

COUNCIL PROCEEDINGS
Regular Meeting
March 28, 2016

CALL TO ORDER: By Mayor Lewis on Monday, March 28, 2016 at 7:00 p.m.

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

The invocation was offered by Pastor Randy Royston, New Hope Community Church, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF MARCH 14, 2016: Mayor Pro-Tem Sanders moved, supported by Johnston to approve the regular meeting minutes of March 14, 2016 as presented. Carried. 7 Yes. 0 No.

APPROVAL OF MINUTES FOR SPECIAL MEETING OF MARCH 21, 2016: Councilmember Ridge moved, supported by Mitchell to approve the special meeting minutes of March 21, 2016 as presented. Carried. 7 Yes. 0 No.

ABSENT: None.

PUBLIC HEARINGS: None.

PUBLIC COMMENT: None.

CHARLOTTE HIGH SCHOOL LIAISON: Madelynn Hull was not present.

APPROVAL OF AGENDA: Councilmember Ridge moved, supported by Mitchell to approve the agenda with the addition of

report on budget and status of sign committee being added to the City Manager report. Carried. 7 Yes. 0 No.

SPECIAL PRESENTATIONS: None.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2016-40 REGARDING PAYMENT OF CHARLOTTE AREA RECREATION CO-OP INVOICE:

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

WHEREAS, check #7018 to the City of Charlotte, in the amount of \$14,972.10 was included with the claims presented to Council at their March 14, 2016 meeting; and

WHEREAS, this check was not approved at that time pending verification that the payment was in fact the city's required annual contribution to the CARC; and

WHEREAS, this payment is the city's required annual contribution to the CARC;

THEREFORE, BE IT RESOLVED that the City Council approve the payment and release of check #7018 in the amount of \$14,972.10.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE: Councilmember Ridge moved, supported by Sanders to approve Resolution 2016-40 for payment of Charlotte Area Recreation Co-op Invoice as presented. Carried. 7 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2016-41 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 18, 2016 payroll totaled \$139,518.34; and
WHEREAS, the March 2016 Bank of America credit card charges totaled \$12,100.15; and
WHEREAS, the March 28, 2016 claims total \$111,386.33;
THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for March 28, 2016 in the amount of \$263,004.82.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE: Councilmember Russo moved, supported by Mitchell to approve Resolution 2016-41 for expenditures of the City for March 28, 2016 as presented. Carried. 7 Yes. 0 No.

ACTION ITEMS- RESOLUTIONS AND ORDINANCES

A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2016-39 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 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.

Councilmember Ridge moved, supported by Bahmer to approve the second reading and adoption of Resolution No. 2016-39 for

purchase of road salt as presented. Carried. 7 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2016-42 TO AUTHORIZE CONTRACT WITH NELSON TANK ENGINEERING & CONSULTING, INC. FOR REPAIRS AND INTERIOR PAINTING OF NORTH WATER TOWER:

Resolution No. 2016-42 was introduced, reading as follows:

WHEREAS, the City operates two water towers; and
WHEREAS, the north tower was drained and inspected in 2013. A condition report was prepared and submitted to the City; and
WHEREAS, the report recommended certain repairs and preventative maintenance including painting the interior, seam seal the interior roof, work on the balcony, replace fall prevention on wet interior ladder, and replace the grate over the riser; and
WHEREAS, Nelson Tank Engineering & Consulting, Inc. submitted a package of qualifications including a quote in the amount of \$8,300 to prepare the plans, specifications, cost estimates, and bid documents; attend meetings, shop drawing review, respond to RFI's, and preparation of contractor pay estimates for the project; and
WHEREAS, Nelson Tank Engineering & Consulting, Inc. has been providing professional water tower services for over twenty years; and
WHEREAS, funding for the professional services related to water tower repairs and painting is in the current year's budget.
THEREFORE, BE IT RESOLVED That the City enter into a contract with Nelson Tank Engineering & Consulting, Inc. to provide the above mentioned services and that the mayor or clerk be directed to sign said contract on behalf of the City.

Councilmember Sanders moved, supported by Russo to approve the adoption of the first reading of Resolution No. 2016-42 to authorize contract with Nelson Tank Engineering & Consulting, Inc. for repairs and interior painting of North Water Tower as presented. Carried. 7 Yes. 0 No.

B. CONSIDER APPROVAL OF FIRST READING OF ORDINANCE TO EXTEND THE SUNSET DATE FOR KEEPING CHICKENS AND SET A PUBLIC HEARING FOR THE APRIL 11, 2016 CITY COUNCIL MEETING:

Ordinance for extension of the sunset date for keeping chickens and setting a public hearing for April 11, 2016 City Council was introduced, reading as follows:

AN ORDINANCE TO AMEND SECTION 10-4 – DOMESTIC ANIMALS AND FOWL – OF CHAPTER 10 – ANIMALS – OF THE CODE OF THE CITY OF CHARLOTTE, BY AMENDING SUBSECTION 10-4(12) TO PROVIDE THAT THE ORDINANCE WILL SUNSET AND BECOME NULL AND VOID AFTER MAY 29, 2020.

THE CITY OF CHARLOTTE ORDAINS:

§10-4 – Domestic Animals and Fowl – of Chapter 10 – Animals – of the Code of the City of Charlotte is hereby amended to read as follows:

§ 10-4 DOMESTIC ANIMALS AND FOWL.

- (A) Except as provided in this section, no person shall keep or house any animals or fowl within the city.
- (B) Dogs, cats, birds and animals commonly classified as household pets may be kept within the city.
- (C) Ponies, cattle and horses may be kept on premises constituting a farm, as defined in the zoning chapter of this Code.

(D) Persons may keep chickens if done so in conformity with all of the following.

(1) Any person who keeps chickens in the city shall obtain a permit from the city prior to acquiring the chickens. Application shall be made to the City Clerk with a fee as determined by Council resolution.

(2) The applicant must obtain approval of abutting landowners on a form provided by the City Clerk. The form must be submitted with the application fee.

(3) No more than ten permits may be outstanding at any time.

(4) Permits may be revoked at any time if the applicant fails to comply with all applicable ordinances, rules and regulations.

(5) Permits expire and become invalid one year after the date of issuance. A person who wishes to continue keeping chickens shall obtain a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

(6) Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(7) A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:

- (a) Have been issued the permit required under division (D)(1) of this section;
- (b) Keep no more than four chickens;
- (c) The principal use of the person's property is for a single-family dwelling;
- (d) No person shall keep any rooster;

(e) No person shall slaughter any chickens outdoors;

(f) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure at all times;

(g) A person shall not keep chickens in any location on the property other than in the backyard as defined by the zoning code;

(h) All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure;

(i) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them;

(j) The coop and fenced enclosure may not be located nearer than 25 feet to any dwelling unit or property line; and

(k) The coop and enclosures must comply with all zoning ordinance requirements for accessory structures and use, including lot coverage requirements.

(8) The city may initiate prosecution for a civil infraction violation for any violation of this section. Each day a violation exists shall constitute a separate offense.

(9) A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer.

(10) This section shall not regulate the keeping of chickens on a farm, as defined at § 82-4 of the City Code, which is located outside the boundaries of either a proprietary or supervisor's plat and having an area of not less than five acres, and where the raising of poultry is a permitted principal use when conducted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices promulgated thereunder.

(11) Council may adopt additional rules and regulations as necessary to implement the ordinance codified herein.

(12) This Section 10-4 – Domestic Animals and Fowl – shall be null, void and of no force and effect on May 29, 2020.

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

Councilmember Bahmer moved, supported by Ridge to approve the adoption of the first reading of Ordinance for extension of the sunset date for keeping chickens and setting a public hearing for April 11, 2016 City Council as presented. Carried. 6 Yes. (Bahmer, Johnston, Mitchell, Ridge, Sanders, Lewis) 0 No. 1 Abstain (Russo)

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: City Manager Guetschow reported that he has been advised, by Consumers Energy, that they will be taking steps to read some meters in Charlotte that they have been unable to read.

He advised that he plans to work on some of the vacant properties that the city owns in the near future.

He explained the budget process and advised that the budget will be available for viewing by the April 11, 2016 meeting.

He stated that the sign committee has been held up, for he has been waiting for input from the Rising Tide committee. They will be reviewing the entire zoning code as part of the project.

COUNCILMEMBER COMMITTEE REPORTS:

- Councilmember Russo reported that he attended the MML Conference along with Councilmember Ridge and Mayor

Lewis. He found it to be very informative and encourages other councilmembers to consider attending in the future.

- Councilmember Ridge reported that the Recreation Co-op is working on their budget. The grant opportunity has been extended to March 31st. There have been no applications for this grant to date. The DNR Grant has been uploaded and is in the hands of the DNR. The tennis court grant is still under review. The next Recreation Co-op meeting will be held on April 14, 2016 at 7 PM at Carmel Township Hall.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS:

- Councilmember Ridge gave a Rising Tide update and stated that they have a steering committee and have completed their first training. She attended the MML Conference and stated that it was excellent training. She reported that the United Way Color Run will be coming soon.
- Mayor Pro-Tem Sanders stated that he attended the meeting on Wednesday to discuss the new art piece that will be placed at Peters Circle. There will be more meetings that will involve the public. They hope to find something that fits Charlotte. He is looking forward to more meetings.
- Councilmember Bahmer stated that the next Planning Commission meeting will be Tuesday, April 5th. He hopes that everyone had a nice Easter holiday.
- Mayor Lewis stated that the City of Charlotte has not participated in Mayor Exchange Day in the last few years because of the expense. He announced that Councilmember Ridge received a Level 1 Educational award at the MML Conference. He reported that he, Community Development Director Myrkle and City Manager Guetschow attended the LEAP presentation which awarded the \$10,000 for the art

project. He would like council to start thinking about meetings for the budget hearings.

Mayor Pro-Tem Sanders moved, second by Johnston to adjourn at 7:59 p.m. Carried. 7 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC