

COUNCIL PROCEEDINGS
Regular Meeting
October 28, 2019

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

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

The invocation was offered by the assistant Pastor Katie Lance, Thrive Church, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF October 14, 2019: Mayor Pro-Tem Baker moved, supported by Ridge to approve the regular meeting minutes of October 14, 2019 as presented. Carried. 6 Yes. 0 No. 1 Absent. (Christian)

ABSENT: Council member Christian.

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

PUBLIC HEARINGS:
PUBLIC HEARING ORDINANCE NO. 2019-07 TO AMEND CHAPTER 32-MUNICIPAL CIVIL INFRACTIONS:

Public Hearing Opened: 7:03 p.m.

No comment

Public Hearing Closed: 7:03 p.m.

PUBLIC HEARING AMENDMENT TO DEVELOPMENT COOPERATION PA425 AGREEMENT; CARMEL TOWNSHIP:

Public Hearing Opened: 7:04 p.m.

No comment

Public Hearing Closed: 7:04 p.m.

PUBLIC COMMENTS: None.

APPROVAL OF AGENDA: Council member Mitchell moved, supported by Russo to approve the agenda with the addition of Item 11e to consider approval of Resolution No. 2019-107 Farmland agreements. Carried. 6 Yes. 0 No.

SPECIAL PRESENTATIONS: None.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2019-102 FOR AMENDMENT TO DEVELOPMENT COOPERATION PA425 AGREEMENT WITH CARMEL TOWNSHIP:

RESOLUTION NO. 2019-102

A RESOLUTION AUTHORIZING FIRST AMENDMENT TO DEVELOPMENT COOPERATION AGREEMENT BETWEEN CITY OF CHARLOTTE AND EATON TOWNSHIP

WHEREAS, the City of Charlotte desires to make a first amendment to the development cooperation agreement between the City of Charlotte and Carmel Township; and

WHEREAS, the agreement effective August 28, 2000, set forth recitals to provide for tax sharing between the City and the township; and

WHEREAS, the State of Michigan abolished and/or phased out personal property taxes for industrial and commercial properties;

WHEREAS, both the City and Carmel Township have decided by majority vote, of each body, to enter into a First Amendment to the Development Cooperation;

THEREFORE, BE IT RESOLVED the City Council of the City of Charlotte hereby approves, and authorizes execution of a First

City Council Minutes 10-28-2019

Amendment to the Development Cooperation Agreement between Carmel Township and the City of Charlotte as set forth.

Mayor Pro-Tem Baker moved, supported by Russo to approve Resolution No. 2019-102 amendment to Development Cooperation PA425 Agreement with Carmel Township as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2019-103 RE: FARMLAND AGREEMENT A. SHUMAKER: RESOLUTION NO. 2019-103

A RESOLUTION TO APPROVE AN APPLICATION FROM ALAN & CAROLYN SHUMAKER FOR PARCEL 110-027-300-250-01 TO BE INCLUDED IN FARMLAND AND OPEN SPACE PRESERVATION PROGRAM

WHEREAS, the City has received an application dated October 1, 2019 from Alan and Carolyn Shumaker, 6083 Narrow Lake Rd., Charlotte MI 48813 to include a parcel of land located in Eaton Township in the Farmland and Open Space Preservation Program; and

WHEREAS, this parcel of land is located outside the limits of the City of Charlotte and is not included within any planned development area of the City nor is the parcel 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 this application submitted by Alan and Carolyn Shumaker for parcel 110-027-300-250-01 to be included in the Farmland and Open Space Preservation

Program and authorizes the clerk to execute the document on behalf of the City.

Council member Russo moved, supported by Baker to approve Resolution No. 2019-103 regarding Farmland Agreement for A. Shumaker as presented. Carried. 6 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2019-104 RE: DENIAL FARMLAND AGREEMENT A. SHUMAKER:

RESOLUTION NO. 2019-104

A RESOLUTION REGARDING AN APPLICATION FROM ALAN & CAROLYN SHUMAKER FOR PARCEL 110-030-300-030-16 TO BE INCLUDED IN FARMLAND AND OPEN SPACE PRESERVATION PROGRAM

WHEREAS, the City has received an application dated October 1, 2019 from Alan and Carolyn Shumaker, 6083 Narrow Lake Rd., Charlotte MI 48813 to include a parcel of land located in Eaton Township in the Farmland and Open Space Preservation Program; and

WHEREAS, this parcel of land is located within a previously identified future growth and development area; and

WHEREAS, including this parcel in the Farmland and Open Space Preservation Program could inhibit community and economic development in that area for a period of up to 90 years; and

WHEREAS, the County of Eaton included this parcel in a Non-Preservation Area in its 2011 Master Plan.

THEREFORE, BE IT RESOLVED that the City Council does hereby recommend denial of this application submitted by Alan and Carolyn Shumaker for parcel 110-030-300-030-16 to be included in the Farmland and Open Space Preservation Program.

Council member Dyer moved, supported by Baker to approve Resolution No. 2019-104 regarding denial of Farmland Agreement for A. Shumaker as presented. Carried. 6 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2019-105 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

RESOLUTION NO. 2019-105

A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY FOR OCTOBER 28, 2019

WHEREAS, Section 7.7 (B) of the City Charter requires Council approval for the expenditure of city funds; and
WHEREAS, the October 25, 2019 payroll totaled \$148,182.11;
WHEREAS, the October 28, 2019 claims total \$164,549.50;
WHEREAS, the October 21, 2019 insurance claims total \$3,991.67;
THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for October 28, 2019 in the amount of \$316,723.28.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE: Council member Ridge moved, supported by Dyer to approve Resolution 2019-105 regarding payment of claims & accounts as presented. Carried. 6 Yes. 0 No.

E. CONSIDER APPROVAL OF RESOLUTION NO. 2019-107 TO APPROVE TWO APPLICATIONS FOR PARCELS TO BE INCLUDED IN FARMLAND AND OPEN SPACE PRESERVATION PROGRAM:

RESOLUTION NO. 2019-107

A RESOLUTION TO APPROVE TWO APPLICATIONS FOR PARCELS TO BE INCLUDED IN FARMLAND AND OPEN SPACE PRESERVATION PROGRAM

WHEREAS, the City has received applications dated October 14, 2019 from Dodge & Marshall Williams, 498 E. Spicerville

Hwy., Charlotte MI 48813 to include two parcels of land located in Brookfield 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 these two applications submitted by Dodge and Marshall Williams for parcels (150-006-10-120-00 and 150-006-300-100-03) 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 Resolution No. 2019-107 to approve two applications for parcels in Brookfield Township to be approved in Farmland Agreement for D. Williams as presented. Carried. 6 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF RESOLUTION NO. 2019-100 RE: FARMLAND AGREEMENTS – J. 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
City Council Minutes 10-28-2019

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 23-100-033-200-041-01; 23-100-033-400-070-00; 23-100-034-100-003-00; 23-100-036-100-060-02 to be included in the Farmland and Open Space Preservation Program and authorizes the clerk to execute the documents on behalf of the City.

Council member Ridge moved, supported by Russo to approve Resolution No. 2019-100 regarding Farmland Agreements for J. Shumaker as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL 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 thanked City Manager Guetschow for changing the language that she requested.

Mayor Pro-Tem Baker moved, supported by Ridge to approve Resolution No. 2019-101 to approve corrective action plan for pension and OPEB funding as presented. Carried. 6 Yes. 0 No.

C. CONSIDER APPROVAL OF ORDINANCE NO. 2019-07 TO AMEND CHAPTER 32-MUNICIPAL CIVIL INFRACTIONS:

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.

Council member Ridge moved, supported by Dyer to approve Ordinance No. 2019-07 to amend Chapter 32-Municipal Civil Infractions as presented. Carried. 6 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER FIRST READING OF RESOLUTION NO. 2019-106 TO APPROVE CONSUMERS ENERGY STREET LIGHTING CONTRACT:

RESOLUTION NO. 2019 –106

RESOLUTION FOR CHANGES TO CONSUMERS ENERGY STANDARD STREET LIGHTING CONTRACTS AND SIGNATORIES

WHEREAS, Consumers Energy has made changes to the lighting service as provided in the Standard Lighting Contract with the City of Charlotte; and

WHEREAS, this relates to Consumers Energy Standard Lighting Contract Number 100000171411 and;

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 for these changes.

City Council Minutes 10-28-2019

Page 5 of 7

Mayor Pro-Tem Baker moved, supported by Mitchell to approve first reading of Resolution No. 2019-106 to approve Consumers Energy Street Lighting contract as presented. Carried. 6 Yes. 0 No.

B. CONSIDER FIRST READING OF ORDINANCE NO. 2019-08 TO AMEND CHAPTER 52 SECTION 52-73 OF ARTICLE II-NUISANCE ABATEMENT AND SET PUBLIC HEARING FOR TUESDAY, NOVEMBER 12, 2019:

**CITY OF CHARLOTTE
ORDINANCE NO. 2019-08
AN ORDINANCE TO AMEND SECTION 52-73 OF ARTICLE II - NUISANCE ABATEMENT - OF CHAPTER 52 - PROPERTY MAINTENANCE & NUISANCE ABATEMENT OF THE CODE OF THE CITY OF CHARLOTTE BY ADDING AN EXCEPTION TO ALLOW LOUDSPEAKERS AND THE LIKE DURING AN EVENT APPROVED BY THE CITY.**

THE CITY OF CHARLOTTE ORDAINS:

Section 52-73 of Article II - Exceptions - is hereby amended to read as follows:
§ 52-73 EXCEPTIONS.

None of the terms or prohibitions of this article shall apply to or be enforced against the following.

(A) *Emergency vehicles.* Any police or fire vehicle or any ambulance, while engaged upon emergency business.

(B) *Highway maintenance and construction.* Excavations or repairs of bridges, streets, or highways by or on behalf of the city, county or

the state, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

(C) *Loudspeakers at an approved event.* Using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproduction of sound, which is cast upon the public streets during an event that has received prior approval from the City Manager or designee when the event is sponsored by the City or a non-profit organization.

Council member Russo moved, supported by Ridge to approve first reading of Ordinance No. 2019-08 to amend Chapter 52 Section 52-73 of Article II-Nuisance Abatement and set public hearing for Tuesday, November 2, 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 stated that he had no written report as he was out of town last week. He reported that the financials will be included in the next council packet.

COUNCILMEMBER COMMITTEE REPORTS:

No committee reports.

PUBLIC COMMENT:

Ben Phlegar, 425 Horatio, thanked the outgoing council members for their public service. He reminded everyone of the upcoming election on November 5, 2019. He stated that the Clerk's office makes sure that this runs smoothly, he is glad to be a part of it and encourages everyone to exercise their right to vote. Polls are open 7 AM to 8 PM.

City Council Minutes 10-28-2019

Michael Armitage, 213 Plymouth Dr., stated that there is a savings to the City when Consumers changes the lights from sodium to LED. He also expressed his thanks to the language change in the OPEB funding. He looks forward to working on a plan to stabilize the plan. He thanked Council members Mitchell, Russo and Mayor Lewis for holding office and being available to residents. He stated that it is commendable to serve your community.

Steve Willard, Carmel Township Supervisor, thanked council for supporting the 425 agreement with Carmel Township. He thanked City Manager Guetschow for working with them to come to an agreement.

MAYOR AND COUNCIL COMMENTS:

- Council member Russo no comment.
- Council member Ridge asked for an update on the lighting at Time Piece Park. She asked about lights on the downtown trees being in working condition with the upcoming holidays. She noted that the lights were hung on the tree at the Courthouse. She reported that Charlotte Soup was well attended with around 50 people. There were several great ideas once again. She thanked Council members Mitchell and Russo for their last four years on the council. She wished Council member Dyer luck in the upcoming election and stated that it had been a pleasure to work with him the last couple of years. She stated that they will all be greatly missed. She thanked everyone for coming out to the meeting.
- Council member Dyer thanked those who would be leaving council for their service. He stated that he hopes to continue serving another term.
- Council member Mitchell stated that everyone was great to work with and that he enjoyed the process. He thanked everyone for coming.

- Mayor Pro-Tem Baker stated that he would miss all of his colleagues that were leaving and wished them luck.
- Mayor Lewis thanked everyone for working together as a team and together as one unit. He believes that it was done with a great view of respect and civility. He stated that it was a reflection of backgrounds all around that came together and made things work. He wished Council members Mitchell and Russo the best. He wished luck to Council member Dyer on his reelection. He stated his appreciation for Mayor Pro-Tem Baker and stated that he was proud to have Council member Ridge take over with her background and enthusiasm that is unmatched.

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

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC