

COUNCIL PROCEEDINGS
Regular Meeting
October 14, 2019

CALL TO ORDER: By Mayor Lewis on Monday, October 14, 2019 at 7:00 p.m.

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

The invocation was offered by the assistant Pastor of New Hope Community Church, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF September 23, 2019: Mayor Pro-Tem Baker moved, supported by Ridge to approve the regular meeting minutes of September 23, 2019 as presented. Carried. 6 Yes. 0 No. 1 Absent. (Mitchell)

ABSENT: Council member Mitchell.

Council member Russo moved, supported by Baker to excuse Council member Mitchell due to illness. Carried. 6 Yes. 0 No.

PUBLIC HEARINGS: None.

PUBLIC COMMENTS:

Ben Phlegar, 425 Horatio, noted that smoking and vaping was included in the Council Policy regarding TimePiece Park, however vaping was not included in reference to the other city parks. He encouraged council to vote affirmatively for this policy. He stated that the Park Board was worried about enforcing this, however, there has to be something on the books in order to enforce the rules. He would like to see any and all tobacco use and vaping in the policy.

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. 2019-97 CHANGE ORDER FOR POCKET PARK:

RESOLUTION NO. 2019 –97

A RESOLUTION TO APPROVE CONTRACT CHANGE ORDER

NO. 3 FOR CONSTRUCTION SERVICES RELATED TO THE POCKET PARK PROJECT AT 108 & 110 E. LAWRENCE AVENUE

WHEREAS, the City of Charlotte has an existing contract for general construction services for the development of a public park space at 108 & 110 E. Lawrence Avenue with Moore Trospen Construction Company; and

WHEREAS, during the process of construction, additional excavation was deemed necessary for the installation of a storm sewer catch basin; and

WHEREAS, it was also determined that more direct, underground, connections to this storm drain for neighboring property's roof-draining downspouts would be more effective.

THEREFORE, BE IT RESOLVED, that a contract Change Order in the amount of \$2,831.04 is hereby approved.

Council member Ridge moved, supported by Christian to approve Resolution No. 2019-97 to authorize change order for Pocket Park as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2019-98 MDOT MAINTENANCE CONTRACT SIGNATORIES:

**RESOLUTION NO. 2019 –98
RESOLUTION FOR MDOT MAINTENANCE CONTRACT
SIGNATORIES**

WHEREAS, the Michigan Department of Transportation has presented a maintenance contract to the City of Charlotte for the period of October 1, 2019 through September 30, 2024; and

WHEREAS, the City of Charlotte is designating Amy E. Gilson as Maintenance Superintendent as it relates to this contract.

THEREFORE, BE IT RESOLVED, the City of Charlotte hereby designates Amy E. Gilson, Director of Public Works, and Ginger L. Terpstra, City Clerk, to sign the contract on behalf of the City.

Mayor Pro-Tem Baker moved, supported by Russo to approve Resolution No. 2019-98 MDOT maintenance contract signatories as presented. Carried. 6 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2019-99 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

RESOLUTION NO. 2019-99

**A RESOLUTION TO APPROVE EXPENDITURES OF THE
CITY
FOR OCTOBER 14, 2019**

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

WHEREAS, the September 27, 2019 payroll totaled \$148,374.90 and October 11, 2019 payroll totaled 159,800.37;

WHEREAS, the October 14, 2019 claims total \$264,708.96;

WHEREAS, the September 23, 2019 insurance claims total \$1,546.91 and September 30, 2019 claims total \$2926.56 and October 7, 2019 claims total \$1,750.12;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for October 14, 2019 in the amount of \$579,107.82.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE: Council member Ridge moved, supported by Dyer to approve Resolution 2019-99 regarding payment of claims & accounts as presented. Carried. 6 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF RESOLUTION NO. 2019-96 TO PROMULGATE RULES AND REGULATIONS FOR TIMEPIECE PARK BY APPROVING COUNCIL POLICY NO. 2019-02; CONDUCT WITHIN AND USE OF CITY PARKS:

RESOLUTION NO. 2019-96

**A RESOLUTION TO PROMULGATE RULES AND
REGULATIONS
FOR TIMEPIECE PARK BY APPROVING COUNCIL
POLICY 2019-02:**

CONDUCT WITHIN AND USE OF CITY PARKS

WHEREAS, Timepiece Park has been constructed in downtown Charlotte at 108-110 E. Lawrence Avenue; and

WHEREAS, the protection and preservation of the public health, safety and welfare warrants establishing rules and regulations governing its use by the public; and

WHEREAS, pursuant to the City Code of Ordinances, rules and regulations for various City parks are promulgated through the adoption of a Council policy, the current version of which is Council Policy 2019-01; and

WHEREAS, Council Policy 2019-02: Conduct Within and Use of City Parks would replace Council Policy 2019-01 and incorporate rules and regulations applicable to Timepiece Park;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve Council Policy 2019-02: Conduct Within and Use of City Parks.

Discussion was held regarding including vaping language for all parks in section 4.8.2. It was recommended that this be taken back to a future Park Advisory Board meeting to discuss the vaping language.

Council member Ridge moved, supported by Dyer to approve Resolution No. 2019-96 to promulgate rules and regulations for Timepiece Park by approving Council Policy No. 2019-02; Conduct within and use of City parks as presented. Carried. 6 Yes. 0 No.

Council member Ridge moved, supported by Baker to amend the language to include “vaping” after electronic cigarettes. Carried. 6 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER FIRST READING OF RESOLUTION NO. 2019-100 RE: FARMLAND AGREEMENT – SHUMAKER:

RESOLUTION NO. 2019-100

A RESOLUTION TO APPROVE FOUR APPLICATIONS FROM JUSTIN & MONICA SHUMAKER FOR PARCELS TO BE INCLUDED IN FARMLAND AND OPEN SPACE PRESERVATION PROGRAM

WHEREAS, the City has received applications dated October 2, 2019 from Justin and Monica Shumaker, 2608 E. Nye Hwy., Charlotte MI 48813 to include four parcels of land located in Carmel Township in the Farmland and Open Space Preservation Program; and

WHEREAS, these parcels of land are located outside the limits of the City of Charlotte and are not included within any planned development area of the City nor are the parcels included

within any area planned for development in the City’s Master Plan; and

WHEREAS, the Council finds that preservation of farmland and open space contributes to the public health, safety and welfare;

THEREFORE, BE IT RESOLVED that the City Council does hereby approve the four applications submitted by Justin and Monica Shumaker for parcels to be included in the Farmland and Open Space Preservation Program and authorizes the clerk to execute the documents on behalf of the City.

Mayor Pro-Tem Baker moved, supported by Dyer to approve first reading of Resolution No. 2019-100 regarding Farmland Agreement - Shumaker as presented. Carried. 6 Yes. 0 No.

B. CONSIDER FIRST READING OF RESOLUTION NO. 2019-101 TO APPROVE CORRECTIVE ACTION PLAN FOR PENSION AND OPEB FUNDING:

RESOLUTION NO. 2019-101

A RESOLUTION TO APPROVE A CORRECTIVE ACTION PLAN TO ADDRESS PENSION AND OPEB UNDERFUNDED STATUS

WHEREAS, the City has been notified by the Michigan Department of Treasury that it must submit a corrective action plan to address the underfunded status of its pension and other post-employment benefits (OPEB) systems; and

WHEREAS, the City Manager has prepared a corrective action plan that conforms to the Department of Treasury’s requirements for such a plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the corrective plan and authorizes its submittal to the Michigan Department of Treasury.

Council member Ridge asked about the procedure of submitting the action plan.

City Manager Guetschow explained that the intent would be to have the new council members take action on the final plan.

Council member Dyer moved, supported by Baker to approve first reading of Resolution No. 2019-101 to approve corrective action plan for pension and OBEP funding as presented. Carried. 6 Yes. 0 No.

C. CONSIDER FIRST READING OF ORDINANCE NO. 2019-07 TO AMEND CHAPTER 32-MUNICIPAL CIVIL INFRACTIONS AND SET PUBLIC HEARING FOR OCTOBER 28, 2019:

AN ORDINANCE TO AMEND CHAPTER 32, MUNICIPAL CIVIL INFRACTIONS, BY AMENDING SECTION 32-6, SCHEDULE OF CIVIL FINES ESTABLISHED, BY ADDING VIOLATIONS FOR 52-1, 52-26 THROUGH 52-99 TO THE LIST OF MUNICIPAL CIVIL INFRACTIONS WITHIN THE CODE OF THE CITY OF CHARLOTTE.

THE CITY OF CHARLOTTE ORDAINS:

Section 32-6 of Chapter 32 - Municipal Civil Infractions - of the Code of the City of Charlotte is hereby amended to read as follows:

§32-6 SCHEDULE OF CIVIL FINES ESTABLISHED.

(A) A schedule of civil fines payable to the Bureau for admissions or responsibility by persons served with municipal civil infraction notices is hereby established. The fines for the violations listed below shall be as follows:

First offense \$ 50

First repeat offense \$150

Second repeat offense \$300

- (1) Chapter 14 of the Charlotte City Code- Buildings and Building Regulations.
- (2) § 26-26 of Chapter 26 of the Charlotte City Code-Environment.
- (3) § 26-27 of Chapter 26 of the Charlotte City Code-Environment.
- (4) §§ 26-41 through 26-47 of Chapter 26 of the Charlotte City Code-Environment.
- (5) §§ 30-26 and 30-27 of Chapter 30 of the Charlotte City Code- Fire Prevention and Protection.
- (6) Chapter 50 of the Charlotte City Code- Solid Waste.
- (7) Chapter 58 of the Charlotte City Code- Streets, Sidewalks and Other Public Places.
- (8) Chapter 68 of the Charlotte City Code- Utilities.
- (9) Chapter 70 of the Charlotte City Code- Vegetation.
- (10) Chapter 82 of the Charlotte City Code - Zoning.
- (11) § 26-71 of Chapter 26 of the Charlotte City Code - Environment.
- (12) § 26-72(1) of Chapter 26 of the Charlotte City Code - Environment.
- (13) § 26-72(3) of Chapter 26 of the Charlotte City Code - Environment.
- (14) § 26-72(5) through (11) of Chapter 26 of the Charlotte City Code - Environment.
- (15) § 34-8 of Chapter 34 of the Charlotte City Code - Offenses.
- (16) §§ 34-10 and 34-11 of Chapter 34 of the Charlotte City Code - Offenses.
- (17) § 34-14 of Chapter 34 of the Charlotte City Code - Offenses.
- (18) § 34-291 of Chapter 34 of the Charlotte City Code - Offenses.
- (19) § 34-322 of Chapter 34 of the Charlotte City Code - Offenses.
- (20) Chapter 38 of the Charlotte City Code - Parks.
- (21) Chapter 74 of the Charlotte City Code - Vehicles for Hire.

(22) § 10-5 of the Charlotte City Code - Removal of Dog and Cat Droppings.

(23) § 10-6 of the Charlotte City Code - Dogs on Leashes.

(24) § 52-1, §52-26 through 52-99 of Chapter 52 of the Charlotte City Code - Property Maintenance and Nuisance Abatement.

(B) A copy of the schedule, as amended from time to time, shall be posted at the Bureau.

Mayor Pro-Tem Baker moved, supported by Dyer to approve first reading of Ordinance No. 2019-07 to amend Chapter 32-Municipal Civil Infractions and set public hearing for October 28, 2019 as presented. Carried. 6 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

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

CITY MANAGER REPORT: City Manager Guetschow reported that we are exploring health care options and comparing coverages. He stated that we are exploring more BS&A software options for receivables and also looking at the payroll software. He advised that Clerk Terpstra has been notified that we will no longer be able to use Discovery Fellowship Church for a polling location and that she will be looking for another location for the District 2 Precinct 1 polling location for future elections. He advised that he will be out of the office next week at the City Manager conference in Nashville, TN.

COUNCILMEMBER COMMITTEE REPORTS:

- Council member Christian reported that the softball field is complete along with the DNR grant. He is looking forward to playing softball next spring.

- Council member Ridge reported that the October 1st Planning Commission was cancelled. The next scheduled meeting will be Wednesday, November 13th.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS:

- Council member Christian no comment.
- Council member Russo no comment.
- Council member Ridge invited everyone to attend the Charlotte Soup by CANDO! that will be held at the Eaton Area Senior Center on October 23rd from 5:30 to 7:00 p.m. It is \$10.00 per person and you get a bowl of soup. They break into groups to come up with ideas for Charlotte.
- Mayor Pro-Tem Baker no comment.
- Council member Dyer stated that he attended the MML Convention in Detroit and took part in several workshops that were very informative.
- Mayor Lewis congratulated City Manager Guetschow on his years of service in City management. He stated that he has enjoyed working with him and is looking forward to seeing what he brings back from the conference.
- City Clerk Terpstra reminded everyone of the City Election to be held on November 5th. She reminded that absentee ballots are available by calling or visiting the clerk's office thru election day. She reported that there were 1050 absentee ballots sent and a little over half of them are back at this time.

Council member Ridge moved, seconded by Dyer to adjourn at 7:39 P.M. Carried. 6 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC