

COUNCIL PROCEEDINGS
Regular Meeting
February 12, 2018

CALL TO ORDER: By Mayor Lewis on Monday, February 12, 2018 at 7:00 p.m.

PRESENT: Councilmembers Bahmer, Johnston, Russo, Mitchell, Baker, Mayor Lewis, City Clerk Terpstra and City Manager Guetschow.

The invocation was offered by Pastor Tim Olson, First Lutheran Church, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF JANUARY 22, 2018: Mayor Pro-Tem Baker moved, supported by Johnston to approve the regular meeting minutes of January 22, 2018 as presented. Carried. 6 Yes. 0 No. 1 Absent (Ridge)

ABSENT: Council member Ridge.

Council member Johnston moved, supported by Baker to excuse Council member Ridge due to employment responsibilities. Carried. 6 Yes. 0 No.

PUBLIC HEARINGS: None.

PUBLIC COMMENT: Barbara Fulton, Charlotte Rising, 105 S. Cochran, thanked the council again for supporting Charlotte Rising.

She stated that their meeting that was held on January 31st at the Eaton Theatre was well attended with around 40 people. There are now four action teams with tasks to complete for all different ages. Progress is continuing and there are lots of new people getting involved.

APPROVAL OF AGENDA: Council member Bahmer moved, supported by Russo to approve the agenda with the correction of moving Item 12b to Item 11b under Expedited Resolutions and Ordinances. Carried. 6 Yes. 0 No.

SPECIAL PRESENTATIONS:

A. COMBINED SEWER CLEANER TRUCK:

City Manager Guetschow reminded council that this item came before them on September 25, 2017. He stated that Brandon Youngs, lead worker, and Department of Public Works Director Gilson would be giving the presentation on a combined sewer cleaner truck.

Director Gilson gave an overview of what the truck would be used for if purchased and the benefits of its use. Some of the uses include maintenance sewer jetting, jetting of larger mains, water main breaks, resetting water valves, cleaning sanitary lift stations and assisting with mismarked utilities. It would provide for more efficient digging, smaller holes, hydro excavating and help to avoid disrupting utilities. Therefore making operations more efficient.

She explained that her department has talked with many vendors regarding the pros and cons of each machine. A lot of work has gone into narrowing the search to two machines.

Information was given on the differences in the positive displacement vs. fan technology. It has been decided that the fan technology would be better for the city operations for various reasons.

Discussion was held among council members and it was decided that they would like staff to solicit some quotes for the fan based trucks for comparison purposes to help with making a decision.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2018-07 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

RESOLUTION NO. 2018-07

A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY FOR FEBRUARY 12, 2018

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

WHEREAS, the February 2, 2018 payroll totaled \$150,217.66; and

WHEREAS, the February 12, 2018 claims total \$210,243.10;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for February 12, 2018 in the amount of \$360,460.76.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE: Mayor Pro-Tem Baker moved, supported by Johnston to approve Resolution 2018-07 for expenditures of the City for February 12, 2018 as presented. Carried. 6 Yes. 0 No.

B. CONSIDER CITY MANAGER’S REQUEST TO AUTHORIZE A CLOSED SESSION PURSUANT TO MCL 15.258(c) TO DISCUSS COLLECTIVE BARGAINING:

Council member Johnston moved, supported by Mitchell to authorize a closed session pursuant to MCL 15.258(c) to discuss collective bargaining. Carried. 6 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF RESOLUTION NO. 2018-06 AUTHORIZING MICHIGAN NORDIC FIRE FESTIVAL ACTIVITIES FEBRUARY 23-25, 2018:

RESOLUTION NO. 2018 –06

A RESOLUTION AUTHORIZING MICHIGAN NORDIC FIRE FESTIVAL ACTIVITIES FEBRUARY 23-25, 2018

WHEREAS, the Michigan Nordic Fire Festival is a community-based, organized event that is to be held February 23 to 25, 2018; and,

WHEREAS, the Michigan Nordic Fire Festival organization is responsible for planning these events intended to contribute to community-wide fellowship, benevolence, and welfare; and

WHEREAS, the Committee in conjunction with City Administration, have planned events that require the use and closure of certain public facilities; and

WHEREAS, the Committee is asking that the Charlotte City Council approve the following requests and conditions, including assistance with street closures:

1. Authorization for the use of the city Sledding Hill area for festival activities on February 23, February 24 and February 25; these activities to include a historical Viking encampment, a community bonfire, entertainment, food vendors, games and contests, historic demonstrations, and related activities.
2. Authorization for the closure of a portion of Seminary Street, on the evening of Saturday, February 24 in conjunction with an entertainment and refreshment event at the Masonic Temple located at 245 S. Cochran Avenue. This closure to be from the intersection of Seminary and Cochran, east approximately 85 feet to the Seminary Street entrance of CVS Pharmacy.
3. Authorization for the city to supply whatever closing signs and barricades it has available for the street closure.
4. Authorization for the city Department of Public Works to provide supporting services at the sledding hill area, including snow plowing and picnic table placement.
5. Authorization for the Charlotte Fire Department to provide public safety assistance as it deems necessary for the bonfire and encampment cooking fires at the sledding hill throughout the weekend.

WHEREAS, the City Council of the City of Charlotte determines these temporary street closings and other conditions are in the best interests of the community.

NOW, THEREFORE, BE IT RESOLVED, that the use of public facilities and street closure is authorized as outlined above; and,

BE IT ALSO RESOLVED, that the city Department of Public Works and Fire Department be authorized to provide the assistance as outlined above.

Council member Johnston moved, supported by Baker to approve the Resolution No. 2018-06 authorizing Michigan Nordic Fire Festival Activities February 23-25, 2018 as presented. Carried. 6 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER FIRST READING OF RESOLUTION NO. 2018-08 TO AUTHORIZE CONTRACT WITH BIOTECH AGRONOMICS, INC. FOR BIO-SOLID INJECTION:

RESOLUTION NO. 2018-08

A RESOLUTION TO AUTHORIZE A CONTRACT WITH BIOTECH AGRONOMICS, INC. FOR BIO-SOLIDS INJECTION

WHEREAS, the wastewater treatment plant continually produces bio-solids as part of the treatment process; and

WHEREAS, each year \$25,000 is allocated for the disposal of bio-solids; and

WHEREAS, sealed bids were received on Tuesday, January 23, 2018 for the land application of the bio-solids; and
WHEREAS, Biotech Agronomics, Inc. submitted the lowest per gallon price of \$0.038 per gallon to dispose of the bio-solids and \$425/ hour for digester cleaning services; and
WHEREAS, the contract is for one year with the option of 2- one year renewals based on performance for a total a three year contract; and
WHEREAS, BioTech Agronomics was awarded the last City contract for bio-solids removal, and their work was satisfactory; and
THEREFORE, BE IT RESOLVED that the City enter into a contract with Biotech Agronomics, Inc. for the injection disposal of bio-solids in the amount of \$0.038 per gallon.
BE IT FURTHER RESOLVED that the City enter into a contract with Biotech Agronomics, Inc. for the cleaning of the digesters on an as needed basis at the rate of \$425/ hour.

Council member Bahmer asked if the renewal of years two and three would come before council again.

Department of Public Works Director Gilson stated that she would prefer that it was approved for all three years, however, it would give staff the option of not renewing if there was an issue.

Council member Russo moved, supported by Baker to approve the first reading of Resolution No. 2018-08 authorize contract with Biotech Agronomics, Inc. for Bio-Solid Injection as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2018-09 AUTHORIZING AWESOME 5K & KIDS FUN RUN:

RESOLUTION NO. 2018 –09

A RESOLUTION AUTHORIZING AWESOME 5K

WHEREAS, the Springport FFA is hosting a 5K race and Kids Fun Run on Sunday, May 27, 2018 to raise funds for the Springport FFA Chapter, 2018; and,
WHEREAS, the proceeds from the run will benefit the Springport FFA Citizens of the World program that teaches global agriculture and citizenship to its FFA members; and
WHEREAS, the event setup and program will be held at the County Fairgrounds; and
WHEREAS, the Springport FFA is asking that the Charlotte City Council approve the use of the trails in Bennett Park for part of the race course; and
WHEREAS, the Springport FFA is not asking that the City Council provide any barricades or assistance for the event.
NOW, THEREFORE, BE IT RESOLVED, that the Springport FFA be granted the right to use the trails of Bennett Park for their 5K run.

Council member Johnston moved, supported by Russo to approve first reading of Resolution No. 2018-09 authorizing Awesome 5K & Kids Fun Run as presented. Carried. 6 Yes. 0 No.

C. CONSIDER FIRST READING OF RESOLUTION NO. 2018-10 TO AUTHORIZE PURCHASE OF SECURITY DOOR ACCESS CONTROL LOCKS FOR POLICE DEPARTMENT:

RESOLUTION NO. 2018-10

A RESOLUTION TO AUTHORIZE PURCHASE OF SECURITY DOOR ACCESS CONTROL LOCKS AND SOFTWARE FOR THE POLICE DEPARTMENT

WHEREAS, the security door locking systems for the Police Department have become obsolete and are failing, replacement parts and hardware/software upgrades that are no longer available for the existing equipment; and

WHEREAS, the traditional keyed access to the Police Department offices is not in accordance with our security upgrades or the required 24 hour monitoring of access; and

WHEREAS, the FY 2017-2018 budget can be adjusted to accommodate this unforeseen expenditure and appropriate the previously approved Capital Improvements expense to cover a portion of this need, with the remainder, if needed, coming from the Materials and Supplies line item; and

WHEREAS, CPD staff has received quotes from three (3) access control providers; **Mid-State Security** (Grand Rapids) - \$5,764.59 (no monthly service agreement, but will charge mileage per service request), **EPS, Inc.** (Grand Rapids) - \$6420.00 (Monthly service agreement of \$60.00/mo. this goes up with expansion of additional doors), and **VidCom Solutions** (Lansing and the provider for other City owner facilities) - \$6,650.68 to \$7,150.68 (\$500.00 difference if they can use existing wiring); and

WHEREAS, VidCom Solutions offers a more local response without mileage and monthly service agreement charges and currently services City facilities, recommendation would be to enter into an agreement with VidCom Solutions for necessary access control upgrades.

THEREFORE, BE IT RESOLVED that the city council authorizes the purchase of the police department access control system from VidCom Solutions of Lansing in the maximum amount of \$7,150.68.

Council member Bahmer noted the differences in contract amounts and noted the differences in services agreements and mileage services amounts.

Mayor Pro-Tem Baker moved, supported by Johnston to approve first reading of Resolution No. 2018-10 to authorize purchase of security door access control locks for Police Department as presented. Carried. 6 Yes. 0 No.

D. CONSIDER FIRST READING OF ORDINANCE TO AMEND SECTION 82-454 OF CHAPTER 82 ACCESSORY STRUCTURES AND SET PUBLIC HEARING FOR MARCH 6, 2018 PLANNING COMMISSION:

**CITY OF CHARLOTTE
ORDINANCE NO. 2018-01**

AN ORDINANCE TO AMEND SECTION 82-454 OF CHAPTER 82 - ZONING - OF THE CODE OF THE CITY OF CHARLOTTE TO PROVIDE NEW REGULATIONS

FOR DETACHED ACCESSORY STRUCTURES IN CERTAIN ZONES, AND TO REGULATE THE STORAGE OF RECREATIONAL EQUIPMENT OWNED BY RESIDENTS WITHIN THE CITY OF CHARLOTTE.

THE CITY OF CHARLOTTE ORDAINS:

Section 82-454 of Chapter 82 - Zoning - of the Code of the City of Charlotte is hereby amended to read as follows:

§ 82-454 ACCESSORY BUILDINGS AND USES.

Accessory buildings, structures and uses, except as otherwise permitted in this chapter, shall be subject to the following regulations.

(A) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this chapter applicable to main buildings.

(B) Accessory buildings shall not be erected in any minimum side or front yard setback.

(C) A building accessory to a residential building may occupy not more than 25% of required rear yard, provided that in no instance shall the accessory building exceed 100% of the ground floor area of the main building. On a corner lot all of the land to the rear of the house may be utilized in the computation of percent of lot coverage for accessory buildings.

(D) A detached building accessory to a residential building shall not be located closer than ten feet to any main building nor shall it be

located closer than three feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement right-of-way.

(E) Detached accessory structures in the R-1, R-2, RT, RM-1, RM-2, MH, OS-1, B-1 and P-1 Districts shall be subject to the following height restrictions:

(1) When the primary residential structure on the parcel is a two-story structure, the total height of an accessory building permitted under this section shall not exceed the total height of the principal building, or 20 feet, whichever is less.

(2) When the primary residential structure on the parcel is a one-story structure, the total height of an accessory building permitted under this section shall not exceed 1.5 times the total height of the principal building, or 18 feet, whichever is less.

(3) Accessory structures taller than 14 feet shall have a rear and side yard setback equal or greater to the height of the building.

(4) When the detached accessory building is located in a rear yard with a ground elevation lower than that surrounding the primary residential structure, the height of the accessory building may be measured from a plane parallel to the first floor of the primary residential structure.

(5) In no case shall a residential accessory structure have a flat roof.

(6) Accessory structures in all other districts may be constructed to equal the permitted maximum height of structures in such districts.

(F) When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, such building shall not project beyond the side yard line of the lot in the rear of such corner lot. In no instance shall a building accessory to a residential building be located nearer than ten feet to a street right-of-way line.

(G) Accessory buildings and structures shall be designed and constructed to be compatible with the design and construction of the principal building on the site. Design elements that should be considered in determining compatibility include: exterior building material (which need not be identical to the principal building but compatible in appearance), roof style and pitch, architectural style, and color.

(H) The provisions concerning the size and height in this section shall not apply to accessory buildings on a farm (such as barns and silos).

(I) Satellite dish antennas are subject to the following.

(1) Satellite dish antennas in all residential districts:

(a) Roof-mounted antennas shall be located only on the rear one-half of the roof (that portion of the roof furthest from the street upon which the residential building abuts) so that it will be screened from the street side;

(b) Roof-mounted antenna shall not project upward beyond the

height in feet allowed for the main building within the district in which the satellite dish antenna is being placed;

(c) Ground-mounted antennas shall only be located in the rear yard and shall not extend into any rear extension of required side yards;

(d) Ground-mounted antennas shall not project upward more than eight feet.

(2) Satellite dish antennas in all other districts:

(a) No ground-mounted antennas shall be permitted;

(b) A roof-mounted antenna shall not project upward beyond ten feet measured from the roof upon which it is mounted. The combined height of the building and antenna shall not exceed the maximum allowable height for a building designated for that particular district in which the antenna is to be mounted.

(c) Building permits will be required before any satellite dish antenna with a diameter exceeding 24 inches may be installed and the installation of the antenna must conform to all requirements of the city code.

(J) Wireless transmission antennas and towers are subject to the following the requirements of § 82-459.

(1) A maximum height limit of 60 feet for towers and antennas is permitted in residential districts.

(2) No maximum height limit is required in nonresidential districts.

(3) In all districts a tower or antenna shall be located on the parcel or lot in such manner that the base of the tower or antenna is set back from all property lines not less than the height of the tower or

antenna.

(K) Recreational equipment owned by residents of the City may be stored on their individual lots in accordance with the provisions of this section.

(1) All recreational equipment parked or stored shall not be connected to sanitary facilities; and shall not be occupied, except as provided in subsection (a) of this section.

(a) In any residential district it shall be lawful for only nonpaying guests at a residence to occupy a single recreational vehicle for a period not exceeding 72 hours. The total number of days during which recreational vehicles may be occupied under this subsection shall not exceed 10 in any calendar year on the premises of a dwelling unit.

(2) Recreational equipment shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area. A suitable covering shall be placed on all boats whenever stored outside. In lieu of a cover, canoes and rowboats shall be stored such that they do not collect rainwater. Snowmobiles, ATVs, personal water craft and similar vehicles shall be stored under a suitable covering, or stored within an enclosed trailer.

(3) Recreational equipment shall be operable and shall have a current license or registration when applicable.

(4) Recreational equipment stored on residential lots may be parked in the following manner:

(a) Inside any enclosed structure.

(b) Outside in the rear yard on an improved surface, no closer than 5

feet to any side or rear lot line, and no closer than 10 feet to the primary residential structure.

(c) Outside in the side yard on an improved surface, no closer than 5 feet to any side or rear lot line, and no closer than 10 feet to the primary residential structure, and provided such parking shall be behind the front of the primary residential structure.

(d) Outside on the front driveway or improved surface directly adjacent to the front driveway, provided that the vehicle is no closer than 15 feet to the front lot line.

(e) Notwithstanding the provisions of this section, a recreational vehicle may be parked anywhere on the premises, or within a public right-of-way area where street parking is permitted, during active loading or unloading.

(f) The combined area covered by the dwelling, accessory structures, and the area covered by the outside storage of such units shall not exceed 40% of the net lot area.

(5) The provisions of this section shall not apply to recreational equipment officially designated for barrier-free use in accordance with state law, and used as the regular means of transportation by or for a handicapped person.

(L) The parking of a trailer coach, travel trailer or camper trailer when in use or occupied for periods exceeding 24 hours on lands not approved for such use shall be expressly prohibited, except that the Building Official may extend temporary permits allowing the parking of such trailer coach, travel trailer or camper trailer in a rear yard on private property, not to exceed a period of two weeks. All trailer coaches, travel trailers or camper trailers parked or stored shall

not be connected to sanitary facilities.

(M) A resident of a dwelling unit may have not more than one motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. A resident may conduct minor automobile repairs of vehicles of the resident such as oil changes and tune ups between the hours from sunrise to sunset on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicle of other than a resident of the dwelling unit on such property. The sale of vehicles from a residential property shall not exceed two vehicles in any one year for a period not to exceed two weeks in any one year.

(N) Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.

(O) Wind generators may be permitted in rear yards when the following conditions are met.

(1) The highest point of any portion of the generator shall not exceed 35 feet above the average grade of the lot.

(2) The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.

(3) The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind activated surfaces shall not exceed 30% of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate

the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.

(4) The construction of the tower, blades, base structure, accessory building and wiring shall meet all applicable local building codes and ordinances.

(P) In all office, service and business districts, rooftop equipment and apparatus shall be screened from ground level by being housed in a penthouse or structure constructed of the same type of building materials used in the principal structure or by building design.

(Q) Temporary carport and storage structures shall be under the jurisdiction of the Zoning Board of Appeals.

Mayor Pro-Tem Baker moved, supported by Russo to approve first reading of Ordinance to amend Chapter 82-454 of Chapter 82 Accessory Structures and set public hearing for March 6, 2018 as presented. Carried. 6 Yes. 0 No.

E. CONSIDER FIRST READING OF RESOLUTION NO. 2018-11 TO ACCEPT PROPOSAL FROM VIRIDIS DESIGN GROUP FOR ENGINEERING SERVICES FOR POCKET PARK PROJECT:

RESOLUTION NO. 2018 -11

A RESOLUTION TO ACCEPT A PROPOSAL FROM VIRIDIS DESIGN GROUP FOR ENGINEERING SERVICES
WHEREAS, the City of Charlotte requested proposals for engineering services for the Downtown Pocket Park Project at 108 & 110 E. Lawrence Ave; and

WHEREAS, after reviewing proposals and interviewing candidates, city staff is recommending the proposal from VIRIDIS Design Group be accepted; and

WHEREAS, VIRIDIS Design Group is the low bidder with a not-to-exceed cost of \$21,020.00; and

WHEREAS, the final agreement between VIRIDIS and the City of Charlotte will need to be reviewed by City Attorney Tom Hitch.

THEREFORE, BE IT RESOLVED that the City of Charlotte hereby accepts the proposal for Downtown Pocket Park Project engineering services from VIRIDIS Design Group in the amount of \$21,020.00, subject to City Attorney review of the contract associated with this work.

Council member Bahmer asked staff to prepare an estimate of cost showing the difference in cost between a pocket park and just an access pass through to the parking lot.

Council member Johnston moved, supported by Mitchell to approve first reading of Resolution No. 2018-11 to accept proposal from VIRIDIS Design Group for engineering services for Pocket Park Project as presented. Carried. 6 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow reported that a claim of unfair labor practice charge by one of the unions has been dismissed by an order of the administrative law judge in its

entirety.

He reported that he attended the MME Winter conference last week where he attended a number of excellent sessions.

He noted that the City offices will be closed on Monday, February 19th for Presidents Day. He also reminded everyone that various city issues are being reported on Facebook and other social media sites. He encouraged anyone seeing this information to still inform the city as they may not have seen it on the site.

COUNCILMEMBER COMMITTEE REPORTS:

- Council member Bahmer reported on the February 6, 2018 Planning Commission meeting. Election of officers were Justin Brummette as Chairman, Doug Hoy as Vice Chairman and Ruth Anne Clarke as Secretary. The site plan for and addition to the rear of The Parts Place, 320 Lansing St., for warehousing was approved. There will be a side yard variance still needed that will be brought before the Zoning Board of Appeals in the near future.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS:

- Council member Johnston would like to give a pat on the back to all involved for the snow removed in the past few days.
- Mayor Lewis stated that he had received numerous comments from residents very appreciative of the snow

removal in the past few days. He also thanked the Police and Fire for taking care of emergencies.

Mayor Pro-Tem Baker moved, supported by Russo to recess to closed session pursuant to MCL 15.268(d) at 8:25 p.m. Carried. 6 Yes. 0 No.

Mayor Pro-Tem Baker moved, second by Mitchell to adjourn at 9:10 p.m. Carried. 6 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC