

COUNCIL PROCEEDINGS

**Regular Meeting
February 13, 2017**

CALL TO ORDER: By Mayor Lewis on Monday, February 13, 2017, at 7:00 p.m.

PRESENT: Councilmembers Bahmer, Mitchell, Johnston, Sanders, Mayor Lewis, City Clerk Terpstra and City Manager Guetschow.

The invocation was offered by City Manager Guetschow followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF JANUARY 23, 2017: Mayor Pro-Tem Sanders moved, supported by Johnston to approve the regular meeting minutes of January 23, 2017 as presented. Carried. 5 Yes. 0 No.

APPROVAL OF MINUTES FOR SPECIAL MEETING OF JANUARY 30, 2017: Councilmember Johnston moved, supported by Mitchell to approve the special meeting minutes of January 30, 2017 as presented. Carried. 5 Yes. 0 No.

ABSENT: Councilmembers Russo and Ridge.

Mayor Pro-Tem Sanders moved, supported by Johnston to excuse both Councilmember Russo and Councilmember Ridge. Carried. 5 Yes. 0 No.

PUBLIC HEARINGS: None.

PUBLIC COMMENT: None.

APPROVAL OF AGENDA: Councilmember Mitchell moved, supported by Sanders to approve the agenda as presented. Carried. 5 Yes. 0 No.

SPECIAL PRESENTATIONS:
PRESENTATION BY TWG DEVELOPMENT REGARDING THE EDMOND SENIOR APARTMENTS PROJECT (CITY MANAGER GUETSCHOW):

City Manager Guetschow introduced representatives of TWG Development for the presentation on The Edmond Senior Apartment proposed project.

Elizabeth Whitsett, along with her father, presented to council an overview of the proposed senior apartment project. It will be located at the corner of Washington and Oliver Streets. It will consist of 50 units, both one and two bedroom. It will be for seniors 55 years and older and the rent will be based on income. Rent will range from \$280/mo. to \$650/mo. for a one bedroom and up to \$768/mo. for a two bedroom. This will be brought back before the Planning Commission at the March 7, 2017 meeting for site plan review.

EXPEDITED RESOLUTIONS AND ORDINANCES

**A. CONSIDER APPROVAL OF RESOLUTION NO. 2017-08
MAYORAL APPOINTMENTS:**

WHEREAS, a need for an appointment exists on the District Library Board and the Planning Commission; and

WHEREAS, Mayor Lewis is recommending the following individuals to be appointed to these boards:

Name	Board	Term Ending
Robert Monschein	District Library Board	6/30/2020
Doug Hoy	Planning Commission	3/31/2020

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

Mayor Pro-Tem Sanders moved, supported by Mitchell to approve Resolution No. 2017-08 Mayoral Appointments as presented. Carried. 5 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2017-12 AUTHORIZING APPLICATION TO LEAP'S PUBLIC ART FOR COMMUNITIES GRANT PROGRAM:

WHEREAS, public art installations are recognized as a best practice of downtown placemaking; and

WHEREAS, Charlotte's downtown revitalization strategy incorporates placemaking as an important element of the plan; and

WHEREAS, the Lansing Economic Area Partnership is making funding available for public art installations through its Public Art for Communities 2016 grant program; and

WHEREAS, an ad-hoc public art committee is preparing an application to this grant program.

THEREFORE, BE IT RESOLVED the City of Charlotte City Council hereby authorizes the committee, with the help of city staff, to submit the aforementioned application; and

~~**BE IT FURTHER RESOLVED** the City of Charlotte will commit up to \$5,000 in funding for site preparation and installation expenses associated with this project, if the grant is received.~~

Councilmember Johnston moved, supported by Mitchell to approve Resolution No. 2017-12 authorizing application to LEAP's Public Art for Communities Grant program with the deletion of the last paragraph in reference to \$5,000 in funding. Carried. 5 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2017-13 AUTHORIZING APPLICATION TO THE CAPITAL REGION COMMUNITY FOUNDATION:

WHEREAS, the City of Charlotte desires to create high-quality public open space where blighted buildings stand on property the City owns at 108 and 110 East Lawrence Avenue; and

WHEREAS, the Capital Region Community Foundation has announced funding for such placemaking projects in the region.

THEREFORE, BE IT RESOLVED the City of Charlotte City Council hereby authorizes city staff, to submit a grant application to the Capital Region Community Foundation.

Mayor Pro-Tem Sanders moved, supported by Johnston to approve Resolution No. 2017-13 authorizing application to the Capital Region Community Foundation as presented. Carried. 5 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2017-14 SETTING A SPECIAL MEETING FOR FEBRUARY 16, 2017 FOR THE PURPOSE OF HOLDING A CLOSED SESSION TO CONSIDER PENDING LITIGATION, PURSUANT TO MCL 15.268(e) AND RELATED ISSUES:

BE IT RESOLVED that the City Council does hereby authorize holding a special Council meeting on February 16, 2017 at 7:00 p.m. in the City Hall Council Chambers for the purpose of considering pending litigation, pursuant to Section 8 (e) of Act 267 of 1976 as amended, and related matters.

Mayor Pro-Tem Sanders moved, supported by Bahmer to approve Resolution No. 2017-14 setting a special meeting for February 16, 2017 for the purpose of holding a closed session to consider pending litigation, pursuant to MCL 15.268(e) and related issues as presented. Carried. 5 Yes. 0 No.

E. CONSIDER APPROVAL OF RESOLUTION NO. 2017-09 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

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

WHEREAS, the February 3, 2017 payroll totaled \$142,835.99; and

WHEREAS, the February 13, 2017 claims total \$213,005.52;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for February 13, 2017 in the amount of \$355,841.51.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:

Councilmember Johnston moved, supported by Mitchell to approve Resolution 2017-09 for expenditures of the City for February 13, 2017, as presented. Carried. 5 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-07 NORDIC FIRE FESTIVAL:

WHEREAS, the Michigan Nordic Fire Festival is a community-based, organized event that is to be held February 24 to 26, 2017; and,

WHEREAS, the Nordic Fire Festival Committee is responsible for organizing these events intended to 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; and

WHEREAS, the Committee is asking that the Charlotte City Council approve the following requests and conditions, including assistance with street closures:

1. Authorization for the use of the city Sledding Hill area for festival activities on February 24, February 25 and February 26; these activities to include a historical Viking encampment, a

community bonfire, entertainment, food vendors, sledding contests, and historic demonstrations, games and contests.

2. Authorization for the closure of a portion of City Parking Lot #4, on the evening of Saturday, February 25 in conjunction with an entertainment and refreshment event at “The Hall,” located at 127 S. Cochran Avenue.
3. Authorization for the city to supply whatever closing signs and barricades it has available for the parking lot closure.
4. Authorization for the city Department of Public Works to provide supporting services at the sledding hill area, including snow plowing, picnic table placement, and stage set up.
5. Authorization for the Charlotte Fire Department to provide public safety assistance as it deems necessary for the bonfire at the sledding hill throughout the weekend.

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 Fire Department provide the authorized assistance as outlined above.

Mayor Pro-Tem Sanders moved, supported by Johnston to approve the second reading and adoption of Resolution No. 2017-07 Nordic Fire Festival as presented. Carried. 5 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 82 ZONING TO ADD MULTIPLE FAMILY DWELLINGS IN NEW BUILDINGS AS A CONDITIONAL USE AND REFER TO THE PLANNING COMMISSION FOR PUBLIC HEARING ON MARCH 7, 2017:

AN ORDINANCE TO AMEND CHAPTER 82 ZONING BY AMENDING SECTION 82-288 CONDITIONAL USES TO ESTABLISH MULTIPLE FAMILY DWELLINGS IN NEW BUILDINGS AS A CONDITIONAL USE IN THE CBD CENTRAL BUSINESS DISTRICT AND TO DELETE POOL AND BILLIARD HALLS AS A CONDITIONAL USE

THE CITY OF CHARLOTTE ORDAINS:

SECTION 1. PURPOSE. The purpose of this ordinance is to designate multiple family dwellings as a use subject to special conditions in the CBD Central Business District and to delete references to pool and billiard halls as uses subject to special conditions in the CBD Central Business District.

SECTION 2. Section 82-288 Conditional Uses of the Code of the City of Charlotte is hereby amended to read as follows:

§ 82-288 CONDITIONAL USES.

The following uses may be permitted in the CBD Central Business District subject to the conditions imposed in this section for each use.

(1) Dwelling units within an existing commercial building subject to the following conditions.

(a) It is the intent of subsection (1) to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the construction of one-, two- and multiple

family residential dwelling units.

(b) Dwelling units shall not be located below the second floor.

(c) Off-street parking shall be provided at the ratio of not less than one and one-half parking spaces per dwelling unit.

(2) Multiple-family Dwellings subject to the following conditions.

(a) Multiple-family dwellings shall be in structures designed and built for this use on a site of not less than two acres in size.

(b) Off-street parking shall be provided at the ratio of not less than one and one-half parking spaces per dwelling unit.

(c) A greenbelt conforming to the requirements of §82-460 shall be required where a parking lot abuts a public thoroughfare and/or where the site abuts a residential district.

(d) Multiple-family dwellings are permitted upon the granting of a permit for such use by the Planning Commission subject to such other conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the neighborhood and to abutting properties and subject further to a public hearing held pursuant to § 82-34(C).

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective 20 days after adoption.

Councilmember Bahmer moved, supported by Sanders to approve the first reading of an Ordinance to amend Chapter 82 Zoning to add multiple family dwellings in new buildings as a conditional use and refer

to the Planning Commission for public hearing on March 7, 2017 as presented. Carried. 5 Yes. 0 No.

B. CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE TO AMEND THE ZONING MAP TO CHANGE THE ZONING OF 225 S. WASHINGTON STREET & 234 S. OLIVER FROM B-1 LOCAL BUSINESS DISTRICT TO CBD CENTRAL BUSINESS DISTRICT AND REFER TO THE PLANNING COMMISSION FOR PUBLIC HEARING ON MARCH 7, 2017:

AN ORDINANCE TO AMEND CHAPTER 82 - ZONING, BY AMENDING THE ZONING MAP TO CHANGE A CERTAIN DESCRIBED PARCEL FROM B-1 LOCAL BUSINESS DISTRICT TO CBD CENTRAL BUSINESS DISTRICT.

THE CITY OF CHARLOTTE ORDAINS:

Section 1. The Zoning District Map of the City of Charlotte, being part of Chapter 82 - Zoning, of the Code of the City of Charlotte, is hereby amended as follows:

That property described as: Lots 7, 8, 11, 12, 15, 16 and the West 30 feet 6 inches of Lot 17, the dividing line being the center of a block wall, and the vacated alley South of Lot 15 and the West ½ of the vacated alley adjacent to Lots 7, 8, 11, 12 & 15 Cummings Subdivision to the original Plat, City of Charlotte, Michigan and Lots 9, 10, 13, 14 the East 11 feet 1/5 inches of Lot 17, the dividing line being the center of a block wall, Lots 18, 19, 20 and the vacated alley South of Lot 14 and the East ½ of the vacated alley adjacent to Lots 9, 10, 13 & 14 of the Cummings Subdivision to the original plat, City of Charlotte, Michigan.

is hereby rezoned from B-1 Local Business District to CBD Central Business District.

Section 2. That the City Clerk is hereby directed to make the necessary corrections evidencing this zoning change.

Section 3. The attached map evidencing this change shall be marked and designated as Ordinance No. _____ and the City Clerk shall enter on the zoning map this ordinance number and the date of the adoption thereof and shall maintain a file containing a copy of this ordinance and a map thereto attached.

Section 4. This ordinance shall become effective upon the date of its publication.

Mayor Pro-Tem Sanders moved, supported by Bahmer to approve the first reading of an Ordinance to amend the zoning map to change the zoning of 225 S. Washington & 234 S. Oliver from B-1 Local Business District to CBD Central Business District and refer to the Planning Commission for Public Hearing on March 7, 2017 as presented. Carried. 5 Yes. 0 No.

C. CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 64 BY ADDING DIVISION 2 PROVIDING A TAX EXEMPTION FOR THE EDMOND SENIOR APARTMENTS PROJECT AND SET A PUBLIC HEARING FOR FEBRUARY 27, 2017:

AN ORDINANCE TO AMEND CHAPTER 64 TAX EXEMPTION BY ADDING DIVISION 2 TO ESTABLISH A TAX EXEMPTION FOR THE EDMOND SENIOR APARTMENTS ON SOUTH WASHINGTON STREET

SECTION 1. PURPOSE. The City is authorized by State law to levy a service charge in lieu of property taxes for certain housing developments for individuals with low and moderate incomes. An ordinance establishing such a charge for the Sugar Mill Apartments complex was passed in 2002. This ordinance amends City code to establish a service charge in lieu of property taxes for a proposed senior housing development called the Edmond Senior Apartments to be located on South Washington Street.

SECTION 2. Chapter 64 of the Code of Ordinances is hereby amended to read as follows:

Division 1. Sugar Mill Apartments

§ 64-1 IN GENERAL.

This division shall be known and cited as the "City of Charlotte Tax Exemption Ordinance for Sugar Mill Apartments Complex on Maynard Street."

§ 64-2 PREAMBLE.

(A) It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low to moderate income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966) Public Act 346 of 1966, being M.C.L.A. §§ 125.1401 *et seq.*, as amended. The city is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing is a public necessity, and as the city will be benefitted and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provision of the chapter, for tax exemption and the service charge in lieu of taxes during the period contemplated in this chapter are essential to the

determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

(B) The city acknowledges that Sugar Mill Limited Dividend Housing Association, Michigan Limited Partnership, ("the sponsor") has offered subject to receipt of a mortgage loan from the Michigan State Housing Development Authority, to erect, own and operate a housing development identified as Sugar Mill Apartments (the "housing development") on certain property located on the 100 Block of Maynard Street in the city to serve senior citizens of low to moderate income, and that the sponsor has offered to pay the city, on account of this housing development, an annual service charge for public services in lieu of taxes.

§ 64-3 DEFINITIONS.

AUTHORITY. The Michigan State Housing Development Authority.

ACT. The State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, being M.C.L.A. §§ 125.1401 *et seq.*, as amended.

ANNUAL SHELTER RENT. The total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.

ELDERLY PERSONS. A family where the head of household is 62 years of age or older or a single person who is 62 years of age or older. Also includes persons of any age who are handicapped or disabled.

HOUSING DEVELOPMENT. A development which contains a significant element of housing for persons of low to moderate income and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the Authority determines improves

the quality of the development as it relates to housing for persons of low to moderate income.

MORTGAGE LOAN. A loan to be made by the Authority to the sponsor for the construction and/or permanent financing of the housing development.

UTILITIES. Fuel, water, sanitary sewer service and/or electrical service, which are paid by the housing development.

SPONSOR. Person(s) or entities which have applied to the Authority for a mortgage loan to finance a housing development.

§ 64-4 CLASS OF HOUSING DEVELOPMENT.

It is determined that the class of housing development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be senior housing which are financed or assisted pursuant to the Act. It is further determined that Sugar Mills Apartments is of this class.

§ 64-5 ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

(A) The housing development identified as Sugar Mills Apartments and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The city, acknowledging that the sponsor and the Authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this chapter, the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this chapter in consideration of the sponsors offer, subject to receipt of a mortgage loan from the Authority, to construct, own and operate the housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes.

(B) The annual service charge shall be the greater of the following:

(1) Fourteen percent of the difference between the annual shelter rents actually collected and utilities; or

(2) A minimum payment determined as follows. In the first year of operation, the minimum payment shall be \$35,900, prorated on a daily basis from the date the final occupancy permit is issued through the next August 31. Each year thereafter, this payment shall be adjusted annually by the lesser of: 5%; or the increase or decrease in the general price level for the preceding year, as defined in the Michigan Constitution, § 33. The general price level is also the same percentage used to calculate the taxable property value by the City Tax Assessor.

§ 64-6 LIMITATION ON THE PAYMENT OF ANNUAL SERVICE CHARGE.

(A) Notwithstanding § 64-5, the service charge to be paid each year in lieu of taxes for the part of the housing development which is tax exempt and which is occupied by other than low to moderate income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing development if the housing development were not tax exempt.

(B) The term **LOW TO MODERATE PERSONS** as used herein means, with respect to any housing development that is tax-exempt, senior persons eligible to move into that development.

§ 64-7 CONTRACTUAL EFFECT OF CHAPTER.

Notwithstanding the provisions of § 15(a)(5) of the Act, to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this chapter.

§ 64-8 PAYMENT OF SERVICE CHARGE.

The service charge in lieu of taxes as determined under the chapter shall be payable in the same manner as general property taxes are payable to the city except that the annual payment will be paid on or before August 31 each year.

§ 64-9 DURATION.

This chapter shall remain in effect and shall not terminate so long as the mortgage loan remains outstanding and unpaid or the Authority has any interest in the property; provided, that construction of the housing development commences within 1 year from the effective date of this chapter.

§ 64-10 SEVERABILITY.

The various sections and provisions of this chapter shall be deemed to be severable, and should any section or provision of this chapter be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the chapter as a whole or any section or provision of this chapter other than the section or provision so declared to be unconstitutional or invalid. It is hereby amplified that it is the city's intent to accept a payment in lieu of taxes only for the purpose of a senior development. If the property is ever used for another purpose, or if this chapter is unacceptable to any state agencies, this chapter is declared null and void.

Division 2.

§ 64-11 IN GENERAL.

This division shall be known and cited as the "City of Charlotte Tax Exemption Ordinance for the Edmond Senior Apartments on South Washington Street."

§ 64-12 PREAMBLE.

(A) It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low to moderate income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966) Public Act 346 of 1966, being M.C.L.A. §§ 125.1401 *et seq.*, as amended. The city is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing is a public necessity, and as the city will be benefitted and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provision of the chapter, for tax exemption and the service charge in lieu of taxes during the period contemplated in this chapter are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

(B) The city acknowledges that the Sponsor, as defined in this division, is a limited dividend housing association limited partnership and has offered, subject to receipt of an allocation under the Low Income Housing Tax Credit (LIHTC) Program and a Federally Aided Mortgage (as defined in the Act) to construct, own and operate the Housing Development Project to be known as The Edmond Senior Apartments located in the City to serve Low Income Persons, as defined herein, and that the Sponsor has offered to pay the City on account of this Housing Development an annual service charge for public services in lieu of all ad valorem property taxes.

§ 64-13 DEFINITIONS.

ACT. The State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, being M.C.L.A. §§ 125.1401 *et seq.*, as amended.

ANNUAL SHELTER RENT. The total collections during an agreed annual period from or paid on behalf of all Low Income Persons, as defined herein of the Housing Development Project representing rent or occupancy charges, exclusive of charges for Utilities, as defined herein.

AUTHORITY. The Michigan State Housing Development Authority.

CITY. The City of Charlotte, a Michigan municipal corporation.

COMMENCEMENT OF CONSTRUCTION. The commencement of the Housing Development, as defined herein.

HOUSING DEVELOPMENT PROJECT. The project being constructed at the Housing Development Location, consisting of a building to include qualified low income residential apartment units including approximately fifty (50) units reserved for Low Income Persons and such recreational, industrial, communal and educational facilities as the Sponsor and/or Authority determine will improve the quality of the Housing Development Project as it relates to housing for ~~Elderly~~ *Senior* Persons.

HOUSING DEVELOPMENT LOCATION. Lots 7, 8, 11, 12, 15, 16 and the West 30 feet 6 inches of Lot 17, the dividing line being the center of a block wall, and the vacated alley South of Lot 15 and the West ½ of the vacated alley adjacent to Lots 7, 8, 11, 12 & 15 Cummings Subdivision to the original Plat, City of Charlotte, Michigan and Lots 9, 10, 13, 14 the East 11 feet 1/5 inches of Lot 17, the dividing line being the center of a block wall, Lots 18, 19, 20 and the vacated alley South of Lot 14 and the East ½ of the vacated alley adjacent to Lots 9, 10, 13 & 14 of the Cummings Subdivision to the original plat, City of Charlotte, Michigan.

LOW INCOME PERSONS. Senior Persons eligible to move into the Housing Development Project pursuant to the Act and the Authority.

MORTGAGE LOAN. A loan to be made by the Authority to the sponsor for the construction and/or permanent financing of the housing development.

SENIOR PERSONS. Single persons who are 55 years of age or older or a household in which at least one member is 55 years of age or older ~~and all other members are 50 years of age or older.~~

SPONSOR. The Edmond Senior Apartments limited Dividend Housing Association Limited Partnership, 333 North Pennsylvania Street, Suite 100, Indianapolis, Indiana, who shall act as the owner of the Housing Development Project.

UTILITIES. Fuel, water, heat sanitary sewer service and/or electrical service furnished to the occupants which are paid by the Housing Development Project.

§ 64-14 CLASS OF HOUSING DEVELOPMENT.

It is determined that the class of housing development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be senior housing which are financed or assisted pursuant to the Act. It is further determined that The Edmond Senior Apartments is of this class.

§ 64-15 ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

(A) Subject to the provisions of this division, the Housing Development Project and the Housing Development Location shall be exempt from all property taxes for the period specified in Section 64-19. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the Housing Development Project in reliance upon the enactment and continuing effect of this Agreement and qualification of the Housing Development Project for the exemption from all property taxes and a payment in lieu of taxes as established in this division. Therefore, in

consideration of the Sponsor's offer to construct, own and operate the Housing Development Project, the City has agreed to accept payment of an annual Service Charge, as defined below, for public services in lieu of all ad valorem property taxes as provided for in Section 64-15 (C) provided the Sponsor furnishes proof, on an annual basis upon request by the City, that the number of qualified low income units in the Housing Development Project have not increased, decreased, or been altered in any material form unless the City has otherwise amended the provisions of this division.

(B) In addition to the annual certified verification requirement in Section 64-15 (A), the tax exemption shall commence upon the acquisition of the Housing Development Location by the Sponsor. The Sponsor of the Housing Development Project eligible for exemption, or the City as appropriate and necessary, shall file with the local assessing officer a certified notification of the exemption, which shall be in an affidavit form by either the Authority, the city and/or the Sponsor as appropriate. The completed affidavit form first shall be submitted to the Authority for certification by the Authority that the Housing Development Project is eligible for the exemption. The Sponsor and/or the City shall file or cause to be filed the certified notification of the exemption with the local assessing officer as soon as practically possible.

(C) The annual service charge shall be equal to ten percent (10%) of the difference between the Annual Shelter Rent actually collected and Utilities (the "Service Charge.")

§ 64-16 LIMITATION ON THE PAYMENT OF ANNUAL SERVICE CHARGE.

Notwithstanding § 64-15, the service charge to be paid each year in lieu of taxes for any part of the housing development which is tax exempt and occupied by other than Low Income Persons shall be equal to the full amount of the taxes which would be due and payable on that portion of the Housing Development Project if the project were not tax exempt.

§ 64-17 CONTRACTUAL EFFECT OF CHAPTER.

Notwithstanding the provisions of § 15(a)(5) of the Act, to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this division.

§ 64-18 PAYMENT OF SERVICE CHARGE.

The service charge in lieu of taxes as determined under the chapter shall be payable in the same manner as general property taxes are payable to the city except that the annual payment will be paid on or before June 30 of the year following the calendar year upon which such Service Charge is calculated and shall be distributed to the several units levying ad valorem property taxes in the same proportion as for said taxes. Failure to pay the service charge on or before June 30 of each year shall result in the service charge being subject to one percent (1%) interest per month until paid. If any amount of the annual service charge or accrued interest shall remain unpaid as of December 31 of any year, the amount unpaid shall be a lien upon the real property constituting the Housing Development Project upon the City Treasurer filing a certificate of non-payment of the service charge, together with an affidavit of proof of service of the certificate of non-payment upon the Sponsor with the Eaton County Register of Deeds, and proceedings may then be had to enforce the lien as provided by law for the foreclosure of tax liens upon real property.

§ 64-19 DURATION.

This division shall remain in effect and shall not terminate so long as the Housing Development Project continues to be used for Low Income Persons as provided in this division, but not to exceed fifty (50) years; provided, however, if construction of the Housing Development Project does not commence within one (1) year of the Authority's LIHTC April 1, 2017

funding round award date, which is anticipated to be on or about July 1, 2017, or if the Sponsor materially changes the scope or purpose of the Housing Development Project with the consent of the City, by and through its representatives, and in accordance with the requirements of law, this division shall automatically expire, terminate and be of no further effect.

§ 64-20 SEVERABILITY.

The various sections and provisions of this chapter shall be deemed to be severable, and should any section or provision of this chapter be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the chapter as a whole or any section or provision of this chapter other than the section or provision so declared to be unconstitutional or invalid. It is hereby amplified that it is the city's intent to accept a payment in lieu of taxes only for the purpose of a senior development. If the property is ever used for another purpose, or if this chapter is unacceptable to any state agencies, this division is declared null and void.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective 20 days after adoption.

Councilmember Bahmer moved, supported by Mitchell to approve the first reading of an Ordinance to amend Chapter 64 by adding division 2 providing a tax exemption for the Edmond Senior Apartments project and set a public hearing for February 27, 2017 with an amendment to the section “Housing Development Project” to strike Elderly and replace with Senior and amend the section Senior Persons to strike “and all other members are 50 years of age or older”. Carried. 5 Yes. 0 No.

D. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-15 ESTABLISHING A SCHEDULE OF STREET IMPROVEMENT PROJECTS FOR 2017-2022:

WHEREAS, City staff has proposed a schedule of street reconstruction and rehabilitation projects for the 2017 through 2022 construction seasons which formed the basis for the document entitled “Major Street Cash Flow”; and

WHEREAS, said schedule provides for reconstruction of the following streets during the associated construction seasons:

- Lincoln Street from Lawrence Avenue to Seminary Street...2017
- East Lovett Street from Cochran Avenue to Washington Street...2018
- West Lovett Street from Cochran Avenue to Sheldon Street...2019
- State Street from Seminary Street to Shepherd Street...2021
- West Harris Street from Cochran Avenue to Sheldon Street...2022

; and

WHEREAS, City staff has proposed the following rehabilitation projects for 2017:

- East McClure Street from Cochran Avenue to Washington Street
- South Sheldon Street from Lawrence Avenue to Seminary Street
- Independence Boulevard from Beech Street to Courthouse Drive

; and

WHEREAS, additional rehabilitation projects will be proposed for subsequent years passed on an annual survey of street conditions;

THEREFORE, BE IT RESOLVED that the City Council does hereby approve the proposed program of street reconstruction and rehabilitation projects and authorizes staff to commence actions necessary to undertaking said projects.

Discussion was held among councilmembers on the order in which the streets should be repaired.

Mayor Lewis suggested proposing to continue the current bond on State Street and putting it on the ballot in November to be voted on.

Mayor Pro-Tem Sanders moved, supported by Bahmer to approve the first reading of Resolution No. 2017-15 establishing a schedule of street improvement projects for 2017-2022. Carried. 4 Yes. (Bahmer, Mitchell, Lewis, Sanders) 1 No. (Johnston)

Mayor Pro-Tem Sanders moved, supported by Mitchell to approve the first reading of Resolution No. 2017-15 establishing a schedule of street improvement projects for 2017-2022 with the amendment to the years as follows; East Lovett Street from Cochran Avenue to Washington Street-2017; Lincoln Street from Lawrence Avenue to Seminary Street-2018; State Street from Seminary Street to Shepherd Street-2018; West Lovett Street from Cochran Avenue to Sheldon Street-2019; West Harris Street from Cochran Avenue to Sheldon Street-2021; East Harris Street-2022. Carried. 4 Yes. (Bahmer, Mitchell, Lewis, Sanders) 1 No. (Johnston)

E. CONSIDER REMOVING FROM THE TABLE THE CONSIDER OF THE APPROVAL OF FIRST READING OF ORDINANCE TO AMEND CHAPTER 46 TO RENAME THE CHAPTER, REMOVE REFERENCES TO CANVASSERS AND PROVIDE FOR FOOD TRUCKS KNOWN AS SPECIAL TRANSITORY FOOD UNITS AND TO SET PUBLIC HEARING FOR FEBRUARY 27, 2017:

AN ORDINANCE TO AMEND CHAPTER 46: SOLICITORS AND CANVASSERS, BY RENAMING THE CHAPTER, BY REMOVING ANY REFERENCES TO CANVASSERS BY AMENDING SECTION 4.6-1 AND DELETING SECTIONS 4.6-6 AND 4.6-7, AND BY ADDING ARTICLE II, SECTION 46-51 THROUGH 46-70 TO PROVIDE FOR FOOD TRUCKS, KNOWN AS SPECIAL TRANSITORY FOOD UNITS, WITHIN THE CITY OF CHARLOTTE.

THE CITY OF CHARLOTTE ORDAINS:

Chapter 46 - Solicitors and Canvassers - of the Code of the City of Charlotte

is hereby amended as follows:

1. Chapter 46: SOLICITORS AND CANVASSERS, is hereby renamed PEDDLERS AND TRANSITORY BUSINESSES.

2. Sections 46-1 through 46-5 of Chapter 46: **SOLICITORS AND CANVASSERS**, of the Code of the City of Charlotte is amended to read as follows:

ARTICLE I, Peddlers

§ 46-1 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

PEDDLER. Any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, books, or magazines, personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not. This definition includes any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for immediate or future delivery.

(1993 Code, § 46-1)

Cross reference:

Definitions and rules of construction generally, see § 1-2

§ 46-2 PEDDLER'S LICENSE – REQUIRED; POLICE CHIEF CERTIFICATION.

(A) No person shall engage in the business of a peddler within the city without first obtaining a license therefor. No such license shall be granted except upon certification of the Chief of Police or his designee.

(B) In all cases where the certification of the Police Chief is required prior to the issuance of any license by the City Clerk, such certification shall be based upon a finding that the person making application for such license is of good moral character.

(C) The phrase GOOD MORAL CHARACTER, when used in this chapter for the purpose of licensing, shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.

(D) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he has the ability and is likely to serve the public in a fair, honest and open manner, that he is rehabilitated or that the substance of the former offense is not reasonably related to the occupation or profession for which he seeks to be licensed.

(E) The following criminal records shall not be used, examined or requested by the city in a determination of good moral character:

- (1) Records of an arrest not followed by a conviction;
- (2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction;
- (3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest and open manner;
- (4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

(F) When a person is found to be unqualified for a license because of a

lack of good moral character or similar criteria, the person shall be furnished by the City Clerk with a statement to that effect. The statement shall contain a complete record of the evidence upon which the determination was based. The person shall be entitled, as of right, to a rehearing on the issue before the Council if he has relevant evidence not previously considered regarding his qualifications.

(1993 Code, § 46-2)

Statutory reference:

Similar provisions, see M.C.L.A. §§ 338.41 et seq.

§ 46-3 SAME – APPLICATION.

The peddler's license application shall furnish the following information:

- (1) Name and description of the applicant;
- (2) Permanent home address and telephone number and full local address of the applicant;
- (3) Driver's license, automobile make and automobile license number;
- (4) A brief description of the nature of the business and the goods to be sold;
- (5) The length of time for which the right to do business is desired;
- (6) The place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery;
- (7) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be 2 inches by 2 inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(1993 Code, § 46-3)

§ 46-4 SAME – FEES.

The fees for a peddler's license shall be \$5 per day, \$10 per week, \$25 per month, or \$50 per year. This fee may be changed by resolution of the City

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Council from time to time. No fee for a peddler's license shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he may apply to the City Manager for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within 6 months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and gross volume or estimated gross volume of business and such other information as the City Manager may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The City Manager shall then conduct an investigation, comparing the applicant's business with other businesses of like nature, and shall make findings of fact from which he shall determine whether the fee fixed for the solicitor's license is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the City Manager shall have the power to base the fee upon a percentage of gross sales or any other method which will ensure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fee as prescribed. Should the City Manager determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of the applicant's business in the city or at the end of each 3 month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any 1 license year shall be required after the licensee shall have paid an amount equal to the annual license fee. (1993 Code, § 46-4)

§ 46-5 RESIDENTIAL PEDDLING PROHIBITED.

(A) It is hereby declared to be the policy of the city that the occupants of the residences in the city shall make the determination of whether peddlers shall be, or shall not be, invited to their respective residences.

(B) Notice of the refusal of invitation to peddlers, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO PEDDLERS INVITED"

(C) The card so exhibited shall constitute sufficient notice to any peddler of the determination by the occupant of the residence of the information contained thereon.

(1993 Code, § 46-5)

3. Sections 46-6 and 46-7 of Chapter 46: SOLICITORS AND CANVASSERS, of the Code of the City of Charlotte are hereby deleted and of no further force and effect.

4. Chapter 46: SOLICITORS AND CANVASSERS, of the Code of the City of Charlotte is hereby amended by adding Article II, Special Transitory Food Units, Sections 46-51 through 46-70, which sections shall read as follows:

ARTICLE II, Special Transitory Food Units

§46-51. Short title.

This article shall be known as the City of Charlotte Special Transitory Food Unit Ordinance.

§46-52. Purpose

It is the purpose of this article to regulate the operation of Special Transitory Food Units, to provide licensing requirements for same; and to protect the public health, safety and welfare.

§46-53. Validity and Severability.

The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

§46-54. Repealer Clause.

All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

§46-55. Effective Date.

This Ordinance shall be effective twenty (20) days from the date of final publication.

§46-56. Definitions.

Administrator means the City Manager, Zoning Administrator or official designee.

Operate shall mean the actual hours when the Special Transitory Food Unit is open for business, not including the hours to set up and take down.

Operator shall mean any person engaged in the business of sales from a Special Transitory Food Unit; if more than one individual is operating a motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable, then operator shall mean all individuals operating such motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable.

Operating a Special Transitory Food Unit means serving or offering for sale food and/or beverages from a Special Transitory Food Unit.

Special Transitory Food Unit shall mean any motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground from which food is served or offered for sale.

§46-57. Permitted Locations.

Operating a Special Transitory Food Unit shall be permitted on private property in zoning districts B-2, B-3 and I-2; as well as at churches, schools and public parks, regardless of zoning designation. In no circumstances shall a Special Transitory Food Unit be permitted to operate within a street Right-

of-Way. Special Transitory Food Units shall be permitted to operate in other areas of the city during special events and festivals as authorized by City Council Resolution, provided that operation of a Special Transitory Food Unit, with permission of property owners at 100 West Lawrence Avenue (Courthouse Square), 120 West Lovett Street (Beach Market), and 1025 South Cochran Avenue (Eaton County Fairgrounds) be allowed without a City Council Resolution.

§46-58. Permitted Hours.

Operating a Special Transitory Food Unit shall be only be permitted between the hours of 7:00 a.m. and 11 p.m. Operation outside these hours may be permitted during special events and festivals as authorized by City Council Resolution.

§46-59. Permit Required.

No person shall operate a Special Transitory Food Unit without a permit issued by the Administrator. The serving or sales of food and/or other consumables shall not be allowed unless the operation meets the definition of Special Transitory Food Unit herein and complies with the requirements of this ordinance.

§46-60. Exceptions to Permit Requirement.

The following operations are exempt from the permit requirement and the corresponding fee:

- (1) Operating a Special Transitory Food Unit as part of a special event or sidewalk sale organized and operated by an established restaurant or business for a period of time not to exceed three (3) days.
- (2) Operating a Special Transitory Food Unit for a period of three (3) days or less on church and school properties conducted in conjunction with a special event at the church or school. The exemption shall only apply to three (3) special events or fewer per year.
- (3) Veterans who have been issued a permit by the County Clerk pursuant to Public Act 359 of 1921.
- (4) Special Transitory Food Units being operated by permission of City Council through a City Council Resolution, as well as Special

Transitory Food Units being operated with the permission of property owners at 100 West Lawrence Avenue (Courthouse Square), 120 West Lovett Street (Beach Market), and 1025 South Cochran Avenue (Eaton County Fairgrounds).

§46-61. Duration; Number; Local Preference; Non-Transferability.

Permits may be issued by the Administrator for a monthly period of thirty days (30) or a seasonal period of one hundred twenty (120) days from the date of issuance. Monthly permits shall not be issued to the same operator for consecutive months. Seasonal permits may be renewed by an operator in good standing.

At any one time, there may be only three (3) permits in effect which allow an operator to engage in transitory sales from a food unit. The Administrator shall not issue more than two (2) monthly, or two (2) seasonal permits at any one time, and no combination of monthly and seasonal permits that total more than three (3) shall be in effect at any one time.

When the number of applicants exceeds the number of available permits, the Administrator shall issue permits to Charlotte residents and business owners before considering other applicants.

Any permit issued under this article is non-transferrable between operators, properties, and Special Transitory Food Units.

§46-62. Permit Application.

A person or individual desiring to operate a Special Transitory Food Unit shall submit a permit application to the Administrator's Office. No application shall be processed until it is complete. The application shall contain the following information:

- (1) The applicant's name, address, phone number, and email.
- (2) The address and/or parcel number of the property where the Special Transitory Food Unit will be located.
- (3) The name, address, phone number, driver's license or photo identification and email of the party responsible for operating the Special Transitory Food Unit, if different from the applicant. If more than one individual is employed at the Special Transitory Food Unit, the names, addresses, phone numbers,

driver's permit or photo identification, and emails for all employees shall be provided.

(4) If applicable, the license plate number of the Special Transitory Food Unit; as well as a copy of the registration and proof of insurance.

(5) The proposed days and hours of operation and estimated staffing level.

(6) Written permission from the owner of the property on which the Special Transitory Food Unit will operate.

(7) A sketch depicting the location of the special transitory food Unit , existing buildings, parking, streets, driveways, and sidewalks.

(8) Copies of any license, permit, or authorization required by any other ordinance, statute, or administrative rule. It shall be the responsibility of the operator to know and understand what other licenses, permits or authorizations may be required by other ordinances, statutes or administrative rules outside the immediate jurisdiction of the City of Charlotte.

(9) Copy of the menu, or list of primary food items planned for sale.

§46-63. Processing of Permit Application.

A Special Transitory Food Unit permit shall be issued or denied within ten (10) business days from the day the application was originally filed. If the application is denied, the Administrator shall notify the applicant in writing of the specific reason(s) why the application was denied.

§46-64. Enforcement.

It shall be the responsibility of the Administrator to enforce the terms of this article.

§46-65. Fees.

An application for a permit under this ordinance shall be accompanied by a fee in the amount established in the schedule of fees adopted by the City of Charlotte City Council. There shall be no proration of fees. Fees are non-refundable once a permit is issued by the Administrator.

§46-66. Requirements.

Persons operating a Special Transitory Food Unit shall comply with the following requirements:

(1) Special Transitory Food Units shall not be located within any street right of way; and shall adhere to the requirements of Charlotte City Code section 82-463 Corner Clearance.

(2) Signage related to Special Transitory Food Units shall be in compliance with the regulations of the City of Charlotte Sign Ordinance. No signage shall be displayed or erected outside of the immediate vicinity of the Special Transitory Food Unit.

(3) Special Transitory Food Units shall be removed entirely from the site every day, no overnight storage of any kind shall be permitted. The operator shall remove all litter and debris attributable to the operation on at least a daily basis.

(4) Outdoor seating, including but not limited to tables, chairs, benches, or stand up counters shall be subject to the approval of the Administrator.

(5) An operator shall not extend power cables, extension cords or similar devices across any public street, sidewalk or pathway.

(6) Special Transitory Food Units shall be completely self-contained, and are prohibited from using water from public hydrants and disposing of liquid wastes, including but not limited to grease, into storm drains or sanitary sewers.

(7) The Special Transitory Food Unit shall not be located so as to block a public sidewalk or pathway, designated fire lane, or otherwise impede pedestrian or vehicular movement.

(8) A Special Transitory Food Unit shall not make or cause to be made any excessive noise. The operation of all Special Transitory Food Units shall be in compliance with the City of Charlotte noise ordinance, including generators.

(9) Operators who conduct business on city owned properties shall provide a copy of their Certificate of General Liability Insurance which names City of Charlotte as an additionally insured.

(10) The Special Transitory Food Unit permit from City of Charlotte, state sales tax permit and license from the county health department shall be displayed at all times by the operator in a conspicuous location.

(11) Special Transitory Food Units shall be inspected by the Administrator before issuance of a permit. The Administrator's inspection shall ensure that a permitted Special Transitory Food Units are:

(a) In safe operating condition as required by the State of Michigan Motor Vehicle Code;

(b) Clean; free of food waste, debris and grime;

(c) Free of graffiti, excessive rust, and broken or neglected fixtures;

(12) Special Transitory Food Units shall offer a substantially unique menu. The Administrator shall not issue a permit for a Special Transitory Food Unit that offers the same primary food item as another contemporary permit holder, i.e. hot dogs, donuts, tacos, barbecue, ice cream, coffee, or similar, recognizing that many Special Transitory Food Units may have extensive menus and some duplication of offering is expected. This determination shall be made by the Administrator.

§46-67. Sales Tax Permit.

If an operator does not have a state sales tax permit, the Administrator shall send a notification to the registration section of the Michigan Department of Treasury at the time the Administrator issues the permit.

§46-68. Revocation.

The Administrator shall revoke the permit of any operator of a Special Transitory Food Unit who ceases to meet the requirements of this article; who commits fraud, misrepresentation or makes a false statement on their application or in the course of operating the Special Transitory Food Unit; who is convicted of a felony; or who creates a public nuisance or constitutes a danger to the public health, safety, and welfare.

It is the intention of the City that permits issued under this ordinance shall be used. Therefore, the Administrator shall revoke the permit of any operator who does not make use of the permit within ten (10) days following issuance. Immediately upon such revocation the permit shall become null and void and the Administrator shall provide written notice to the permit holder and property owner by certified mail to the address provided on the application. No person whose Special Transitory Food Unit permit has been revoked shall

be eligible to receive another permit within the City of Charlotte for two (2) years from the date of permit revocation.

§46-69. Appeals.

Any person aggrieved by an order, requirement, decision or determination of the Administrator as it relates to this article may appeal to the City of Charlotte City Council in accordance with the following procedures:

(1) A written statement containing the specific reason(s) for the appeal must be filed with the City Clerk within fifteen (15) calendar days of the date of the decision sought to be appealed.

(2) The City of Charlotte City Council shall hold a hearing on the appeal, which shall be open to public comment and shall include an opportunity for the appealing party to present their appeal.

(3) Notice of the time and place for consideration of an appeal shall be sent by the City Clerk by mail or personal delivery not less than ten (10) calendar days prior to the date of the hearing to the parties making the appeal.

(4) The City of Charlotte City Council shall issue its decision on the appeal within a reasonable time. In its determination of the appeal, the City of Charlotte City Council may take, but is not limited to, any of the following actions:

(a) Affirm the decision of the Administrator with or without modification and with or without such conditions as the Board deems necessary or appropriate to further the intent and purposes of this ordinance.

(b) Reverse the decision of the Administrator and state its reasons for reversal.

(c) Make any other decision, determination, order, or requirement that the Administrator could have made with respect to the subject matter of the appeal.

(5) The City Clerk shall notify the parties making the request in writing of the City of Charlotte City Council decision regarding the appeal.

§46-70. Sunset.

The ordinance codified herein will sunset after one year.

This ordinance shall become effective 20 days after adoption and that the above ordinance be passed to a second reading.

Councilmember Bahmer moved, supported by Mitchell to remove from the table the consideration of first reading of an Ordinance to amend Chapter 46 to rename the chapter, remove references to canvassers and provide for food trucks known as special transitory food units and to set a public hearing for February 27, 2017. Motion failed. 3 Yes. (Sanders, Bahmer, Mitchell) 2 No. (Johnston, Lewis)

F. CONSIDER APPROVAL OF FIRST READING OF ORDINANCE TO AMEND CHAPTER 82 TO PERMIT SPECIAL TRANSITORY FOOD UNITS IN THE B-2 AND B-3 BUSINESS DISTRICTS AND REFER TO THE PLANNING COMMISSION FOR PUBLIC HEARING ON MARCH 7, 2017:
AN ORDINANCE TO AMEND ARTICLES XII AND XIII OF CHAPTER 82: ZONING, OF THE CODE OF THE CITY OF CHARLOTTE, BY AMENDING SECTIONS 82-248 AND 82-268 IN ORDER TO PERMIT SPECIAL TRANSITORY FOOD UNITS IN THE B-2 COMMUNITY BUSINESS DISTRICT AND B-3 GENERAL BUSINESS DISTRICT WITHIN THE CITY OF CHARLOTTE.

THE CITY OF CHARLOTTE ORDAINS:

1. Section 82-248 of Article XII of Chapter 82: ZONING, of the Code of the City of Charlotte is hereby amended to read as follows:

§ 82-248 REQUIRED CONDITIONS.

Required conditions in a Community Business District are as follows.

(1) All business establishments shall be retail or service establishments

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dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.

(2) All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special conditions in § 82-249 shall be conducted within completely enclosed buildings, except where permitted pursuant to Article II of Chapter 46 of this Code.

2. Section 82-268 of Article XIII of Chapter 82: ZONING, of the Code of the City of Charlotte is hereby amended to read as follows:

§ 82-268 REQUIRED CONDITIONS.

Required conditions in a General Business District are as follows.

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.

(2) All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special conditions in § 82-269 shall be conducted within completely enclosed buildings, except where permitted pursuant to Article II of Chapter 46 of this Code.

This ordinance shall become effective 20 days after adoption and that the above ordinance be passed to a second reading.

Dies from lack of motion.

G. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-10 TO ADD COMBSDALE DRIVE:

WHEREAS, the City of Charlotte Local Development Finance Authority (LDFA) approved the construction of Combsdale Drive in the Samuel A. Combs Industrial Park and dedicating it as a public street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:
A parcel of land 66 feet in width for road right of way purposes, being part of the Southwest 1/4 of Section 6, Township 2 North, Range 4 West, City of Charlotte, Eaton County, Michigan, the centerline of which is described as beginning at a point which is the following two (2) courses from the West 1/4 corner of said Section 6, 1) S89°23'46"E, along the East-West 1/4 line of said section, 367.71 feet and 2) S00°05'59"E, 308.50 feet; thence continuing S00°05'59"E, 346.51 feet to a point on the Northerly right of way line of Parkland Drive and the point of Terminus. The sidelines of said right of way shall be lengthened or shortened so as to terminate on said northerly right of way line of Parkland Drive.
2. That said street is located within a City right-of-way and is under the control of the City of Charlotte.
3. That said street is a public street and is for public street purposes.
4. That said street is accepted into the City Local Street System and was open to the public on September 21, 2016.

Mayor Pro-Tem Sanders moved, supported by Johnston to approve the first reading of Resolution No. 2017-10 to add Combsdale Drive as presented. Carried. 5 Yes. 0 No.

H. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-11 FOR CLINTON STREET RAILROAD BORE PROJECT:

WHEREAS, the N. Clinton Street Railroad Bore for watermain replacement contract was awarded to Ward Excavating, LLC (Contractor) by City Council on October 10, 2016 in the amount of \$86,896.84; and

WHEREAS, due to the emergency nature of the project, the contract was bid and awarded prior to approval of the permits from CN Railroad and Michigan Department of Environmental Quality. Any conditions of the pending permits were unknown at the time of the bid, so the Contractor did not make any allowances in his bid for the unidentified requirements;

WHEREAS, a contract addition in the amount of \$11,100.00 was authorized to reimburse the contractor for the required insurance, mandatory flagman, and mandatory fiber optic cable locating for CN Railroad as outlined in the change order; and

WHEREAS, a contract addition in the amount of \$4,120.50 was authorized to reimburse the contractor for extra material, equipment and labor costs related to additional excavation and watermain installation to properly place valves and to avoid unforeseen conflicts with and gas, storm water services and sanitary utilities; and

WHEREAS, the total cost of the N. Clinton Street Railroad Bore Project was \$102,117.34.

THEREFORE, BE IT RESOLVED that the City Council authorizes contract Change Order #1 in the amount of \$15,220.50 and the Final Payment to Wards Excavating, LLC in the amount of \$102,117.34.

Councilmember Johnston moved, supported by Sanders to approve the first reading of Resolution No. 2017-11 for Clinton Street Railroad bore project as presented. Carried. 5 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow reported that he

has drafted language for a new agreement with the townships regarding the recycling center. He reported that there has been a significant increase in the number of legitimate inquiries regarding economic development projects. He reported that the purchasing ordinance is not ready to be introduced at this time.

COUNCILMEMBER COMMITTEE REPORTS:

- Councilmember Bahmer reported that at the February 7, 2017 Planning Commission meeting they had the same presentation for the Edmond Senior Apartment project. He reported that Chief Sherman will be attending the March meeting to address Johnson Street parking issues.
- Mayor Lewis reported that the Compensation Commission has met and there will be no change made to the compensation for elected officials for the next two years. The commission only meets once every odd year to review the compensation. He thanked the members for their work on that board.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS

- Councilmember Johnston thanked TWG Development for their presentation. He thanked everyone for attending the meeting.
- Mayor Pro-Tem Sanders thanked everyone for attending. He invited everyone to join in the Nordic Fire Festival to be held February 24-26, 2017.
- Mayor Lewis thanked everyone for attending. He stated that he is excited about the redevelopment project. He announced that he will be attending a presentation in the morning for Charlotte Rising at MEDC in Lansing.

Mayor Pro-Tem Sanders moved, supported by Mitchell to adjourn the meeting at 8:22 p.m. Carried. 5 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC