councilmember Ridge moved, supported by Johnston to approve Resolution No. 2017-03 Statement of Doing Business as presented. Carried. 6 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2017-04 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 January 6, 2017, payroll totaled \$190,618.83; and

WHEREAS, the January 9, 2017, claims total \$107,939.96;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for January 9, 2017, in the amount of \$298,558.79.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:

Councilmember Johnston moved, supported by Ridge to approve Resolution 2017-04 for expenditures of the City for January 9, 2017, as presented. Carried. 6 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-149 TO AUTHORIZE STAFF TO SOLICIT BIDS FOR THE EXCAVATION OF WATER SERVICES:

WHEREAS, on January 4, 2014, regulations related to components installed on service lines used for potable water were modified to reduce the allowable lead content of such components; and

WHEREAS, on September 19, 2016, the City became aware of an allegation that City crews had installed components on two residential service lines and a water line installed in 2015 near the City’s south water tower, which components contained lead in excess of the aforementioned regulations; and

WHEREAS, City records show that crews performed work on 47 residential water service lines between January 4, 2014, and September 19, 2016; and

WHEREAS, an internal investigation has produced no evidence to suggest that lead-containing components were used on any of these 47 service lines; and

WHEREAS, the City Manager has been unable to learn the identity of the individual who has alleged that lead-containing components were installed in violation of the applicable regulations and is therefore unable to definitively close his investigation; and

WHEREAS, the integrity of the City’s water system and the safety of the water it supplies to its customers are of the utmost importance and warrant a thorough and complete investigation; and

WHEREAS, the City has obtained an estimate of \$144,000 for the excavation of the water service lines that were the subject of work between January 4, 2014, and September 19, 2016;

THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the City Manager to solicit bids for the excavation of the water line installed in 2015 near the City’s south water tower and to

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present a recommendation to Council for awarding a contract for this work.

Councilmember Ridge moved, supported by Bahmer to approve the second reading and adoption of Resolution No. 2016-149 to authorize staff to solicit bids for the excavation of the water line installed in 2015 near the City's south water tower and to present a recommendation to Council for awarding a contract for this work as presented.

City Manager Guetschow gave a brief overview of the investigation on the lead service issue. He introduced Blake VanDorpe and Tom Archer and explained that they would be giving a demonstration to council on the how water lines are installed and repaired within the City. Amy Gilson introduced other members of the department that were present. (Rich Hart, Brandon Youngs, and Andy Linn)

Blake VanDorpe gave a presentation on the various fittings used for water repairs and the difference between the old brass fittings and new brass fittings.

Tom Archer gave a demonstration on how shut off valves are replaced and how old fittings adapt to new piping.

City Manager Guetschow presented information to council on the addresses that were provided on December 31st by Councilmember Russo regarding possible locations where a problem may have occurred.

City Manager Guetschow asked Councilmember Russo to identify on a map where the problem with the lead fitting supposedly was located. Councilmember Russo identified that as location B.

Paperwork was provided by the Department of Public Works staff and work orders to show where that fitting was purchased and installed.

Discussion was held on the paperwork presented to council including addresses from 2014 to present where replacement or repair work had been done on residential addresses.

Councilmember Ridge stated that she trusts what the city workers do. She feels that Amy Gilson has an experienced and excellent staff. She does not feel that any more time or money should be spent on this issue. She feels that it is embarrassing and is not in support of anything further.

Councilmember Bahmer questioned what the location was that the MDEQ inspected.

Mayor Lewis stated that he had been working with City Manager Guetschow daily to resolve this issue.

Councilmember Russo moved, second by Bahmer to amend Resolution No. 2016-149 to have the City of Charlotte do the excavation of the water line installed in 2015 near the City's south water tower and have the MDEQ oversee and investigate it. Failed. 3 Yes (Johnston, Bahmer, Russo) 3 No. (Ridge, Sanders, Lewis)

Mayor Lewis called for a roll call vote on the original motion. Failed. 2 Yes (Bahmer, Russo) 4 No. (Johnston, Ridge, Sanders, Lewis)

B. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-150 TO AUTHORIZE TRADE IN OF SKID STEER AND ATTACHMENTS:

WHEREAS, the DPW has received the new Bobcat S650 T4 skid steer and attachments from Bobcat of Lansing as laid out in the City's FY 17/18 budget; and

WHEREAS, the Public Works staff has received an offer for trade in on for our old machine from Bobcat of Lansing in the amount of \$9,000.00 for the machine, \$1,700.00 for the breaker with point, and \$2,200.00 for the broom; and

WHEREAS, the staff has been watching the online auctions of skid steers and determined that they don't move quickly or at lower prices; and

WHEREAS, the DPW staff feels that the trade-in prices offered are equitable.

THEREFORE, BE IT RESOLVED That the City Council authorizes the trade-in of the old Bobcat and attachments to Bobcat of Lansing for \$12,900.00 in accordance with City Ordinance 2-185.

Councilmember Russo moved, supported by Sanders to approve the second reading and adoption of Resolution No. 2016-150 to authorize trade in of skid steer and attachments as presented. Carried. 5 Yes. (Ridge, Johnston, Sanders, Russo, Lewis) 1 No. (Bahmer)

C. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-151 TO AUTHORIZE PURCHASE OF WATER METERS AND APPURTENANCES:

WHEREAS, the City utilizes a single brand of water meters throughout the City to keep costs low and efficiencies high; and

WHEREAS, the DPW is continually replacing and upgrading old meters to maintain accuracy; and

WHEREAS, the FY 2016-2017 budget has approved \$54,000.00 for the purchase of meters wire, remote readers, meter transceivers as well as other related equipment; and

WHEREAS, water department staff has received quotes in the amount of \$29,645.00 from ETNA Supply for material and equipment to meet the anticipated needs of the upcoming months; and

WHEREAS, ETNA Supply is the sole vendor in Michigan that is authorized to sell this brand of equipment in our region of the United States; and

WHEREAS, Section 2-186 of the City Ordinances allows for the waiver of sealed bids for purchases over the amount of \$5,000 and the required three quotes for purchases over \$2,500.

THEREFORE, BE IT RESOLVED That the city council authorizes the purchase of the meters and appurtenances from ETNA Supply in the amount of \$29,645.00 and agrees to waive the sealed bid process because the equipment is available only through a single vendor. There are no competitive quotes available.

Mayor Pro-Tem Sanders moved, supported by Russo to approve second reading and adoption of Resolution No. 2016-151 to authorize purchase of water meters and appurtenances as presented. Carried. 6 Yes. 0 No.

D. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-152 TO AUTHORIZE MDOT CONTRACT NO. 2017-0300 FOR THE INSTALLATION OF WEATHER REPORTING EQUIPMENT:

WHEREAS, the City of Charlotte and the Michigan Department of Transportation maintains an Automated Weather Observation System at the Fitch H. Beach Municipal Airport; and

WHEREAS, a component of that system, the ceilometer, has reached the end of its useful life and requires replacement; and

WHEREAS, the City of Charlotte would be responsible for ten percent of the total \$29,000 cost of the project, or \$2,900.

THEREFORE, BE IT RESOLVED the City Council of the City of Charlotte hereby authorizes the execution of MDOT Contract No. 2017-0300 for the installation of a ceilometer.

Councilmember Johnston moved, supported by Sanders to approve second reading and adoption of Resolution No. 2016-152 to authorize MDOT Contract No. 2017-0300 for the installation of weather reporting equipment as presented. Carried. 6 Yes. 0 No.

E. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-153 TO AUTHORIZE SIGNATORIES FOR MDOT CONTRACT NO. 2017-0300:

WHEREAS, The City of Charlotte desires to enter into a contractual agreement with the Michigan Department of Transportation; and

WHEREAS, the Michigan Department of Transportation requires a resolution specifically authorizing signatories for said contract; and

WHEREAS, Mayor Tim Lewis and Clerk Ginger Terpstra are appropriate signatories;

THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte hereby authorizes Mayor Tim Lewis and City Clerk Ginger Terpstra to sign MDOT Contract No. 017-0300.

Councilmember Ridge moved, supported by Russo to approve second reading and adoption of Resolution No. 2016-153 to authorize signatories for MDOT Contract No. 2017-0300 as presented. Carried. 6 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: None.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow reported that he has received two inquiries recently regarding the establishment of medical marijuana dispensaries in the City.

He stated that he anticipates to continue the discussion on the streets proposed for reconstruction and rehabilitation in the near future.

COUNCILMEMBER COMMITTEE REPORTS:

- Councilmember Bahmer reported on the Planning Commission meeting held on Tuesday, January 3, 2017. Linn Products was approved for a 50,000 sq. ft. addition. The commission was invited to the January 30th special council meeting for discussion on food trucks. He reported that the Planning Commission meetings will again be televised starting at the next meeting. He reported that Chief Sherman will be in attendance at the next meeting to discuss the parking issue on Johnson Street.

PUBLIC COMMENT: Gene Conley, 104 Kensington Ct., stated that as he understands, before 2014 lead fittings could be used, therefore that would be many houses with lead fittings still in existence. He stated that he is not concerned about his water.

Don Sovey, 106 Kensington Ct., stated that he is impressed with the level of record keeping, quality, and thoroughness demonstrated by the public works department. He cautioned not to chase anonymous comments in the future.

Bruce Hart, 213 N. Cochran, stated that he feels Councilman Russo has been taken on a buggy ride and cautioned to check the tickets to see if valid next time.

Ben Phlegar, 425 Horatio, stated that there is too much time taken away from jobs and sees no reason for anyone to lie about this. He stated that Councilman Russo has made himself the judge, jury, and prosecutor on this issue. He cautioned to not let this happen again.

Amy Gilson, Director of Public Works, stated that the city feeds poly phosphate into the lines so old lead fittings should not be a concern. She announced two spaghetti dinners to be held on Thursday. One for the Teen Center and one for CARA. She stated that she feels that her department has the most hard working and honest employees of any department in the state.

MAYOR AND COUNCIL COMMENTS

- Councilmember Bahmer stated that he attended the Charlotte Fire Department Christmas party on Saturday and commends the Fire Department on the Christmas Kiddies program. He thanked Chief Sherman for the information gathered on S. Sheldon Street regarding speeding issues. He announced that he is excited to work on the street projects coming up. He stated that he believes other lawyers would have a different opinion regarding Councilmember Russo's misconduct of office. He believes that Councilman Russo is honorable. He sent his condolences to the family of Rex Baum.
- Mayor Lewis stated that he and Nancy attended the Fire Department Christmas party. He stated that he has asked Fire Chief Fullerton to share the presentation with council. He thanked all Public Works employees, Police and Fire personnel who worked over the holidays. He stated that council will be meeting on January 30th to discuss the Food Truck issue. He thanked the Public Works Department for the tour and the time taken to show him around. He stated that City Manager Guetschow kept him informed throughout the investigation on the water service issue.

Councilmember Johnston moved, second by Ridge to adjourn the meeting at 8:51 p.m. Carried. 6 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC