

COUNCIL PROCEEDINGS
Regular Meeting
February 28, 2019

CALL TO ORDER: By Mayor Lewis on Tuesday, February 28, 2019 at 7:00 p.m.

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

The invocation was offered by City Manager Guetschow followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF FEBRUARY 11, 2018: Council member Russo moved, supported by Mitchell to approve the regular meeting minutes of February 11, 2019 as presented. Carried. 6 Yes. 0 No. 1 Absent. (Lewis)

ABSENT: Mayor Lewis.

Council member Ridge moved, supported by Russo to excuse Mayor Lewis due to vacation. Carried. 6 Yes. 0 No.

PUBLIC HEARINGS: None.

PUBLIC COMMENTS: Angela Witwer, State Representative 71st District, introduced herself and asked that council contact her with any special requests.

Sharon Bayes, 4244 Marshall Rd. Olivet, to discuss tree root issues at 424 Pearl Street that she owns. She is requesting that some trees be removed that are causing issues with the sewer lines at that residence.

APPROVAL OF AGENDA: Council member Ridge moved, supported by Dyer to approve the agenda as presented. Carried. 6 Yes. 0 No.

SPECIAL PRESENTATIONS: None.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2019-27 TO AUTHORIZE CONTRACT WITH ROWE PSC FOR DESIGN ENGINEERING RECONSTRUCTION W. HARRIS ST.:

RESOLUTION NO. 2019-27

A RESOLUTION TO AUTHORIZE A CONTRACT WITH ROWE PSC FOR DESIGN ENGINEERING SERVICES RELATED TO RECONSTRUCTION OF WEST HARRIS STREET FROM COCHRAN AVENUE TO NORTH SHELDON STREET

WHEREAS, on February 13th the State of Michigan announced a new source of road funding for cities and villages with a population of 10,000 or fewer; and

WHEREAS, the maximum grant amount is \$250,000 and requires a 50/50 match; and

WHEREAS, the applications are due April 5th with anticipated award being in the first or second week of May; and

City Council Minutes 2-28-2019

Page 1 of 7

WHEREAS, the West Harris Street reconstruction is currently on the City's Street Reconstruction Schedule and in the Transportation Improvement Program; and
WHEREAS, the estimated construction cost is approximately \$410,000; and
WHEREAS, special consideration will be given by the State to projects that can be built during 2019; and
WHEREAS, Rowe PSC had provided road engineering services for the City and is familiar with our standards and requirements which will expedite the design phase of the project to allow for 2019 construction; and
WHEREAS, Rowe PSC has submitted a proposal for the design engineering for an amount of \$44,000.00, and
WHEREAS, funding for the professional services related to reconstruction of West Harris Street will be charged to the Major Street 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.

Council member Ridge moved, supported by Mitchell to approve Resolution No. 2019-27 to authorize contract with Rowe PSC for design engineering reconstruction W. Harris St. as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2019-24 TO APPROVE CDBG GRANT BEACH MARKET:

**RESOLUTION NO. 2019-24
TO AUTHORIZE THE EXECUTION OF A GRANT
AGREEMENT BETWEEN THE CITY OF CHARLOTTE,
THE STATE OF MICHIGAN, AND THE FRIENDS OF
BEACH MARKET**

WHEREAS, the City of Charlotte wishes to facilitate the rehabilitation of Beach Market, an historic farmers market structure in downtown Charlotte, Michigan; and

WHEREAS, as part of Project Rising Tide, the State of Michigan is providing \$200,000 in Community Development Block Grant Funds for this rehabilitation (Grant No. MSC 217052-ESB); and

WHEREAS, the balance of the projected costs, or \$220,925 is being provided by the Friends of Beach Market, as well as the Charlotte Lions Club and Charlotte Rotary Club; and

WHEREAS, the City of Charlotte will participate with in-kind contributions of administration and project management assistance; and

WHEREAS, the terms of this grant are understood, and agreed-to by all parties.

THEREFORE, BE IT RESOLVED that the City of Charlotte City Council hereby authorizes the execution of Grant No. MSC 217052-ESB.

BE IT FURTHER RESOLVED that in the absence of City of Charlotte Mayor Tim Lewis, City of Charlotte Mayor Pro-Tem L. Daryl Baker is authorized to sign the necessary grant documentation.

Council member Ridge moved, supported by Dyer to approve Resolution No. 2019-24 to approve CDBG Grant Beach Market as presented. Carried. 6 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2019-25 FOR COUNCIL MEMBER DYER TO ATTEND MML CAPITAL CONFERENCE MARCH 19-20, 2019:

RESOLUTION NO. 2019-25

A RESOLUTION TO APPROVE COUNCIL MEMBER BRANDEN DYER'S ATTENDANCE AT THE 2019 MML CAPITAL CONFERENCE

BE IT RESOLVED that Council Member Branden Dyer is hereby authorized to attend the 2019 MML Capital Conference to be held in Lansing and to incur reasonable and customary expenses for registration and meals.

Council member Russo moved, supported by Christian to approve Resolution No. 2019-25 for Council member Dyer to attend MML Capital Conference March 19-20, 2019 as presented. Carried. 6 Yes. 0 No.

D. CONSIDER RESOLUTION NO. 2019-26 IN SUPPORT OF HELPING HANDS FOOD PANTRY:

RESOLUTION NO. 2019-26

A RESOLUTION SUPPORTING HELPING HANDS FOOD PANTRY GRANT APPLICATION

WHEREAS, the Helping Hands Food Pantry has distributed 565,000 lbs. of groceries and personal care items through 5,874 requests in 2018 here in Eaton County; and

WHEREAS, Helping Hands has found a need for a larger facility from which to continue these services to our community; and **WHEREAS**, Helping Hands has served the greater Charlotte area since 1982; and

WHEREAS, the City of Charlotte recognizes the need in the community and value provided by Helping Hands;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Charlotte supports Helping Hands in their endeavors to seek additional grant funding for their continued service to our community.

Council member Ridge moved, supported by Russo to approve Resolution No. 2019-26 in support of Helping Hands Food pantry as presented. Carried. 6 Yes. 0 No.

E. CONSIDER APPROVAL OF RESOLUTION NO. 2019-22 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

RESOLUTION NO. 2019-22

A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY FOR FEBRUARY 25, 2019

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

WHEREAS, the February 15, 2019 payroll totaled \$146,228.42;

WHEREAS, the February 25, 2019 claims total \$325,039.32;

WHEREAS, the February 11, 2019 insurance claims total \$3,312.26;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for February 25, 2019 in the amount of \$474,580.00

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE: Council member Ridge moved, supported by Mitchell to approve Resolution 2019-22 regarding payment of claims & accounts as presented. Carried. 6 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF 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.

Council member Ridge moved, supported by Russo to approve 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.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER FIRST READING RESOLUTION NO. 2019-23 TO APPROVE CHANGE ORDER #1 FOR ROWE PSC PARKING LOT #1 DESIGN :

RESOLUTION NO. 2019-23

A RESOLUTION TO APPROVE CHANGE ORDER #1 FOR ROWE PSC FOR THE PARKING LOT #1 PROJECT

WHEREAS, the Parking Lot #1 Project engineering contract was awarded to Rowe PSC by City Council on July 9, 2018 in the amount of \$23,000.00; and

WHEREAS, it has been determined since award of the project that it is necessary to replace the sanitary sewer that runs underneath the storm sewer at the east end of the parking lot; and

WHEREAS, additional work on the sanitary sewer will require preparation and execution of grading easements and additional costs must be incurred to complete the above mentioned work; and

WHEREAS, Rowe PSC has proposed a cost of \$7,000.00 in design and construction engineering to complete the work necessary; and

WHEREAS, Rowe PSC's proposal does not include any extra time for field observation and will address that at the time of construction; and

WHEREAS, these additional costs will be paid for out of the Parking Lot Fund.

THEREFORE, BE IT RESOLVED that the City Council authorizes contract Change Order #1 in the amount of \$7,000.00 for Rowe PSC for additional work on sanitary sewer replacement and grading easements as part of the Parking Lot #1 Reconstruction Project.

Council member Ridge moved, supported by Christian to approve first reading Resolution No. 2019-23 to approve change order #1 for Rowe PSC parking lot #1 design as presented. Carried. 6 Yes. 0 No.

B. CONSIDER FIRST READING ORDINANCE NO. 2019-02 MARIHUANA ESTABLISHMENTS AND SET PUBLIC HEARING FOR MARCH 25, 2019:

CITY OF CHARLOTTE

ORDINANCE NO. 2019-02

AN ORDINANCE TO AMEND CHAPTER 15 - BUSINESSES - OF THE CODE OF THE CITY OF CHARLOTTE BY ADDING ARTICLE IV - MARIHUANA ESTABLISHMENTS - TO PROVIDE FOR THE PROHIBITION OF MARIHUANA ESTABLISHMENTS WITHIN THE CITY OF CHARLOTTE.

THE CITY OF CHARLOTTE ORDAINS:

Chapter 15 – Businesses – of the Code of the City of Charlotte is hereby amended to add Article IV to read as follows:

Article IV: Marihuana Establishments

Sec. 15-75 Prohibition of Marihuana Establishments.

(A) Pursuant to the provisions of Section 6.1 on the Michigan Regulation and Taxation of Marihuana Act (the "Act"), Marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the City of Charlotte.

(B) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the City shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.

(C) This section does not supersede rights and obligations with respect to the transportation of marihuana through the City to the extent

provided by the Act, and does not supersede rights and obligations under the Michigan Medical Marihuana Act, the Medical Marihuana Licensing Act, 2016 PA 281, or any other law of the State of Michigan allowing for or regulating marihuana for medical use.

Effective Date. This ordinance shall become effective 20 days after adoption and that the above ordinance be passed to a second reading.

Council member Dyer and Mitchell expressed interest into having a presentation before making a decision on an ordinance.

Discussion was held among council members.

Council member Russo moved, supported by Christian to approve first reading Ordinance No. 2019-02 to approve marihuana establishments and set public hearing for March 25, 2019 as presented.

Council member Mitchell moved, supported by Dyer to table to a future meeting. Carried. 4 Yes. (Russo, Dyer, Christian, Mitchell) 2 No. (Ridge, Baker)

COMMUNICATIONS AND COMMITTEE REPORTS

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

CITY MANAGER REPORT: City Manager Guetschow stated there will be a delay in the accounts payable process for the next claims due to the BS&A conversion. He reported that the absentee

permanent voter response due to the no reason AV voting has been increased by 327 new requests. There is a new flight school at the airport. He stated that the City is looking at the opportunity to fund its accrued unfunded pension liability through the sale of bonds.

COUNCILMEMBER COMMITTEE REPORTS:

- Council member Ridge announced that the next Planning Commission Meeting will be held on March 5, 2019 at 7 P.M. The Recreation Co-op met on February 14 and approved a \$15,000 grant to Crandall Lake project. The grant cycle will begin again in April to award additional grants.
- Council member Dyer attended another MML Energy Environment Meeting.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS:

- Council member Russo no comment.
- Council member Ridge stated the RFP's for the Strategic Plan have been received. They are moving forward with the next steps. She stated that Lisa Barna, Charlotte Rising, is making her face known and encourages anyone to stop by her office or make an appointment. She stated the Women Giving Together chose Courthouse Square to give speaker system to downtown area. She announced that Rotary will be giving a presentation on Tuesday regarding the Strategic Plan. CANDO will be meeting Wednesday morning at 7 AM. She stated she appreciates the public attending and thanked Angela Witwer for coming. She stated that the cheerleaders

qualified for State for the third year. They will be competing at the Delta Plex on Saturday at 6 P.M. They are ranked third in the state and she is very proud of them.

- Council member Dyer stated that he feels that people addressing the council can be very intimidating. He suggested having a comment card to hand to council members.
- Council member Mitchell shared concerns with citizens having to provide their address when addressing the council. He is concerned that this might suppress or stifle the public from speaking.
- Mayor Pro-Tem Baker stated that he appreciates the public attending.
- Council member Christian no comment.

Council member Mitchell moved, seconded by Dyer to adjourn at 8:07 p.m. Carried. 6 Yes. 0 No.

Mayor Pro-Tem Baker

Ginger Terpstra, City Clerk, CMMC