

COUNCIL PROCEEDINGS
Regular Meeting
February 11, 2019

CALL TO ORDER: By Mayor Lewis on Tuesday, February 11, 2019 at 7:00 p.m.

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

The invocation was offered by Pastor Tom Surdenik, New Faith Nazarene followed by the Pledge of Allegiance led by Boy Scout Troop 46.

APPROVAL OF MINUTES FOR REGULAR MEETING OF JANUARY 28, 2018: Mayor Pro-Tem Baker moved, supported by Mitchell to approve the regular meeting minutes of January 28, 2019 as presented. Carried. 6 Yes. 0 No. 1 Absent. (Ridge)

ABSENT: Council member Ridge.

Council member Russo moved, supported by Dyer to excuse Council member Ridge due to a work obligation. Carried. 6 Yes. 0 No.

PUBLIC HEARINGS: None.

PUBLIC COMMENTS: Patricia Snyder, 807 S. Sheldon, stated that she is concerned about all of the street lights that are out in town. She stated that a lot of the boy scouts ride their bikes to meetings and she feels that it is dangerous.

APPROVAL OF AGENDA: Mayor Pro-Tem Baker moved, supported by Russo to approve the agenda with the addition of Item 11 (f) Mayoral appointment. Carried. 6 Yes. 0 No.

SPECIAL PRESENTATIONS:

RECREATION MARIHUANA ORDINANCE:

City Manager Guetschow explained that the ordinance has been drafted pursuant to the new recreational marihuana law that was passed in November. The new law requires jurisdictions to opt out if they do not want to permit these businesses in their communities. This is a draft ordinance that he would like council's input as to whether or not they would want to move forward with the process of passing this type of ordinance.

Discussion was held among council members. It was the consensus of council to move forward with the process of adopting this ordinance.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2019-14 TO AUTHORIZE CONTRACT WITH MDOT FOR WEST LOVETT ST. PROJECT:

RESOLUTION NO. 2019-14

A RESOLUTION TO AUTHORIZE A CONTRACT WITH MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE WEST LOVETT STREET PROJECT

WHEREAS, the Michigan Department of Transportation (MDOT) has presented their standard contract for the purpose of fixing the rights and obligations of the City and MDOT as it relates to the reconstruction of West Lovett Street from Cochran Avenue (M-50). to Clinton Street; and

WHEREAS, the contract outlines the administrative duties of both parties; and

WHEREAS, the contract states that the grant shall be applied to the eligible items of the project cost up to the lesser of \$375,000 or an amount such that 81.85% of the eligible costs is not exceeded; and

WHEREAS, the City is responsible for payment of unfunded grant eligible activities as well as one hundred percent of non-participating items; and

WHEREAS, it is estimated by MDOT that the City will be responsible for approximately \$747,900 for their portion of the project, of which \$275,500 is related to utilities.

THEREFORE, BE IT RESOLVED That the City enter into Contract No. 19-5023 with MDOT for the terms and conditions related to the reconstruction of West Lovett Street from Cochran Avenue (M-50) to Clinton Street and that the Mayor or the City Clerk be directed to sign said contract on behalf of the City.

Council member Mitchell moved, supported by Baker to approve Resolution No. 2019-14 to authorize contract with MDOT for W. Lovett St. project as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2019-15 TO AUTHORIZE A TEMPORARY WAIVER OF ANTI-NEPOTISM POLICY:

RESOLUTION NO. 2019-15

A RESOLUTION TO AUTHORIZE A TEMPORARY WAIVER OF THE ANTI-NEPOTISM POLICY

WHEREAS, the City's personnel policy contains provisions that prohibit the hiring members of the immediate family of employees when they would work in the same department or be directly or indirectly supervised by the relative; and

WHEREAS, temporary increases in the work load in the Clerk/Treasurer Department has led to exploring solutions and creating a full-time temporary position has emerged as the most reasonable course of action; and

WHEREAS, an individual has been identified whose education, work history and past experience would be a valuable asset in addressing work load increases but whose hiring would violate the aforementioned anti-nepotism policy; and

WHEREAS, the City Manager is seeking a temporary waiver of the anti-nepotism policy to permit the hiring of this individual;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize a waiver of the anti-nepotism policy through May 31, 2019 provided the approval of payroll and all personnel decisions other than those involved in the assignment and supervision of work tasks will be performed by the City Manager.

Mayor Pro-Tem Baker moved, supported by Dyer to approve Resolution No. 2019-15 to authorize a temporary waiver of Anti-Nepotism policy as presented. Carried. 6 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2019-16 SUPPORTING EATON COUNTY AGRICULTURAL SOCIETY GRANT APPLICATION: RESOLUTION NO. 2019 –16

A RESOLUTION SUPPORTING EATON COUNTY AGRICULTURAL SOCIETY GRANT APPLICATION

WHEREAS, the City leases the Fairground property to the Eaton County Agricultural Society (ECAS); and
WHEREAS, the Eaton County Fair has been operating at the current location for over 150 years; and
WHEREAS, Kardell Hall was originally constructed in 1953 and is a cornerstone structure for the Fair and the community; and
WHEREAS, the Board of Directors of the Eaton County Agricultural Society (ECAS) is submitting a County Fair Capital Improvement Grant Program application through the Michigan Department of Agriculture and Rural Development; and

WHEREAS, the grant request will include improvements to Kardell Hall including insulation and new siding; and

WHEREAS, the City of Charlotte recognizes the community value provided by the Eaton County Fair and the events held at the Fairgrounds.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for Charlotte supports the Eaton County Agricultural Society’s grant application and looks forward to continuing a positive relationship with them.

Mayor Pro-Tem Baker moved, supported by Russo to approve Resolution No. 2019-16 supporting Eaton County Agricultural Society Grant application as presented. Carried. 6 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2019-17 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

RESOLUTION NO. 2019-17

A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY

FOR FEBRUARY 11, 2019

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

WHEREAS, the February 1, 2019 payroll totaled \$157,518.53;

WHEREAS, the February 11, 2019 claims total \$112,559.48;

WHEREAS, the January 28, 2019 insurance claims total \$4,731.49 and February 2, 2019 insurance claims total \$572.01;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for February 1, 2019 in the amount of \$275,381.51

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL

VOTE: Mayor Pro-Tem Baker moved, supported by Dyer to approve Resolution 2019-17 regarding payment of claims & accounts as presented. Carried. 6 Yes. 0 No.

E. CONSIDER APPROVAL OF RESOLUTION NO. 2019-18 CREDIT CARD PAYMENT DECEMBER 2018-JANUARY 2019:

RESOLUTION NO. 2019-18

A RESOLUTION TO APPROVE

**CREDIT CARD AND AT&T AUTOPAY CHARGES
FOR DECEMBER 2018 – JANUARY 2019**

WHEREAS, the City has a credit card account and various employees incur charges for the purchase of goods and services for City business purposes through the use of credit cards issued to them; and

WHEREAS, expenses totaling \$7,119.40 have been incurred during the period between December 14, 2018 and January 14, 2019 and receipts for these expenses have been reviewed and the amounts approved by the City Manager or City Clerk and a list of those expenses has been provided to the City Council; and

WHEREAS, the City has enrolled in AT&T's AutoPay program for accounts 5175438874, 5175432288, 5175438396 and 131573146 so as to insure prompt payment of invoices, thus avoiding late payment penalties; and

WHEREAS, charges for December 14, 2018 to January 13, 2019 in the total amount of \$726.59 for AT&T accounts 5175438874, 5175432288, 5175438396 were paid through the AutoPay program on February 4, 2019; and

WHEREAS, charges for November 27, 2018 through December 26, 2018 and for December 27, 2018 through January 26, 2018 in the total amount of \$123.06 for AT&T account 131573146 were paid or are scheduled to be paid through the AutoPay program; and

WHEREAS, City Charter requires the Council to authorize expenditures of all City funds;

NOW, THEREFORE, BE IT RESOLVED that credit card charges totaling \$7,119.40 for the period December 14, 2018 through January 14, 2019 and AT&T AutoPay charges totaling \$849.65 for various periods between November 27, 2018 and January 26, 2019 are hereby approved.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL

VOTE: Council member Mitchell moved, supported by Dyer to approve Resolution 2019-18 regarding payment of credit card payment as presented. Carried. 6 Yes. 0 No.

F. CONSIDER APPROVAL OF RESOLUTION NO. 2019-21 MAYORAL APPOINTMENT:

RESOLUTION NO. 2019-21

A RESOLUTION TO APPROVE MAYORAL APPOINTMENT

WHEREAS, a need for a Council appointment to the Planning Commission exists; and

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

Name	Board	Term Ending
Mike Armitage	Planning Commission	3/31/2022

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

Council member Russo moved, supported by Mitchell to approve Resolution No. 2019-21 Mayoral appointment as presented. Carried. 6 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF 2019-11 TO APPROVE COUNCIL POLICY NO. 2019-01 CONDUCT WITHIN AND USE OF CITY PARKS:

RESOLUTION NO. 2019-11

A RESOLUTION TO APPROVE

COUNCIL POLICY 2019-01 CONDUCT WITHIN AND USE OF CITY PARKS

WHEREAS, on September 25, 2017, the City Council approved Council Policy 2017-02 which, among other provisions,

established conditions under which alcohol might be sold and consumed in City parks; and

WHEREAS, Council Policy 2017-02 limited the hours during which alcohol could be served such that sales and consumption of alcohol must be concluded not later than 10:00 p.m.; and

WHEREAS, a representative of the Michigan Nordic Fire Festival has requested to extend the time for sale of alcohol by one hour to 11:00 p.m. so as to increase the profitability of the festival and better accommodate the crowds expected to attend; and

WHEREAS, staff has drafted Council Policy 2019-01 to replace Council Policy 2017-02 and incorporate the requested change in hours into regulations governing the sale and consumption of alcohol in City parks;

NOW, THEREFORE, BE IT RESOLVED that Council Policy 2019-01 is hereby approved.

COUNCIL POLICY 2019-01

CONDUCT WITHIN AND USE OF THE CITY PARKS

1. PURPOSE

The purpose of this policy is to set forth rules and regulations regarding conduct within and use of the various park facilities of the City of Charlotte.

2. AUTHORITY

This policy is adopted pursuant to Section 38-6 of the Charlotte City Code.

3. RULES APPLICABLE TO ALL PARKS

The following rules and regulations are applicable to all City parks:

3.1 Commercial Activities. A person may not sell, or offer for sale, any merchandise, article or thing in City parks without having first obtained written permission from the manager or his/her designee. A person may not practice, carry on, conduct or solicit for any trade, occupation, business or profession without first obtaining written permission from the city manager or his/her designee.

3.2 Disorderly Conduct. A person may not indulge in riotous, boisterous, threatening or indecent conduct, or use abusive, threatening, indecent, profane or obscene language or gestures.

3.3 Handbills and Advertising. A person may not distribute any handbills or circulars or post, place or erect any bills, notices, paper or advertising device or matter of any kind.

3.4 Noise. Except in cases of concerts or similar events approved by the city manager or his/her designee, no person shall play a radio or other sound amplification device so loud as to be an annoyance to other people in the park or to nearby residents.

3.5 Smoking. No person shall smoke any tobacco product within fifty (50) feet of any playground.

4. RULES APPLICABLE TO SPECIFIC PARKS

4.1 Rules applicable to Oak Park. The following rules and regulations are applicable to Oak Park

4.1.1 Park hours. Oak Park shall be open to public use between the hours of 6:00 a.m. and dusk.

4.1.2 Moving of park equipment. No person shall move any picnic table, bench, trash container or other fixture or equipment without first obtaining the permission of the Director of Public Works.

4.1.3 Loitering in or on gazebo. No person shall loiter in or on the gazebo.

4.2 Rules applicable to Lincoln Park Skate Park. The following rules and regulations are applicable to Lincoln Park Skate Park.

4.2.1 Generally. The Lincoln Park Skate Park is a sports facility open to children and persons of all ages. It is a "Use At Your Own Risk" park and will not be supervised by onsite park personnel. Skateboarding and skating are hazardous recreational activities. Parents should be in attendance and supervise their children at all times. All participants should wear protective equipment while using this facility. Failure to wear protective equipment while using this facility may result in death, paralysis, brain damage or concussion, broken bones or other serious injury. The City of Charlotte does not assume any responsibility for injuries.

4.2.2 Skate Park rules of conduct.

4.2.2.1 Skate at your own risk.

4.2.2.2 Safety equipment is strongly recommended. This is a non-supervised facility. (Your

sport, your skull, your choice.) Use of the skate facility may expose the skate athletes to serious injury.

- 4.2.2.3 Skate within your means. Be honest about your skill level and use this facility at your own risk.
- 4.2.2.4 Only skateboards, roller-skates, in-line skates and bicycles are permitted.
- 4.2.2.5 Skate respectfully. This is a smoke-, alcohol- and drug-free facility.
- 4.2.2.6 Be respectful of other patrons and of the park. No profanity.
- 4.2.2.7 Amplified music is not allowed.
- 4.2.2.8 Standing, sitting or hanging out on the ramps is prohibited.
- 4.2.2.9 Waxing the rails is prohibited.
- 4.2.2.10 Littering and possessing glass containers, food or beverages on the skating surface is prohibited.
- 4.2.2.11 The Skate Park is not a designated picnic area.
- 4.2.2.12 Fires are prohibited with the park.
- 4.2.2.13 Glass containers are prohibited within the Skate Park.
- 4.2.2.14 Modifications to any element or area within the Skate Park are prohibited. Mobile ramps or other skating structures of a makeshift nature are prohibited.

4.2.2.15 Graffiti must be approved by the Park Board Subcommittee prior to placement.

4.2.2.16 The City of Charlotte reserves the right to close this facility at any time without notice.

4.2.2.17 De-icing products such as salt will damage the skating surface and are prohibited.

4.2.2.18 Bicycles may be used on even-numbered days, skates on odd-numbered days, if necessary.

4.3 Rules applicable to Lincoln Park Hockey Rink

4.3.1 Generally. The Lincoln Park Hockey Rink is a sports facility open to children and persons of all ages. It is a "Use At Your Own Risk" park and will not be supervised by onsite park personnel. Hockey and skating are hazardous recreational activities. Parents should be in attendance and supervise their children at all times. All participants should wear protective equipment while using this facility. Failure to wear protective equipment while using this facility may result in serious injury. The City of Charlotte does not assume any responsibility for injuries.

4.3.2 Hockey Rink Rules of Conduct

4.3.2.1 This is a smoke-, alcohol- and drug-free facility.

4.3.2.2 Be respectful of other patrons and of the park. No profanity.

- 4.3.2.3 Except as provided in 4.3.2.7, only equipment typically associated with ice skating, rollerblading or hockey is permitted within the hockey rink.
- 4.3.2.4 Standing on, sitting on, or climbing over the boards is prohibited.
- 4.3.2.5 Littering, glass containers, food or beverages on the skating surface are prohibited.
- 4.3.2.6 The City of Charlotte has the right to close this facility without notice.
- 4.3.2.7 Radio control car drag races may be conducted on the hockey rink when authorized by the city manager or his/her designee.

4.4 Rules applicable to Lincoln Park Raceway

4.4.1 Generally. Lincoln Park Raceway is a radio control car track located in Lincoln Park south of Shepherd Street between the hockey rink and the street. It is a dirt track with drainage tile barriers constructed in accordance with generally accepted construction standards for tracks of this nature. Lincoln Park Raceway will be open to the public for use during regular park hours.

4.5 Rules applicable to Lincoln Park Open Space south of Shepherd Street. The following rules and regulations are applicable to the open space in that portion of Lincoln Park that lies south of Shepherd Street:

4.5.1 Generally. The open areas of Lincoln Park south of Shepherd Street may be used for special events organized and operated by recognized nonprofit organizations. The events must be approved in advance by the City Council which may require proof of liability and property damage insurance naming the City as an additional insured. Event organizers shall specify which portion or portions of the open space they intend to occupy and shall, during the dates and times approved by the Council, have control of all activities, sales, entertainment, games and the like occurring within said areas, subject to any limitations imposed by state laws and regulations and local ordinances and policies.

4.5.2. Sale and Consumption of Alcohol. The Council may authorize the sale and consumption of alcohol in conjunction with special events approved pursuant to 4.5.1 subject to the following conditions:

4.5.2.1. Application for a permit authorizing the sale and consumption of alcohol in City parks shall be made and the application approved pursuant to the provisions of Section 38-2 of the Charlotte City Code.

4.5.2.2. The sale and consumption of alcohol shall take place only within the confines of a tent or similar enclosure surrounded by a fence or other barrier designed to limit ingress and egress.

4.5.2.3. Event organizers shall provide and pay for security personnel in numbers judge adequate to maintain order for the anticipated crowd size. Said

personnel must be present within the tent at all times that alcohol is served therein.

4.5.2.4. The sale of alcohol shall cease not later than 11:00 p.m. and all patrons, security personnel, employees and volunteers shall vacate the premises not later than 12:00 midnight.

4.6 Rules applicable to Dean Park. The following rules and regulations are applicable to Dean Park.

4.6.1 Park hours. Dean Park shall be open to public use between the hours of 6:00 a.m. and dusk.

4.7 Rules applicable to Southridge Park. The following rules and regulations are applicable to Southridge Park.

4.7.1 Park hours. Southridge Park shall be open to public use between the hours of 6:00 a.m. and dusk

5. POLICY REPLACED

This policy replaces Council Policy 2017-02.

6. EFFECTIVE DATE

This policy shall be effective upon its approval by the City Council.

Mayor Pro-Tem Baker moved, supported by Dyer to approve Resolution No.2019-11 to approve Council Policy No. 2019-01 conduct within and use of city parks as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2019-13 FOR AUTHORIZATION FOR SALE AND

CONSUMPTION OF ALCOHOL PURSUANT TO COUNCIL POLICY 2019-01: NORDIC FIRE FESTIVAL ALCOHOL REQUEST RESOLUTION 2019 –13

WHEREAS, Nordic Fire, Inc., the organizers of the Michigan Nordic Fire Festival, have requested permission to sell and consume alcohol on City of Charlotte property located at 615 West Shepherd Street, Charlotte, Michigan on February 22, 23 and 24, 2019; and

WHEREAS, City of Charlotte Council Policy 2019-01 regulates this activity and sets forth certain requirements for City Council approval of this request; and

WHEREAS, Nordic Fire, Inc. have met or exceeded these requirements.

THEREFORE, BE IT RESOLVED that the City of Charlotte City Council hereby approves the request by Nordic Fire, Inc. to sell and consume alcohol at the above-mentioned location on February 22, 23, and 24, 2019.

Council member Russo moved, supported by Mitchell to approve Resolution No. 2019-13 authorizing for sale and consumption of alcohol pursuant to Council Policy 2019-01 as presented. Carried. 6 Yes. 0 No.

C. CONSIDER APPROVAL OF ORDINANCE NO. 2019-01 TO AMEND CHAPTER 82 SEC. 82-81 TO CHANGE 117 E. HARRIS FROM OS-1 OFFICE SERVICE TO B-1 LOCAL BUSINESS DISTRICT: CITY OF CHARLOTTE

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ORDINANCE NO. 2019-01
AN ORDINANCE TO AMEND CHAPTER 82 SECTION 82-81
ZONING
BY AMENDING THE ZONING MAP TO CHANGE A
CERTAIN DESCRIBED PARCEL
FROM OS-1 OFFICE SERVICE DISTRICT TO B-1 LOCAL
BUSINESS DISTRICT

THE CITY OF CHARLOTTE ORDAINS:

Section 1. The Zoning District Map of the City of Charlotte, being part of Chapter 82-Zoning of the Code of the City of Charlotte is hereby amended as follows:

That property described as:

COM 34 FT E OF SW COR.LOT 21,N 100 FT, E 8 FT,N 40 FT TO N LINE LOT 21,E TO PT 50 FT W OF E LINE BLK .10,S 140 FT TO S LINE,W TO BEG;EX.W 8 FT OF S 100

FT(DRIVEWAY):BLK.10,OP,CITY CHARLOTTE

and commonly referred to as 117 E. Harris Street, is hereby rezoned from OS-1 Office Service District to B-1 Local Business District.

Section 2. That the City Clerk is hereby directed to make the necessary corrections evidencing this zoning change.

Section 3. The attached map evidencing this change shall be marked and designated as Ordinance No. 2019-01 and the City Clerk shall enter on the zoning map this ordinance number and the date of

the adoption thereof and shall maintain a file containing a copy of this ordinance and a map thereto attached.

Section 4. This ordinance shall become effective upon the date of its publication.

Mayor Pro-Tem Baker moved, supported by Russo to approve Ordinance No. 2019-01 to amend Chapter 82 Sec. 82-81 to change 117 E. Harris from OS-1 Office Service to B-1 Local Business District as presented. Carried. 6 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER FIRST READING RESOLUTION NO. 2019-19 TO AUTHORIZE CONTRACT WITH ROWE PSC FOR PROFESSIONAL SERVICES RELATED TO 5-YEAR PARK MASTER PLAN UPDATE :

RESOLUTION NO. 2019-19

A RESOLUTION TO AUTHORIZE A CONTRACT WITH ROWE PSC FOR PROFESSIONAL SERVICES RELATED TO THE 5-YEAR PARK MASTER PLAN UPDATE

WHEREAS, the 5-Year Parks and Recreation Master Plan (Plan) for the City, Eaton Township, and Carmel Township expired in 2016; and

WHEREAS, the Plan is required for requesting grant dollars from the Michigan Department of Natural Resources (MDNR); and

WHEREAS, the FY 18-19 budget included money to complete the update to the Plan that was started by the Charlotte Recreation Co-op, and

WHEREAS, a Request for Proposals was prepared by the Public Works Director and sent to seven firms who perform this type of work, and

WHEREAS, four firms submitted proposals ranging from \$9,900.00 to \$12,335.00, and

WHEREAS, Rowe PSC has submitted the lowest responsible proposal to complete the Plan for an amount of \$9,900.00, and

WHEREAS, funding for the professional services related to completing the Plan to meet MDNR regulations will be charged to the General Fund.

THEREFORE, BE IT RESOLVED that the City Council enter into a contract with Rowe PSC to provide the above mentioned services and that the mayor or clerk be directed to sign said contract on behalf of the City.

Mayor Pro-Tem Baker moved, supported by Dyer to approve first reading Resolution No.2019-19 to authorize contract with Rowe PSC for professional services related to 5 Year Park Master Plan update as presented. Carried. 6 Yes. 0 No.

B. CONSIDER FIRST READING RESOLUTION NO. 2019-20 TO APPROVE SALE OF 220 W. SHAW AND

AUTHORIZE FILING WITH CITY CLERK FOR 25 DAY WAITING PERIOD:
RESOLUTION NO. 2019-20

A RESOLUTION TO APPROVE THE SALE OF 220 WEST SHAW STREET

WHEREAS, the City is the owner of property located at 220 West Shaw Street more fully described as Lots 19 & 20 Except E 177 Feet, S.P. Jones' Addition City of Charlotte; and

WHEREAS, the City has now received an offer to purchase the property from Mr. Alan Durham, 3258 Carlisle Highway, Charlotte in the amount of \$14,000; and

WHEREAS, the property is not needed for corporate or public purposes and the public interest is best served by returning the lot to private ownership;

WHEREAS, the City Attorney has prepared a warranty deed for the sale of the above described property in the amount of \$14,000;

NOW, THEREFORE, BE IT RESOLVED that Council does hereby approve the sale of the property located at 220 West Shaw Street to Mr. Alan Durham for \$14,000 and authorizes the Mayor and Clerk to execute the deed and any other documents required to complete the sale of the property.

Mayor Pro-Tem Baker moved, supported by Russo to approve first reading Resolution No. 2019-20 to approve sale of 220 W. Shaw and authorize filing with City Clerk for 25 day waiting period as presented. Carried. 6 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

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

CITY MANAGER REPORT: City Manager Guetschow stated his report was included in the packet. He also stated that a memo was included in the council packet regarding the background for the decision made by the Circuit Court judge concerning the Dairy Queen appeal for the speaker system. He stated he felt that there would be limited or no success in appealing this again. He stated that it would be council's decision if they wish to appeal.

COUNCILMEMBER COMMITTEE REPORTS:

- Mayor Lewis reported for Council member Ridge that the Planning Commission recommended that 117 E. Harris be rezoned as indicated. She stated that the Planning Commission will be reviewing the sign ordinance. He announced that the cheerleaders have got first place in their last three competitions. They are now one of the top four teams in the state. Districts will be held on Saturday.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS:

- Council member Russo stated that it is rare to see young faces in the audience and that he is proud of the stance that council took on the Marihuana issue tonight. He is happy to see the young people in the audience and welcomed them.

- Council member Dyer stated he attended a legislative luncheon on Tuesday and heard from Angela Witwer's office and plans for new policies.
- Council member Mitchell asked that everyone keep Portland in their thoughts and prayers as they are going through some tough times with the flooding.
- Mayor Pro-Tem Baker stated that it was good to see the scouts and everyone coming out tonight.
- Council member Christian stated that he hopes the weather forecast is incorrect so that the kiddos can get back to school.
- Mayor Lewis thanked staff for all they have done through the rough weather. He thanked the Boy Scouts and parents for coming and appreciates their citizenship. He stated that the meeting regarding vaping took place last week. He stated that the City attorney is working on drafting an ordinance in which the sub committee will review before presenting to council.

Mayor Pro-Tem Baker moved, seconded by Mitchell to adjourn at 7:39 p.m. Carried. 6 Yes. 0 No.

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC