

COUNCIL PROCEEDINGS
Regular Meeting
March 13, 2017

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

PRESENT: Council members Bahmer, Ridge, Johnston, Sanders, Mayor Lewis, City Clerk Terpstra and City Manager Guetschow.

The invocation was offered by Pastor John Colegrove followed by the Pledge of Allegiance.

APPROVAL OF MINUTES SPECIAL SESSION MEETING OF FEBRUARY 16, 2017: Council member Ridge moved, supported by Johnston to approve the closed session meeting minutes of February 16, 2017 as presented. Carried. 5 Yes. 0 No. 2 Absent. (Mitchell, Russo)

APPROVAL OF MINUTES FOR REGULAR MEETING OF FEBRUARY 27, 2017: Mayor Pro-Tem Sanders moved, supported by Ridge to approve the regular meeting minutes of February 27, 2017 as presented. Carried. 5 Yes. 0 No. 2 Absent. (Mitchell, Russo)

ABSENT: Council members Mitchell and Russo.

Council member Bahmer moved, supported by Johnston to excuse Council member Mitchell and Russo. Carried. 5 Yes. 0 No.

PUBLIC HEARINGS: None.

PUBLIC COMMENT: Mark Morris, 307 Pearl, concerned with streets that are being repaired.

APPROVAL OF AGENDA: Council member Ridge moved, supported by Johnston to approve the agenda as presented. Carried. 5 Yes. 0 No.

SPECIAL PRESENTATIONS: None.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-15 TO APPROVE A PROGRAM OF STREET IMPROVEMENT PROJECTS AS REVISED:

BE IT RESOLVED that the City Council does hereby approve the following street improvement project and authorizes staff to commence actions necessary to undertaking said project:
East Lovett Street from Cochran Avenue to Washington Street...2017

Vote was taken on motion to approve second reading and adoption of Resolution No. 2017-15 to approve a program of street improvement projects as revised. Carried. 5 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2017-25 TO AUTHORIZE A CONTRACT WITH ROWE PSC FOR ENGINEERING SERVICES RELATED TO RECONSTRUCTION OF THE 100 BLOCK OF E. LOVETT:

WHEREAS, the City Council approved the reconstruction of East Lovett Street from Cochran Avenue to South Washington Street at their meeting on February 27, 2017; and

WHEREAS, the project is to be built during the summer and fall months of 2017; and

WHEREAS, Rowe PSC had provided road engineering services for the City and is familiar with our standards and requirements which will expedite the design phase of the project rendering more favorable bids and construction timelines; and

WHEREAS, Rowe PSC has submitted a proposal for the design and construction engineering for an amount of \$58,500.00, and

WHEREAS, funding for the professional services related to reconstruction of East Lovett Street will be charged to the Major Street Fund.

THEREFORE, BE IT RESOLVED that the City Council enter into a contract with Rowe PSC to provide the above mentioned services and that the mayor or clerk be directed to sign said contract on behalf of the City.

Council member Ridge moved, supported by Sanders to approve second reading and adoption of Resolution No. 2017-25 to authorize a contract with Rowe PSC for engineering services related to reconstruction of the 100 Block of E. Lovett as presented. Carried. 5 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2017-28 MAYORAL APPOINTMENT:

WHEREAS, a need for an appointment exists on the Downtown Development Authority; and

WHEREAS, Mayor Lewis is recommending the following individual to be appointed to this board:

Name	Board	Term Ending
Lindsay A. Potter	Downtown Development	3/15/2019

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

Mayor Pro-Tem Sanders moved, supported by Johnston to approve second reading and adoption of Resolution No. 2017-28 Mayoral Appointment as presented. Carried. 5 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2017-26 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 March 3, 2017 payroll totaled \$141,725.80; and

WHEREAS, the March 13, 2017 claims total \$242,568.31;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for March 13, 2017 in the amount of \$384,294.11.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:

Council member Ridge moved, supported by Johnston to approve Resolution 2017-26 for expenditures of the City for March 13, 2017, as presented. Carried. 5 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-18 TO GRANT A PERMANENT EASEMENT TO CONSUMERS ENERGY COMPANY:

WHEREAS, the City of Charlotte Local Development Finance Authority (L DFA) 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 Ridge to approve the second reading and adoption of Resolution No. 2017-18 to grant a permanent easement to Consumers Energy as presented. Carried. 5 Yes. 0 No.

B. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-19 TO AUTHORIZE THE SALE OF TIMBER:

WHEREAS, the ITC removed trees along their power lines on property owned by Consumers Energy adjacent to Bennett Park and Camp Frances; and

WHEREAS, it was determined that the wood had some value and ITC offered it to the City for the City to sell and keep the proceeds; and

WHEREAS, bid documents were prepared, sent to eight logging companies and sealed bids were taken; and

WHEREAS, one bid was submitted for the timber in the amount of \$6,300.00 and an additional amount of \$200.00 for the scrap firewood totaling \$6,500.00.

THEREFORE, BE IT RESOLVED That the City sell the ITC timber and firewood to Fodor Timber, Inc. of Grass Lake, MI for the highest bid prices totaling \$6,500.00.

AND BE IT FURTHER RESOLVED That 50% of the proceeds of the sale shall be credited to Camp Frances and 50% of the proceeds shall be credited to the City's General Fund.

Council member Johnston moved, supported by Ridge to approve the second reading and adoption of Resolution No. 2017-19 to authorize the sale of timber as presented. Carried. 4 Yes. (Ridge, Johnston, Sanders, Lewis) 1 No. (Bahmer)

C. CONSIDER APPROVAL OF THE SECOND READING AND ADOPTION OF ORDINANCE 2017-02 TO AMEND CHAPTER 82 ZONING TO ADD MULTIPLE FAMILY DWELLINGS IN NEW BUILDINGS AS A CONDITIONAL USE:

AN ORDINANCE TO AMEND CHAPTER 82 ZONING BY AMENDING SECTION 82-288 CONDITIONAL USES TO ESTABLISH MULTIPLE FAMILY DWELLINGS IN NEW

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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.

Council member Bahmer moved, supported by Johnston to approve the second reading and adoption of Ordinance 2017-02 to amend Chapter 82 Zoning to add multiple family dwellings in new buildings as a conditional use as presented. Carried. 5 Yes. 0 No.

D. CONSIDER APPROVAL OF THE SECOND READING AND ADOPTION OF ORDINANCE 2017-03 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 :

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.

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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. 2017-03 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 second reading and adoption of Ordinance 2017-03 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 as a conditional use as presented. Carried. 5 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL FIRST READING OF RESOLUTION NO. 2017-20 TO APPROVE VALVE REPLACEMENTS AT LANSING LIFT STATION:

WHEREAS, the two check valves and two plug valves at the Lansing Lift Station are essential to the proper operation of the lift station; and

WHEREAS, the check valves and plug valves at the Lansing Lift Station have been in disrepair. The proper operation of the plug valves is necessary for conducting maintenance activities at the station. Properly operating check valves are critical to the operation of the station due to the fact that it discharges into a force main; and

WHEREAS, sealed bids were received for the replacement of the two check valves and two plug valves that ranged from \$21,500.00 to \$27,200.00; and

WHEREAS, the lowest responsible bidder was Franklin Holwerda, Inc. of Wyoming, MI in the amount of \$21,500.00; and

WHEREAS, the FY 16-17 Budget included \$20,000.00 for the replacement of the valves.

THEREFORE, BE IT RESOLVED That the City Council approve the replacement of the two check valves and two plug valves by Franklin Holwerda, Inc. and it be paid for from the Water and Sewer Fund as budgeted.

Council member Ridge moved, supported by Johnston to approve the first reading of Resolution No. 2017-20 to approve valve replacements at Lansing Lift Station as presented. Carried. 5 Yes. 0 No.

B. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2017-21 TO APPROVE REPAIR OF SURFACE WASH PUMP :

WHEREAS, the surface wash pump is a vital part of the tertiary treatment process that helps the City meet its discharge permit limits by washing particulates off the top of the media in the tertiary filters during the backwash; and

WHEREAS, the pump is a single pump that does not have a backup. It was originally installed in 1978 has been leaking and has reduced efficiency due to mechanical wear; and

WHEREAS, sealed bids were received for the replacement of the existing pump that ranged from \$18,000.00 to \$23,275.00; and

WHEREAS, the lowest responsible bidder was T.H. Eifert of Lansing, MI in the amount of \$18,000.00; and

WHEREAS, the FY 16-17 Budget included \$35,000.00 for this pump.

THEREFORE, BE IT RESOLVED That the City Council approve the repair of the surface wash pump by T. H. Eifert and it be paid for from the Water and Sewer Fund as budgeted.

Mayor Pro-Tem Sanders moved, supported by Johnston to approve the first reading of Resolution No. 2017-21 to approve repair of Surface Wash Pump as presented. Carried. 5 Yes. 0 No.

C. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-22 TO APPROVE REPLACEMENT SLIDE GATES:

WHEREAS, the slide gates in the primary and secondary splitter boxes allow the staff to divert the flow of wastewater to the appropriate clarifier to maximize treatment; and

WHEREAS, the slide gates have been in disrepair for several years and the staff is forced to use a labor intensive process utilizing plastic bags in order create tight seals and prohibit flow from passing by the gates during the installation and extraction of the gates; and

WHEREAS, sealed bids were received for the replacement of the slide gates that ranged from \$37, 000.00 to \$42,500.00; and

WHEREAS, the lowest responsible bidder was Franklin Holwerda, Inc. of Wyoming, MI in the amount of \$37,000.00; and

WHEREAS, the FY 16-17 Budget included \$30,000.00 for the replacement of the splitter box slide gates.

THEREFORE, BE IT RESOLVED That the City Council approve the replacement of the splitter box slide gates by Franklin Holwerda, Inc. and it be paid for from the Water and Sewer Fund as budgeted.

Council member Ridge moved, supported by Johnston to approve the first reading of Resolution No. 2017-22 to approve replacement slide gates as presented. Carried. 5 Yes. 0 No.

D. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-23 TO APPROVE CONTRACT WITH CONSUMERS ENERGY COMPANY FOR LIGHTING ON NORTHWAY DRIVE:

WHEREAS, the Heights End Plat at the end of Northway Drive was approved in 2002; and

WHEREAS, the developer installed the electrical infrastructure for street lighting, but the City never contracted with Consumers Energy to have the poles installed; and

WHEREAS, the residents have been asking for the project to be completed;
and

WHEREAS, Consumers Energy has determined the cost for installation of two street lights and abandonment of two plastic markers will cost \$3,334.00.

THEREFORE, BE IT RESOLVED that it is hereby deemed advisable to enter into a contract with Consumers Energy Company of Jackson, Michigan, for furnishing lighting service within the City of Charlotte for a period of 5 years and thereafter from year to year, in accordance with the terms of the contract heretofore submitted to and considered by this council; and

BE IT FURTHER RESOLVED that the Mayor and the Clerk be authorized and directed to execute such contract on the behalf of the City.

Mayor Pro-Tem Sanders moved, supported by Johnston to approve the first reading of Resolution No. 2017-23 to approve contract with Consumers Energy Company for lighting on Northway Drive as presented. Carried. 5 Yes. 0 No.

E. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-24 FOR PURCHASE OF ROAD SALT:

WHEREAS, the City participates in a cooperative purchasing contract with the State to secure lower road salt prices; and

WHEREAS, this contract guarantees certain amounts of salt are available to the municipalities at fixed prices; and

WHEREAS, the determination has been made by DPW staff for salt needs in the upcoming fiscal year; and

WHEREAS, Section 2-186 of the City Ordinances allows for the waiver of sealed bids for purchases over the amount of \$5,000 if the purchase is made through another governmental agency.

THEREFORE, BE IT RESOLVED That the City participate in the statewide cooperative purchasing agreement with the State of Michigan to provide road salt and that the mayor or clerk be directed to sign said contract on behalf of the City.

Council member Ridge moved, supported by Johnston to approve the first reading of Resolution No. 2017-24 to approve purchase of road salt as presented. Carried. 5 Yes. 0 No.

F. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-27 ESTABLISHING A STREET IMPROVEMENT PROGRAM:

Three different resolutions were presented for council consideration for establishing a street improvement program.

Discussion was held on a plan to restrict the use of the O-I funds. City Manager Guetschow will draft some language for discussion at the next meeting to get the process started.

Discussion was held among the council members present and it was decided to discuss the resolutions at the next meeting because two council members were not present.

G. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2017-29 TO SELL PROPERTY TO MICHELS CORPORATION:

WHEREAS, the City owns a parcel of property located on Packard Highway in the Combs Industrial Park legally described as follows:

COM 502.2 FT W OF S 1/4 COR; W 287.31 FT; N 0D 10' 08" W 500 FT; E 287.31 FT; S 500 FT TO POB. SEC 6, T2N,R4W, CITY OF CHARLOTTE. 3.30 ACRES SEC.6,

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T2N,R4W, CITY OF CHARLOTTE 1988 T.I.F.A. SPLIT
ON 05/04/1999 FROM 200-006-300-210-00; and

WHEREAS, the City has received an offer to purchase said parcel for \$38,000 from 2000 PSTK Holdings LLC which offer is contained in a proposed purchase agreement dated February 23, 2017; and

WHEREAS, the City finds that the property is not needed for corporate or public purposes; and

WHEREAS, the City Attorney has reviewed the proposed purchase agreement and has approved it as to form;

THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the execution of the proposed purchase agreement and such other actions as are necessary to complete the sale of Parcel #200-006-300-210-01 in accordance with its provisions.

Council member Bahmer moved, supported by Sanders to approve the first reading of Resolution No. 2017-29 to sell property to Michels Corporation as presented. Carried. 5 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow reported because of the storm damage last week the City is planning to announce a special curb-side brush pickup in the next couple of weeks. The FBO at the airport is arranging for a new flight school at the airport due to the closing of the present school. The city is working to formalize a Friends of CARA nonprofit in the near future. City Manager Guetschow reported that the city staff has begun working with the task management software to better track interdepartmental initiatives.

COUNCILMEMBER COMMITTEE REPORTS:

- Council member Ridge stated the Recreation Co-Op received bids last week for the softball field project and if all goes well the construction should start in the spring.
- Council member Bahmer reported that the Planning Commission met last week on March 7th. There were several items on the agenda related to the Edmond Senior project, conditional use permit for 945 Reynolds Rd. and two temporary use permits for fireworks at both Meijer and Walmart. All issues on the agenda passed.

PUBLIC COMMENT: Don Sovey, 106 Kensington Ct., asked council to help public to understand the street projects more clearly. He would like to understand the percentage of roads to be done and more of the big picture. He suggested posting this information to the website as well as the paper.

Mark Morris, 307 Pearl, is concerned with the areas that do not have sidewalks in town.

MAYOR AND COUNCIL COMMENTS

- Council member Johnston thanked Mr. Sovey and Mr. Morris for their comments. He stated that he is excited and hopeful for the charter amendment regarding the O-I Funds.
- Council member Ridge stated that she was excited that Governor Snyder announced that Charlotte was selected for Michigan Main Street program. There will articles coming in the newspaper.
- Council member Bahmer thanked whoever retrieved his cover to the phone box that blew away in the wind storm on Wednesday. He also thanked Jason and Daryl Vanderstelt for their donation of the bench by the new art sculpture downtown.
- Mayor Lewis thanked Bryan Myrkle, City Manager Guetschow and Council member Ridge for all the work they have done through the Michigan Main Street program and Charlotte Rising.

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Council member Johnston moved, supported by Sanders to adjourn the meeting at 8:01 p.m. Carried. 5 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC