

**COUNCIL PROCEEDINGS**  
**Regular Meeting**  
**April 23, 2018**

**CALL TO ORDER:** By Mayor Lewis on Monday, April 23, 2018 at 7:00 p.m.

**PRESENT:** Councilmembers Dyer, Johnston, Russo, Mitchell, Mayor Pro-Tem Baker, Mayor Lewis, 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 APRIL 9, 2018:** Mayor Pro-Tem Baker moved, supported by Johnston to approve the regular meeting minutes of April 9, 2018 as presented. Carried. 6 Yes. 0 No. 1 Absent (Ridge)

**ABSENT:** Council member Ridge.

**Council member Johnston moved, supported by Russo to excuse Council member Ridge for a work related absence. Carried. 6 Yes. 0 No.**

**PUBLIC HEARINGS:** None.

**PUBLIC COMMENT:** Dillon Rush, Executive Director Charlotte Rising, announced the Art of Charlotte event that will be taking

place on June 2<sup>nd</sup> showcasing local talent with art. It will be held on from 6-10 p.m. in the parking lot behind Windwalker. He also invited everyone to attend the unveiling of the new community branding at 11:30 A.M. on April 24<sup>th</sup>.

**Ben Phlegar**, 425 Horatio, spoke to the importance for a strong partnership between the schools, the city and townships for recreation. He encouraged the city to work together for the betterment of the community.

**APPROVAL OF AGENDA:** Council member Johnston moved, supported by Mitchell to approve the agenda moving Item 12c to 11 d. Carried. 6 Yes. 0 No.

**SPECIAL PRESENTATIONS:**

**ART OF CHARLOTTE:**

**Bryan Myrkle**, Community Development Director, stated that this event will be held on the evening of June 2<sup>nd</sup>. It will be located in Parking Lot #4 behind Windwalker. There will be food and a number of local performers. This committee has been working with the neighborhood to make the event a success for everyone involved. This is a new event that they hope to continue in the future.

**CHARLOTTE HIGH SCHOOL ATHLETIC DIRECTOR DAN STAFFORD RE: COMMUNITY RECREATION:**

Dan Stafford, Charlotte High School Athletic Director, introduced members of a Charlotte Athletic Advisory Group working to form a partnership with the city and surrounding townships to start a new Youth Recreation Director position

Some of the reasons for creating the position would be to:

- Streamline communication, signups, dates, and events.
- Current leaders of some of our youth programs are looking to step down without anyone to step in.
- Continuity of programs and better ability of varsity coaches to coordinate with their youth program.
- Work to lower costs for families.
- Work with current parent groups for coaches, volunteers and fundraising opportunities.
- Expand and enhance current programs and add new programs of interest for the communities involved.

Several of the board members spoke to the need of creating this position to help move the recreation program forward as well as the community.

**EXPEDITED RESOLUTIONS AND ORDINANCES**

**A. CONSIDER APPROVAL OF RESOLUTION NO. 2018-40 MAYORAL APPOINTMENTS PLANNING COMMISSION:**

**RESOLUTION NO. 2018-40**

**A RESOLUTION TO APPROVE MAYORAL APPOINTMENT**

**WHEREAS** , a need for appointments to the Planning Commission exists; and

**WHEREAS**, Mayor Lewis is recommending the following individual to be appointed or reappointed to this board:

<b>Name</b>	<b>Board</b>	<b>Term Ending</b>
Alisa Gonzales-Pennington	Planning Commission	4/10/2021

John Bly	Planning Commission (reappointment)	4/10/2021
RuthAnn Clarke	Planning Commission (reappointment)	4/10/2021

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

**Council member Russo moved, supported by Baker to approve Resolution No. 2018-40 Mayoral Appointments to Planning Commission as presented. Carried. 6 Yes. 0 No.**

**B. CONSIDER APPROVAL OF RESOLUTION NO. 2018-41 TO AUTHORIZE A CONTRACT WITH TCI, INC. FOR THE STATE & LINCOLN RECONSTRUCTION PROJECT:**

**RESOLUTION NO. 2018-41**

**A RESOLUTION TO AUTHORIZE A CONTRACT WITH TCI, INC. FOR THE STATE AND LINCOLN RECONSTRUCTION PROJECT**

**WHEREAS**, the State and Lincoln Streets reconstruction project was outlined in the 6 Year Road Plan approved by City Council in 2017; and

**WHEREAS**, sealed bids were received on Tuesday, April 17, 2018; and

**WHEREAS**, TCI, Inc. of Eaton Rapids submitted the lowest unit price bid in the amount of \$1,809,081.40 to complete the project per the specifications prepared by Prein & Newhof; and

**WHEREAS**, Prein & Newhof has verified TCI's experience and ability to perform the work satisfactorily.  
**THEREFORE, BE IT RESOLVED** that the City enter into a contract with TCI, Inc. to provide the road reconstruction services and that the mayor and clerk be directed to sign said contract on behalf of the City.

Mayor Pro-Tem Baker moved, supported by Dyer to approve Resolution No. 2018-41 to authorize a contract with TCI, Inc. for the State and Lincoln Reconstruction project as presented. Carried. 6 Yes. 0 No.

**C. CONSIDER APPROVAL OF RESOLUTION NO. 2018-42 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:**

**RESOLUTION NO. 2018-42  
A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY  
FOR APRIL 23, 2018**

**WHEREAS**, Section 7.7 (B) of the City Charter requires Council approval for the expenditure of city funds; and  
**WHEREAS**, the April 13, 2018 payroll totaled \$147,282.37; and  
**WHEREAS**, the April 23, 2018 claims total \$224,856.02;  
**THEREFORE, BE IT RESOLVED** that the City Council approves claims and accounts for April 23, 2018 in the amount of \$372,138.39

**APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:** Council member Johnston moved, supported by Mitchell to approve Resolution 2018-42 for expenditures of the City for April 23, 2018 as presented. Carried. 6 Yes. 0 No.

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

Council member Russo moved, supported by Baker to approve the City Manager's request to authorize a closed session pursuant to MCL 15.268(c) to discuss collective bargaining. Carried. 6 Yes. 0 No.

**ACTION ITEMS – RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER APPROVAL OF RESOLUTION NO. 2018-37 TUB GRINDING:**

**RESOLUTION NO. 2018-37  
A RESOLUTION TO AUTHORIZE TUB GRINDING CONTRACT**

**WHEREAS**, the Department of Public Works collects leaves and brush throughout the year and contracts for its grinding a removal each Spring; and  
**WHEREAS**, the Department issued a bid request to the few companies who own the equipment necessary to provide this service; and  
**WHEREAS**, the only response was from Hammond Farms, Inc. of Dimondale, MI in the amount of \$8,150.00; and

**WHEREAS**, Hammond Farms was the low bidder last year and their work was timely and satisfactory.

**THEREFORE, BE IT RESOLVED** That the City Council approve the tub grinding of the brush by Hammond Farms, Inc. and it be paid for from the General Fund Leaf Collection account as budgeted.

**Council member Baker moved, supported by Russo to approve Resolution No. 2018-37 Tub Grinding as presented. Carried. 6 Yes. 0 No.**

**B. CONSIDER APPROVAL OF RESOLUTION NO. 2018-38 PREIN & NEWHOF CHANGE ORDER #2:**

**RESOLUTION NO. 2018-38**

**A RESOLUTION TO APPROVE CHANGE ORDER #2 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**, Change Order #1 was approved to cover \$4,500.00 in additional costs associated with design for the replacement of the sanitary sewer on S. Lincoln Street from Lawrence Avenue to W. Seminary Street; and

**WHEREAS**, it has been determined that two easements will be necessary to construct sidewalk that will help with safer pedestrian travel; and

**WHEREAS**, Prein & Newhof has proposed a cost of \$2,400.00 to prepare the two easement documents; and

**WHEREAS**, these additional costs will be paid for out of the Major Street Fund.

**THEREFORE, BE IT RESOLVED** that the City Council authorizes contract Change Order #2 in the amount of \$2,400.00 for Prein & Newhof for additional work preparing two easements as part of the State and Lincoln Street Reconstruction Project.

**Council member Johnston moved, supported by Dyer to approve Resolution No. 2018-38 Prein & Newhof Change Order #2 as presented. Carried. 6 Yes. 0 No.**

**INTRODUCTION OF RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER FIRST READING OF RESOLUTION NO. 2018-43 TO ALLOW APPEAL BY LETTER FOR BOARD OF REVIEW:**

**RESOLUTION NO. 2018-43**

**A RESOLUTION TO ALLOW LETTER APPEALS TO THE BOARD OF REVIEW**

**WHEREAS**, the Board Of Review is authorized to hear various appeals pursuant to the General Property Tax Act; and

**WHEREAS**, According to MCL 211.30 (7), the governing body of the township or city may authorize, by adoption or resolution, a resident or nonresident taxpayer to file his or her protest before the board of review by letter without a personal appearance by the taxpayer or his or her agent;

**THEREFORE**, in order to ease the burden on taxpayers, and to ensure that all taxpayers have an equal opportunity to be heard by the Board of Review we believe each taxpayer

should have the right to also appeal by letter rather than in person;

**THEREFORE BE IT RESOLVED**, that the City of Charlotte approves this resolution allowing such appeals.

Mayor Pro-Tem Baker moved, supported by Johnston to approve first reading of Resolution No. 2018-43 to allow appeal by letter for Board of Review as presented. Carried. 6 Yes. 0 No.

**B. CONSIDER APPROVAL OF FIRST READING RESOLUTION NO. 2018-44 TO ALLOW WAIVER OF PROPERTY TAX AFFIDAVIT FEES FOR LATE FILING:**

**RESOLUTION NO. 2018-44  
CITY OF CHARLOTTE**

**WHEREAS**, MCL 211.27b, General Property Tax Act, addresses charging a fee for interest and penalty for failure to timely file form 2766, Property Transfer Affidavit, or the adoption of a local unit Resolution to the contrary; and

**WHEREAS**; MCL 211.27b requires a penalty to be assessed to the buyers of properties if a Property Transfer Affidavit is not filed by the new property owner within 45 days of any transfer of ownership.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Charlotte waives the penalty for failure to file Property Transfer Affidavits (PTAs) within 45 days, for all transfers.

**BE IT FURTHER RESOLVED** that this waiver may be requested to be set aside by the Assessor, or other local unit official, in specific cases and, therefore, collect late fees in those

specific cases, wherein those fees for specific instances will comply with Michigan Compiled Laws 211.27b (1)(c) and 211.27b (1)(d).

Council member Russo moved, supported by Johnston to approve first reading of Resolution No. 2018-44 to allow waiver of Property Tax Affidavit fees for late filing as presented. Carried. 6 Yes. 0 No.

**C. CONSIDER APPROVAL OF FIRST READING OF POLICY FOR ONGOING AUDITING PROCEDURES FOR EXEMPT PROPERTIES:**

**ASSESSING POLICY REGARDING  
AUDITING PROCEDURES FOR EXEMPT PROPERTIES**

The State Tax Commission, per MCL 211.10f has jurisdiction to determine substantial compliance with the requirements of the General Property Tax Act. The AMAR review reflects the minimum assessing requirements of a local unit of government based on statute and STC Rules, Policy, Bulletins and Publications. Local units of government that do not meet one or more of the minimum requirements must submit a corrective action plan detailing how and when the deficiencies will be resolved.

One of these requirements is having a written policy relating to the auditing of properties that are considered exempt from property tax. In an effort to comply with this requirement we have adopted the plan outlined below:

1. In conjunction with the annual inspection of 20% of the properties each year we will also conduct an audit of exempt properties within that area of the city/township.
2. We will develop a questionnaire to be sent to each exempt property.
3. If its determined that a property should no longer be exempt from property tax the property class shall be changed to the appropriate class for the next tax year.
4. Any property owner requesting exempt status shall complete an application and submit said application to the assessor prior to the assessor by March 1<sup>st</sup> of the year the exemption is being requested.

**Mayor Pro-Tem Baker moved, supported by Mitchell to approve first reading of Policy for ongoing auditing procedures for exempt properties as presented. Carried. 6 Yes. 0 No.**

**D. CONSIDER APPROVAL OF FIRST READING RESOLUTION NO. 2018-45 TO AUTHORIZE AN OUTDOOR CAFÉ' AT 208 S. COCHRAN:**

**RESOLUTION NO. 2018 -45**

**A RESOLUTION TO AUTHORIZE AN OUTDOOR CAFÉ AT 208 S. COCHRAN AVENUE**

**WHEREAS**, the City of Charlotte has established policies and procedures regulating the establishment of sidewalk dining cafes in the Central Business District; and

**WHEREAS**, the owners and operators of the Thirsty Bird Bar & Kitchen, located at 208 S. Cochran Avenue, have applied for an outdoor café permit; and

**WHEREAS**, the City has reviewed this application and café plan and determined it is in keeping with the relevant policies and procedures; and

**WHEREAS**, the City Council of the City of Charlotte intends that this Resolution will certify its approval of the café and may accompany any further applications, permissions or approvals that may be necessary from the Michigan Department of Transportation, the Michigan Liquor Control Commission, or other appropriate state agency.

**THEREFORE, BE IT RESOLVED** that the City of Charlotte hereby authorizes the establishment and operation of an outdoor café at 208 S. Cochran Avenue, so long as the operation complies with the City's Administrative Policy Regulating the Establishment of Outdoor Cafés in the Central Business District; and so long as the permitted activities do not create an unsafe situation, nor interfere with pedestrian movement and motor vehicle transportation and parking.

**Council member Russo moved, supported by Johnston to approve first reading of Resolution No. 2018-45 to authorize an Outdoor Cafe at 2018 S. Cochran as presented. Carried. 6 Yes. 0 No.**

**E. CONSIDER APPROVAL OF FIRST READING RESOLUTION NO. 2018-46 TO AUTHORIZE PURCHASE OF AN IN-LINE CAMERA:**

**RESOLUTION NO. 2018-46**

**A RESOLUTION TO AUTHORIZE PURCHASE OF AN IN-LINE CAMERA**

**WHEREAS**, the City's FY 17/18 budget has appropriated \$15,000 for the purchase of an in-line camera to be used for inspections of confined spaces by a single person; and  
**WHEREAS**, the camera will primarily be used on the service truck for one man inspection of pipelines; and  
**WHEREAS**, the camera will also be used to avoid confined space entry inspections on the streets and at the wastewater plant; and  
**WHEREAS**, the lowest bid received for the equipment was from Bell Equipment in the amount of \$15,500.00; and  
**WHEREAS**, the DPW staff is requesting the purchase of one new EnviroSite QuickView Halopic System at a cost of \$15,500.00.  
**THEREFORE, BE IT RESOLVED** that the City Council authorizes the purchase of the EnviroSite QuickView Halopic System from Bell Equipment in amount of \$ 15,500.00.

This Resolution was removed from agenda by City Manager Guetschow.

**F. CONSIDER APPROVAL OF FIRST READING RESOLUTION NO. 2018-47 TO AUTHORIZE USE OF CITY PARKING LOT NO. 4 FOR 'ART OF CHARLOTTE' EVENT ON JUNE 2, 2018:**  
**RESOLUTION NO. 2018 -47**

**A RESOLUTION TO AUTHORIZE USE OF CITY PARKING LOT NO. 4**

**ON JUNE 2, 2018 FOR THE 'ART OF CHARLOTTE' EVENT**  
**WHEREAS**, Windwalker Underground Gallery and other businesses in the East 100 Block of South Cochran Avenue, along with the Can Do! organization wishes to use a portion of City Parking Lot No. 4 on the evening of June 2 for a special event called Art of Charlotte; and  
**WHEREAS**, this event would include live music and visual and performance art from both community residents and Charlotte Public Schools students; and  
**WHEREAS**, the community has adopted a transformation strategy for downtown Charlotte that includes placing a greater emphasis on arts and culture.  
**THEREFORE, BE IT RESOLVED** that the City of Charlotte herby authorizes the use of City Parking Lot No. 4 on June 2, 2018 for the 'Art of Charlotte' event.

**Mayor Pro-Tem Baker moved, supported by Mitchell to approve first reading of Resolution No. 2018-47 to authorize use of City Parking Lot No. 4 for 'Art of Charlotte' event on June 2, 2018 as presented. Carried. 6 Yes. 0 No.**

**G. CONSIDER APPROVAL OF FIRST READING RESOLUTION NO. 2018-48 TO AUTHORIZE SIGNATORIES FOR MDOT CONTRACT NO. 2019-48:**

**RESOLUTION NO. 2018-48**  
**A RESOLUTION TO AUTHORIZE SIGNATORIES**

**FOR MDOT CONTRACT NO. 2018-0428**

**WHEREAS**, the City of Charlotte wishes to enter into an agreement with the Michigan Department of Transportation Bureau of Aeronautics; and

**WHEREAS**, this agreement is known as MDOT Contract No. 2018-0428; and

**WHEREAS**, the terms of this agreement require passage of a resolution authorizing official signatories.

**THEREFORE, BE IT RESOLVED** that the City of Charlotte hereby authorizes Mayor Tim Lewis and City Clerk Ginger Terpstra to sign MDOT Contract No. 2018-0428, as well as supporting documents that include necessary certifications and assurances.

Mayor Pro-Tem Baker moved, supported by Johnston to approve first reading of Resolution No. 2018-48 to authorize signatories for MDOT Contract No. 2018-0428 as presented. Carried. 6 Yes. 0 No.

**H. CONSIDER APPROVAL OF FIRST READING  
RESOLUTION NO. 2018-49 TO AUTHORIZE MDOT  
CONTRACT NO. 2018-0428:**

**RESOLUTION NO. 2018-49**

**A RESOLUTION TO APPROVE MDOT CONTRACT NO.  
2018-0428**

**WHEREAS**, the City of Charlotte wishes to update the Master Plan and Airport Layout Plan for Fitch H. Beach Municipal Airport; and

**WHEREAS**, funding is available for this project from the Federal Aviation Administration on Michigan Department of Transportation Bureau of Aeronautics; and

**WHEREAS**, MDOT Contract No. 2018-0428 is agreement between the City of Charlotte and the Michigan Department of Transportation Bureau of Aeronautics allocating these available funds to this specific project.

**THEREFORE, BE IT RESOLVED** that the City of Charlotte City Council hereby approves the agreement known as MDOT Contract No. 2018-9428 and authorizes its execution.

**Council member Johnston moved, supported by Dyer to approve first reading of Resolution No. 2018-49 to authorize MDOT Contract No. 2018-0428 as presented. Carried. 6 Yes. 0 No.**

**COMMUNICATIONS AND COMMITTEE REPORTS**

**CITY ATTORNEY REPORT:** None.

**CITY MANAGER REPORT:** City Manager Guetschow presented the meeting schedule for the purpose of reviewing the budget. A special meeting is scheduled for Monday, May 7<sup>th</sup> at 7:00 P.M. He stated that the Lincoln/State Street project will be moving forward with the approval of the contract at tonight's meeting. He stated that the Financial report was not included this month but expects to be back with the typical schedule in subsequent months.

**COUNCILMEMBER COMMITTEE REPORTS:**

- Council member Johnston reported that the April Planning Commission was cancelled.

**PUBLIC COMMENT:** **Ben Phlegar**, 425 Horatio, reminded council to not look at the short term cost for the long term investment. He thanked the City Manager for the information about the artwork panels on the Carter's building. He thanked Public Works Director Gilson and Tom Archer for help in coordinating the stump grinding in front of his house. He announced that the CHS Hall of Fame has made their selections and a ceremony will be upcoming. He invited everyone to attend the Charlotte High School Athletic Boosters event on May 5<sup>th</sup> at the American Legion at 5 P.M. The Hall of Fame awards will be in September.

**Bryan Myrkle**, Community Development Director, introduced Amy Ramos, Thirsty Bird Café. He stated that Project Rising Tide has been giving presentations on National Registry of Historic Places in the area if anyone is interested in seeing the presentation. This pertains to local history. Some of the upcoming presentations will be for CANDO!, Kiwanis and Charlotte Rising if anyone is interested. He also spoke as a citizen of younger children as to how difficult it is to find where to go or sign up for recreational activities in the area.

**MAYOR AND COUNCIL COMMENTS:**

- Council member Dyer no comment.
- Council member Johnston no comment.
- Council member Russo no comment.
- Mayor Pro-Tem Baker no comment.
- Council member Mitchell no comment.
- Mayor Lewis thanked City Manager Guetschow and Department Heads for putting together the budget. He

thanked Amy Ramos for investing in Charlotte with Thirsty Bird Café.

**Mayor Pro-Tem Baker moved, supported by Johnston to recess to closed session pursuant to MCL 15.268(d) at 8:06 P.M. Carried. 6 Yes. 0 No.**

**Council member Russo moved, supported by Dyer to approve the closed session minutes of February 12, 2018 as presented.**

**Mayor Pro-Tem Baker moved, supported by Johnston to approve the closed session minutes of March 12, 2018 as presented.**

**Council member Johnston moved, second by Mitchell to adjourn at 9:00 p.m. Carried. 6 Yes. 0 No.**

---

Mayor Tim Lewis

---

Ginger Terpstra, City Clerk, CMMC