

**CITY OF CHARLOTTE
COUNCIL PROCEEDINGS**

**Regular Meeting
March 1, 2021**

CALL TO ORDER:

By Mayor Armitage on Monday, March 1, 2021 at 7:00 p.m

PRESENT:

Councilmembers: McRae, Baker, Weissenborn, Hoogstra, VanStee, Dyer & Mayor Armitage. All reported their remote meeting location as being in the City of Charlotte, County of Eaton and State of Michigan. Staff: Manager LaPere, Clerk Tidwell, DPW Director Amy Gilson; Public: Pastor Surdenik

INVOCATION:

Pastor Surdenik gave the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Armitage led the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES:

Motion by Baker, supported by Dyer to approve the minutes from February 16, 2021 as presented. Carried. 7 Yes. 0 No. 0 Absent.

EXCUSE ABSENT MEMBERS:

All members were present.

PUBLIC COMMENT:

There was no public comment.

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

Motion by VanStee, supported by Hoogstra to approve the Regular Meeting Agenda as presented. Carried. 7 Yes. 0 No. 0 Absent.

Motion by Baker, supported by Weissenborn to approve the Unanimous Consent Agenda as presented.

Weissenborn requested item 10) b) Resolution # 2021-025 and 10) d) Resolution #2021-028 be removed from the Unanimous Consent Agenda.

Carried with roll call vote. 7 Yes. 0 No. 0 Absent.

SPECIAL PRESENTATIONS:

There was no special presentation.

EXPEDITED RESOLUTIONS AND ORDINANCES:

**A. Consider approval of Resolution No. 2021-024 Approving the
Payment of Claims and Accounts**

RESOLUTION NO. 2021-024

**A RESOLUTION TO APPROVE EXPENDITURES OF THE
CITY OF CHARLOTTE
FOR MARCH 1, 2021**

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

WHEREAS, the February 26, 2021, payroll totaled \$181,442.26; and

WHEREAS, the February 24, 2021, claims total in the amount of \$201,625.19; and

WHEREAS, the February 22, 2021, insurance claims totaled \$2,364.63

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for March 1, 2021, in the amount of \$385,432.08.

The foregoing resolution offered by Council member Baker and supported by Weissenborn. Carried with roll call vote. 7 Yes. 0 No.

**B. Consider approval of Resolution No. 2021-025 Supporting
Continued Local Control of 911 Fee Diversion**

RESOLUTION NO. 2020-025

A RESOLUTION SUPPORTING CONTINUED LOCAL CONTROL OF 911 FEE DIVERSION

WHEREAS, The Federal Communications Commission (“FCC”) is accepting comments in its plan to eliminate the diversion of 911 fees for items it deems not directly related to the 911 process; and

WHEREAS, Michigan Public Act 32 of 1986 provides for each local 911 district to utilize 911 fees within certain limitations that are determined by the State and regularly audited for compliance with the limitations; and

WHEREAS, under Michigan law, allowable uses include radio systems, paging systems, pagers, automatic vehicle location (AVL) systems, and mobile data computers (MDCs); and

WHEREAS, FCC proposed rules impinge upon Michigan’s ability to determine the definition of allowable costs for 911 fees; and

WHEREAS, FCC proposed rules would eliminate the utilization of funds for radio infrastructure, mobile radios, portable radios, pagers, AVL systems and MDCs, critical to dispatching the 911 response; and

WHEREAS, the city of Charlotte believes a broader use and interpretation of the phrase “directly related to the 911 process” should be adopted to include the entire 911 dispatching communication process; and

WHEREAS, the city of Charlotte believes that local decision making and local control regarding the utilization of 911 fees is paramount.

NOW, THEREFORE BE IT RESOLVED, that the city of Charlotte supports a broader use and interpretation of the phrase “directly related to the 911 process” and supports local decision making and local control regarding the utilization of 911 fees.

The foregoing resolution offered by Council member Dyer and

supported by Hoogstra. Carried with roll call vote. 7 Yes. 0 No.

C. Consider approval of Resolution No. 2021-027 Approving the Appointment of Fire Chief

RESOLUTION NO. 2021-027

A RESOLUTION TO CONFIRM THE CITY MANAGER’S APPOINTMENT OF TYGER FULLERTON AS FIRE CHIEF

WHEREAS, Section 6.2 of the City Charter provides that the City Manager shall appoint the administrative officers of the City subject to confirmation of said appointments by the City Council; and

WHEREAS, the City Manager has appointed Tyger Fullerton to the position of Fire Chief effective May 1, 2021 to fill a vacancy created through retirement; and

WHEREAS, the City Manager has requested the City Council to confirm said appointment;

NOW, THEREFORE, BE IT RESOLVED the City Council does hereby confirm the City Manager’s appointment of Tyger Fullerton as Fire Chief.

The foregoing resolution offered by Council member Baker and supported by Weissenborn. Motion carried with roll call vote. 7 Yes. 0 No.

D. Consider approval of Resolution No. 2021-028 Authorizing a Contract with MDOT for the East Harris Street Project

RESOLUTION NO. 2021-028

A RESOLUTION TO AUTHORIZE A CONTRACT WITH MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE EAST HARRIS STREET PROJECT

WHEREAS, the Michigan Department of Transportation (MDOT) has presented their standard contract for the purpose of fixing the rights and obligations of the City and MDOT as it relates to the reconstruction of East Harris Street from Cochran Avenue (M-50). to Lansing Road; and

WHEREAS, the contract outlines the administrative duties of both parties; and

WHEREAS, the contract states that the grant shall be applied to the eligible items of the project cost up to the lesser of \$375,000 or an amount such that 81.85% of the eligible costs is not exceeded; and

WHEREAS, the City is responsible for payment of unfunded grant eligible activities as well as one hundred percent of non-participating items; and

WHEREAS, it is estimated by MDOT that the City will be responsible for approximately \$1,147,000 for their portion of the project, of which \$503,900 is related to utilities.

THEREFORE, BE IT RESOLVED that the City enter into Contract No. 20-5549 with MDOT for the terms and conditions related to the reconstruction of East Harris Street from Cochran Avenue (M-50) to Lansing Road and that the City Clerk and Director of Public Works be directed to sign said contract on behalf of the City.

The foregoing resolution offered by Baker and supported by Dyer.

Manager LaPere explained the MDOT project. DPW Director Gilson gave additional details of the project.

Carried with roll call vote. 7 Yes. 0 No.

APPROVAL OF RESOLUTIONS AND ORDINANCES:

A. Consider Resolution 2021-020 Establishing an Ad Hoc Code Enforcement Committee

RESOLUTION NO. 2021-020

A RESOLUTION TO ESTABLISH AN AD HOC CODE ENFORCEMENT COMMITTEE

WHEREAS, City Council and the City administration have received input from the citizenry through the Vision 2025 strategic planning process, among other input methods, of the desire

to see a proactive code enforcement presence in the community; and

WHEREAS, City Council wishes to ensure that code enforcement policies and practices, along with the methods used by the City and its departments to implement them, are effective and consistent for residents and staff, and that those methods are cost efficient to administer; and

WHEREAS, City Council believes that it is prudent to undertake an evaluation of the City's current code enforcement policies, practices, and methods by forming an ad hoc committee to review them and make recommendations to the City Council;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established the Ad Hoc Code Enforcement Committee, the membership of which shall be appointed by the Mayor subject to the approval of the City Council and shall include 2 members of the City Council and 3 citizens of the city representing diverse socioeconomic or other demographic sections of the population, and 1 city employee who will be a non-voting, ex-officio member; and

BE IT FURTHER RESOLVED that the Ad Hoc Code Enforcement Committee shall have the authority to elect its own chairman, promulgate its own rules of order and develop its own schedule of meetings, which meetings shall be conducted in accordance with the Open Meetings Act; and

BE IT FURTHER RESOLVED that the Ad Hoc Code Enforcement Committee shall 1) evaluate and make recommendations to the City Council on code enforcement operations; 2) develop a projected cost estimate for providing such services as deemed necessary; and 3) make a recommendation to City Council for alternatives to provide such services; and

BE IT FURTHER RESOLVED that the Ad Hoc Code Enforcement Committee shall issue a final written report of

its findings and recommendations to the City Council not later May 1, 2021.

The foregoing resolution offered by Council member Baker and supported by Weissenborn. Carried with roll call vote. 7 Yes. 0 No.

B. Consider Resolution 2021-021 Authorizing a Petition for the Higby Drain

RESOLUTION NO. 2021-021

A RESOLUTION TO AUTHORIZE A PETITION FOR THE HIGBY DRAIN

WHEREAS, the Higby Drain is a County Drain that traverses the Airport and continues northeast to Parish Highway following Lansing Road; and

WHEREAS, the Eaton County Drain Commission had started a maintenance project on the Airport property until they encountered a direct conflict with City sanitary sewer; and

WHEREAS, there are several businesses along Lansing Road that are currently being adversely affected by the deteriorated 1912 drain; and

WHEREAS, according to the Drain Code of 1956, a municipality can petition the Drain Commission for a drain to be fixed; and

WHEREAS, it is recommended that the appropriate way to properly fix this drain and utility conflict would be for the City to petition the Eaton County Drain Commission to fix the Higby Drain.

THEREFORE, BE IT RESOLVED That the City Council approve the petition to the Eaton County Drain Commission for the improvements to the Higby Drain.

The foregoing resolution offered by Council member Baker and supported by Weissenborn. Carried with roll call vote. 7 Yes. 0 No.

C. Consider approval of Resolution No. 2021-023 Recognizing Martin Luther King Jr. Day as a Holiday in the City of Charlotte

RESOLUTION NO. 2021-23

A RESOLUTION TO RECOGNIZE MARTIN LUTHER KING JR. DAY AS A HOLIDAY IN THE CITY OF CHARLOTTE

RECOGNIZING the third Monday of January, as Reverend Dr. Martin Luther King, Jr. Day in the City of Charlotte.

WHEREAS, the late Reverend Dr. Martin Luther King, Jr. was a leader of the American civil rights movement and whose legacy encompasses influential decisions, monumental actions and steadfast progressions of humanitarian rights reaching far beyond the civil rights movement; and

WHEREAS, as noted by the National Civil Rights Museum, "a leader of all people, Dr. King never chose fear, but always chose courage and determination when fighting for civil rights in the face of oppression, ignorance and violence. He refused to allow prison, violence or the threat of death to sway his end mission"; instead, Dr. King stood beside his goal of achieving rights for all through nonviolent protests; and

WHEREAS, he and other civil rights activists collectively influenced nationwide change, with Dr. King's leadership contributing to the overall success of the civil rights movement in the mid-20th century and which continues to impact civil rights movements today; and

WHEREAS, Dr. King's life was tragically cut short by an assassin's bullet on April 4, 1968 in Memphis, Tennessee while he was championing the cause of labor in the Sanitation Workers' Strike; and

WHEREAS, Dr. King's life will always shine as a light for those without hope and as an example to be emulated by all who care about their fellow human beings, regardless of race, religion, class or nationality; and

WHEREAS, due to the efforts of many dedicated community leaders and activists who sought national recognition for Dr. King, the third Monday in January is nationally recognized across the United States as a day to remember Dr. King, his legacy, and the causes for which he fought and died; now, therefore,

BE IT RESOLVED that the Mayor and this Council hereby recognize the third Monday in January as Reverend Dr. Martin Luther King, Jr. Day in the City of Charlotte. Further, the holiday will be observed by the closure of city hall.

The foregoing resolution offered by Council member Baker and supported by Weissenborn. Carried with roll call vote. 7 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. Consider Resolution 2021-026 Determining Color for North Water Tower

RESOLUTION NO. 2021-026

A RESOLUTION TO DETERMINE COLOR FOR THE NORTH WATER TOWER

WHEREAS, City Council awarded a contract to Nelson Tank Engineering & Consulting, Inc. for repairs and repainting of the north water tower at their meeting on February 1, 2021; and

WHEREAS, a determination of the general color scheme and logo must be made for the contract documents; and

WHEREAS, City staff is recommending an off-white to beige color with green logos depicting the word CHARLOTTE on two sides.

THEREFORE, BE IT RESOLVED that the City Council allow the staff to determine the final colors based on Council's wishes.

Motion by Baker, support by Weissenborn to introduce the foregoing resolution for discussion. Carried with roll call vote. 7 Yes. 0 No.

B. Consider Ordinance 2021-01 to Amend Chapter 58 – Streets, Sidewalks and Other Public Places

Motion by Baker, support by Weissenborn to introduce the Ordinance for discussion. Carried with roll call vote. 7 Yes. 0 No.

C. Consider Ordinance 2021-02 to Amend Chapter 30, Section 27 – Fire Prevention and Protection

Motion by Baker, support by Weissenborn to introduce the Ordinance for discussion. Carried with roll call vote. 7 Yes. 0 No.

PUBLIC COMMENTS:

There was no public comment.

COMMUNICATIONS AND COMMITTEE REPORTS, COUNCILMEMBER COMMENTS:

The City Attorney Report was received.

The City Manager Report was received. LaPere informed council that her memo incorrectly stated that if the council and fire department did not agree on a Fire Chief candidate the Rural Fire Association (RFA) would form a selection committee. LaPere clarified that the Council would have formed a selection committee and not the RFA. LaPere acknowledged that March is Women's History Month and Daylight Savings begins on March 14 and reminded citizens to check their smoke detectors to make sure they are working properly.

Dyer attended the MML Advisory Committee meeting.

Weissenborn stated the Recreation Co-op Group had a work session the previous week. Weissenborn informed council that discussions were held regarding the future meeting schedule and softball fields.

McRae informed council that the EATRAN meeting was cancelled due to lack of agenda items.

Armitage stated the Planning Commission will be meeting tomorrow with a land split on the agenda. Armitage informed council of board vacancies on the Planning Commission, Blight Ad-hoc Committee and the Downtown Development Authority. Armitage asked for feedback from council on the water tower design on Resolution 2021-026. Council was in support of the recommended off white with the current logo applied on the water tower.

MAYOR AND COUNCIL COMMENTS:

Dyer had no comment.

Hoogstra had no comment.

Weissenborn had no comment.

VanStee had no comment.

Baker had no comment.

McRae shared his concerns after reviewing the Rural Fire Association arrangement.

Armitage had no comment.

ADJOURNMENT:

Council member Baker moved, supported by Dyer to adjourn the meeting at 7:31 p.m. Carried. 7 Yes. 0 No. 0 Absent.

Mayor Armitage

Pearl Tidwell, City Clerk