

COUNCIL PROCEEDINGS
Regular Meeting
December 27, 2016

CALL TO ORDER: By Mayor Lewis on Tuesday, December 27, 2016, at 7:00 p.m.

PRESENT: Councilmembers Mitchell, Russo, Bahmer, Johnston, Sanders, Mayor Lewis, City Attorney Hitch, 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 12, 2016: Mayor Pro-Tem Sanders moved, supported by Johnston to approve the regular meeting minutes of December 12, 2016 as presented. Carried. 6 Yes. (Mitchell, Russo, Bahmer, Johnston, Sanders, Lewis) 0 No. 1 Absent. (Ridge)

ABSENT: Councilmember Ridge.

Councilmember Russo moved, supported by Johnston to excuse Councilmember Ridge. Carried. 6 Yes. 0 No.

PUBLIC HEARINGS: None.

PUBLIC COMMENT: Tom Hewitt, 112 S. Cochran, Gavel Restaurant, expressed his desire to recapture the alley for an entryway to the building. He stated that he is selling the business and would like it for the new business coming in.

Jason Vanderstelt, stated that the alley is needed for the new restaurant to utilize for a formal entrance and welcome station to the restaurant.

Paul Wilson, 116 S. Cochran, stated that if the alley is closed it will have his store land locked. He is concerned about foot traffic using his store for access to adjoining businesses.

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

SPECIAL PRESENTATIONS:

A. DISCUSSION CONCERNING MOORE & BRUGGINK FERRIC CHLORIDE BUILDING ANALYSIS (CITY MANAGER GUETSCHOW; COUNCILMEMBER MITCHELL):

City Manager Guetschow stated that himself, Amy Gilson, Matt Griffith and Councilmember Mitchell met to discuss the options that Moore & Bruggink had prepared, as requested by council, for the Ferric Chloride Building.

Councilmember Mitchell stated that he had thought that there would be a more cost effective way to handle the project however, when they met with the engineers there was not a very large cost savings for the options available. He would not recommend to change from the original plans. He would propose to go ahead with the original proposal.

Councilmember Bahmer requested that staff look into the option of using a screened in building as done by St. Johns and Portland.

Discussion was held regarding cost differences. It was the consensus to move forward with the original proposal and that staff get information on the screened in building.

B. DISCUSSION CONCERNING STREET RECONSTRUCTION AND RESURFACING PROGRAM (CITY MANAGER GUETSCHOW)

City Manager Guetschow stated that he would like Council’s input regarding a five to six year program on street reconstruction and rehabilitation projects. Information was provided with projects by year.

Councilmember Bahmer asked if there would be a cost savings to doing Lincoln and State Streets simultaneously. He also asked for information on chip and fog procedures for State, Lincoln and Lovett Streets.

Public Works Director Gilson stated that chip and fog process lasts two to five years top.

Mayor Lewis stated that he would like to do the right thing first for the long term. He feels that people are looking for a plan.

Councilmember Bahmer asked for some changes to be made to the plan and to discuss it at the next meeting.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2016-146 MAYORAL APPOINTMENT:

WHEREAS , a need for a council representative appointment exists on the Charlotte Area Recycling Authority Board ; and

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

Name	Board	Term Ending
Brad Johnston	CARA Board	Council Representative

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

Councilmember Russo moved, supported by Mitchell to approve Resolution No. 2016-146 Mayoral Appointment as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2016-147 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 23, 2016 payroll totaled \$147,582.03; and

WHEREAS, the November 2016 Bank of America credit card charges totaled \$2,909.48; and

WHEREAS, the December 27, 2016 claims total \$201,972.84;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for December 27, 2016 in the amount of \$352,464.35.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:

Mayor Pro-Tem Sanders moved, supported by Johnston to approve Resolution 2016-147 for expenditures of the City for December 27, 2016 as presented. Carried. 6 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES: None

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2016-148 TO AUTHORIZE A DEED TO TOM AND SHERYL HEWITT TO QUIT CLAIM TO AN INTEREST IN A WALKWAY AT 112 S. COCHRAN AVE:

WHEREAS, a pedestrian right-of-way exists at the south end of 112 S. Cochran Avenue described as follows:

THE RIGHT OF WAY OVER THE S 9 FEET 2 INCHES, EXCEPT THAT PART DESCRIBED AS COM 3FT 6 INCHES & 13FT 4 INCHES 2 OF SE COR LOT 8, W23FT 6 IN, N 5FT 8 INCHES, E 23FT 6 INCHES, S 5FT 8 INCHES TO BEGINNING THAT WAS PREVIOUSLY RELEASED FROM THE CITY OF CHARLOTTE TO HEWITT IN LIBER 1064 PAGE 747

; and

WHEREAS, said right-of-way is on property owned by Thomas and Sheryl Hewitt who wish to terminate the public's right to use said right-of-way so as to provide for future expansion of the business at 112 S. Cochran Avenue; and

WHEREAS, the City wishes to release its interests in said right-of-way so as to permit this future expansion to proceed; and

WHEREAS, the City Attorney has prepared a deed quitting claim to the City's interest in said right-of-way which deed is attached hereto;

THEREFORE, BE IT RESOLVED that the City Council does hereby approve the quit claim deed releasing its interests in the right-of-way described and authorizes the Mayor and Clerk to execute all required documents related thereto.

Councilmember Bahmer moved, supported by Mitchell to approve Resolution No. 2016-148 to authorize a deed to Tom and Sheryl Hewitt to quit claim to an interest in a walkway at 112 S. Cochran Ave as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF THE FIRST READING 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 service lines, which

components contained lead in excess of the aforementioned regulations; and

WHEREAS, City records show that crews performed work on 41 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 41 service lines; and

WHEREAS, the City Manager has been unable to learned 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 41 water services and to present a recommendation to Council for awarding a contract for this work.

Councilmember Russo explained that he had an informant that had provided information that lead fittings were being used in city water connections. He contacted MDEQ to investigate. One of the locations given was by the skating rink on the south end of town. MDEQ did investigate this location and found no wrong doing. He stated that he misunderstood the informant and it is at a different location than what he had provided to the State.

Councilmember Johnston asked Councilmember Russo if there were other locations that supposedly have lead connections and what type of fittings that he was talking about.

Director Gilson explained what they were and how the fittings connect to the pipes.

City Manager Guetschow explained to council that this is a serious situation that needs to be looked into to make sure that there is no lead in the fittings that were used in any water connection service.

Attorney Hitch explained that it is the duty of councilmembers to provide all information needed to make the proper investigation.

Mayor Pro-Tem Sanders moved, supported by Johnston to approve the first reading of Resolution No. 2016-149 to authorize staff to solicit bids for the excavation of water services as presented.

Councilmember Russo moved, supported by Bahmer to amend the motion to direct the City Manager Guetschow to get comparative bids for only one excavation to the site on the south end of town by the water tower. Carried. 5 Yes. (Russo, Sanders, Bahmer, Johnston, Mitchell) 1 No. (Lewis)

Mayor Lewis called for a roll call vote on the amended motion. Carried. 5 Yes. (Russo, Sanders, Bahmer, Johnston, Mitchell) 1 No. (Lewis)

C. CONSIDER APPROVAL OF THE FIRST READING 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 Bahmer questioned the number of hours and model of the skid steer. He is also interested in finding out how JJ Kane Auctioneers works for selling equipment. He would like to have that information provided at the next meeting.

Mayor Pro-Tem Sanders moved, supported by Johnston to approve Resolution No. 2016-150 to authorize to authorize trade-in of skid steer and attachments as presented. Carried. 6 Yes. 0 No.

D. CONSIDER APPROVAL OF THE FIRST READING 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.

Councilmember Russo moved, supported by Johnston to approve Resolution No. 2016-151 to authorize purchase of water meters and appurtenances as presented. Carried. 6 Yes. 0 No.

E. CONSIDER APPROVAL OF THE FIRST READING 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.

Mayor Pro-Tem Sanders moved, supported by Mitchell to approve 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.

F. CONSIDER APPROVAL OF THE FIRST READING 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 Johnston moved, supported by Sanders to approve Resolution No. 2016-153 to authorize signatories for MDOT Contract No. 2017-0300 as presented. Carried. 6 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: Attorney Hitch reported on the continuation of the CNI litigation.

CITY MANAGER REPORT: City Manager Guetschow reported that he and DPW Director Gilson had met with Benton and Carmel township regarding a new agreement for the Charlotte Area Recycling Authority. He stated that he has completed a draft copy of the Purchasing Ordinance that he will be reviewing with staff. He noted that the sound system has been worked on and seems to be working better in the council chambers.

COUNCILMEMBER COMMITTEE REPORTS: None.

PUBLIC COMMENT: **Jason Vanderstelt**, Dutch Brothers, 114 E. Lawrence Ave., stated that the alley way at 112 S. Cochran was also needed to provide for an elevator and stairwell to the second floor of the building. He stated that they are committed to working with their neighbors regarding the access issue.

Gene Conley, 104 Kensington Ct., stated that he is concerned if there are addresses that a councilman is sitting on, where there is a possibility of lead fittings being used when repaired, and thinks that is terrible. He stated that the sound system is working very well and he can tell the difference.

MAYOR AND COUNCIL COMMENTS

- Councilmember Russo encouraged everyone to keep their “eye on the ball”.
- Mayor Pro-Tem Sanders thanked everyone for coming out. He thanked Amy and Matt for attending and wished everyone a Happy New Year.
- Councilmember Mitchell wished everyone a Happy New Year.
- Councilmember Bahmer thanked everyone for coming out and wished everyone a Happy New Year. He asked that information on the speeding issue on S. Sheldon be placed on the next agenda.
- Mayor Lewis stated that the sound system is much better. He asked everyone to thank all of the Police officers, Public Works employees, Ambulance and Fire Department employees that had to work over the Christmas holidays. He thanked everyone involved with the Christmas Kiddie program and the fireman who made it happen. He read an email from Ben Phlegar recognizing Clerk Terpstra for all of her work on the election and the recent recount. He reminded everyone that all information discussed at the meeting is available on

the city’s website for their viewing. He wished everyone a Happy New Year.

Mayor Lewis adjourned the meeting at 9:33 p.m. Carried. 6 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC