

COUNCIL PROCEEDINGS
Regular Meeting
October 9, 2017

CALL TO ORDER: By Mayor Lewis on Monday, October 9, 2017, at 7:00 p.m.

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

The invocation was offered by Pastor Gary Wales, Lawrence Ave. United Methodist Church followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF SEPTEMBER 25, 2017: Mayor Pro-Tem Sanders moved, supported by Johnston to approve the regular meeting minutes of September 25, 2017, as presented. 4 Yes. 0 No.

ABSENT: Council member Russo, Ridge, Mitchell.

Council member Johnston moved, supported by Bahmer to excuse Council members Russo, Ridge and Mitchell. Carried. 4 Yes. 0 No.

PUBLIC HEARINGS:

A. PUBLIC HEARING ORDINANCE REGARDING MINOR IN POSSESSION CIVIL INFRACTION:

Public Hearing Opened: 7:02 P.M.

No comment.

Public Hearing Closed: 7:02 P.M.

PUBLIC COMMENT: None.

APPROVAL OF AGENDA:

Council member Johnston moved, supported by Sanders to approve the agenda as presented. Carried. 4 Yes. 0 No.

SPECIAL PRESENTATIONS:

PRESENTATION BY FIRE DEPARTMENT REGARDING REPLACEMENT OF TRUCK #315

Chief Kevin Fullerton and Assistant Chief Tyger Fullerton gave a presentation on replacement of Fire Truck #315 and fire statistics.

Chief Fullerton gave an overview of the cost for the new truck and the discounts being provided by Spartan Motors. He stated that there is a crack in the tank of the current unit and it is no longer safe to operate. He stated that they had planned to replace #311 in 2018, however they will put that off until 2020. Chief Fullerton stated that Bill Foster worked with them to come up with the best pricing possible.

Councilmember Bahmer questioned if using the LDFA loan source was still an option.

City Manager Guetschow stated that was still the plan to approach the LDFA however, they would have to determine what level of funding that they want to maintain.

Assistant Chief Fullerton stated that the Charlotte Fire Department has been working with the Michigan State Police on fire investigations and recreation of fires. He stated the runs are up to 588 year to date. Last year this number wasn't hit until beginning to mid December. He stated that fire gear has went up significantly in cost. He stated that they have completed concrete work at the west side and the work was done in house. He stated that the volunteers have put in over 3,000 hours this year. He reminded everyone that the Open House will be held on Wednesday, October 11th at the West Side Fire Station.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2017-105 TO AUTHORIZE CHANGE ORDER #1 AND PAYMENT FOR USA EARTHWORKS- EAST LOVETT STREET CONSTRUCTION:

RESOLUTION NO. 2017-105

A RESOLUTION TO AUTHORIZE CHANGE ORDER #1 AND PAYMENT FOR USA EARTHWORKS – EAST LOVETT STREET RECONSTRUCTION

WHEREAS, the East Lovett Street Project contract was awarded to USA Earthworks by City Council on July 10, 2017 in the amount of \$247,511.37; and

WHEREAS, the contract is a unit price contract whereby the City is charged by actual quantities of items constructed resulting in a balancing change order; and

WHEREAS, contract additions in the amount of \$15,900.00 were authorized for the addition of two live valve insertions on

Cochran Ave. for the watermain connection, addition of a sewer lead at 147 S. Cochran Ave. and the additional exploratory digging of an unknown gas line; and

WHEREAS, the total cost of the East Lovett Street Project is \$265,898.03; and

WHEREAS, the \$15,900.00 for the valves, sewer lead and gas pipe exploration is included in the balancing Change Order #1 for a total increase of \$17,436.66 on the project; and

WHEREAS, there is a retainage of \$5,000.00 on the project until all of the restoration items are complete; and

WHEREAS, progress payments to date for the East Lovett Street Project totaling \$106,843.95 have been approved by the City Council.

THEREFORE, BE IT RESOLVED that the City Council authorizes contract Change Order #1 in the amount of \$17,436.66 and payment to USA Earthworks in the amount of \$154,054.08.

Mayor Pro-Tem Sanders moved, supported by Johnston to approve Resolution No. 2017-105 to authorize Change Order #1 and payment for USA Earthworks – East Lovett Street Construction as presented. Carried. 4 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2017-106 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

RESOLUTION NO. 2017-106

A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY

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WHEREAS, Section 7.7 (B) of the City Charter requires Council approval for the expenditure of city funds; and
WHEREAS, the September 29, 2017 payroll totaled \$141,741.32; and
WHEREAS, the October 9, 2017 claims total \$284,929.79;
THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for October 9, 2017 in the amount of \$426,671.11.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE: Council member Johnston moved, supported by Sanders to approve Resolution 2017-106 for expenditures of the City for October 9, 2017 as presented. Carried. 4 Yes. 0 No.

Council member Bahmer asked that a resolution be prepared in the future for wholesale quotes on fuel waiving the bidding process.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF ZONING MAP AMENDMENT ORDINANCE NO. 2017-06 FOR HAYES GREEN BEACH PROPERTY FROM OS-1 (OFFICE SERVICE DISTRICT) TO PDD (PLANNED DEVELOPMENT DISTRICT):

**CITY OF CHARLOTTE
ORDINANCE NO. 2017-06**

AN ORDINANCE TO AMEND CHAPTER 82 - ZONING, BY AMENDING THE ZONING MAP TO CHANGE FROM OS-1 (OFFICE SERVICE DISTRICT) TO PD (PLANNED

DEVELOPMENT 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:

200-000-008-011-00

LOT 1 & S 1/2 OF ADJACENT VACATED E STODDARD ST ON N. BLK 8, O.P. CITY OF CHARLOTTE

200-000-008-042-00

LOT 4. N 8 FT OF W 95 FT LOT 5. LOTS 2 & 3 LYING SW OF R.R. R/W, THAT PORTION OF S 1/2 OF VACATED E STODDARD ST ADJACENT TO N SIDE. BLK 8. O.P., CITY OF CHARLOTTE

200-000-008-091-01

LOT 5 EXC N 8 FT OF W 95 FT. LOTS 6 & 7 EXC RR R/W. LOTS 8 THRU 22. N 1/2 OF LOTS 23 & 24. COM E LINE BLK 8 OF THE O.P. AT A PT THAT INTERSECTS NW COR LOT 3, ROBINSONS ADD; N 58 FT ALG E LINE BLK 8 TO SWLY LINE GTWRR R/W; N 45D 46' 05" W 128.45 FT; N 45D 59' 01" W 75.38 FT TO S LINE OF STODDARD ST; E 60.14 FT; S 44D 17' 33" E 47.44 FT; S 43D 25' 34" E 63.8 FT; S 42D 07' 17" E 47.63 FT; S 41D 04' 50" E 58.95 FT; S 40D 05' 12" E 52.5 FT TO N LINE OF LOT 3 OF ROBINSONS ADD; W 95.48 FT TO POB. PART OF SEC 7 & PART OF BLK 8 ROBINSONS ADD AND ALSO S 1/2 OF ADJACENT VACTED E STODDARD ST. O.P. OF CHARLOTTE.

200-000-008-240-00

S 1/2 OF LOTS 23 & 24. BLOCK 8. O. P. CITY OF CHARLOTTE
200-077-600-030-01

LOTS 3 & 4. ROBINSON'S ADDITION CITY OF CHARLOTTE
EXCEPT THAT PART LYING SOUTH OF A LINE WITH POB 12
FT NWLY ALONG N LINE OF HARRIS ST FROM SLY COR
LOT 4 , ROBINSONS ADDITION AND ENDING AT A PT 10 FT
NELY ALONG W LINE OF LANSING RD FROM SLY COR
SAID LOT 4. ROBINSONS ADDITION, CITY OF CHARLOTTE.

is hereby rezoned from OS-1 (Office Service District) TO
PD (Planned Development 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. 2017-06 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.

**Council member Bahmer moved, supported by Johnston to
approve the Zoning Map Amendment for Hayes Green Beach
Property from OS-1 (Office Service District) to PD (Planned
Development District) as presented. Carried. 4 Yes. 0 No.**

**B. CONSIDER APPROVAL OF RESOLUTION NO. 2017-
102 TO APPROVE FARMLAND PA 116 REQUESTS:**

RESOLUTION NO. 2017-102

**A RESOLUTION TO APPROVE THREE APPLICATIONS
FROM GROWING ACRES, LLC FOR PARCELS TO BE
INCLUDED FARMLAND AND OPEN SPACE
PRESERVATION PROGRAM**

WHEREAS, the City has received applications dated August 2,
2017 from Growing Acres, LLC, 3121 Wheaton Road,
Charlotte MI 48813 to include three parcels of land located
in Eaton and Carmel Townships in the Farmland and Open
Space Preservation Program; and

WHEREAS, these parcels of land are located outside the limits of
the City of Charlotte and are not included within any
planned development area of the City nor are the parcels
included within any area planned for development in the
City's Master Plan; and

WHEREAS, the Council finds that preservation of farmland and
open space contributes to the public health, safety and
welfare;

THEREFORE, BE IT RESOLVED that the City Council does
hereby approve the three applications submitted by Growing
Acres, LLC for parcels to be included in the Farmland and
Open Space Preservation Program and authorizes the clerk
to execute the documents on behalf of the City.

**Mayor Pro-Tem Sanders moved, supported by Bahmer to
approve the Resolution No. 2017-102 to approve Farmland PA
116 request as presented. Carried 4 Yes. 0 No.**

C. CONSIDER APPROVAL OF RESOLUTION NO. 2017-104 CERTIFIED GRANT ADMINISTRATOR CONTRACT WITH REVITALIZE, LLC:

RESOLUTION NO. 2017-104

A RESOLUTION TO APPROVE AN AGREEMENT WITH REVITALIZE, LLC FOR ADMINISTRATIVE SERVICES ASSOCIATED WITH THE BEACH MARKET COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

WHEREAS, the City of Charlotte will need the services of a Certified Grant Administrator for its Beach Market Community Development Block Grant Project; and

WHEREAS, Revitalize, LLC was selected to be that administrator through a competitive selection process as required; and

WHEREAS, an appropriate contract between Revitalize, LLC and the City of Charlotte is necessary; and

WHEREAS, the proposed contract meets the requirements of the Community Development Block Grant program;

THEREFORE, BE IT RESOLVED that the proposed contract between Revitalize, LLC and the City of Charlotte is hereby authorized.

Council member Johnston moved, supported by Sanders to approve Resolution No. 2017-104 certified grant administrator contract with Revitalize, LLC as presented. Carried. 4 Yes. 0 No.

D. CONSIDER APPROVAL OF ORDINANCE NO. 2017-10 MINOR IN POSSESSION CIVIL INFRACTION:
ORDINANCE NO. 2017-10

AN ORDINANCE TO AMEND SECTION 6-10 MINOR IN POSSESSION - AND TO REPEAL SECTION 6-12 – REFUSAL TO SUBMIT TO A PRELIMINARY BREATH ANALYSIS; CIVIL INFRACTION - OF ARTICLE I OF CHAPTER 6 – ALCOHOLIC LIQUORS - OF THE CODE OF THE CITY OF CHARLOTTE, IN ORDER TO CONFORM THE OFFENSE OF MINOR IN POSSESSION OF ALCOHOL WITH STATE LAW WITHIN THE CITY OF CHARLOTTE.

THE CITY OF CHARLOTTE ORDAINS:

1. Sections 6-10 Article I of Chapter 6 of the Code of the City of Charlotte is hereby amended to read as follows:

Sec. 6 – 10. MINOR IN POSSESSION.

(a) *Prohibited; enforcement.*

- (1) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this section is responsible for a civil infraction or guilty of a misdemeanor as set forth in 6-10(h) of this code.
- (2) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request the person to submit to a preliminary chemical breath analysis. If the minor does not consent to

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a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a peace officer may seek to obtain a court order. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a civil infraction proceeding or criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.

(3) A law enforcement agency, on determining that an individual who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall comply with MCL 436.1703(8).

(b) *Exceptions.* The provisions of subsection (a) of this section shall not apply to the following:

(1) A minor who possesses alcoholic liquor during regular working hours and in the course of his or her employment, if employed by a person licensed under the Michigan Liquor Control Code, by the liquor control commission, or by

an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

- (2) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member, if the purpose of the consumption is solely educational and is a requirement of the course.
- (3) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple.
- (4) An undercover operation as set forth at MCL 436.1703(15).
- (5) A minor who has consumed alcoholic liquor and who voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of MCL 750.520b to MCL 750.520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to MCL 750.520g, committed against a minor.
- (6) A minor who accompanies an individual who meets both of the following criteria:

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- (i) Has consumed alcoholic liquor.
- (ii) Voluntarily presents himself or herself to a health facility of agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of MCL 750.520b to MCL 750.520g, committed against a minor.

(7) A minor who initiates contact with a peace officer or emergency medical service personnel for the purpose of obtaining medical assistance for a legitimate health care concern.

(c) *Affirmative defense.* In a prosecution for a violation of this section, it is an affirmative defense that the minor consumed alcoholic liquor in a venue or location where that consumption is legal.

(d) *Definition of “any bodily alcohol content”.* As used in this section “any bodily alcohol content” means either of the following:

- (1) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (2) Any presence of alcohol within a person’s body resulting from the consumption of alcoholic liquor, other than consumption of

alcoholic liquor as a part of a generally recognized religious service or ceremony.

(e) *Definition of “Emergency medical services personnel.”* As used in this section “emergency medical services personnel” means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

(f) *Definition of “Health facility or agency.”* As used in this section “health facility or agency” means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(g) *Definition of “minor”.* As used in this section a “minor” means a person less than 21 years of age.

(h) A person who violates section 6-10(a) is responsible for a civil infraction or guilty of a misdemeanor as follows and subject to the following fines, penalties and sanctions:

- (1) For the first violation, the minor is responsible for a civil infraction and shall be fined not more than \$100.00,. A Court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of substance abuse services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as

described in MCL 436.1703(5). A minor may be found responsible or admit responsibility only once under this subdivision or a corresponding subdivision of state law or another municipal ordinance.

(2) If a violation of sec. 6-10(a) occurs after 1 prior judgement , the minor is guilty of a misdemeanor. A misdemeanor under this subsection is punishable by imprisonment for not more than 30 days if the court finds the minor violated an order of probation, failed to successfully complete any treatment, screening or community service ordered by the court, or failed to pay any fine for that conviction, a fine of not more than \$200.00 or both. A court may order a minor under this subsection to participate in substance use prevention disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of substance abuse services ,to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in MCL 436.1703(5). A person is also subject to sanctions against his or her operator's or chauffeur's license imposed under state law.

(3) If a violation of sec. 6-10(a) occurs after 2 or

more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this section is punishable by imprisonment for not more than 60 days if the court finds the minor has violated an order of probation, failed to successfully complete any treatment, screening or community service ordered by the court, or failed to pay any fine for that conviction, by a fine of not more than \$500.00, or both, as applicable. A court may order a minor under this subsection to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of substance abuse services , to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in MCL 436.1703(5). A person is also subject to sanctions against his or her operator's or chauffeur's license imposed under state law.

(4) If an individual who pleads guilty to a misdemeanor violation of sec. 6-10(a), the court, without entering a judgment of guilt, with the consent of the accused, may defer further proceedings and place the individual on

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probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in section 6-10(h)(3), payment of the costs including any minimum state costs, and the costs of probation. If a court finds that an individual violated a term or condition of probation or that the individual is utilizing a corresponding provision in another court, the court may enter an adjudication of guilt and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. An individual may obtain only 1 discharge or dismissal under this section as to an individual or any corresponding provision of the state law or local ordinance. In accordance with the corresponding provisions of state law, the court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation under this section. The court shall provide the secretary of state

with a record of the plea and discharge under this section to allow the secretary of state to retain and disseminate a nonpublic record of a plea and of the discharge and dismissal under the procedures established for the corresponding state law provision.

- (5) A misdemeanor violation of sec. 6-10(a) successfully deferred, discharged and dismissed under sec. 6-10(h)(4) is considered a prior judgment for the purposes of sec. 6-10(h)(3).
- (6) As used in this section, prior judgment means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:
 - (i) MCL 436.701, MCL 436.703 or MCL 436.707.
 - (ii) MCL 257.624a, MCL 257.624b or MCL 257.625.
 - (iii) MCL 324.80176, MCL City Council Minutes 10-09-2017

324.81134 or MCL 324.82127.

(iv) MCL 750.167a and MCL 750.237.

2. Section 6-12 of Article I of Chapter 6 of the Code of the City of Charlotte is hereby repealed in its entirety from the Code of the City of Charlotte and is void and no longer in full force and effect.

This ordinance shall become effective January 1, 2018 and after publication.

Council member Johnston moved, supported by Bahmer to approve Resolution No. 2017-104 certified grant administrator contract with Revitalize, LLC as presented. Carried. 4 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER FIRST READING OF RESOLUTION NO. 2017-107 TO AUTHORIZE REPLACEMENT OF FIRE DEPARTMENT PUMPER/TANKER/TELE SQUIRT #315:

RESOLUTION NO. 2017-107

**A RESOLUTION TO AUTHORIZE THE REPLACEMENT
FIRE DEPARTMENT PUMPER / TANKER / TELE SQUIRT
#315**

WHEREAS, the Charlotte Fire Department must replace the Pumper / Tanker / Tele Squirt #315 because of a cracked frame and it has been deemed out of service by the factory engineers and

the Charlotte Fire Department is operating at a disadvantage because the truck is deemed out of service; and

WHEREAS, this truck was built in 1986 and was scheduled to be replaced in 2020; and

WHEREAS, Spartan Motors has offered to replace the entire truck and apparatus with a new Pumper / Tanker / Tele Squirt at a cost of \$800,000.00; and

WHEREAS, the normal pricing of this new truck & apparatus is \$912,198 (which is a discount of 12%); and

WHEREAS, we have received pricing from two other manufacturing companies, Pierce: \$968,000.00 and Smeal: \$1,010,000.00; and

WHEREAS, Spartan Motors is a local manufacturing company located in Charlotte; and

WHEREAS, Spartan Motors currently supplies parts at wholesale prices and labor at almost no cost to repair our entire fleet of trucks; and

WHEREAS, the Rural Fire Association approved the purchase of this truck from Spartan Motors at their meeting held on September 27, 2017, for the Rural Fire Associations share of \$400,00.00; and

WHEREAS, the Charlotte Volunteer Firefighters have reviewed the Pumper / Tanker / Tele Squirt specifications and have concluded that the offer from Spartan Motors is in the best interest of the Charlotte Fire Department.

THEREFORE, BE IT RESOLVED that the City of Charlotte purchase a new Pumper / Tanker / Tele Squirt from Spartan Motors for the amount of \$800,000.00 with 50% of the cost being paid by the Rural Fire Association.

Council member Bahmer moved, supported by Sanders to approve the first reading of Resolution No. 2017-107 to authorize replacement of Fire Department Pumper/Tanker/Tele Squirt #315 as presented. Carried. 4 Yes. 0 No.

B. CONSIDER FIRST READING OF RESOLUTION NO. 2017-108 TO AWARD BID FOR DEMOLITION OF 108/110 E. LAWRENCE AVE. TO MSC EXCAVATING IN THE AMOUNT OF \$35,000.00:

RESOLUTION NO. 2017-108

A RESOLUTION TO AWARD A BID AND EXECUTE AN AGREEMENT WITH MCS EXCAVATING OF HOLT, MICHIGAN FOR THE DEMOLITION OF 108 & 110 E. LAWRENCE AVENUE

WHEREAS, the City of Charlotte owns the buildings at 108 & 110 E. Lawrence Avenue; and

WHEREAS, the City of Charlotte desires to raze these buildings; and

WHEREAS, public bids were let for this project; and

WHEREAS, the lowest responsible bidder was MCS Excavating of Holt, Michigan;

THEREFORE, BE IT RESOLVED that the bid from MCS Excavating in the amount of \$35,000 is hereby accepted; and

FURTHERMORE, BE IT RESOLVED that City officials are directed to execute the necessary agreement (contract) with MCS Excavating for this work

Mayor Pro-Tem Sanders moved, supported by Johnston to approve the first reading of Resolution No. 2017-108 to award bid for demolition of 108/110 E. Lawrence Ave. to MSC Excavating in the amount of \$35,000.00 as presented. Carried. 4 Yes. 0 No.

C. CONSIDER FIRST READING OF RESOLUTION NO. 2017-109 TO AUTHORIZE CONTRACT WITH PREIN & NEWHOF FOR ENGINEERING SERVICES RELATED TO RECONSTRUCTION OF STATE & LINCOLN STREETS NOT TO EXCEED THE AMOUNT OF \$125,000.00:

RESOLUTION NO. 2017-109

A RESOLUTION TO AUTHORIZE A CONTRACT WITH PREIN & NEWHOF FOR ENGINEERING SERVICES RELATED TO RECONSTRUCTION OF STATE AND LINCOLN STREETS

WHEREAS, the City Council approved the reconstruction of South Lincoln Street from Lawrence Avenue to West Seminary Street and State Street from West Seminary Street to West Shepherd Street at their meeting on February 27, 2017; and

WHEREAS, the project is to be built during the summer of 2018; and

WHEREAS, certain members of City Council wanted professional services for road engineering to be bid out; and

WHEREAS, a Request for Qualifications (RFQ) was prepared in 2016 by the Public Works Director that vetted out qualified firms for the work, and

WHEREAS, a Request for Proposals was prepared in 2017 by the Public Works Director and sent to five of the six firms that submitted an RFQ, and

WHEREAS, Prein & Newhof has submitted the lowest proposal for the design and construction engineering for an amount of \$125,000.00 contingent on the review of the proposed contract by the City Attorney, and

WHEREAS, funding for the professional services related to reconstruction of Lincoln and State Streets will be charged to the Major Street Fund.

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

Mayor Pro-Tem Sanders moved, supported by Bahmer to approve the first reading of Resolution No. 2017-109 to authorize contract with Prein & Newhof for engineering services related to reconstruction of State & Lincoln Streets not to exceed the amount of \$125,000.00 as presented. Carried. 4 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow reported that the Planning Commission approved the conditional use permit and site plan for the proposed Dairy Queen project. He also stated that himself and Bryan Myrkle accepted, on behalf of the City, the Chamber of Commerce President's Award.

COUNCILMEMBER COMMITTEE REPORTS:

- Council member Bahmer gave an overview of the Planning Commission meeting on Tuesday, October 3rd. The Planning Commission approved a Zoning Map Amendment for Hayes Green Beach Hospital from OS-1 (Office Service 1) to PDD (Planned Development District). They also approved a Conditional Use and Site Plan for 407/415 S. Cochran, also known as the Dairy Queen.

PUBLIC COMMENT: **Joe Pray**, 316 W. Seminary, congratulated the City on receiving the Chamber of Commerce Presidents Award. He thanked the council for passing the first reading of Resolution No. 2017-108 for the demolition of 108/110 E. Lawrence and stated that he is excited to see this project move forward for the pocket park.

Ben Phlegar, 425 Horatio, stated that he feels that it is very important for the schools and the city to work together. He announced that he is working with the school to put together a CHS Sports Hall of Fame.

MAYOR AND COUNCIL COMMENTS:

- Council member Johnston thanked the Fire Department for their presentation. He thanked everyone for coming.
- Mayor Pro-Tem Sanders thanked everyone for coming. He thanked Chief Kevin Fullerton and Assistant Chief Tyger Fullerton. He encouraged everyone to look at the Fire Department statistics. He stated that there was 81 runs in the past month. He thanked the volunteers and thanked council

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for buying them the equipment and trucks that they need. He stated that this would be his last meeting. He has been on the council for the past eight years and had to make some tough decisions. He thanked council and stated that it has been a pleasure serving the community.

- Council member Bahmer stated that the community has lost a great man, Leo Ryan and he will be missed.
- City Clerk Terpstra stated that tomorrow, October 10th is the last day to register to vote for the November election. She encouraged anyone who will be away from the polls to obtain an absentee ballot.
- Mayor Lewis thanked the Fire Department for all that they do. He stated he attended the variety show over the weekend and that we have very talented individuals in the City. He stated that he would be attending the fund raiser for the Teen Center and encouraged everyone to attend. He thanked Mayor Pro-Tem Sanders for his tenure of 8 years of service to the citizens of Charlotte.

Council member Johnston moved, second by Sanders to adjourn at 8:00 p.m. Carried. 4 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC