

COUNCIL PROCEEDINGS
Regular Meeting
December 27, 2017

CALL TO ORDER: By ~~Mayor Lewis~~ Mayor Pro-Tem Baker on Monday, December 27, 2017 at 7:00 p.m.

PRESENT: Councilmembers Bahmer, Johnston, Ridge, Mitchell, Mayor Pro Tem Baker, 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 DECEMBER 11, 2017: Council member Ridge moved, supported by Mitchell to approve the regular meeting minutes of December 11, 2017 with the correction of showing Council member Bahmer as present and showing the approval of regular meeting minutes of November 27th being approved as 6 yes 1 abstain (Bahmer). 5 Yes 0 No 2 Absent (Lewis, Russo)

ABSENT: Council member Russo, Mayor Lewis.

Council member Johnston moved, supported by Mitchell to approve the absence of Mayor Lewis due to being out of state on vacation. Carried. 5 Yes. 0 No.

Council member Bahmer moved, supported by Mitchell to excuse Council member Russo. Motion dies. Lack of support

Discussion was held and it was decided to approve absence at next meeting if need be since no one had heard from Council member Russo prior to the meeting.

PUBLIC HEARINGS:

A. PUBLIC HEARING ON DANGEROUS BUILDING 649 N. SHELDON:

Public Hearing Opened: 7:06 p.m.

No comments.

Public Hearing Closed: 7:07 p.m.

B. PUBLIC HEARING ON VACATING PART OF AN ALLEY N OF E. SEMINARY ST. BETWEEN PLEASANT AND PRAIRIE STREET IN GALES ADDITION:

Public Hearing Opened: 7:07 P.M.

Ned Dills, 220 Prairie, stated that it was his petition to close this alley. He stated that there would be no issues with the location of the utilities if this were to be closed.

Public Hearing Closed: 7:08 P.M.

PUBLIC COMMENT: Paul Wilson, 136 S. Cochran, stated that he was there representing the DDA as chairman. He announced that they would be changing their meeting dates to the third Tuesday of each month at 8 A.M. They will be having 4 business meetings per year and 8 round table meetings. They are also working on the development of a booklet for new business owners. This will be a guide of better business practices for new business owners in the downtown district.

APPROVAL OF AGENDA: Council member Ridge moved, supported by Johnston to approve the agenda as presented. Carried. 5 Yes. 0 No.

SPECIAL PRESENTATIONS: None.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2017-120 TO APPROVE ORDER OF THE HEARING OFFICER IN THE MATTER OF THE DANGEROUS BUILDING AT 649 N. SHELDON STREET:

RESOLUTION NO. 2017-120

A RESOLUTION TO APPROVE THE ORDER OF THE HEARING OFFICER IN THE MATTER OF A DANGEROUS BUILDING CONDITION AT 649 NORTH SHELDON STREET

WHEREAS, Teresa V. MacDonald and Kent N. MacDonald are the owners of the house at 649 North Sheldon Street; and

WHEREAS, the roof of the front porch on said house shows signs of significant structural failure and constitutes a dangerous building pursuant to the provisions of Section 52-2 of the Charlotte City Code; and

WHEREAS, a hearing was conducted concerning the dangerous building on September 22, 2017 and Mr. and Mrs. MacDonald were ordered to repair or otherwise make safe the dangerous building within 30 days; and

WHEREAS, Mr. and Mrs. MacDonald have not repaired or otherwise made safe the dangerous building; and

WHEREAS, the City conducted a hearing on December 27, 2017 at which time Mr. and Mrs. MacDonald were provided an opportunity to show cause why the order issued by the hearing officer in this matter should not be enforced; and

WHEREAS, the City Council has determined that the order of the hearing officer should be approved;

THEREFORE, BE IT RESOLVED that the City Council does hereby approve the order of the hearing officer and directs Mr. and Mrs. MacDonald to comply with the order within 60 days; and

BE IT FURTHER RESOLVED that if the dangerous condition is not abated pursuant to the order of the hearing officer within 60 days, the City Manager is hereby directed and authorized to take such actions as are necessary to repair or otherwise make safe the dangerous building consistent with the order of the hearing officer and to assess the costs associated with such actions against the property.

Council member Bahmer stated that he is not in favor of going forward since the owners have made some improvement to the situation.

Council member Ridge moved, supported by Mitchell to approve Resolution No. 2017-120 to approve order of the hearing officer in the matter of the dangerous building at 649 N. Sheldon as presented. Carried. 4 Yes. (Johnston, Mitchell, Ridge, Baker) 1 No. (Bahmer)

B. CONSIDER APPROVAL OF RESOLUTION NO. 2017-133 AUTHORIZING EXECUTION OF A QUIT CLAIM DEED REGARDING OAKRIDGE CONDOMINIUMS: RESOLUTION NO. 2017-133

A RESOLUTION TO APPROVE THE EXECUTION OF A QUIT CLAIM DEED FOR A PORTION OF THE OAKRIDGE CONDOMINIUM SITE

WHEREAS, in 2005 the developers of the Oakridge Condominiums quit claim to a portion of the site that was designated for use as a storm water detention facility and which is described as follows;

PART OF THE SOUTHWEST 1/4 OF SECTION 12, TOWN 2 NORTH, RANGE 5 WEST, CITY OF CHARLOTTE, EATON COUNTY, MICHIGAN DESCRIBED AS:
COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 12; THENCE N 00°00'55"W 1190.70 FEET ALONG THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 12 TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWESTERLY APPROXIMATELY 234.13 FEET TO A POINT 194.72 FEET N 00°00'55" W AND S 89°58'17" W 130.00 FEET; THENCE N 00°00'55" W 660.00 FEET PARALLEL WITH SAID NORTH AND SOUTH 1/4 LINE; THENCE N 89°58'17" E 130.00 FEET TO SAID NORTH AND SOUTH 1/4 LINE; THENCE S 00°00'55" E 854.72 FEET ALONG SAID NORTH AND SOUTH 1/4 LINE TO THE POINT OF BEGINNING.

; and

WHEREAS, the City's did not then and does not now have any desire to own and operate a storm water detention facility for the benefit of the condominium association and the new developer of the site has asked that the City quit claim its interest in the property to the developer;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize, subject to the approval of the City Attorney, the execution of a quit claim deed to the property described above and directs either Mayor Tim Lewis or Mayor Pro Tem L. Daryl Baker and City Clerk Ginger Terpstra to execute said deed.

Council member Johnston moved, supported by Ridge to approve Resolution No. 2017-133 authorizing execution of a Quit Claim deed regarding Oakridge Condominiums as presented. Carried. 5Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2017-131 REGARDING CLAIMS & ACCOUNTS:

RESOLUTION NO. 2017-131

A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY

FOR DECEMBER 27, 2017

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

WHEREAS, the December 22, 2017 payroll totaled \$146,774.96; and

WHEREAS, the November 2017 Bank of America credit card charges totaled \$4,664.64; and

WHEREAS, the December 27, 2017 claims total \$137,767.16;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for December 27, 2017 in the amount of \$289,206.76.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL

VOTE: Council member Ridge moved, supported by Johnston to approve Resolution 2017-131 for expenditures of the City for December 27, 2017 as presented. Carried. 5 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF RESOLUTION NO. 2017-125 POVERTY EXEMPTION GUIDELINES 2018:

CITY OF CHARLOTTE

2018 FEDERAL POVERTY EXEMPTION CERTIFICATE

RESOLUTION NO. 2018-125

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 2018,

FEDERAL INCOME GUIDELINES FOR 2018 POVERTY

EXEMPTION

1 person	\$ 12,060
2 persons	\$ 16,240
3 persons.....	\$ 20,420
4 persons.....	\$ 24,600
5 persons.....	\$ 28,780
6 persons.....	\$ 32,960
7 persons.....	\$ 37,140
8 persons.....	\$ 41,320
For Each Additional Person add.....	\$ 4,180

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	\$ 26,219
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2 persons	\$ 32,479
3 persons.....	\$ 38,847
4 persons.....	\$ 45,095
5 persons.....	\$ 51,554
6 persons.....	\$ 57,903
7 persons.....	\$ 64,166
8 persons.....	\$ 70,510
9 persons or more.....	\$ 77,155

NOW, THEREFORE, BE IT HEREBY RESOLVED that the assessor and Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the assessor and Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these reasons are communicated in writing to the claimant.

Council member Ridge moved, supported by Mitchell to approve Resolution No. 2017-125 Poverty Exemption Guidelines 2018 as presented. Carried. 5 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2017-129 TO APPROVE CHANGE ORDER #1 PREIN & NEWHOF- STATE & LINCOLN STREET PROJECT:
RESOLUTION NO. 2017-129

A RESOLUTION TO APPROVE CHANGE ORDER #1 FOR PREIN & NEWHOF FOR THE STATE AND LINCOLN STREET PROJECT

WHEREAS, the State and Lincoln Street Project engineering contract was awarded to Prein & Newhof by City Council on October 23, 2017 in the amount of \$125,000.00; and

WHEREAS, it has been determined since award of the project that it is necessary to replace the sanitary sewer from Lawrence Avenue to W. Seminary Street and additional costs must be incurred to complete the work; and

WHEREAS, Prein & Newhof has proposed a cost of \$4,500.00 in design and construction engineering to complete the work necessary; and

WHEREAS, Prein & Newhof ‘s proposal does not include any extra time for field observation and will address that at the time of construction; and

WHEREAS, these additional costs will be paid for out of the Water and Sewer Fund.

THEREFORE, BE IT RESOLVED that the City Council authorizes contract Change Order #1 in the amount of \$4,500.00 for Prein & Newhof for additional work on sanitary sewer replacement as part of the State and Lincoln Street Reconstruction Project.

Council member Bahmer asked that more clarification be provided on this Change Order from DPW Director Gilson.

Council member Johnston moved, supported by Ridge to approve Resolution No. 2017-129 to approve change order #1 Prein & Newhof – State & Lincoln Street project as presented.

Carried. 5 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2017-130 TO APPROVE CHANGE ORDER #1 FOR MCS EXCAVATING FOR 108/110 E. LAWRENCE AVE. DEMOLITION PROJECT:

RESOLUTION NO. 2017-130

A RESOLUTION TO APPROVE CHANGE ORDER #1 FOR MCS EXCAVATING FOR THE 108/110 E. LAWRENCE DEMOLITION PROJECT

WHEREAS, the 108/110 E. Lawrence Demolition contract was awarded to MCS Excavating by City Council on October 23, 2017 in the amount of \$35,000.00; and

WHEREAS, it has been determined since award of the project that it is necessary to remove additional asbestos containing material from 110 E. Lawrence and additional expense must be incurred to complete the work; and

WHEREAS, MCS Excavating has proposed a cost of \$3,500.00 to remove the additional asbestos containing material; and

WHEREAS, these additional costs will be paid for out of the funds budgeted for Pocket Park construction.

THEREFORE, BE IT RESOLVED that the City Council authorizes contract Change Order #1 in the amount of \$3,500.00 for MCS Excavating for additional asbestos removal work on the 108/110 E. Lawrence Demolition Project.

Council member Ridge moved, supported by Mitchell to approve

Resolution No. 2017-130 to approve change order #1 for MCS Excavating for 108/110 E. Lawrence demolition project as presented. Carried. 5 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2017-132 TO VACATE PART OF AN ALLEY N OF E. SEMINARY STSREET BETWEEN PLEASANT AND PRAIRIE STREET IN GALES ADDITION:

RESOLUTION NO. 2017-132

CITY OF CHARLOTTE

EATON COUNTY, MICHIGAN

A RESOLUTION TO VACATE A PART OF AN ALLEY DESCRIBED IN THE GALES ADDITION PLAT, CHARLOTTE.

WHEREAS, the City Council of the City of Charlotte, on December 27, 2017, adopted a resolution deeming it advisable and necessary for the health, welfare, comfort and safety of the people of the City of Charlotte to discontinue and vacate a part of an alley in Gales Addition, legally described as follows:

That part of an alley between the north line of Lots 46 and 17, and the north line of Lot 44 of Gales Addition, on the Book of Plats, Register of Deeds, Eaton County, Michigan

and;

WHEREAS, the City of Charlotte deems it advisable to reserve an easement in the above- described premises for maintenance and repair of the sidewalk and for right-of-way

City Council Minutes 12-27-2017

Page 6 of 8

and for utility purposes, including an easement over the entire vacated area for installation of cable and telecommunication systems operating under franchise or permit issued by the City and any and all existing public and quasi public utility easements thereover or thereunder; and

WHEREAS, a notice of hearing on the proposed vacation of the above-described premises was delivered to all abutting landowners, which notice established the time and place of the public hearing as December 27, 2017, in the City Council Chambers at Charlotte City Hall, 111 East Lawrence Avenue, Charlotte, MI 48813, at 7:00 p.m.; and

WHEREAS, the public hearing on the vacation of the above-described platted alley was held on this 27 day of December 2017, in the City Council Chambers at City Hall, 111 East Lawrence Avenue, Charlotte, Michigan; and

WHEREAS, no objections were made to said vacation of the premises;

NOW, THEREFORE, BE IT RESOLVED:

1. That pursuant to the authority granted by the Home Rule Cities Act, being MCL 117.1, *et seq*, the Charter of the City of Charlotte, and the Subdivision Control Act, MCL 560.257, the City Council of the City of Charlotte hereby vacates and discontinues the above-described premises as a public alley, subject to an easement over the entire vacated area for the maintenance and repair of the sidewalk and right-of-way for public utility purposes, including an easement over the entire vacated area for installation of cable and telecommunication systems operating under franchise or permit issued by the City and any and all existing public or quasi public

utility easements thereover or thereunder.

Council member Bahmer moved, supported by Johnston to approve Resolution No. 2017-132 to vacate part of an alley N of E. Seminary Street between Pleasant & Prairie St. in Gales addition as presented. Carried. 5 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

None.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow reported on the status to the dangerous building at 649 N. Sheldon. He stated that there will be some upcoming training on handling email communications among Council members and how FOIA requests are handled pertaining to this.

He stated that the CanDo! Step by Step committee has been working on an initiative related to the Safe routes to Schools campaign. They are working towards information for a grant.

He announced that he will be assuming the responsibility of Chairman of the CanDo! committee starting January 1st.

COUNCILMEMBER COMMITTEE REPORTS: None.

PUBLIC COMMENT: **Ned Dills**, 220 Prairie, thanked council for considering the requested alley closure north of E. Seminary between Pleasant and Prairie Streets.

MAYOR AND COUNCIL COMMENTS:

- Council member Johnston thanked Mr. Dills and Mr. Wilson for their reports. He wished everyone a Happy New Year!
- Council member Mitchell stated that he is looking forward to 2018 as a year to continue to improve Charlotte. If you make merry on New Years's drive careful.
- Council member Ridge stated that the event, won from Charlotte Soup, that was held on December 23rd at Bennett Park was a success! There were horse and buggy rides back to Camp Frances, a visit from Santa Claus, reindeer and letters written to Santa. She is looking forward to 2018 for Charlotte and wishes everyone a successful and Happy New Year!
- Mayor Pro Tem Baker is hopeful for 2018 with Charlotte Rising being a big help. He stated that our City is respected around the state. He wished everyone a Happy New Year!

Council member Johnston moved, second by Mitchell to adjourn at 7:35 p.m. Carried. 5 Yes. 0 No

Mayor ~~Tim Lewis~~ Pro-Tem Baker

Ginger Terpstra, City Clerk, CMMC