

**COUNCIL PROCEEDINGS**  
**Regular Meeting**  
**March 25, 2019**

**CALL TO ORDER:** By Mayor Lewis on Tuesday, March 25, 2019 at 7:00 p.m.

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

The invocation was offered by Chuck Jenson, West Carmel Church, followed by the Pledge of Allegiance.

**APPROVAL OF MINUTES FOR REGULAR MEETING OF MARCH 11, 2019:** Council member Ridge moved, supported by Mitchell to approve the regular meeting minutes of March 11, 2019 as presented. Carried. 7 Yes. 0 No.

**ABSENT:** None.

**PUBLIC HEARINGS:**  
**CLOSEOUT PUBLIC HEARING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING DOWNTOWN RENTAL REHABILITATION:**

**Public Hearing Opened: 7:02 P.M.**

**Bryan Myrkle**, City of Charlotte, stated that grant money was received for apartments in the downtown district.

All apartments have been completed and it is time to close out the grant process.

The city received \$240,000 in Community Development Block Grant funding as an incentive to the creation of six new apartments above storefronts in downtown Charlotte. At least 51% of apartments were to be affordable and rented to a person who met certain income qualifications.

- Six new apartments were created - four at 245 S. Cochran Avenue, one at 239 S. Cochran and one at 112 E. Lawrence Avenue.
- The \$240,000 in grant funds leveraged another \$310,000 in private funds for a total investment downtown of \$551,000.
- All six apartments are now occupied, and five of the six apartments were rented to qualifying individuals.
- In addition to the benefit to the tenant, the apartments create productive space from unused or under-used space. Creates additional, sustainable income for the building owner. Increases the local tax base and protects the market value of historic buildings in the downtown.

**Anthony Faulkner**, 239 S. Cochran, stated that he was one of the recipients and invested \$90,000.00.

**Public Hearing closed: 7:05 P.M.**

**PUBLIC COMMENTS: Joe Pray**, 316 W. Seminary, stated that the Airport Advisory Committee is asking for support for the USDA Grant that is on the agenda. This will be used in part to build classrooms for a flight school at the airport. He thanked council for consideration of this grant.

**Mary Rosario**, 621 N. Cochran, stated that she is concerned that council will make a decision on the Marihuana Ordinance without knowledge. She stated statistics for medical marihuana in the state. She asked that council educate themselves before making a decision.

**Don Sovey**, 106 Kensington Ct., voiced concerns with moving forward with the Strategic Planning Services proposal. He is concerned about the process in the lack of involvement with citizens at this point. He was concerned with what was requested in the RFP.

**Zach Eddy**, 602 N. Cochran, is in support of Marihuana establishments. He feels if there are dispensaries in the area it would cut down on driving while high.

**Lothar Konietzko**, 524 High, was concerned about the Strategic Planning proposal. He feels that it does not address the issue with bad roads and feels that the RFP lacked details. He asked that item be tabled.

**Kurt Scott**, 649 N. Cochran, asked that council check Washington State and Colorado to see how the marihuana issue is going for them. He feels that this Ordinance should not be passed.

**James Kendall**, 734 Wing Ct., voiced his opinion in support of the Marihuana Ordinance. He has concerns about the image of the City if this is allowed and would like Charlotte to be a family friendly community.

**APPROVAL OF AGENDA: Mayor Pro-Tem Baker moved, supported by Russo to approve the agenda with the removal of 10a Special presentation – Joe Neller and to add appointment of Mary Jean Baker to the Eatran Board. Carried. 7 Yes. 0 No.**

**SPECIAL PRESENTATIONS:**

**JOE NELLER, GREEN PEAK INNOVATIONS-MARIHUANA PRESENTATION**

Removed per Council member Dyer.

**EXPEDITED RESOLUTIONS AND ORDINANCES**

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**A. CONSIDER APPROVAL OF RESOLUTION NO. 2019-34 MAYORAL APPOINTMENT.:**

**RESOLUTION NO. 2019-34**

**A RESOLUTION TO APPROVE MAYORAL APPOINTMENT**

**WHEREAS**, a need for a Council appointment to the Park Advisory Board exists; and

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

<b>Name</b>	<b>Board</b>	<b>Term Ending</b>
Ryan Klann	Park Advisory Board	5/30/2021

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

**Council member Ridge moved, supported by Russo to approve Resolution No. 2019-34 Mayoral appointment with the appointment of Mary Jean Baker to the Eatran Board. Carried. 7 Yes. 0 No.**

**B. CONSIDER RESOLUTION NO. 2019-35 MDOT PERFORMANCE RESOLUTION FOR PERMITS:**

**RESOLUTION NO. 2019-35**

**PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES**

RESOLVED WHEREAS, the City of Charlotte hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or a law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan the DEPARTMENT and their agents and employee's, against any claims for damages to public or

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private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.

3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT,

and all officer, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages

5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the

DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following positions are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Amy E Gilson, PE Director of Public Works  
Mikayla Densmore – Administrative Assistant

**Council member Ridge moved, supported by Dyer to approve Resolution No. 2019-35 MDOT performance resolution for permits as presented. Carried. 7 Yes. 0 No.**

**C. CONSIDER RESOLUTION NO. 2019-36 USDA RURAL DEVELOPMENT GRANT AUTHORIZATION:**

**RESOLUTION NO. 2019-36**

**AUTHORIZING AN APPLICATION TO THE USDA RURAL DEVELOPMENT PROGRAM FOR THE CONSTRUCTION OF A BUILDING FOR FLIGHT SCHOOL INSTRUCTION, SUPPLEMENTAL TERMINAL OFFICE SPACE AND PILOT ACCOMMODATION**

**WHEREAS**, the City of Charlotte owns and operates the Fitch H. Beach Municipal Airport; and

**WHEREAS**, the City of Charlotte desires to maximize revenue associated with operations at the airport; and

**WHEREAS**, certain space limitations are restricting the ability of the airport to reach its potential in service to the community; and

**WHEREAS**, the addition of classroom space, transient pilot accommodations, terminal office area and restrooms would significantly serve to alleviate these restrictions; and

**WHEREAS**, these needs have been identified through strategic planning exercises lead by the city’s Airport Advisory Board; and

**WHEREAS**, a successful application to the USDA Rural Development program could make these important additions financially feasible for the city.

**THEREFORE, BE IT RESOLVED** that the City Council of the City of Charlotte supports and authorizes an application for these purposes to the USDA Rural Development program.

**Mayor Pro-Tem Baker moved, supported by Dyer to approve Resolution No. 2019-36 USDA Rural Development Grant Authorization as presented. Carried. 7 Yes. 0 No.**

**D. CONSIDER RESOLUTION NO. 2019-37 TO ACCEPT PROPOSAL STRATEGIC PLANNING SERVICES:**  
**RESOLUTION NO. 2019-37**

**A RESOLUTION TO ACCEPT THE VETTRAINO CONSULTING-GIFFELS WEBSTER PROPOSAL FOR SERVICES RELATED TO PREPARING A STRAGIC PLAN**

**WHEREAS**, pursuant to Council action in adopting the budget for the 2018-19 fiscal year, proposals were solicited for services related to preparing a community-based strategic plan; and  
**WHEREAS**, proposals were received from three firms and oral presentations were made by two of those firms to a team of City and community representatives; and  
**WHEREAS**, it was the consensus of team members that the proposal presented by Vettraino Consulting -- Giffels Webster, together with their prior experience, represented the best match for the City's needs; and

**WHEREAS**, Vettraino Consulting – Giffels Webster’s proposed not-to-exceed cost of \$20,000 is equal to the amount that Council budgeted for these services;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby accept the proposal of Vettraino Consulting – Giffels Webster and authorizes the City Manager to execute a professional services agreement on behalf of the City; and

**BE IT FURTHER RESOLVED** that the City Council does hereby authorize Council member Yvonne Ridge and the City Manager to negotiate a final scope of work for the project within the budget allowance referenced above.

Council member Ridge explained how the process for RFP’s had been handled for the Strategic Planning Services and how that would look moving forward.

Discussion was held among council members.

**Council member Ridge moved, supported by Dyer to approve Resolution No. 2019-37 to accept proposal Strategic Planning Services as presented. Carried. 6 Yes. (Lewis, Ridge, Russo, Baker, Dyer, Christian) 1 No. (Mitchell)**

**E. CONSIDER APPROVAL OF RESOLUTION NO. 2019-38 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:**

**RESOLUTION NO. 2019-38**

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

**WHEREAS**, Section 7.7 (B) of the City Charter requires Council approval for the expenditure of city funds; and  
**WHEREAS**, the March 15, 2019 payroll totaled \$140,903.40;  
**WHEREAS**, the March 25, 2019 claims total \$338,979.73;  
**WHEREAS**, the March 11, 2019 insurance claims total \$1,807.40 and March 18, 2019 insurance claims total \$1,062.34  
**THEREFORE, BE IT RESOLVED** that the City Council approves claims and accounts for March 25, 2019 in the amount of \$482,752.87

**APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:** Council member Ridge moved, supported by Dyer to approve Resolution 2019-38 regarding payment of claims & accounts as presented. Carried. 7 Yes. 0 No.

**ACTION ITEMS – RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER APPROVAL OF 30 TO AUTHORIZE ROAD SALT PURCHASE:**

**RESOLUTION NO. 2019-30**

**A RESOLUTION TO AUTHORIZE PARTICIPATION IN A CONTRACT WITH STATE OF MICHIGAN FOR ROAD SALT PURCHASE**

**WHEREAS**, the City participates in a cooperative purchasing contract with the State to secure lower road salt prices; and  
**WHEREAS**, this contract guarantees certain amounts of salt are available to the municipalities at fixed prices; and  
**WHEREAS**, the determination has been made by DPW staff for salt needs in the upcoming fiscal year; and  
**WHEREAS**, Section 2-186 of the City Ordinances allows for the waiver of sealed bids for purchases over the amount of \$5,000 if the purchase is made through another governmental agency.  
**THEREFORE, BE IT RESOLVED** That the City participate in the statewide cooperative purchasing agreement with the State of Michigan to provide road salt 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 Resolution No. 2019-30 to authorize road salt purchase as presented. Carried. 7 Yes. 0 No.

**B. CONSIDER APPROVAL RESOLUTION NO. 2019-31 TO AUTHORIZE CONTRACT WITH FISHBECK,**

**THOMPSON, CARR & HUBER FOR SURVEYING SERVICES WWTP ASSET MANAGEMENT:**

**RESOLUTION NO. 2019-31**

**A RESOLUTION TO AUTHORIZE A CONTRACT WITH FISHBECK, THOMPSON, CARR & HUBER FOR SURVEYING 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) is currently working on certain aspects of the AMP including the Geographic Information System (GIS) map; and

**WHEREAS**, FTCH has submitted a proposal to locate all of the sanitary manholes using Global Positioning System (GPS) technology to accurately show them in the GIS map for a fee not to exceed \$20,000.00, 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.

Mayor Pro-Tem Baker moved, supported by Dyer to approve Resolution No. 2019-31 to authorize contract with Fishbeck, Thomson, Carr & Huber for surveying services WWTP Asset Management report as presented. Carried. 7 Yes. 0 No.

**C. CONSIDER APPROVAL OF RESOLUTION NO. 2019-32 REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR RECONSTRUCTION OF W. HARRIS ST. FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM:**

**RESOLUTION NO. 2019-32**

**A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR RECONSTRUCTION OF WEST HARRIS STREET FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM**



**WHEREAS**, the City of Charlotte is applying for \$175,000 in funding through Michigan Department of Transportation (MDOT) Transportation Economic Development Fund (TEDF) Category B Program to reconstruct West Harris Street from Cochran Avenue to North Sheldon Street in 2019; and

**WHEREAS**, MDOT requires a formal commitment from the public Agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

**THEREFORE, BE IT RESOLVED THAT**, the City has authorized Amy Gilson, Director of Public Works, to act as agent on behalf of the City to request TEDF Category B Program funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

**BE IT FURTHER RESOLVED THAT**, the City attests to the existence of, and commits to, providing at least \$175,000 toward the construction costs of the project, and all costs for design, permit fees, administration costs, water and sanitary sewer replacement and cost overruns.

**BE IT FURTHER RESOLVED THAT**, the City commits to owning, operating, funding and implementing a maintenance program over the design life of the facilities constructed with TEDF Category B Program funding.

**Council member Russo moved, supported by Mitchell to approve Resolution No. 2019-32 request for funding, designate an agent, attest to the existence of funds and commit to implementing a maintenance program for reconstruction of W. Harris St. funded by the Transportation Economic Development Fund Category B Program as presented. Carried. 7 Yes. 0 No.**

**D. CONSIDER APPROVAL OF RESOLUTION NO. 2019-33 REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR RECONSTRUCTION OF INDEPENDENCE BLVD. FUNDED BY THE TRANSPORTATION ECONOMIC RESOLUTION NO. 2019-33**

**A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR RECONSTRUCTION OF INDEPENDENCE BOULEVARD FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM**

**WHEREAS**, the City of Charlotte is applying for \$215,000 in funding through Michigan Department of Transportation (MDOT) Transportation Economic Development Fund (TEDF)

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Category B Program to reconstruct Independence Boulevard from Beech Street to Courthouse Drive in 2020; and

**WHEREAS**, MDOT requires a formal commitment from the public Agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

**THEREFORE, BE IT RESOLVED THAT**, the City has authorized Amy Gilson, Director of Public Works, to act as agent on behalf of the City to request TEDF Category B Program funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

**BE IT FURTHER RESOLVED THAT**, the City attests to the existence of, and commits to, providing at least \$215,000 toward the construction costs of the project, and all costs for design, permit fees, administration costs, sidewalk and cost overruns.

**BE IT FURTHER RESOLVED THAT**, the City commits to owning, operating, funding and implementing a maintenance program over the design life of the facilities constructed with TEDF Category B Program funding.

**Council member Ridge moved, supported by Dyer to approve Resolution No. 2019-33 request for funding, designate an agent, attest to the existence of funds and commit to implementing a maintenance program for reconstruction of Independence Blvd.**

**funded by the Transportation Economic Development Fund Category B Program as presented. Carried. 7 Yes. 0 No**

**INTRODUCTION OF RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER FIRST READING OF ORDINANCE NO. 2019-03 TO AMEND CHAPTER 34-OFFENSES TO ADD SECTION 34-226-229 REGARDING VAPING AND SET PUBLIC HEARING FOR APRIL 8, 2019:**

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 Ridge moved, supported by Russo to approve Ordinance No. 2019-03 to amend Chapter 34-Offenses to Add Section 34 226-229 regarding Vaping and set public hearing for April 8, 2019 as presented. Carried. 7 Yes. 0 No.**

**B. CONSIDER FIRST READING OF ORDINANCE NO. 2019-02 MARIHUANA ESTABLISHMENTS AND SET PUBLIC HEARING FOR APRIL 8, 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.

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

**Mayor Pro-Tem Baker moved, supported by Russo to approve first reading Ordinance No. 2019-02 Marihuana Establishments and set a public hearing for April 8, 2019 as presented. Carried. 5 Yes. (Lewis, Ridge, Russo, Christian, Baker) 2 No. (Dyer, Mitchell)**

**C. CONSIDER FIRST READING 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 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.

**Mayor Pro-Tem Baker moved, supported by Ridge to approve first reading Resolution No. 2019-39 Charlotte Celebrate Festival as presented. Carried. 7 Yes. 0 No.**

**D. CONSIDER FIRST READING OF RESOLUTION NO. 2019-40 POCKET PARK PROJECT 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 Ridge moved, supported by Christian to approve first reading Resolution No. 2019-40 Pocket Park project bid award as presented. Carried. 5 Yes. (Ridge, Lewis, Christian, Baker, Dyer) 2 No (Russo, Mitchell)**

**COMMUNICATIONS AND COMMITTEE REPORTS**

**CITY ATTORNEY REPORT:** City Attorney report included in packet.

**CITY MANAGER REPORT:** City Manager Guetschow reported that the City is now in non-compliance with the Protecting Local Government Retirement and Benefits Act (PA 202 of 2017). We will be required to submit an action plan within 180 days. The buyer of 220 W. Shaw has withdrawn his offer to purchase the property.

**COUNCILMEMBER COMMITTEE REPORTS:**

- Council member Christian reported that the Charlotte Recreation Co-op meeting dates have been changed to the 3<sup>rd</sup> Monday of each month. The next meeting will be held on April 15<sup>th</sup> and they will be approving the budget. The deadline for grant applications is May 20<sup>th</sup>. They will be looking for feedback and community involvement soon for the five year Park Plan.

- Council member Ridge reported that the Planning Commission meeting for April 2<sup>nd</sup> has been cancelled due to lack of business.

**PUBLIC COMMENT:** Joe Pray, 316 W. Seminary, thanked council for passing Resolutions 2019-36 and 2019-40. He thanked council for their service to the community.

**Lothar Konietzko**, 524 High, reminded council that the longer the wait to fix the roads the more expensive that will be. He stated that he likes the new water bills and really likes the City Beat for the communication that it provides to its citizens. He thanked council for their time and stated that he is there to help if needed.

**MAYOR AND COUNCIL COMMENTS:**

- Council member Russo no comment.
- Council member Christian no comment.
- Council member Mitchell no comment.
- Council member Dyer no comment.
- Council member Ridge announced that the CANDO meeting will be held on Wednesday, March 27<sup>th</sup> at 7 AM and the topic will be Basic Needs in the Community. The next CANDO meeting will be April 24<sup>th</sup> at 7 AM and the topic will be Neighborhoods and Communities. Director Amy Gilson will



be speaking about the roads. Charlotte Rising meeting will be held on April 18<sup>th</sup> at 5:30 PM at the Masonic Temple. The new director, Lisa Barna, is doing a great job. She has applied for several grants already. She congratulated Eaton Rapids on being selected as a Main Street community.

- Mayor Pro-Tem Baker stated that he was fortunate to attend the MML Conference. He attended the session for City Manager Council relations, a session on civility in this country and grant programs for new business start-ups. He felt this was a very good opportunity.
- Mayor Lewis stated that he has had comments regarding how fast resolutions are approved at meetings. He reminded citizens that these are provided to council the Friday prior to the meeting and also available online to the public at the same time. He expects that council has looked them over and that they are prepared to vote on them at the meeting.

**Council member Ridge moved, seconded by Dyer to adjourn at 8:44 p.m. Carried. 7 Yes. 0 No.**

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Mayor Tim Lewis

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Ginger Terpstra, City Clerk, CMMC