

COUNCIL PROCEEDINGS
Regular Meeting
September 8, 2014

CALL TO ORDER: By Mayor Burch on Monday, September 8, 2014 at 7:00 p.m.

PRESENT: Councilmembers Conway, Dyer, Ridge, Cuttle, Baker, Mayor Pro-Tem Sanders, Mayor Burch, City Clerk Terpstra and City Manager Guetschow.

The invocation was offered by Mayor Burch followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF AUGUST 25, 2014: Councilmember Ridge moved, supported by Sanders to approve the minutes of August 25, 2014 as presented. Carried. 7 Yeas. 0 Nays.

ABSENT: None.

PUBLIC COMMENT: Shelli Smith, Barry-Eaton Health Department, announced that September is National Preparedness Month. She stated that the monthly newsletter will now have meeting dates and times included for the month.

Owen Whitkopf, Charlotte, thanked the Charlotte Police Department for the tremendous work that they did, especially Sgt. Brentar, for keeping them informed at all times, after a break in at their home. The entire department was very professional and did a great job.

Zach Story, 105 ½ S. Cochran, Ste. B, stated that he felt Frontier Days was very successful and very positive for the community.

CHARLOTTE HIGH SCHOOL LIAISON: No Report.

APPROVAL OF AGENDA: Councilmember Cuttle moved, supported by Sanders to approve the agenda as presented. 7 Yeas. 0 Nays.

APPROVAL OF CONSENT AGENDA:

- a) Approve waiver of bidding process to purchase Laser Technology Crash and Crime Scene Laser Equipment in the amount of \$5,545.25 utilizing the State Contract
- b) Accept recommendation of Director of Public Works for rejection of bids from Stambaugh Masonry Restoration, Inc. for Park Signs
- c) Approve Claims and Accounts in the Amount of \$315,042.00

APPROVAL OF CONSENT AGENDA BY ROLL CALL VOTE: Moved by Councilmember Conway, supported by Dyer to approve the consent agenda as presented. Carried. 7 Yeas. 0 Nays.

ITEMS OF BUSINESS:

A. PRESENTATION BY BLAIR BALLOU, EATON COUNTY ROAD COMMISSION TO ADDRESS COUNTY ROAD MILLAGE:

Blair Ballou, Eaton County Road Commission, addressed the council to explain the content of the Road Millage Question. It will be placed on the November ballot. He stated that it will levy 1.5 mills for twelve years and this will generate approximately five million dollars per year for a total of 60 million dollars. Approximately \$317,000 per year would come to the City of Charlotte. It is for the

purpose of resurfacing 262 miles of county roads, to resurface and reshape 500 miles of gravel roads, and to lay two layers of dust control twice a year on county gravel roads. This money would not be used for any new roads.

B. CONSIDER RESOLUTION 2014-19 IN SUPPORT OF EATON COUNTY ROAD MILLAGE:

WHEREAS, the Eaton County Road Commission and the City of Charlotte rely on a combination of Federal and State funding for the maintenance of their transportation infrastructure; and

WHEREAS, this funding continued to diminish over the recent years causing the conditions of the road systems to deteriorate; and

WHEREAS, the Eaton County Road Commission requested the Board of Commissioners consideration to seek a millage to provide additional funding for the resurfacing and rehabilitation of the Local Road system in the County; and

WHEREAS, the Eaton County Board of Commissioners approved language to seek a millage at the November 4, 2014 General Election; and

WHEREAS, the millage is being requested for authorization to levy 1.5 mills for a period of twelve years to resurface and rehabilitate Local Roads currently identified as being in poor or fair condition under the State-mandated rating system; and

WHEREAS, under state law the proceeds of the millage, if approved would be shared with the City of Charlotte for the resurfacing and rehabilitation of Streets within the City of Charlotte.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Charlotte hereby supports the passage of the Eaton County Road Repair and Rehabilitation Millage on November 4, 2014; and

BE IT FURTHER RESOLVED, that the City Council urges its residents to support the millage in order to provide funding to adequately maintain the City's transportation infrastructure.

Councilmember Baker moved, supported by Dyer to approve resolution 2014-19 in support of the Eaton County Road Millage proposal. Carried. 7 Yeas. 0 Nays.

C. APPROVE SECOND READING AND ADOPTION OF A TEXT AMENDMENT TO ZONING ORDINANCE SEC. 82-454(5) ACCESSORY BUILDING HEIGHT:

THE CITY OF CHARLOTTE ORDAINS:

1. Section 82-454 shall be, and is hereby amended to read as follows:

§ 82-454 ACCESSORY BUILDINGS AND USES.

Accessory buildings, structures and uses, except as otherwise permitted in this chapter, shall be subject to the following regulations.

(1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this chapter applicable to main buildings.

(2) Accessory buildings shall not be erected in any minimum side or front yard setback.

(3) A building accessory to a residential building may occupy not more than 25% of required rear yard, provided that in no instance shall the accessory building exceed 100% of the ground floor area of the main building. On a corner lot all of the land to the rear of the house may be utilized in the computation of percent of lot coverage

for accessory buildings.

(4) A detached building accessory to a residential building shall not be located closer than 10 feet to any main building nor shall it be located closer than 3 feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than 1 foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement right-of-way.

(5) No detached accessory building in R-1, R-2, RT, RM-1, RM-2, MH, OS-1, B-1 and P-1 Districts shall exceed 1 story or 14 feet in height; provided, however, when the detached accessory building is located in a rear yard with a ground elevation lower than that surrounding the main building, the height of the accessory building shall not exceed the height of a plane parallel to and 14 feet above the first floor of the main building. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in such districts.

(6) When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, such building shall not project beyond the side yard line of the lot in the rear of such corner lot. In no instance shall a building accessory to a residential building be located nearer than 10 feet to a street right-of-way line.

(7) Accessory buildings and structures shall be designed and constructed to be compatible with the design and construction of the principal building on the site. Design elements that should be considered in determining compatibility include: exterior building material (which need not be identical to the principal building but compatible in appearance), roof style and pitch, architectural style, and color.

(8) The provisions concerning the size and height in this section shall not apply to accessory buildings on a farm (such as barns and silos).

(9) Satellite dish antennas are subject to the following.

(a) Satellite dish antennas in all residential districts:

1. Roof-mounted antennas shall be located only on the rear one-half of the roof (that portion of the roof furthest from the street upon which the residential building abuts) so that it will be screened from the street side;

2. Roof-mounted antenna shall not project upward beyond the height in feet allowed for the main building within the district in which the satellite dish antenna is being placed;

3. Ground-mounted antennas shall only be located in the rear yard and shall not extend into any rear extension of required side yards;

4. Ground-mounted antennas shall not project upward more than 8 feet.

(b) Satellite dish antennas in all other districts:

1. No ground-mounted antennas shall be permitted;

2. A roof-mounted antenna shall not project upward beyond 10 feet measured from the roof upon which it is mounted. The combined height of the building and antenna shall not exceed the maximum allowable height for a building designated for that particular district in which the antenna is to be mounted.

(c) Building permits will be required before any satellite dish antenna with a diameter exceeding 24 inches may be installed and the installation of the antenna must conform to all requirements of the city code.

(10) Wireless transmission antennas and towers are subject to the following the requirements of § 82-459.

(a) A maximum height limit of 60 feet for towers and antennas is permitted in residential districts.

(b) No maximum height limit is required in nonresidential districts.

(c) In all districts a tower or antenna shall be located on the parcel or lot in such manner that the base of the tower or antenna is set back from all property lines not less than the height of the tower or antenna.

(11) Recreational equipment owned by residents of the city may be stored on their individual lots and shall be stored only within the confines of the rear yard and shall further respect the requirements of this section applicable to accessory buildings

and structures, insofar as distances from principal structures, lot lines and easements are concerned. All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be occupied. In those instances where a rear yard is not accessible, the Building Official may allow recreational equipment to be parked or stored in a side yard, provided such parking or storage shall be behind the front of the principal building.

(12) The parking of a trailer coach, travel trailer or camper trailer when in use or occupied for periods exceeding 24 hours on lands not approved for such use shall be expressly prohibited, except that the Building Official may extend temporary permits allowing the parking of such trailer coach, travel trailer or camper trailer in a rear yard on private property, not to exceed a period of 2 weeks. All trailer coaches, travel trailers or camper trailers parked or stored shall not be connected to sanitary facilities.

(13) A resident of a dwelling unit may have not more than 1 motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. A resident may conduct minor automobile repairs of vehicles of the resident such as oil changes and tune ups between the hours from sunrise to sunset on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicle of other than a resident of the dwelling unit on such property. The sale of vehicles from a residential property shall not exceed 2 vehicles in any 1 year for a period not to exceed 2 weeks in any 1 year.

(14) Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.

(15) Wind generators may be permitted in rear yards when the following conditions are met.

(a) The highest point of any portion of the generator shall not exceed 35 feet above the average grade of the lot.

(b) The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.

(c) The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind activated surfaces shall not exceed 30% of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.

(d) The construction of the tower, blades, base structure, accessory building and wiring shall meet all applicable local building codes and ordinances.

(16) In all office, service and business districts, rooftop equipment and apparatus shall be screened from ground level by being housed in a penthouse or structure constructed of the same type of building materials used in the principal structure or by building design.

(17) Temporary carport and storage structures shall be

under the jurisdiction of the Zoning Board of Appeals.

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

Councilmember Sanders moved, supported by Cuttle to adopt text amendment to zoning ordinance Sec. 82-454(5) Accessory Building Height as presented. Carried. 7 Yeas. 0 Nays.

D. APPROVE SECOND READING AND ADOPTION OF A TEXT AMENDMENT TO ZONING ORDINANCE SEC. 82-56 – BOARD OF APPEALS TO TAKE EFFECT IMMEDIATELY:

THE CITY OF CHARLOTTE ORDAINS:

1. Section 82-56 shall be, and is hereby amended to read as follows:

§ 82-56 CREATION; MEMBERSHIP.

(A) There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided in Article VI of Public Act 110 of 2006, being MCLA 125.3601 to 125.3607, as amended, in such a way that the objectives of this chapter shall be observed, public safety secured and substantial justice done. The City Council shall act as the Board of Zoning Appeals.

(B) A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(C) The Mayor and Mayor Pro-Tem shall act as the Chairperson

and Vice-Chairperson. The City Clerk shall serve as the Secretary of the Zoning Board of Appeals.

(D) The City Council may also, if it so desires, appoint not more than 2 alternate members for the same term as regular members of the Board of Appeals. An alternate member may be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Appeals.

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

Councilmember Conway moved, supported by Dyer to adopt text amendment to zoning ordinance Sec. 82-56 Board of Appeals to take effect immediately as presented. Carried. 7 Yeas. 0 Nays.

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow stated he and Bryan Myrkle attended the annual MDOT-Aero planning meeting to discuss the five year plan for the airport.

Amy Gilson, Director of Public Works has received a grant funding the reconstruction of N. Sheldon Street between Lawrence Ave. and Foote Street.

COUNCILMEMBER COMMITTEE REPORTS:

- Councilmember Cuttle reported that the Planning Commission, at their September meeting, discussed the two text amendments and also discussed Mixed Use/Overlay Zoning and that they will be forming a subcommittee to discuss it further.
- Councilmember Conway attended a Rec-CoOp meeting and they are still working on the Jr. Oriole Softball field project.
- Councilmember Baker stated that Eatran is still in need of drivers.

PUBLIC COMMENT: **Zach Story, 105 ½ S. Cochran, Ste. B,** stated that he feels the City Manager should be elected. He stated that car and clothing allowances should be cut from the budget.

Daryl Baker, 406 E. Third, stated that he has served on the County Board of Commissioners and that the Road Commission did a good job putting together the proposal for the road millage. He stated that no one likes more taxes, however the roads need fixing. It is time to take action for the safety and well being of the citizens. He thanked Councilmembers and the City Manager for their continued service to the community.

Cindy Miller, 407 Warren, echoed comments on the great job that the our Police Department does. She thanked Councilmembers for all that they do for the community and commended the City Manager.

MAYOR AND COUNCIL COMMENTS:

- Councilmember Cuttle thanked citizens for coming out to the meeting. He commended Officer Castle for the help that he gave his son in a recent accident, stating that he was very professional.

- Councilmember Dyer announced the upcoming Olivet College 5K Run/Walk, October 11, 2014 to benefit Olivet Good Neighbor Food Pantry and Eaton County United Way projects. He thanked everyone for attending.
- Councilmember Ridge thanked the Frontier Days committee for all that they do throughout the year to make a successful festival. She also thanked the police department for all that they do to make a safe festival. She thanked Mr. Ballou and Daryl Baker for attending and presenting the road millage proposal. She thanked everyone for their comments.
- Mayor Pro-Tem Sanders thanked everyone for coming out.
- Councilmember Conway stated that the comments about the proficiency of the police department speaks volumes as to not making further cuts to that department. This type of service would not be possible if cuts are made to the department. He stated that car and clothing allowances are ways of reducing long term liability, noting that it does not raise retirement costs thru pensions etc.
- Councilmember Baker thanked everyone and wished them a good week.
- Mayor Burch thanked Mr. Ballou, Eaton County Road Commission, for speaking about the Road Millage proposal. She thanked the Frontier Days Board and volunteers for a successful event. She stated that a co-worker had been in an accident last week and she was told that our police department and emergency responders did an excellent job comforting her and her child. She encouraged Mr. Story to contact Grace at the Chamber of Commerce to reach out and help with that

festival next year if he would like to make some changes.

Councilmember Conway moved to adjourn at 7:50 P.M.

Mayor Burch

Ginger Terpstra, City Clerk