

**COUNCIL PROCEEDINGS**

**Regular Meeting  
October 12, 2020**

**CALL TO ORDER:** By Mayor Armitage on Monday, September 28, 2020 at 7:01 p.m.

**PRESENT:** Mayor Pro-Tem Dyer, Councilmembers Baker, Hoogstra, McRae, VanStee, Weissenborn, Mayor Armitage

**ABSENT:** None

**STAFF PRESENT:** Interim City Manager Thomas, Interim City Clerk/Treasurer McClary, Police Chief Brentar, DPW Director Gilson, Community Development Director Myrkle

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

The invocation was offered by Fr. Dwight Ezop of St. Mary's Catholic Church, Charlotte, Michigan.

The Pledge of Allegiance was recited.

**APPROVAL OF REGULAR SESSION MINUTES OF SEPTEMBER 28, 2020:** Council member Baker moved, supported by VanStee, to approve the regular session meeting minutes of September 28, 2020 as presented. Carried. 7 Yes. 0 No.

**PUBLIC HEARINGS:**

**Downtown Sidewalk Snow Removal Special Assessment Project Needs Hearing:**

Community Development Director Myrkle reviewed his October 6, 2020, memo to city council, presented an overview of the project, the reasons for the special assessment district, and the benefits of specially assessing for snow removal rather than property owners contracting on their own.

Mayor Armitage opened the public hearing at 7:07 PM.

No public comments were received.

Mayor Armitage closed the public hearing at 7:08 PM.

**PUBLIC COMMENT:**

DPW Director Gilson addressed the city council regarding the Independent Bank Day of Service and expressed her appreciation for the \$1,000 donation to CARA.

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

Mayor Pro-Tem Dyer moved, supported by Hoogstra, to approve the regular agenda as presented. Carried. 7 Yes. 0 No.

Council member Baker moved, supported by Hoogstra, to approve the consent agenda as presented. Carried. 7 Yes. 0 No.

**SPECIAL PRESENTATIONS:**

There were no special presentations.

**EXPEDITED RESOLUTIONS AND ORDINANCES**

**A. CONSIDER APPROVAL OF RESOLUTION NO. 2020-129 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:**

**RESOLUTION NO. 2020-129**

**A RESOLUTION TO APPROVE  
EXPENDITURES OF THE CITY  
FOR OCTOBER 12, 2020**

**WHEREAS**, Section 7.7(B) of the City Charter requires Council approval for the expenditure of city funds; and  
**WHEREAS**, the October 9, 2020, payroll totaled \$167,105.97; and  
**WHEREAS**, the October 12, 2020, claims total in the amount of \$141,009.94; and  
**WHEREAS**, September 28, 2020, insurance claims totaled \$1,012.42; October 5, 2020, insurance claims totaled \$1,586.94;  
**THEREFORE, BE IT RESOLVED** that the City Council approves claims and accounts for October 12, 2020, in the amount of \$310,715.27.

Council member Baker moved, supported by Hoogstra, to approve Resolution 2020-129 to approve claims and accounts for October 12, 2020, in the amount of \$310,715.27 as presented. Carried. 7 Yes. 0 No.

**B. CONSIDER APPROVAL OF RESOLUTION NO. 2020-130 REGARDING DETERMINATION OF NEED, APPROVAL OF PROJECT PLANS, ESTABLISHMENT OF SPECIAL ASSESSMENT DISTRICT, AND REQUEST FOR PREPARATION OF SPECIAL ASSESSMENT ROLL FOR DOWNTOWN SIDEWALK SNOW REMOVAL SPECIAL ASSESSMENT PROJECT:**

**RESOLUTION NO. 2020-130**

**SPECIAL ASSESSMENT PROJECT – DOWNTOWN  
SIDEWALK SNOW REMOVAL –  
RESOLUTION NO. 3**

**WHEREAS**, the City Council, after due and legal notice, has met and heard all persons to be affected by the proposed public improvement more particularly herein described, and

**WHEREAS**, the City Council deems it necessary and advisable to proceed with said public improvement as more particularly hereinafter described.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: procuring and providing sidewalk snow removal along portions of Harris Avenue, East Lawrence Avenue, Lovett Street, Seminary Street, Washington Street, Cochran Avenue and Bostwick Street as further described in Appendix A of this resolution; and
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$67,500.00, or \$13,500.00

each year and approves said estimated cost and determines that the estimated life of said public improvement is five (5) years; and

3. The City Council determines that of said total estimated cost, the sum of \$67,500.00 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described; and
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: portions of Harris Avenue, East Lawrence Avenue, Lovett Street, Seminary Street, Washington Street, Cochran Avenue and Bostwick Street as further described in Appendix A of this resolution; and

The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and

the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

**Council member Baker moved, supported by Hoogstra, to approve Resolution 2020-130 regarding determination of need, approval of project plans, establishment of special assessment district, and request for preparation of special assessment roll for the Downtown Sidewalk Snow Removal Special Assessment Project as presented. Carried. 7 Yes. 0 No.**

**C. CONSIDER APPROVAL OF RESOLUTION NO. 2020-131 REGARDING ACCEPTANCE OF SPECIAL ASSESSMENT ROLL AND SCHEDULING OF SPECIAL ASSESSMENT PUBLIC HEARING FOR DOWNTOWN SIDEWALK SNOW REMOVAL SPECIAL ASSESSMENT PROJECT – RESOLUTION NO. 4:**

**RESOLUTION NO. 2020-131**

**SPECIAL ASSESSMENT PROJECT – DOWNTOWN SIDEWALK SNOW REMOVAL – RESOLUTION NO. 4**

**WHEREAS**, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The City Council met in Council Chambers at the Charlotte City Hall, 111 E. Lawrence Avenue, Charlotte, Michigan at 7:00 p.m., on November 9, 2020 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City of Charlotte shall publish notice of said hearing once in the County Journal, not less than ten (10) days prior to said hearing and further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment,

as indicated by records in the City Assessor's office as shown on the general tax rolls of the city, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the city.

4. The notice of said hearing published and mailed shall be in substantially the following form:

**NOTICE OF HEARING TO REVIEW  
SPECIAL ASSESSMENT ROLL  
CITY OF CHARLOTTE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED  
PROPERTY:

(ADDRESS AND PARCEL NO.)

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements:

**DOWNTOWN SIDEWALK SNOW REMOVAL**

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk Prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject

to the proposed special assessment my file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet in Council Chambers at the Charlotte City Hall, 111 E. Lawrence Avenue, Charlotte, Michigan at 7:00 p.m., on November 9, 2020 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Council member Baker moved, supported by Hoogstra, to approve Resolution 2020-131 to accept the special assessment roll and to schedule a special assessment public hearing for Downtown Sidewalk snow Removal Special Assessment Project – Resolution No. 4 as presented. Carried. 7 Yes. 0 No.

**D. CONSIDER APPROVAL OF RESOLUTION NO. 2020-132 TO APPROVE AUTHORIZED SIGNERS FOR VARIOUS INDEPENDENT BANK ACCOUNTS AND CERTIFICATES OF DEPOSIT:**

**RESOLUTION NO. 2020-132**

**A RESOLUTION TO APPROVE AUTHORIZED SIGNERS FOR VARIOUS INDEPENDENT BANK ACCOUNTS AND CERTIFICATES OF DEPOSIT**

**WHEREAS**, pursuant to Section 7.7(B) of the City of Charlotte Charter, the city council has the authority to designate authorized signers for city bank accounts;

**NOW, THEREFORE, BE IT RESOLVED** that the Charlotte city council does hereby authorize City Manager Thomas Thomas, City Clerk/Treasurer Darwin McClary, and Deputy City Treasurer Lisa C. Brown as signers to Independent Bank accounts and certificates of deposit.

Council member Baker moved, supported by Hoogstra, to approve Resolution 2020-132 approving authorized signers on various Independent Bank accounts and certificates of deposit as presented. Carried. 7 Yes. 0 No.

**E. CONSIDER APPROVAL OF RESOLUTION NO. 133 TO AUTHORIZE A SALE OF FIREWOOD:**

**RESOLUTION NO. 2020-133**

**A RESOLUTION TO AUTHORIZE A SALE OF FIRE WOOD**

**WHEREAS**, the City removes trees throughout the year from the City right-of-ways; and

**WHEREAS**, it was previously determined that the wood had some value and should be sold by sealed bids annually; and

**WHEREAS**, an advertisement was placed in the local paper and sent to previous bidders for the seven stacks of wood; and

**WHEREAS**, four people submitted bids for ten of the sixteen stacks of wood with the highest bids totaling \$1,067.06.

**THEREFORE, BE IT RESOLVED** That the City sell wood stacks #1-2, 4-7, 10, 12-13, and 16 to the highest bidders of each wood stack totaling \$1,067.06 in accordance with the bid tabulation.

**Council member Baker moved, supported by Hoogstra, to approve Resolution 2020-133 approving authorizing a sale of firewood as presented. Carried. 7 Yes. 0 No.**

**ACTION ITEMS – RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2020-127 TO AUTHORIZE CHANGE ORDER #4 AND FINAL PAYMENT FOR LEAVITT & STARCK EXCAVATING – PARKING LOT #1:**

**RESOLUTION NO. 2020-127**

**A RESOLUTION TO AUTHORIZE CHANGE ORDER #4 AND FINAL PAYMENT FOR LEAVITT & STARCK EXCAVATING, INC.– PARKING LOT #1 RECONSTRUCTION**

**WHEREAS**, the Parking Lot #1 Reconstruction Project contract was awarded to Leavitt & Starck Excavating, Inc. by City Council on March 23, 2020 in the amount of \$465,616.80; 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**, the balancing Change Order #4 increases the contract price by \$45,977.40 resulting in a total project cost of \$577,386.67; and

**WHEREAS**, the General Fund will be charged \$486,310.67 and the Water and Sewer Fund will be charged \$91,076.00 based on actual quantities constructed.

**THEREFORE, BE IT RESOLVED** that the City Council approves contract Change Order #4 in the amount of \$45,977.40 and final payment to Leavitt & Starck Excavating, Inc. in the amount of \$36,384.06.

**Council member Baker moved, supported by Dyer, to approve Resolution No. 2020-120 to authorize the purchase of a 2021 Chevrolet Police Tahoe from Shaheen Chevrolet in the amount of \$37,970 as presented. 7 Yes. 0 No.**

**ACTION ITEMS – RESOLUTIONS AND ORDINANCES:**

- A. CONSIDER FIRST READING OF RESOLUTION NO. 2020-127 TO AUTHORIZE CHANGE ORDER #4 AND FINAL PAYMENT FOR LEAVITT & STARCK EXCAVATING – PARKING LOT #1 RECONSTRUCTION:**

**RESOLUTION NO. 2020-127**

**A RESOLUTION TO AUTHORIZE CHANGE ORDER #4 AND FINAL PAYMENT FOR LEAVITT & STARCK EXCAVATING, INC.– PARKING LOT #1 RECONSTRUCTION**

**WHEREAS**, the Parking Lot #1 Reconstruction Project contract was awarded to Leavitt & Starck Excavating, Inc. by City Council on March 23, 2020 in the amount of \$465,616.80; 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**, the balancing Change Order #4 increases the contract price by \$45,977.40 resulting in a total project cost of \$577,386.67; and

**WHEREAS**, the General Fund will be charged \$486,310.67 and the Water and Sewer Fund will be charged \$91,076.00 based on actual quantities constructed.

**THEREFORE, BE IT RESOLVED** that the City Council approves contract Change Order #4 in the amount of \$45,977.40 and final payment to Leavitt & Starck Excavating, Inc. in the amount of \$36,384.06.

**Council member Baker moved, supported by Hoogstra, to approve second reading and adoption of Resolution No. 2020-127 to authorize Change Order #4 and Final Payment for Leavitt &**



Starck Excavating for Parking Lot #1 reconstruction as presented. Carried. 7 Yes. 0 No.

**B. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2020-128 TO AUTHORIZE A CONTRACT WITH FISHBECK FOR MANHOLE INSPECTION SERVICES RELATED TO WASTEWATER SYSTEM ASSET MANAGEMENT PROGRAM:**

**RESOLUTION NO. 2020-128  
A RESOLUTION TO AUTHORIZE A CONTRACT WITH FISHBECK FOR MANHOLE INSPECTION SERVICES RELATED TO WASTEWATER SYSTEM ASSET MANAGEMENT PROGRAM**

**WHEREAS**, the Michigan Department of Environment, Great Lakes, & Energy (DEGLE) requires permit holders to prepare an Asset Management Plan (AMP) for the wastewater system to receive their new permit; and

**WHEREAS**, Fishbeck has completed certain aspects of the AMP including the Geographic Information System (GIS) mapping which identified 919 manholes which is 303 more manholes than originally estimated; and

**WHEREAS**, Fishbeck has submitted a proposal to perform Level I inspections for all 919 of the sanitary manholes for a fee not to exceed \$90,000.00, and

**WHEREAS**, funding for the professional services related to the AMP are in the FY 20-21 Budget and will be charged to the Water and Sewer Fund; and

**WHEREAS**, the budget number of \$65,000 for the Level I inspections was based on the original 616 manholes and will be supplemented by reserves to complete the entire project. **THEREFORE, BE IT RESOLVED** that the City Council enter into a contract with Fishbeck to provide the above mentioned services and that the Mayor or Clerk be directed to sign said contract on behalf of the City pending the attorney's review of the contract.

Council member Baker moved, supported by Hoogstra, to approve Resolution 2020-128 to authorize a contract with Fishbeck for manhole inspection services related to the wastewater system asset management program as presented. Carried. 7 Yes. 0 No.

**INTRODUCTION OF RESOLUTIONS AND ORDINANCES:**

None

**PUBLIC COMMENT:**

No public comments were received.

**COMMUNICATIONS AND COMMITTEE REPORTS**

**City Attorney's Report:** City Attorney Hitch's report dated October 8, 2020, was included in the packet..

**City Manager's Report:** Interim City Manager Thomas stated that city council needs to assist administration in prioritizing community development projects.

Community Development Director Myrkle presented a list of the community development projects currently underway. He stated that, while he is asking council to prioritize those projects, he understands that all of the projects need to get done. He agrees with the City Manager that the list of projects is challenging and needs some juggling. Other departments' lists are probably similar. He is looking forward to council's feedback.

Mayor Armitage stated that council needs to start having these discussions in conjunction with the goals, but let's start with a few items tonight.

Director Myrkle discussed 406 N. Sheldon, trees at the airport, downtown dumpster corral, Beech Market, developer interest in low/moderate income housing in the downtown, master plan rewrite, and planning commission training as some of his priority projects.

Mayor Armitage inquired about the status of the downtown trash receptacles.

Director Myrkle responded that he picked out 20 new receptacles but when putting them together, 36 of the 80 sides were not usable and need to be replaced.

Council Member Weissenborn inquired about a timeframe.

Director Myrkle responded that he needs to wait until the manufacturer is making green receptacles again. They only do one color at a time.

Council Member Hoogstra inquired whether there is any estimated time of arrival.

Director Myrkle responded maybe in the next month or so.

Council Member McRae inquired about whether the city is done with the downtown sidewalk snow removal special assessment process.

Director Myrkle responded no, City Clerk McClary advised him that a separate special assessment roll public hearing is required.

**Council Member Committee Reports:**

**Council Member McRae** reported that Eatran is seeking a millage renewal. This millage renewal is very important and is not an increase. He urges a vote in favor of the millage.

**Communication from Community Development Director regarding electric vehicle charging stations:**

The director's report was included in the packet.

**Report from the Mayor:**

The mayor's report was included in the packet, and Mayor Armitage summarized the report for council.

Council discussed changes to the city council meeting agenda format in response to the recent Michigan Supreme Court order striking down the governor's executive orders. Some council members expressed an interest in considering changes to the agenda format such as limitations on consent agenda items, eliminating the need for first and second readings of resolutions, and the attendance of the city attorney at council meetings.

**Communication from the Mayor regarding re-opening of city hall:**

The mayor's communication was in the packet, and the mayor summarized the communication for council.

Some council members expressed an interest in considering the re-opening of city hall at least for election-related activity, while other council members expressed some concerns. A suggestion was made to review Eaton County's practices. Any plan that is implemented would need to be flexible with changing conditions.

Interim City Manager Thomas stated that it is his second week with the city, and he is still learning who is supposed to be working at city hall. The city has staffing issues that need to be considered, and he will need to discuss with department heads how they could make it work if city hall were to re-open to the public.

Mayor Armitage stated that council needs to develop general guidance and work with the city manager to implement the plan.

Interim City Manager Thomas stated that he will be talking to directors tomorrow and will need to review how processes will work, for example parking permits. Administration will do what it can to make any plan work. He wants to be accommodating but keep everyone safe.

Council Member McRae stated that he is not opposed to re-opening carefully and encourages the city manager to continue discussions with staff.

Council Member Weissenborn expressed concerns about opening and then closing again if COVID-19 cases continue to increase. It can be messy to communicate to the public. The biggest concern is the safety of staff and the public. She expressed concerns about the feasibility of enforcement.

Mayor Armitage stated that Charlotte is the only municipality in Eaton County that is still closed to the public. He requested that the city manager develop a plan.

Mayor Pro-Tem Dyer stated that he is in favor of opening city hall for election activities but not for others. He would prefer to see the city manager settle in. Perhaps the council could consider this matter again after the election. He suggested utilizing digital options as an alternative to re-opening.

Council Member Baker stated that the council needs to find a balance and that the council should let the city manager develop a plan.

**MAYOR AND COUNCIL COMMENTS:**

- **Council Member VanStee** stated that the planning commission did not meet this month.
- **Council Member Weissenborn** welcomed the new city manager and thanked Independent Bank for its donation to CARA.
- **Council Member Hoogstra** thanked Independent Bank for its donation.

**ADJOURNMENT:**

**Council member Baker moved, seconded by Hoogstra, to adjourn at 8:00 P.M. Carried. 7 Yes. 0 No.**

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Mayor Armitage

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Darwin McClary, Interim City Clerk