

**COUNCIL PROCEEDINGS**

**Regular Meeting**

**April 27, 2020**

**CALL TO ORDER:** By Mayor Ridge on Monday, April 27, 2020 at 7:00 p.m. via conference call.

**PRESENT VIA TELECONFERENCE:** Councilmembers Dyer, Hoogstra, Weissenborn, Mayor Pro-Tem Armitage, Mayor Ridge, City Clerk Terpstra and City Manager Guetschow.

**Council member Baker joined the call at 7:01 p.m.**

The invocation was offered by City Manager Guetschow

**APPROVAL OF MINUTES FOR REGULAR MEETING OF APRIL 13, 2020:** Council member Baker moved, supported by Weissenborn to approve the regular meeting minutes of April 13, 2020 as presented. Carried. 6 Yes. 0 No. 1 Absent (McRae)

**APPROVAL OF MINUTES FOR SPECIAL SESSION MEETING OF APRIL 20, 2020:** Council member Baker moved, supported by Armitage to approve the special session meeting minutes of April 20, 2020 as presented. Carried. 6 Yes. 0 No. 1 Absent (McRae)

**ABSENT:** It was expected that Council member McRae would be joining the meeting.

**PUBLIC HEARINGS:** None.

**PUBLIC COMMENTS:**

**Ben Phlegar**, 425 Horatio, commented on agenda item 12b in regards to extending the sunset ordinance for domestic animal and fowl ordinance in relation to keeping of chickens in the city. He stated that he does not see a need for the chicken ordinance at all and is opposed to it. He noted that the person bringing it up no longer lives in the City.

**Council member McRae joined the call at 7:07 p.m.**

City Manager Guetschow read all correspondence received from the webmaster. All correspondence is in regards to closing the recycling center.

**Brooke Pocan**, 1025 Northway Dr., is opposed to closing CARA.

**Sarita Shetenhelm**, 218 E. Lovett, is opposed to closing the recycling center.

**Scott Pocan**, 1025 Northway Dr., is opposed to closing CARA.

**Molly Brown**, no address given, is opposed to closing CARA.

**Brandy Weinner**, 2391 S. Cochran, is opposed to closing the recycling center.

**Kathy Hubbard**, 1655 S. Stewart, is opposed to closing the recycling center.

**Joanna Morey**, 1109 Porter Dr., is opposed to the closure of the recycling center.

**Frank Boston**, 722 St. Mary's Blvd., is opposed to closure of CARA.

**APPROVAL OF REGULAR AGENDA AND UNANIMOUS CONSENT AGENDA:**

Mayor Ridge asked if there were any items that council would like added or removed from the printed agenda.

There were no changes to the printed agenda.

Council member Dyer asked to have Item 12b. Ordinance No. 2020-03 to extend sunset date for Section 10-4 Domestic Animals and Fowl and set public hearing for May 11, 2020 pulled for further discussion.

**Council member Baker moved, supported by Hoogstra to pull Ordinance No. 2020-03 from the regular agenda for further discussion. Carried. 7 Yes. 0 No.**

**Mayor Pro-Tem Armitage moved, supported by Dyer to approve the regular and consent agenda by Roll Call Vote. Carried. 7 Yes. 0 No.**

**SPECIAL PRESENTATIONS:** None.

**EXPEDITED RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER APPROVAL OF PROCLAMATION NO. 2020-01 ARBOR DAY 2020:**

**CITY OF CHARLOTTE  
PROCLAMATION 2020-01**

**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 24, 2020 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.

**Mayor Pro-Tem Armitage moved, supported by Dyer to approve Proclamation No. 2020-01 for Arbor Day 2020 as presented. Carried. 7 Yes. 0 No.**

**B. CONSIDER APPROVAL OF RESOLUTION NO. 2020-62 REGARDING PAYMENT OF CLAIMS AND ACCOUNTS:**

**RESOLUTION NO. 2020-62**

**A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY**

**FOR APRIL 27, 2020**

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

**WHEREAS**, the March 27, 2020 payroll totaled \$160,527.99 and the April 10, 2020 payroll totaled \$148,561.19 and April 24, 2020 payroll totaled \$164,738.86;

**WHEREAS**, the April 27, 2020 claims total \$515,497.00;

**WHEREAS**, the March 23, 2020 insurance claims total \$932.97; March 30, 2020 insurance claims total \$4,509.44; April 6, 2020 insurance claims \$3,353.36; April 20, insurance claims \$2,479.76; and

**THEREFORE, BE IT RESOLVED** that the City Council approves claims and accounts for April 27, 2020 in the amount of \$1,000,600.57.

**APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:** Mayor Pro-Tem Armitage moved, supported by Dyer to approve Resolution 2020-62 regarding payment of claims & accounts as presented. Carried. 7 Yes. 0 No.

**ACTION ITEMS – RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER APPROVAL OF RESOLUTION NO. 2020-60 APPROVING ADDENDUM TO CITY MANAGER EMPLOYMENT AGREEMENT:**

**RESOLUTION NO. 2020-60**

**A RESOLUTION TO APPROVE THE SECOND AMENDMENT**

**TO THE SECOND RESTATED EMPLOYMENT CONTRACT BETWEEN THE CITY AND GREGG GUETSCHOW**

**WHEREAS**, the City of Charlotte and Gregg Guetschow are parties to an employment contract dated December 28, 2015, in accordance with the terms of which the latter is employed as City Manager; and

**WHEREAS**, the expiration date of the employment contract is June 30, 2020; and

**WHEREAS**, the parties to the employment contract wish to extend its term to June 30, 2021 and modify the annual salary provided for during said extension; and

**WHEREAS**, the City Attorney has prepared a Second Amendment to the Second Restated Employment Contract for the above stated purpose, the terms of which are acceptable to the parties;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby approve the Second Amendment to the Second Restated Employment Contract with Gregg Guetschow and authorizes the Mayor and City Clerk to execute said amendment on behalf of the City.

**Mayor Pro-Tem Armitage moved, supported by Dyer to approve Resolution No. 2020-60 approving addendum to City Manager employment agreement as requested. 7 Yes. 0 No.**

**INTRODUCTION OF RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER FIRST READING OF REOLUTION NO. 2020-63 TO SET THE DATE FOR BUDGET WORKSHOP SPECIAL MEETING AND FOR A PUBLIC HEARING ON THE PROPOSED FY 20/21 BUDGET:**

**RESOLUTION NO. 2020-63**

**A RESOLUTION TO SET THE DATE FOR A BUDGET WORKSHOP SPECIAL MEETING AND FOR A PUBLIC HEARING ON THE PROPOSED 2020-21 BUDGET**

**WHEREAS**, the City Manager has prepared a proposed budget for the fiscal year that begins July 1, 2020 and has submitted the budget document to the City Council; and

**WHEREAS**, the City Council wishes to meet in special session for the purpose of reviewing and discussing the budget; and

**WHEREAS**, prior to the adoption of the budget, the City Council is required to afford the public an opportunity to provide comments concerning the proposed budget;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby authorize s special meeting for the purpose of reviewing and discussing the budget to be held on Monday, May 4 at 7:00 p.m. in the City Hall Council Chambers; and

**BE IT FURTHER RESOLVED** that the City Council does hereby authorize a public hearing on the proposed budget to be held on Monday May 11 at 7:00 p.m.; and

**BE IT FURTHER RESOLVED** that the City Clerk is hereby authorized to provide notice of the special meeting and the public hearing in accordance with legal requirements.

**Mayor Pro-Tem Armitage moved, supported by Dyer to approve first reading of Resolution No. 2020-63 to set the date for budget workshop special meeting and for a public hearing on the proposed FY 20/21 Budget as requested. 7 Yes. 0 No.**

**B. CONSIDER FIRST READING OF ORDINANCE NO. 2020-03 TO EXTEND SUNSET DATE FOR SECTION 10-4 DOMESTIC ANIMALS AND FOWL AND SET PUBLIC HEARING FOR MAY 11, 2020:**

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**CITY OF CHARLOTTE**  
**ORDINANCE NO. 2020-02**  
**AN ORDINANCE TO AMEND SECTION 10-4 DOMESTIC**  
**ANIMALS AND FOWL**  
**OF CHAPTER 10 ANIMALS OF THE CODE OF**  
**ORDINANCES TO EXTEND THE SUNSET DATE**  
**OR THE SECTION TO MAY 29, 2024.**

THE CITY OF CHARLOTTE ORDAINS:

Section 1. Purpose. The purpose of this ordinance is to extend the sunset date for section 10-4 Domestic Animals and Fowl from May 29, 2020 to May 29, 2024 so that the section remain in effect.  
Section 2. That Section 10-4 Domestic Animals and Fowl of Chapter 10 Animals of the Code of Ordinances is hereby amended to read as follows:

**§ 10-4 DOMESTIC ANIMALS AND FOWL.**

(A) Except as provided in this section, no person shall keep or house any animals or fowl within the city.

(B) Dogs, cats, birds and animals commonly classified as household pets may be kept within the city.

(C) Ponies, cattle and horses may be kept on premises constituting a farm, as defined in the zoning chapter of this Code,

(D) Persons may keep chickens if done so in conformity with all of the following.

(1) Any person who keeps chickens in the city shall obtain a permit from the city prior to acquiring the chickens. Application

shall be made to the City Clerk with a fee as determined by Council resolution.

(2) No more than ten permits may be outstanding at any time.

(3) Permits may be revoked at any time if the applicant fails to comply with all applicable ordinances, rules and regulations.

(4) Permits expire and become invalid two years after the date of issuance. A person who wishes to continue keeping chickens shall obtain a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

(5) Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(6) A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:

(a) Have been issued the permit required under division (D)(1) of this section;

- (b) Keep no more than six chickens;
- (c) The principal use of the person's property is for a single-family dwelling;
- (d) No person shall keep any rooster;
- (e) No person shall slaughter any chickens outdoors;
- (f) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure at all times;
- (g) A person shall not keep chickens in any location on the property other than in the backyard as defined by the Zoning Code;
- (h) All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure;
- (i) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them;
- (j) The coop and fenced enclosure may not be located nearer than 15 feet to any property line; and

(k) The coop and enclosures must comply with all zoning ordinance requirements for accessory structures and use, including lot coverage requirements.

(7) The city may initiate prosecution for a civil infraction violation for any violation of this section. Each day a violation exists shall constitute a separate offense.

(8) A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer.

(9) This section shall not regulate the keeping of chickens on a farm, as defined at § [82-4](#) of the City Code, which is located outside the boundaries of either a proprietary or supervisor's plat and having an area of not less than five acres, and where the raising of poultry is a permitted principal use when conducted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices promulgated thereunder.

(10) Council may adopt additional rules and regulations as necessary to implement the ordinance codified herein.

(11) This § [10-4](#) - Domestic Animals and Fowl - shall be null, void and of no force and effect on May 29, 2024.

Section 3. Effective Date. This ordinance shall be come effect 20 days after adoption.

Council member Dyer would like to discuss removing the sunset clause from the ordinance. He asked City Manager Guetschow if this could be done.

Mayor Pro-Tem Armitage asked what the purpose of the sunset clause was originally.

City Manager Guetschow stated that a sunset on an ordinance is merely to insure that the ordinance comes up for review in the future. He noted that the last time this was up when the sunset expired there were a number of changes made to the ordinance.

Discussion was held regarding how many permits are allowed and how many current permits are out there.

**Mayor Pro-Tem Armitage moved, supported by Weissenborn to approve first reading of Ordinance No. 2020-03 and remove subsection 11 allowing for a sunset date for Section 10-4 domestic animals and fowl and set a public hearing for May 11, 2020. 7 Yes. 0 No.**

#### **COMMUNICATIONS AND COMMITTEE REPORTS**

**CITY ATTORNEY REPORT:** No report included in this packet.

**CITY MANAGER REPORT:** City Manager Guetschow report included in packet.

#### **COUNCILMEMBER COMMITTEE REPORTS:**

- Mayor Pro-Tem Armitage reminded of the Vision 2025 meeting to be held on Thursday, April 30, 2020 at 7 P.M. via teleconference call. He stated that he sent out two documents today and City Manager Guetschow will be sharing a slide presentation.

#### **PUBLIC COMMENT:**

**Ben Phlegar**, 425 Horatio, questioned the understanding of the motion passed regarding the chicken ordinance and asked to clarify the date of the public hearing. He is concerned with the ordinance itself as he has a yard that is very close to his neighbors and feels that chickens do not need to be in the city.

Mayor Ridge clarified that the motion was to pass it without a sunset date and that the public hearing would be on May 11, 2020 at 7 P.M.

#### **MAYOR AND COUNCIL COMMENTS:**

- Council member Dyer no comment.
- Council member Weissenborn no comment.
- Council member Baker no comment.
- Mayor Pro Tem Armitage no comment.
- Council member McRae no comment.
- Council member Hoostra no comment.
- Mayor Ridge stated that the Vision 2025 meeting will be April 30, 2020. She reminded that the leaf and brush pickup is scheduled for the week of May 4<sup>th</sup>. She stated that the City Manager report included the budget schedule and would like council to mark their calendars with those dates.

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**Councilmember Baker moved, seconded by Weissenborn to adjourn at 7:31 P.M. Carried. 7 Yes. 0 No**

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Mayor Yvonne Ridge

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Ginger Terpstra, City Clerk, CMMC