

COUNCIL PROCEEDINGS

Regular Meeting

August 27, 2018

CALL TO ORDER: By Mayor Lewis on Monday, August 27, 2018 at 7:00 p.m.

PRESENT: Councilmembers Ridge, Dyer, Johnston, Russo, Mitchell, Mayor Pro-Tem Baker, Mayor Lewis, City Clerk Terpstra and City Manager Guetschow.

The invocation was offered by Pastor Andy Shaver, Real Life Church, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF August 13, 2018: Mayor Pro-Tem Baker moved, supported by Ridge to approve the regular meeting minutes of August 13, 2018 as presented. Carried. 7 Yes. 0 No.

ABSENT: None.

PUBLIC HEARINGS: None.

PUBLIC COMMENT: None.

APPROVAL OF AGENDA: Council member Ridge moved, supported by Mitchell to approve the agenda as presented. Carried. 7 Yes. 0 No.

SPECIAL PRESENTATIONS:

CHARLOTTE RISING PRESENTATION:

Dillon Rush, Charlotte Rising, gave a presentation after the first year of Charlotte Rising. He reviewed the mission statement and asked that council spread that when discussing or being asked about Charlotte Rising. He reviewed the past year including the arts and creativity aspect along with showing all of the façade improvements to the downtown, new businesses, the senior housing project and pocket park plans.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2018-100 TO ALLOW BRANDEN DYER TO ATTEND THE ANNUAL MML CONFERENCE IN GRAND RAPIDS:

RESOLUTION NO. 2018-100

A RESOLUTION TO APPROVE COUNCIL MEMBER BRANDEN DYER'S ATTENDANCE AT THE 2018 MICHIGAN MUNICIPAL LEAGUE CONFERENCE

BE IT RESOLVED that Council Member Branden Dyer is hereby authorized to attend the 2018 Michigan Municipal League conference to be held at the Amway Grand Plaza Hotel in Grand Rapids and to incur reasonable and customary expenses for registration, meals, lodging and transportation.

Council member Ridge moved, supported by Mitchell to approve Resolution No. 2018-100 to allow Branden Dyer to attend the Annual MML Conference in Grand Rapids as presented. Carried. 7 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2018-101 VOTING DELEGATE MML ANNUAL MEETING:
RESOLUTION NO. 2018-101

**A RESOLUTION TO APPOINT COUNCIL MEMBER
BRANDEN DYER'S ATTENDANCE AS VOTING DELEGATE
AT THE 2018 MICHIGAN MUNICIPAL LEAGUE
CONFERENCE**

BE IT RESOLVED that Council Member Branden Dyer is hereby appointed to serve as Charlotte's voting delegate during the annual business meeting of the Michigan Municipal League to be held during the League's 2018 annual conference.

Mayor Pro-Tem Baker moved, supported by Ridge to approve Resolution No. 2018-101 to appoint Council member Dyer as voting delegate at the 2018 MML Conference as presented. Carried. 7 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2018-102 TO APPOINT OFFICER DELEGATE AND EMPLOYEE DELEGATE TO ATTEND THE MERS ANNUAL MEETING:

RESOLUTION NO. 2018-102

**A RESOLUTION APPOINTING OFFICER DELEGATE AND
EMPLOYEE DELEGATE TO ATTEND MERS ANNUAL
MEETING**

WHEREAS, the City of Charlotte appoints an Officer Delegate and an Employee Delegate to attend the MERS Annual meeting each year; and

WHEREAS, Ginger Terpstra, City Clerk will be appointed as the Officer Delegate and Lisa Sherman, Police Chief as the Alternate Officer Delegate; and

WHEREAS, the employees have elected Jim Saldana as the Employee Delegate and Russ Colvin, as the Alternate Employee Delegate to attend this year's annual meeting; and

WHEREAS, in the event that the Delegate is unable to attend, the alternate will attend; and

WHEREAS, the meeting will be held on October 4 and 5 in Grand Rapids, MI; and

WHEREAS, the City Council of the City of Charlotte is required to take official action for the appointment of the delegates and alternates; and

THEREFORE, BE IT RESOLVED, that the above listed employees be approved for appointment to MERS Annual Meeting for 2018.

Council member Johnston moved, supported by Dyer to approve Resolution No. 2018-102 to appoint Officer Delegate and Employee Delegate to attend MERS Annual Meeting as presented. Carried. 7 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2018-103 MAYORAL APPOINTMENT:

RESOLUTION NO. 2018-103

A RESOLUTION TO APPROVE MAYORAL APPOINTMENT

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WHEREAS , a need for a reappointment to the Downtown Development Authority exists; and

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

Name	Board	Term Ending
Ken Wirt	Downtown Development Authority	3/15/2022

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

Mayor Pro-Tem Baker moved, supported by Russo to approve Resolution No. 2018-103 Mayoral Appointment as presented. Carried. 7 Yes. 0 No.

E. CONSIDER APPROVAL OF RESOLUTION NO. 2018-107 TO SET PUBLIC HEARING BEFORE THE ZONING BOARD OF APPEALS IN THE MATTER OF ROBERTS REAL ESTATE (DAIRY QUEEN):
RESOLUTION NO. 2018-107

A RESOLUTION TO SET A PUBLIC HEARING BEFORE THE ZONING BOARD OF APPEALS IN THE MATTER OF ROBERTS REAL ESTATE (DAIRY QUEEN)

WHEREAS, the Planning Commission, in approving a conditional use permit for the Dairy Queen Store located at 407 South Cochran Avenue, imposed a condition prohibiting the installation of an outdoor order speaker system by customers using the drive-through service; and

WHEREAS, Roberts Real Estate, owners of the Dairy Queen store, appealed the imposition of the aforementioned condition to the Zoning Board of Appeals; and

WHEREAS, the City Council, acting as Zoning Board of Appeals, held a hearing on the appeal on February 26, 2018 and affirmed the action of the Planning Commission; and

WHEREAS, Roberts Real Estate appealed the action of the Zoning Board of Appeals to Circuit Court and Judge Cunningham has remanded the matter to the Zoning Board of Appeals;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby set another public hearing before the Zoning Board of Appeals regarding Roberts Real Estate original appeal for Monday, September 24, 2018 at 7:00 p.m. in the City Hall Council Chambers and directs the City Clerk to publish notices of the public hearing in accordance with the provisions of the zoning ordinance.

Mayor Pro-Tem Baker moved, supported by Ridge to approve Resolution No. 2018-107 to set Public Hearing before the Zoning Board of Appeals in the matter of Roberts Real Estate (Dairy Queen) as presented. Carried. 7 Yes. 0 No.

F. CONSIDER APPROVAL OF RESOLUTION NO. 2018-104 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

RESOLUTION NO. 2018-104

**A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY
FOR AUGUST 27, 2018**

WHEREAS, Section 7.7 (B) of the City Charter requires Council approval for the expenditure of city funds; and
WHEREAS, the August 17, 2018 payroll totaled \$154,417.85; and
WHEREAS, the August 27, 2018 claims total \$192,210.90;
THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for August 27, 2018 in the amount of \$346,628.75

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE: Council member Ridge moved, supported by Baker to approve Resolution 2018-104 for expenditures of the City for August 27, 2018 as presented. Carried. 7 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF RESOLUTION NO 2018-96 CONSUMERS ENERGY ELECTRICAL FACILITIES EASEMENT:

RESOLUTION NO. 2018-96

A RESOLUTION TO ALLOW AN ELECTRICAL FACILITIES EASEMENT

FOR CONSUMERS ENERGY IN PROXIMITY TO FITCH H. BEACH MUNICIPAL AIRPORT

WHEREAS, the City of Charlotte owns property along Island Highway, legally described as:
N 400 FT OF E 1107 FT OF W 1/2 OF NW 1/4 EXCEPT E 207 FT THEREOF. SEC. 17, T2N R4W, EATON TWP.

; and

WHEREAS, Consumers Energy is requesting the dedication of an easement for electrical facilities across this parcel; and

WHEREAS, the easement area is legally described as:

A 30 foot wide strip of land, being 15 feet on each side of the centerline of the line constructed on Owner's Land, the centerline of said electric facilities is to be located along a centerline described as: Beginning at a point not more than 125 feet nor less than 70 feet East of the West line of Section 17, T2N, R4W, City of Charlotte, Eaton County, Michigan at a point not more than 33 feet South of the North line of said Section 17; thence Southwesterly to a point not more than 125 feet nor less than 70 feet East of the West line of Section 17 at a point not more than 65 feet nor less than 35 feet South of the North line of Section 17; thence Easterly to a point not more than 65 feet nor less than 35 feet West of the West North and South 1/8 Line of Section 17 at a point not more than 65 feet nor less than 35 feet South of the North line of Section 17.

; and

WHEREAS, the City of Charlotte believes that dedicating this easement is in the best interests of the City of Charlotte and the users of Fitch H. Beach Municipal Airport.

THEREFORE BE IT RESOLVED that the City Council of the City of Charlotte hereby authorizes the dedication of this easement and the execution of relevant easement documents.

Mayor Pro-Tem Baker moved, supported by Russo to approve Resolution No. 2018-96 Consumers Energy Electrical Facilities Easement as presented. Carried. 7 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2018-97 CONTRACT WITH FISHBECK, THOMPSON, CARR & HUBER FOR ENGINEERING SERVICES RELATED TO WASTEWATER SYSTEM ASSET MANAGEMENT PROGRAM:

RESOLUTION NO. 2018-97

A RESOLUTION TO AUTHORIZE A CONTRACT WITH FISHBECK, THOMPSON, CARR & HUBER FOR ENGINEERING SERVICES RELATED TO WASTEWATER SYSTEM ASSET MANAGEMENT PROGRAM

WHEREAS, the Michigan Department of Environmental Quality (MDEQ) requires permit holders to prepare an Asset Management Plan (AMP) for the wastewater system to receive their new permit; and

WHEREAS, Fishbeck, Thompson, Carr & Huber (FTCH) has provided these services for several other communities and are familiar with the regulations of the Michigan Department of Environmental Quality (MDEQ); and

WHEREAS, FTCH has provided services for the wastewater plant in the past and their work has been satisfactory, and

WHEREAS, FTCH has submitted a proposal to complete the necessary work for a fee not to exceed \$14,250.00, and

WHEREAS, funding for the professional services related to the AMP are in the FY 18-19 Budget and will be charged to the Water and Sewer Fund.

THEREFORE, BE IT RESOLVED that the City Council enter into a contract with FTCH to provide the above mentioned services and that the Mayor or Clerk be directed to sign said contract on behalf of the City pending the attorney's review of the contract.

Council member Russo moved, supported by Baker to approve Resolution No. 2018-97 contract with Fishbeck, Thompson, Carr & Huber for engineering services related to Wastewater System Asset Management Program as presented. Carried. 7 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2018-98 TO AUTHORIZE PURCHASE OF TRENCH BOX WALLS:

RESOLUTION NO. 2018-98

A RESOLUTION TO AUTHORIZE PURCHASE OF TRENCH BOX WALLS

WHEREAS, the City currently has one 6' x 6' trench box for excavation safety; and

WHEREAS, the trench box is too large for several applications due to underground utilities; and

WHEREAS, the existing trench box is from Efficiency Production, and it has a proprietary connection system that allows for connecting different size walls modularly to make the right size trench box for each excavation; and

WHEREAS, the FY 2018-2019 budget has approved \$8,000.00 for the purchase of four foot and five foot long panels and other related equipment; and

WHEREAS, DPW staff has received a quote in the amount of \$8,829.08 from Efficiency Production for the budgeted trench box items; and

WHEREAS, Efficiency Production will try to hold the price quote of \$8,829.08, but because the smaller size panels are not a stock item, the price may increase because of pending material cost increases due to tariffs ; and

WHEREAS, Efficiency Production is the sole vendor for this product; 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 meters and appurtenances from Efficiency Production in the amount of \$8,829.08 and agrees to waive the sealed bid process because the equipment is available only through a single vendor. There are no competitive quotes available.

Council member Russo moved, supported by Mitchell to approve Resolution No. 2018-98 to authorize purchase of a trench box as presented. Carried. 7 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER FIRST READING OF RESOLUTION NO. 2018-105 TO APPROVE THE PURCHASE OF A SLUDGE RECIRCULATION PUMP:

RESOLUTION NO. 2018-105

A RESOLUTION TO APPROVE THE PURCHASE OF A SLUDGE RECIRCULATION PUMP

WHEREAS, there are two sludge recirculation pumps at the wastewater treatment plant, and one of them has failed beyond repair; and

WHEREAS, a quote of \$8,750.00 was received from Du-Bois Cooper for a Gorman-Rupp pump that is a direct replacement for the failed pump; and

WHEREAS, Du-Bois Cooper is the designated area representative for a Gorman-Rupp pumps; and

WHEREAS, a quote of \$29,000.00 was received for a different pump that is not a direct replacement and would require several modifications to make it fit this application; and

WHEREAS, funding for these items be charged to the Water and Sewer Fund.

WHEREAS, Section 2-186 of the City Ordinances allows for the waiver of sealed bids for purchases over the amount of \$5,000.

THEREFORE, BE IT RESOLVED That the City Council authorizes the purchase of a new sludge recirculation pump in the amount of \$8,750.00 from DuBois-Cooper and agrees to waive the sealed bid process.

Mayor Pro-Tem Baker moved, supported by Ridge to approve first reading of Resolution No. 2018-105 to approve the purchase of a sludge recirculation pump as presented. Carried. 7 Yes. 0 No.

**B. CONSIDER APPROVAL OF FIRST READING
RESOLUTION NO. 2018-106 TO AUTHORIZE THE
PURCHASE OF A CAB AND CHASSIS:**

RESOLUTION NO. 2018-106

**A RESOLUTION TO AUTHORIZE THE PURCHASE OF A
CAB AND CHASSIS**

WHEREAS, the FY 18/19 budget includes the replacement of a
dump truck; and

WHEREAS, DPW staff has researched different chassis and
determined that the Freightliner would best suit their
application; and

WHEREAS, D&K Truck holds the State Contract for the
Freightliner chassis; and

WHEREAS, D&K Truck has quoted a price of \$87,949.00 to
provide the cab and chassis to the DPW based on the State
Contract pricing; and

WHEREAS, the dump body, scraper, salter and other accessories
will be purchased and installed by another vendor; and

WHEREAS, the chassis will be paid for from the Motor Vehicle
Pool fund; and

WHEREAS, Section 2-186 of the City Ordinances allows for the
waiver of sealed bids when using a purchasing contract from
another governmental agency.

THEREFORE, BE IT RESOLVED That the City Council approve
the purchase of the cab and chassis for a new dump truck
from D&K Truck and agrees to waive the sealed bid process.

Council member Ridge moved, supported by Dyer to approve
first reading of Resolution No. 2018-106 to authorize the
purchase of a cab and chassis as presented. Carried. 7 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: Not present. Report included in
packet.

CITY MANAGER REPORT: City Manager Guetschow stated
that Clerk Terpstra and himself have met with representatives from
Kronos regarding a payroll software conversion and will be
presenting a proposal at the next meeting.

COUNCILMEMBER COMMITTEE REPORTS:

- Council member Ridge reported that she recently met with
City Manager Guetschow regarding the Strategic Plan and is
working on the RFP's.

PUBLIC COMMENT: Chris Laverly, 403 S. Cochran, stated that
he was at the court hearing for the Dairy Queen in which the number
of decibels for the speaker was discussed. He stated that the speaker
is in and all wired up at the Dairy Queen even though everyone said
no to the speaker system. He stated that he deals with constant noise
from motorcycles, diesel trucks, delivery trucks and exhaust right
outside of his kitchen window. He stated that enough is enough.

Ben Phlegar, 425 Horatio, stated that Lincoln and State Street look
wonderful after they have been completed and he looks forward to
Lovett Street being done. He stated that he is the Director of

Charlotte High School Hall of Fame and that the ceremony will be held on September 15th at 7:00 P.M. at CPAC. This event will be open to the general public. These individuals will also be introduced at the football game. He stated that the City should be thankful for their City Clerk and her staff, as he is as an election worker, for running a very smooth election process. He also thanked the members of the receiving board on the work that they do after the close of the polls.

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC

MAYOR AND COUNCIL COMMENTS:

- Council member Johnston thanked everyone for their comments and Dillon Rush for his presentation on Charlotte Rising.
- Council member Russo no comment.
- Council member Mitchell no comment.
- Mayor Pro-Tem Baker no comment.
- Council member Dyer no comment.
- Council member Ridge thanked Dillon for his presentation. She thanked Mr. Laverty and Mr. Phlegar for their comments.
- Mayor Lewis thanked Mr. Rush for his work and leadership with Charlotte Rising. He echoed Mr. Phlegar's comments on Clerk Terpstra and her staff. He announced that he would be attending a meeting for Mayors on Wednesday. The topic will be to discuss the region and he is looking forward to representing Charlotte.

Council member Johnston moved, second by Mitchell to adjourn at 8:15 p.m. Carried. 7 Yes. 0 No.