

COUNCIL PROCEEDINGS

Regular Meeting

June 12, 2017

CALL TO ORDER: By Mayor Lewis on Monday, June 12, 2017, at 7:00 p.m.

PRESENT: Council members Bahmer, Johnston, Ridge, Sanders, Mitchell, Russo, Mayor Lewis and City Clerk Terpstra.

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

APPROVAL OF MINUTES REGULAR SESSION MEETING OF MAY 22, 2017: Council member Johnston moved, supported by Mitchell to approve the regular session meeting minutes of May 22, 2017 as amended by clerk. Carried. 7 Yes. 0 No.

ABSENT: None.

PUBLIC HEARINGS:

PUBLIC HEARING: 212 W. SEMINARY ON CORNER CLEARANCE VARIANCE:

Public Hearing Opened: 7:02 P.M.

Drew Kepler, owner of 212 W. Seminary, explained that this is needed for a fence for the safety of their family and pets. The fence will not impair vision and feels that the style will enhance the aesthetics of the neighborhood.

Public Hearing Closed: 7:04 P.M.

PUBLIC COMMENT: **Emily Williamson**, 1874 Otto Rd., stated that she would like to see Bennett Park hopping. She stated that the Charlotte Area Recreation Co-op held a meeting prior to this meeting and that they have secured the \$56,000 needed to move forward with the tennis court project. She encouraged council to accept the bid from Rumsey & Sons for the tennis court project.

APPROVAL OF AGENDA:

Council member Ridge moved, supported by Sanders to approve the agenda with the amendment to 11a by removing Resolution No. 2017-43 and replacing with Resolution No. 2017-43b. Carried. 7 Yes. 0 No.

SPECIAL PRESENTATIONS: None.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2017-43b TO ACCEPT TENNIS COURT BIDS:

RESOLUTION NO. 2017-43(b)

A RESOLUTION TO APPROVE A BID FOR

RECONSTRUCTION OF TENNIS COURTS IN BENNETT PARK

WHEREAS, during its meeting held on April 27, 2015, City Council authorized spending up to \$75,000 for the reconstruction of tennis courts in Bennett Park and, during its meeting of May 11, 2015, City Council rejected a motion to rescind the action of April 27, 2015; and

WHEREAS, on July 13, 2015, City Council authorized using \$10,000 of the \$75,000 that it had previously approved as a donation to the

crowdfunding effort undertaken through the Patronicity grant program; and

WHEREAS, the crowdfunding and other fundraising efforts generated a total of \$67,957.95 which amount includes \$10,000 contributed by the City; and

WHEREAS, in 2016, the City solicited bids for the project but none were received; and

WHEREAS, the City's engineers made modifications to the specifications and again solicited bids for this project which bids were due on April 18, 2017; and

WHEREAS, the only bid received was submitted by Rumsey and Sons in the base amount of \$174,114 with an additional amount of \$17,000 for alternate 1 which included concrete work, benches and ADA parking; and

WHEREAS, the base bid of Rumsey and Sons is in excess of financial resources available to

THEREFORE, BE IT RESOLVED that the bid of Rumsey and Sons in the base amount of \$174,114 is hereby accepted and City staff is authorized to execute necessary contract documents to proceed with the project.

Council member Ridge gave an overview of the project from start to date. She stated that it was started with a Patronicity grant and then the project was bid out. The bid came in a lot higher than anticipated. They then sought a grant from the USTA. It was bid in the fall and no bids were received at that time. It was then bid out again and a bid was received from Rumsey & Sons. It was brought to council in April and was taken off the agenda for time to get more funding needed. There was a meeting of the Recreation Co-op held

tonight prior to the council meeting and they voted to secure the additional \$56,000 needed to move forward with the project.

Council member Bahmer questioned the procedure in how this is being handled and the fact that there would have to be a decision made tonight. He feels that it would be difficult to fund the ballfield project if they agreed to give the \$56,000 to the tennis court project.

Council member Russo questioned the number of courts. He stated that there should be a maintenance program for the courts, however he could not support the project.

Council member Ridge stated that the project has always been for four courts focused on public use. She stated that the softball fields will be addressed at a later time.

Council member Russo stated that he feels they should look at what the Parks Board wants to do.

Council member Johnston stated that he is the liaison to the Park Board and they are looking to rive their five year plan. He does not feel they are in favor of the tennis courts.

Council member Ridge moved, supported by Sanders to approve Resolution No. 2017-43b to accept the tennis court bids as presented. Denied. 1 Yes. (Ridge) 6 No. (Sanders, Mitchell, Russo, Bahmer, Johnston, Lewis)

**B. CONSIDER APPROVAL OF RESOLUTION NO. 2017-57
REGARDING PAYMENT OF CLAIMS & ACCOUNTS:
APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:
RESOLUTION NO. 2017-61**

**A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY
FOR JUNE 12, 2017**

WHEREAS, Section 7.7 (B) of the City Charter requires Council approval for the expenditure of city funds; and

WHEREAS, the May 26, 2017 payroll totaled \$146,935.07; and

WHEREAS, the June 9, 2017 payroll totaled \$143,576.80; and

WHEREAS, the June 12, 2017 claims total \$166,730.51;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for June 12, 2017 in the amount of \$457,242.38.

Council member Russo moved, supported by Johnston to approve Resolution 2017-61 for expenditures of the City for June 12, 2017 as presented. Carried. 7 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

**A. CONSIDER ADOPTION OF RESOLUTION NO. 2017-60(b)
TO REVERSE A DECISION DENYING ZONING
ORDINANCE APPROVAL DUE TO CREATION OF A
VISION OBSTRUCTION FOR A DECORATIVE WROUGHT
IRON FENCE AT 212 W. SEMINARY:**

RESOLUTION NO. 2017-60 (b)

**A RESOLUTION TO REVERSE A DECISION DENYING ZONING
ORDINANCE APPROVAL DUE TO CREATION OF A VISION
OBSTRUCTION FOR A DECORATIVE WROUGHT-IRON FENCE
AT 212 WEST SEMINARY STREET**

WHEREAS, Charlotte City Code Section 82-463 reads as follows

“No fence, wall, shrubbery, sign or other obstruction of vision above a height of 2 feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection, nor shall such obstruction to vision be permitted at the intersection of any driveway or alley and street right-of-way line within a triangular area formed at such intersection by a straight line drawn between the driveway or alley line and the street right-of-way line at a distance along each line of 15 feet from their point of intersection. In those instances where such triangular area cannot be constructed on the property in question, a 15-foot setback shall be required between the property line and the driveway or alley.”

; and

WHEREAS, the owners of 212 West Seminary Street have applied for, and been denied, a fence permit based on a potential violation of these corner clearance requirements by virtue of the proposed fence having a height of 4 feet within the right-triangular area the vertex of which is the intersection of the driveway and street right-of-way lines and the legs of which are each 15 feet; and

WHEREAS, Section 82-59 (A)(1) of the Charlotte City Code provides for the Zoning Board of Appeals to “hear and decide appeals where is alleged by the applicant that there is an error in any order, requirement, permit, decision or refusal” made by an administrative official; and

WHEREAS, Section 82-60 of the Charlotte City Code provides that the Zoning Board of Appeals may “reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination

appeals from and may make such order, requirement, decision or determination as ought to be made; and

WHEREAS, the Zoning Board of Appeals, after public hearing and deliberations, has determined that the wrought-iron fence proposed by the owners of 212 West Seminary Street, by virtue of its open design, does not constitute an obstruction to vision;

THEREFORE, BE IT RESOLVED that the order denying zoning approval for the proposed fence at 212 West Seminary Street is hereby reversed; and

BE IT FURTHER RESOLVED that any irregularities in the process by which this matter came before the Zoning Board of Appeals including any misstatements contained in public notices are determined to be immaterial and are waived as to their impact on the validity of the decision contained in this resolution.

City Manager Guetschow stated explained the reason for the new resolution being introduced at tonight's meeting.

Council member Bahmer moved, supported by Russo to approve Resolution No. 2017-60(b) to reverse a decision denying zoning ordinance approval due to creation of a vision obstruction for a decorative wrought iron fence at 212 W. Seminary Street as presented. Carried. 7 Yes. 0 No.

B. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-62b TO AMEND SECTION 7.6 OF CHAPTER 7 OF THE CHARTER:

**CITY OF CHARLOTTE
CITY COUNCIL RESOLUTION 2017-62(b)**

A RESOLUTION TO PROPOSE AN AMENDMENT TO SECTION 7.6 OF CHAPTER 7 OF THE CHARTER OF THE CITY OF CHARLOTTE.

WHEREAS, the City of Charlotte is organized and operates as a Home Rule City pursuant to its Charter of the City of Charlotte adopted April 2, 1962, under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq*; and

WHEREAS, Section 7.6 of Chapter 7 presently reads as follows:

SECTION 7.6. SPECIAL ACCOUNTS.

(A) The Council may, by ordinance, establish and maintain accounts for accumulating moneys to be used for acquiring, extending, altering, constructing, or repairing designated public improvements and for the purchase of equipment of any type needed for the operation or services of the city.

(B) Appropriations to such accounts may be made by the Council either in the annual appropriation resolution or, from time to time during the fiscal year, from available funds, from whatever source derived, which are not required for other appropriations or obligations of the city. Such accounts shall be continuing accounts and the balances therein at the end of each fiscal year shall remain a part thereof.

(C) At the end of each fiscal year, the Council may transfer any unencumbered balance or any part thereof into one or more of the accounts authorized to be created

by this section.

(D) Moneys which are accumulated for the purpose of public improvements, as set forth in subsection (A) hereof, shall be used only at the direction of the Council, and only for the purpose provided in the original ordinance establishing such account, unless their use for some other municipal purpose be authorized by a majority vote of the electors of the city who vote on the proposition to amend such ordinance to provide for a change in the use of the moneys in such account. After the purpose of any such account has been fulfilled, any balance remaining therein may be transferred by the Council to any other special account or to the general fund of the city.

(E) Moneys which are accumulated for the purpose of purchasing equipment, as set forth in subsection (A) hereof, shall be expended only for the purpose provided in the ordinance establishing any such account, or as such ordinance may be amended from time to time. When no longer required for such purpose, such moneys or any remaining part thereof, may be transferred to the general fund by resolution of the Council.

and

WHEREAS, the Charlotte City Council believes that it would promote fair, equitable, efficient, and good government to place an amendment of the Charter before the qualified electors of the City of Charlotte to amend Section 7.6 of Chapter 7 to provide that the City establish a Special Revolving Fund of Eight Hundred Thousand Dollars (\$800,000)

that shall be used to finance public improvements, or other uses if approved by the voters;

NOW, THEREFORE, BE IT RESOLVED that in accordance with 1909 PA 279, as amended, MCL 117.21, the Charlotte City Council hereby proposes that said Section 7.6 of Chapter 7 of the Charlotte City Charter be amended to read as follows:

SECTION 7.6. SPECIAL ACCOUNTS.

(A) Except as provided in subparagraph (F), the Council may, by ordinance, establish and maintain accounts for accumulating moneys to be used for acquiring, extending, altering, constructing, or repairing designated public improvements and for the purchase of equipment of any type needed for the operation or services of the city.

(B) Appropriations to such accounts may be made by the Council either in the annual appropriation resolution or, from time to time during the fiscal year, from available funds, from whatever source derived, which are not required for other appropriations or obligations of the city. Such accounts shall be continuing accounts and the balances therein at the end of each fiscal year shall remain a part thereof.

(C) At the end of each fiscal year, the Council may transfer any unencumbered balance or any part thereof into one or more of the accounts authorized to be created by this section.

(D) Moneys which are accumulated for the purpose of public improvements, as set forth in subsection (A) hereof, shall be used only at the direction of the Council, and only for the purpose provided in the original ordinance establishing such account, unless their use for some other municipal purpose be authorized by a majority vote of the electors of the city who vote on the proposition to amend such ordinance to provide for a change in the use of the moneys in such account. After the purpose of any such account has been fulfilled, any balance remaining therein may be transferred by the Council to any other special account or to the general fund of the city.

(E) Moneys which are accumulated for the purpose of purchasing equipment, as set forth in subsection (A) hereof, shall be expended only for the purpose provided in the ordinance establishing any such account, or as such ordinance may be amended from time to time. When no longer required for such purpose, such moneys or any remaining part thereof, may be transferred to the general fund by resolution of the Council.

(F) (1) A special account is hereby established, entitled the "Revolving Fund Special Account" in the amount of Eight Hundred Thousand Dollars (\$800,000).

(2) The Revolving Fund Special Account may be used for said purposes as set forth in subparagraph (A) of this section and in addition, for any approved use by the voters.

(3) The Revolving Fund Special Account may be augmented by the allocation of miscellaneous revenues, if the revenues are not otherwise pledged or encumbered, by allocation of such funds raised by general taxation, by special assessments to fund the public expenditure, by funds provided by the State, or by gift.

(4) The monies which are accumulated in the Revolving Fund Special Account may be allocated by Council, without interest, for such public improvements or equipment as set forth above; provided, however, the funds must be repaid by allocations made pursuant to subsection (F)(3) within ten years from the date of said initial allocation for the public improvement or equipment. If the allocation is for the purpose of extending credit pursuant to subsection (F)(2), the principal and interest must be repaid within ten years.

(5) The interest from investment earnings or interest from the extension of credit may be transferred by Council to the General Fund, and used as the Council deems fit, and said earnings or interest need not be repaid.

(6) Notwithstanding the foregoing, if the Council proposes some other municipal purpose for some or all of said Revolving Fund Special Account, said use shall be prohibited unless the use be authorized by a majority vote of the electors of the City who vote on the proposition for use of said funds for such other municipal purpose. If approved by a majority of the electors, such

monies shall be allocated to another special account as provided for in this section and after the purpose has been fulfilled, any balance remaining therein shall be returned to the Revolving Fund Special Account. The monies expended for the other municipal purpose shall also be repaid within ten years, as provided in subsection (F)(2).

BE IT FURTHER RESOLVED that the aforesaid proposition to amend Section 7.6 of Chapter 7 of the Charter shall be submitted to the electors of the City of Charlotte at the general election to be held in the City on November 7, 2017.

BALLOT QUESTION

Shall Section 7.6 of the City Charter be amended to provide for the establishment of a Revolving Fund Special Account of Eight Hundred Thousand Dollars (\$800,000) to finance public improvements, or other uses if approved by the voters?

YES

NO

STATEMENT OF PURPOSE

This amendment creates a Revolving Fund Special Account to be used for public improvements, or other uses, if

approved by the voters.

BE IT FURTHER RESOLVED that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.

Council member Bahmer moved, supported by Russo to approve the second reading and adoption of Resolution 2017-62b to amend Section 7.6 of Chapter 7 of the Charter as presented. Carried. 7 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL FIRST READING OF RESOLUTION NO. 2017-63 TO AUTHORIZE PURCHASE OF WATER METER READING UNIT:

RESOLUTION NO. 2017-63

A RESOLUTION TO AUTHORIZE PURCHASE OF WATER METER READING UNIT

WHEREAS, the City utilizes a single brand of water meters throughout the City to keep costs low and efficiencies high; and
WHEREAS, the DPW only has one meter reading unit that is utilized by both the Utilities and Service Divisions; and

WHEREAS, the Finance Department has requested that we purchase a second reader to allow for more efficient utilization by the DPW and the billing department; 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, Finance Director has received a quote in the amount of \$7,500.00 from ETNA Supply for the meter reading unit package; 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 meter reading unit from ETNA Supply in the amount of \$7,500.00 and agrees to waive the sealed bid process because the equipment is available only through a single vendor.

Mayor Pro-Tem Sanders moved, supported by Ridge to approve the first reading of Resolution No. 2017-63 to authorize purchase of water meter reading unit as presented. Carried. 7 Yes. 0 No.

B. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-64 TO AUTHORIZE A CONTRACT FOR PURCHASE OF BALLISTIC HELMETS AND VESTS:

RESOLUTION NO. 2017-64

A RESOLUTION TO AUTHORIZE A CONTRACT WITH PRO-TECH SALES FOR THE PURCHASE OF SEVEN (7) BALLISTIC HELMETS AND SEVEN (7) RAPID RESPONSE BALLISTIC VESTS WITH CARRYING BAG

WHEREAS, this purchase was identified in the budgeting process to better equip first responding personnel to the scene of an active violence incident (AVI),

WHEREAS, equipping all daily duty police vehicles, including Detective and Chief's vehicle, will best ensure the safest, quickest and most ready response with the highest level of protection a ballistic vest and helmet can provide in likelihood of an AVI,

WHEREAS, three bids were solicited as well as a review of the State of Michigan Contract bid for described equipment,

WHEREAS, Point Blank Active Shooter Kit with level IIIA Helmet and bag was quoted at \$778.45, Armor Express Active Shooter Kit with level IIIA Helmet and bag was quoted at \$898.45, ProTech Active Shooter Kit with Level IIIA Helmet and bag was quoted at \$768.00, and the State of Michigan Contract Bid was unable to provide the same type of equipment quote as being compared above,

WHEREAS, Pro-Tech provides the least expensive option while maintaining the highest quality equipment that meets our AVI response standards and needs,

THEREFORE, BE IT RESOLVED that the City of Charlotte enter into the purchase agreement of the required and necessary AVI response equipment from Pro-Tech Sales in the total amount of \$5,466.00 as quoted with shipping, with this expenditure to be taken from the Drug Forfeiture Fund.

Council member Ridge moved, supported by Johnston to approve the first reading of Resolution No. 2017-64 to authorize a contract for purchase of ballistic helmets and vests as presented. Carried. 7 Yes. 0 No.

C. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-65 TO AUTHORIZE SALE OF FIREWOOD:

RESOLUTION NO. 2017-65

A RESOLUTION TO AUTHORIZE A SALE OF FIRE WOOD

WHEREAS, the City removes trees throughout the year from the City right-of-ways; and

WHEREAS, it was previously determined that the wood had some value and should be sold by sealed bids annually; and

WHEREAS, an advertisement was placed in the local paper and sent to previous bidders for the seven stacks of wood; and

WHEREAS, one bid was submitted for six of the seven stacks of wood totaling \$1,065.00.

THEREFORE, BE IT RESOLVED That the City sell wood stacks #1-6 to Paul J. Berkimer for the highest bid prices totaling \$1,065.00.

Mayor Pro-Tem Sanders moved, supported by Mitchell to approve the first reading of Resolution No. 2017-65 to authorize sale of firewood as presented. Carried. 7 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow stated that Charlotte Rising has taken responsibility of coordinating the design phase of the pocket park. The public gathering to review the concepts was well attended. He stated that staff in the general office will be trained on June 21 on the receipt of credit and debit card payments. He stated that he will be out

of the office the week of June 19th to attend the Michigan American Legion Auxiliary Girls State program.

COUNCILMEMBER COMMITTEE REPORTS: None.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS

- Council member Ridge stated that Charlotte Rising has selected Dillion Rush to fill the facilitator position. She stated that she is disappointed about the decision on the tennis courts and thinks that it is a big mistake.
- Council member Bahmer stated that he is having trouble with Japenese Knot weed in his yard and will let us know if he finds an affordable way to take care of it.
- Mayor Lewis thanked staff for the work on getting the credit and debit cards. He encouraged everyone to participate in Celebrate Charlotte activities. He announced that he will be participating in Monday with the Mayor on WKAR Radio. He will be starting Tim Talk tomorrow night on facebook live @ 6:00 P.M. He plans to do this once a month. Tomorrow night's topics will be budget, streets and downtown traffic. It will be published on the city's website for viewing.

Council member Johnston moved, supported by Sanders to adjourn the meeting at 7:58 p.m. Carried. 7 Yes. 0 No.

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC