

COUNCIL PROCEEDINGS

Regular Meeting

April 8, 2019

CALL TO ORDER: By Mayor Lewis on Tuesday, April 8, 2019 at 7:00 p.m.

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

The invocation was offered by Pastor Gary Wales, Lawrence Ave. United Methodist Church, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF MARCH 25, 2019: Mayor Pro-Tem Baker moved, supported by Mitchell to approve the regular meeting minutes of March 25, 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 business commitment. Carried. 6 Yes. 0 No.,

PUBLIC HEARINGS:

PUBLIC HEARING – ORDINANCE NO. 2019-02

MARIHUANA ESTABLISHMENTS:

Public Hearing Opened: 7:03 P.M.

Dennis Weeks, Pastor Chester Gospel Church, 3744 W. Vermontville Hwy., stated he feels that marihuana has a negative effects on a community. He is opposed to allowing marihuana establishments in the community.

Mike Kutas, 2088 Flanders Rd., stated that throughout his profession he has seen the negative effects on people and families from marihuana use which leads to negative behavior. He is opposed to allowing marihuana establishments in the community.

Mary Rosario, 621 N. Cochran, stated that 51% of Charlotte voters showed up to vote yes for recreational marihuana. She feels the council should represent those voters. She is in support of allowing marihuana establishments.

Cheryl Dlugozima, 732 E. Henry, stated that she thinks council should look at what people are looking for. She is in support of allowing marihuana establishments.

Don Sovey, 106 Kensington Ct., encouraged council to use caution as the State has not yet released regulations for recreational marihuana

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establishments and there are no rules. He is in support of the ordinance to prohibit marihuana establishments in the community,

Martin Saunders, 108 W. Fourth, Pastor Five Corners Church, stated he has seen the negative effects of marihuana use. He is against allowing marihuana establishments.

Randy Royston, New Hope Community Church, 436 W. Harris, is in support of the Ordinance to prohibit marihuana establishments.

Public Hearing Closed: 7:26 P.M.

PUBLIC HEARING – ORDINANCE NO. 2019-03 CHAPTER 34 – OFFENSES TO ADD SECTION 34-226-229 REGARDING VAPING:

Public Hearing Opened: 7:27 P.M.

Cheryl Dlugozima, 732 E. Henry, stated that she is in support of this ordinance.

Public Hearing Closed: 7:28 P.M.

PUBLIC COMMENTS: **Richard Ames**, Interim Superintendent, Charlotte Public Schools, introduced himself to council. He stated he has been working with interim superintendent work for two decades.

The school intends to have a new superintendent by mid July. He thanked council for the work they have done with the school and for working together. He stated that vaping is a grave concern and very critical issue in the school system. He appreciates council's proactive approach.

APPROVAL OF AGENDA: Council member Russo moved, supported by Mayor Pro-Tem Baker to approve the agenda with the addition of Mayor Pro-Tem Baker as liaison to the Airport Advisory Board to Resolution No. 2019-41 and to change the name of the speakers for Item 10a to Margeaux Bruner, Director Outreach Strategy MiCIA and Jennifer Domingue, Associate Attorney, Cannabis Legal Group. Carried. 6 Yes. 0 No.

SPEICAL PRESENTATIONS RE: MARIHUANA: MARGEAX BRUNNER- MICIA:

Ms. Brunner spoke regarding recreational marihuana vs. medical marihuana. She stated that Michigan is the tenth state to legalize adult use of marihuana as of November 2018.

JENNIFER DOMINGUE – CANNABIS LEGAL GROUP:

Ms. Domingue spoke on how to frame regulations for each type of establishment. She explained the regulations that have to be adhered to for this type of establishment to be licensed and the guidelines that they have to adhere to.

MIKE TAILLARD-ECONOMIST:

Mr. Taillard talked about economics and links to government data. He talked about statistics of population that smokes cannabis.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2019-41 MAYORAL APPOINTMENT:

RESOLUTION NO. 2019-41

A RESOLUTION TO APPROVE MAYORAL APPOINTMENT

WHEREAS, a need for a reappointments to the Airport Advisory board exists; and

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

Name	Board	Term Ending
Richard Deer	Airport Advisory Board	4/01/2022
Jeff Wildern	Airport Advisory Board	4/01/2022

L. Daryl Baker to Airport Advisory Board as Council liaison.

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

Council member Russo moved, supported by Christian to approve Resolution No. 2019-41 Mayoral appointment with the reappointments of Richard Deer and Jeff Wildern to the Airport Advisory Board and the addition of Mayor Pro-Tem Baker as liaison to the Airport Advisory Board. Carried. 6 Yes. 0 No.

B. CONSIDER PROCLAMATION NO. 2019-01 ARBOR DAY:

**CITY OF CHARLOTTE
PROCLAMATION 2019-01**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the City of Charlotte has been recognized as a Tree City USA by the National Arbor Foundation and desires to continue its tree planting practices, by planting a tree at the Charlotte Public Schools; and

NOW THEREFORE, the City Council of the City of Charlotte, Michigan does hereby proclaim Friday, April 26 2019 as ARBOR DAY in the City of Charlotte and urges all citizens to celebrate Arbor Day; and

FURTHER, the City Council of the City of Charlotte, Michigan urges all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Council member Russo moved, supported by Baker to approve Proclamation No. 2019-01 Arbor Day as presented. Carried. 6 Yes. 0 No.

C. CONSIDER RESOLUTION NO. 2019-42 REGARDING CHARLOTTE INSURANCE AGENCY PAYMENT:
RESOLUTION NO. 2019-42

A RESOLUTION TO APPROVE EXPENDITURE OF THE CITY

FOR APRIL 8, 2019 FOR CHARLOTTE INSURANCE

BE IT RESOLVED that the City Council approves a Claim for Charlotte Insurance in the amount of \$6,070.00

Council member Dyer moved, supported by Christian to approve Resolution No. 2019-42 regarding payment to Charlotte Insurance Agency as presented. Carried. 6 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2019-43 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

RESOLUTION NO. 2019-43

A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY

FOR APRIL 8, 2019

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

WHEREAS, the March 29, 2019 payroll totaled \$155,281.95;

WHEREAS, the April 8, 2019 claims total \$255,977.87; and Check for Michigan Network Co. in the amount of \$4,200

WHEREAS, the March 25, 2019 insurance claims total \$2,993.16; and

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for April 8, 2019 in the amount of \$418,452.98

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE: Mayor Pro-Tem Baker moved, supported by Dyer to approve Resolution 2019-43 regarding payment of claims & accounts as presented. Carried. 6 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF ORDINANCE NO. 2019-02 MARIHUANA ESTABLISHMENTS:
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.

Discussion was held among council members on the ordinance and when the state regulations may be formulated.

Mayor Pro-Tem Baker moved, supported by Christian to approve second reading and adoption of Ordinance No. 2019-02 Marihuana Establishments as presented.

Council member Dyer moved, supported by Mitchell to amend the motion to include a sunset provision to expire January 2020. Amendment Denied. 4 No. (Russo, Christian, Baker, Lewis) 2 Yes. (Mitchell, Dyer) 1 Absent. (Ridge)

Vote on original motion to adopt Ordinance No. 2019-02 Marihuana Establishments. Carried. 4 Yes (Russo, Christian, Baker, Lewis) 2 No. (Mitchell, Lewis) 1 Absent (Ridge)

**B. CONSIDER APPROVAL ORDINANCE NO. 2019-03
CHAPTER 34-OFFENSES TO ADD SECTION 34 226-
229 REGARDING VAPING:**

AN ORDINANCE TO AMEND ARTICLE VI, OFFENSES AGAINST PUBLIC MORALS, OF CHAPTER 34 - OFFENSES - BY ADDING SECTIONS 34-226, DEFINITIONS, 34-227, POSSESSION, ATTEMPT TO POSSESS, AND/OR USE OF A VAPOR OR ALTERNATIVE NICOTINE PRODUCT BY PERSONS UNDER EIGHTEEN (18) YEARS OF AGE, 34-228, FALSE IDENTIFICATION TO OBTAIN OR ATTEMPT TO OBTAIN AND/OR PURCHASE A VAPOR OR ALTERNATIVE NICOTINE PRODUCT BY PERSONS UNDER EIGHTEEN (18)

YEARS OF AGE, AND 34-229, FURNISHING A VAPOR OR ALTERNATIVE NICOTINE PRODUCT TO PERSONS UNDER EIGHTEEN (18) YEARS OF AGE.

THE CITY OF CHARLOTTE ORDAINS:

Section 34-226 shall be added to Article VI, Chapter 34, as follows:

§34-226: DEFINITIONS. The following words, terms and phrases when used in Section 34-227 - 34-229, shall have the meaning ascribed to them in this section.

ALTERNATIVE NICOTINE PRODUCT. A noncombustible product containing nicotine that is intended for human consumption in any form, including but not limited to chewing, absorption, dissolving or ingesting by any other means.

DILIGENT INQUIRY. A good faith effort to determine the age of the person, which includes at least an examination of an official operator's or chauffeur's license, an official personal identification card, a military identification card, or any other bona fide picture identification which establishes the identity and age of the person.

VAPOR PRODUCT: A noncombustible product containing nicotine that employs a heating element, power source, electronic

circuit, or other electronic, chemical, or mechanical means, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes, but is not limited to: an electronic cigarette, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigarillo, electronic pipe, or similar product or device.

Section 34-227 shall be added to Article VI, Chapter 34, as follows:

§34-227: POSSESSION, ATTEMPT TO POSSESS AND/OR USE OF A VAPOR OR ALTERNATIVE NICOTINE PRODUCT BY PERSONS UNDER EIGHTEEN (18) YEARS OF AGE PROHIBITED.

(A) A person under eighteen (18) years of age shall not possess, attempt to possess and/or use a vapor or alternative nicotine product.

(B) A person who violates this section is responsible for a civil infraction with a fine of no more than \$50.00.

(C) Subsection (A) does not apply to a person participating in any of the following:

(1) An undercover operation in which the minor purchases or receives a vapor or alternative nicotine product under the direction of the minor's employer and with the prior approval of the City of Charlotte Police Chief as part of an employer-sponsored

internal enforcement action.

(2) An undercover operation in which the minor purchases or receives a vapor or alternative vapor product under the direction of a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the vapor or alternative vapor product by the minor was not under the direction of a local police agency and was not part of the undercover operation.

(3) The handling or transportation of a vapor or alternative vapor product by a minor under the terms of that minor's employment.

Section 34-228 shall be added to Article VI, Chapter 34, as follows:

§34-228: FALSE IDENTIFICATION TO OBTAIN OR ATTEMPT TO OBTAIN AND/OR PURCHASE A VAPOR OR ALTERNATIVE NICOTINE PRODUCT BY PERSONS UNDER EIGHTEEN (18) YEARS OF AGE.

(A) A person under eighteen (18) years of age shall not obtain, purchase, or attempt to obtain or purchase a vapor or alternative vapor product from another person or any agent or employee of an establishment which sells or furnishes vapor or alternative nicotine products by furnishing or using any false, fraudulent or misleading verbal or written information identifying the person as another person or falsely misrepresenting a material

fact about the person, including but not limited to the person's date of birth or correct spelling of their full name.

(B) A person who violates this section is guilty of a misdemeanor, punishable by a maximum of 90 days in jail and up to a \$500.00 fine.

Section 34-229 shall be added to Article VI, Chapter 34, as follows:

§34-229: FURNISHING A VAPOR OR ALTERNATIVE NICOTINE PRODUCT TO PERSONS UNDER EIGHTEEN (18) YEARS OF AGE.

(A) A vapor or alternative nicotine product shall not be sold, offered for sale, offered, given or furnished to a person under eighteen (18) years of age. A diligent inquiry as to whether a person buying or receiving a vapor or alternative nicotine product is under eighteen (18) years of age shall be made prior to the sale, offer of sale, offer of, giving or furnishing of such product.

(B) A person who violates subsection (A) by knowingly selling, offering for sale, offering, giving or furnishing a vapor or alternative nicotine product to a person under eighteen (18) years of age, or by failing to make a diligent inquiry as to whether the person is under eighteen (18) years of age is guilty of a misdemeanor, punishable by a maximum of 90 days in jail and up to a \$500.00 fine.

(C) A person who sells a vapor product or alternative nicotine product at retail shall post a sign in a conspicuous place in

each room of the establishment that includes the following statement: The purchase of a vapor product or alternative nicotine product by a minor under eighteen (18) years of age is prohibited by law. A minor unlawfully purchasing or using a vapor or alternative nicotine product is subject to a fine.

(D) A person or establishment that is in violation of Section (C) shall be responsible for a civil infraction with a fine of not more than \$250.00.

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

Council member Russo moved, supported by Baker to approve second reading and adoption of Ordinance No. 2019-03 to amend Chapter 34-Offenses to Add Section 34 226-229 regarding Vaping as presented. Carried. 6 Yes. 0 No. 1 Absent (Ridge)

C. CONSIDER APPROVAL OF RESOLUTION NO. 2019-39 CHARLOTTE CELEBRATE FESTIVAL:
RESOLUTION NO. 2019-39
AUTHORIZING CHARLOTTE CELEBRATES
ACTIVITIES JUNE 13-16, 2019

WHEREAS, Charlotte Celebrates is a community-based, organized event that is to be held June 13 to 16, 2019; and,

WHEREAS, the Charlotte Celebrates committee is responsible for organizing these events that 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, streets and right of ways; and

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

1. Closure of South Cochran Avenue in the 100 and 200 blocks, and East & West Lovett Streets in the 100 blocks to through traffic from 4 p.m. to 8:30 p.m. on Thursday, June 13, 2019 for Touch-A-Truck.
2. Closure of South Cochran Avenue in the 100, 200 and 300 blocks, and East & West Lovett Streets in the 100 blocks to through traffic from 4:00 p.m. to 9:30 p.m. on Friday, June 14, 2019 for the Charlotte Celebrates Car Show.
3. Closure of 200 block of South Bostwick Avenue from 6 p.m. to 9 p.m. on Friday, June 14, 2019 for the Charlotte Celebrates motorcycle stunt show.

4. Closure of City Parking Lot No. 4 from 9 a.m. to 7 p.m. on Saturday, June 15, 2019 for a 3-on-3 Basketball Tournament.
5. Temporary closures of portions of certain local streets for the United Way's Color's United 5K running event on the morning of Saturday, June 15, 2019.
6. Authorization for the use of Fitch H. Beach Municipal Airport for the annual Father's Day Fly-In and Pancake Breakfast at the airport the morning of June 16, 2019.
7. Authorization for the city to supply whatever closing signs and barricades it has available for the street closures. Other signs will be the responsibility of the event committee.
8. Authorization for the city Department of Public Works to place the required barricades as needed and designated by the Charlotte Police Department.
9. Authorization for the Charlotte Police Department to provide assistance for traffic diversion as necessary for the above-mentioned events.

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 these street closures at the specified times be granted and carried out in

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accordance with those permissions issued by the Michigan Department of Transportation; and,

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

Council member Russo moved, supported by Baker to approve Resolution No. 2019-39 Charlotte Celebrate Festival as presented. Carried. 6 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2019-40 POCKET PARK PROJCT BID AWARD:

RESOLUTION NO. 2019-40

ACCEPTING A BID FROM MOORE TROSTER FOR CONSTRUCTION OF A PROPOSED POCKET PARK AT 108 & 110 EAST LAWRENCE AVENUE, A PROPERTY OWNED BY THE CITY OF CHARLOTTE

WHEREAS, the City of Charlotte desires to construct a pocket park at 108 & 110 E. Lawrence Avenue, making use of city funds, donations and grants; and

WHEREAS, the City of Charlotte solicited bids for the construction of the project in accordance with standard procedures; and

WHEREAS, the low bid was in the amount of \$171,300 from Moore Troster Construction Company of Holt, Michigan.

THEREFORE, BE IT RESOLVED that the City of Charlotte hereby accepts the low bid for this project from Moore Troster and authorizes the commencement of the project upon execution of the appropriate contract documents.

Council member Russo questioned the amount of money being spent on this pocket park.

Discussion was held on the grant funds that were dedicated to this project and the concern of pulling away from the project.

Council member Dyer moved, supported by Christian to approve Resolution No. 2019-40 Pocket Park project bid award as presented. Carried. 4 Yes. (Lewis, Christian, Baker, Dyer) 2 No (Russo, Mitchell)

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER FIRST READING OF RESOLUTION NO. 2019-44 TO AUTHORIZE CONTRACT WITH COMSOURCE, INC. FOR SERVICES RELATED TO PANASONIC INTERVIEW ROOM RECORDING EQUIPMENT:

RESOLUTION NO. 2019-44

A RESOLUTION TO AUTHORIZE A CONTRACT WITH COMSOURCE, INC FOR SERVICES RELATED TO

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**PANASONIC INTERVIEW ROOM RECORDING
EQUIPMENT**

WHEREAS, this project was identified for purchase as part of the overall upgrade of the required recording equipment needed for investigations; and

WHEREAS, the police department budgeted for this purchased as approved in the FY 18-19 City of Charlotte budget; and

WHEREAS, the requested purchase of the Panasonic Arbitrator Interview Room equipment is completely compatible with our newly purchased in-car and body-worn cameras; and

WHEREAS, the current system in use is old analog technology from 2009 and not compatible with our updated digital system in use daily and no longer covered under a maintenance agreement; and

WHEREAS, this will complete our overall update in our required investigative and daily activity recording systems and maintain our compliance with current standards and laws of interviews and interrogations; and

WHEREAS, it is requested that the standard for additional bids be waived for this particular purchase due to the fact that the Panasonic Arbitrator Interview Room hardware is the only equipment compatible with our current Panasonic Software and in-car and body-worn equipment; and

WHEREAS, Com Source, Inc. is our local Panasonic electronics provider and has supplied our current in-

car and body worn cameras, has submitted a proposal in the amount of \$12,011.00 that meets all of our specifications and compatibility requirements;

THEREFORE, BE IT RESOLVED That the City enter into a contract with ComSource, Inc. to provide the above-mentioned services and equipment.

Mayor Pro-Tem Baker moved, supported by Dyer to approve first reading Resolution No. 2019-44 to authorize contract with ComSource, Inc. for services related to Panasonic interview room recording equipment as presented. Carried. 6 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: City Attorney report included in packet.

CITY MANAGER REPORT: City Manager Guetschow reported that he has presented the first draft of the budget for FY 19/20. He will present a refinement at the next meeting.

COUNCILMEMBER COMMITTEE REPORTS:

- No committee reports

PUBLIC COMMENT: Mike Taillard, Beulah, MI stated that you cannot ban the cannabis market.

MAYOR AND COUNCIL COMMENTS:

- No comments

Mayor Pro-Tem Baker moved, seconded by Mitchell to adjourn at 9:09 p.m. Carried. 6 Yes. 0 No.

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC