



City of CHARLOTTE

MEMORANDUM

TO: Mayor Lewis and City Council Members

FROM: Gregg Guetschow, City Manager

SUBJECT: City Manager Report

DATE: August 25, 2017

East Lovett Street Project. All underground work has been completed. Crews are scheduled to begin installing curb on Saturday in preparation for paving to commence next week.

Ordinance Amendments. The City Attorney's report makes reference to three ordinance amendments that he is preparing which will be introduced at the September 11 meeting. These amendments are for the purpose of 1) bringing the Payment in Lieu of Tax formula for Sugar Mill Apartments in line with that approved for the Edmund Senior Apartments; 2) extending the sunset date for the ordinance requiring the removal of snow from sidewalks throughout the city; and 3) permitting the sale and consumption of alcoholic beverages in designated areas of City parks. A modification to the Council Policy regulating City parks will also be required for the last amendment.

Sale of Seminary Street Lots. The closing on the sale of the Seminary Street lots took place today. We have not received any recent inquiries on the lot at the corner of Sheldon and Shaw Streets.

Pocket Park. We have received the reports on the investigations conducted at 108 and 110 E. Lawrence Avenue regarding asbestos and the meth lab explosion. No friable asbestos was found in the building but asbestos was detected in roofing materials. Traces of chemicals associated with the meth lab were also detected. In general, the reports do not give rise to any undue concern about proceeding with the planned demolition. The reports will be included in the bid packet for that project. We expect to finalize the bid packet soon.

Airport Communications. You will find copied at the end of this report emails received by the Airport Manager in the last few months regarding user experiences at the airport which I thought would be of interest to Council.

Approval of Meeting Minutes. I wanted to follow up on the discussion that took place during the previous Council meeting regarding the requirements for approval of minutes of your meetings so that Council might have a better understanding of legal requirements and members' obligations.

The minutes of the Council meeting are the official record of actions taken at the meeting. Section 4.7(l) of the Charter requires that Council “keep a journal of all its proceedings in the English language.” This section also requires the Clerk to sign the journal of each meeting “after the approval thereof by the Council.”

I do not find a requirement in the Charter that the minutes be approved at the subsequent meeting. That has been customary and the Council Policy establishing the order of business at Council meetings provides for it. Robert’s Rules of Order also contemplates the reading and approval of minutes at the next meeting but addresses their approval at a later meeting in some cases.

Michigan’s Open Meetings Act is more helpful in addressing the necessity for approval of minutes at the meeting next following that to which the minutes apply. Section 9 of the Act reads, in part, as follows:

(1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

I could not find a specific provision in the Act requiring an action of the Council to approve the minutes at the subsequent meeting. On the other hand, I can think of no authoritative way in which to correct minutes except through an action to approve them.

This makes sense particularly when one considers the intent of the Open Meetings Act: to increase transparency in the proceedings of public bodies. The Open Meetings Act originated in an era before social media and before the broadcast of meetings of public bodies was commonplace. The minutes, then, as the official record of the proceedings of a public body, were an essential resource for citizens in their effort to learn what actions public officials had taken.

Making minutes of meeting available in a timely manner is an important component of transparency. The act requires that proposed minutes be available within eight business days following a meeting. Approved minutes must be available within five business days after the meeting at which they were approved.

There is also a practical reason why minutes should be corrected and approved at the next meeting: memories become less reliable as time passes. Since the

goal is to provide minutes that accurately reflect the proceedings as they occurred, it is preferable for corrections to be made as soon as is practical after the meeting is concluded. It is also the reason, I suspect, that proposed minutes are required to be prepared within eight business days after the meeting and for including both the original language and the corrected language in the official record.

The responsibility for keeping minutes of the Council meeting, as you know, falls to the city clerk. I am of the opinion, based on my experience with several clerks over the course of my career, that there are elements of both science and art in the manner in which they prepare minutes. The Charter is not explicit in what constitutes proceedings of the Council; the open meetings act is much clearer but omits any requirement that comments from citizens or members be included. How the clerk chooses to present the proceedings, particularly as to the level of detail of discussions and comments, is often an effort to achieve a balance so that the minutes reflect the general flavor of discussions about a matter without their becoming a verbatim transcript. That balancing act is informed by direction offered by members of the Council as they approve the minutes.

A couple of years ago, a citizen complained that comments he made at a meeting were truncated, omitting a statement that he thought should be included in the official record. The direction offered by the Council at that time was that the minutes need only contain a brief summary of the topic or topics on which citizens speak. The bylaws of the Planning Commission are somewhat more explicit indicating that the minutes “shall include a summary of comments made by members and the public...” The action of Council, then, in correcting and approving minutes serves as valuable guidance to the clerk in understanding Council’s expectations for how the minutes should read.

One final point worth noting is a provision of the Charter regarding minutes that I have not found in any of the other communities in which I have worked. Section 6.3(C)(1) requires the City Manager to “[s]upervise and coordinate the work of the administrative officers and departments of the city, ... except the work of the Clerk insofar as set forth and required of him by law and section 6.4(A) of this chapter...” Section 6.4(A) establishes the City Clerk as the clerk of the Council responsible for keeping its minutes. In other words, as to the keeping of minutes, the Charter establishes a special relationship between the Council and the Clerk which recognizes that the minutes are the Council’s prerogative and their contents are not subject to any oversight or influence from the administration.

This provision is consistent with my practice throughout my career and the direction that I have given to every city clerk that I have hired, including Ms. Terpstra.

When I do training for nonprofit boards of directors, I emphasize the importance of members’ review of the minutes by stating, “If it’s not in the minutes, it didn’t

happen.” The official record of the proceedings of the Council is an important document for that reason. I have been blessed to work with clerks who have taken great pride in keeping thorough and accurate minutes. Clerks are human, however, and errors and omissions can occur. It is incumbent upon each Council member, therefore, to understand his or her obligation to review and correct the minutes so that they say what Council intends them to say and can be relied upon as a faithful account of what has transpired at Council meetings.

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Sent: Monday, June 26, 2017 9:59 AM

Subject: Fitch H Beach Airport

Dear Todd,

I wanted to take the time to thank you for your help this past weekend in enabling me to attend the Charlotte Bluegrass Festival. It was a pleasure flying up to your airport which I must observe is a absolute gorgeous facility and for the use of the courtesy car at the airport.

I was able to attend the festival but found the food offerings there a little limited so I had dinner at the Eaton Pub and Grill, a very pleasant restaurant that I would like to take my wife back to someday.

It goes without saying that I would not have attended this event had it not been for the availability of the airport and the courtesy car. I did research online the options of renting a car in your community and the closest place I could have conveniently done so would have been in Lansing. This would not have been practical.

I did top off the tank on the courtesy car and left \$20 attached to the keychain to hopefully cover the cost of tie down and contribute to the use of the car

Rest assured that I will look for community events in your area in which I will be able to use your airport and hospitality again.

Sincerely,

Bill Hayes

On July 11, 2017 my wife and I landed at the Charlotte, MI Fitch H. Beach airport to wait for improvement in weather ahead on our flight home to near Dayton, OH. The airport manager, Todd Cotter, was very accommodating in offering us use of the courtesy car and offering suggestions of things to see while we waited on improving weather conditions. He even printed us a map with suggested driving route and places to eat and visit. This all helped turn our unanticipated stop into a very enjoyable and welcoming experience. Within approximately 2 hours the weather ahead had improved, allowing us to continue on our way. We hope to make Charlotte, MI. a destination visit sometime in the future.

Thank you,

Gary and Sharon Lavy
12386 W. National Rd.
New Carlisle, OH 45344

Sent: Wednesday, July 26, 2017 1:54 PM

Subject: Curtesy car

Todd,

Thank you so much for the use of your curtesy car. It is so nice to be able to fly in and do business in smaller local community. It is a pleasure doing business in this type of environment. I am very Grateful for your hospitality.

Thanks again.

Blessings,

Marv Selge

Marv Selge

President

Selge Construction, Co., Inc.

2833 S. 11th Street

Niles, MI 49120