

**COUNCIL PROCEEDINGS**  
**Regular Meeting**  
**January 28, 2019**

**CALL TO ORDER:** By Mayor Lewis on Tuesday, January 28, 2019 at 7:00 p.m.

**PRESENT:** Councilmembers Dyer, Christian, Mitchell, Ridge, Russo, Mayor Pro-Tem Baker, Mayor Lewis, City Attorney Coscorelli, City Clerk Terpstra and City Manager Guetschow.

The invocation was offered by City Manager Guetschow followed by the Pledge of Allegiance.

**APPROVAL OF MINUTES FOR REGULAR MEETING OF JANUARY 14, 2018:** Council member Ridge moved, supported by Mitchell to approve the regular meeting minutes of January 14, 2019 as presented. Carried. 7 Yes. 0 No.

**ABSENT:** None.

**PUBLIC HEARINGS:** None.

**PUBLIC COMMENTS:** Joe E. Pray, 316 W. Seminary, thanked Council for their support on the AWOS system for the airport. He stated that the airport board met last Thursday to discuss strategic planning for the airport. He stated that they will be working more on this in the coming months. He thanked council for their support of

the Nordic Fire Festival and events. He then introduced Lisa Barna, new Executive Director of CharlotteRising.

**Lisa Barna**, Executive Director of CharlotteRising, introduced herself to the council and said that she is looking forward to continued growth in Charlotte. She stated that it was her first day on the job.

**APPROVAL OF AGENDA:** Mayor Pro-Tem Baker moved, supported by Russo to approve the agenda and reschedule item 10a to a later meeting date in February. Carried. 7 Yes. 0 No.

**SPECIAL PRESENTATIONS:**  
Plante Moran Audit Presentation (Rescheduled)

**EXPEDITED RESOLUTIONS AND ORDINANCES**  
A. **CONSIDER APPROVAL OF RESOLUTION NO. 2019-08 TO APPROVE DEFICIT ELIMINATION PLAN FOR POLICE TRAINING FUND:**  
**RESOLUTION NO. 2019-08**  
**A RESOLUTION TO APPROVE A DEFICIT ELIMINATION PLAN FOR THE POLICE TRAINING FUND AND TO APPROVE AN AMENDMENT TO THE GENERAL FUND BUDGET**  
**WHEREAS**, the City has established a Police Training Fund to account for the receipt and expenditure of grant funds and general fund appropriations for police training purposes; and

**WHEREAS**, for the fiscal year that ended June 30, 2018, expenditures for police training charged to the Police Training Fund exceeded grant funds, general fund appropriations and available fund balance by \$626.00; and

**WHEREAS**, Public Act 140 of 1971 requires, as a condition of receipt of state revenue sharing, that governments that end their fiscal year with a deficit in one or more funds must formulate and submit to the state Treasury Department a deficit elimination plan; and

**WHEREAS**, City staff has formulated the following deficit elimination plan for the fiscal year that ends June 30, 2019:

	Adopted Budget	Amended Budget
<b>Beginning Fund Balance (Deficit)</b>	(\$626)	(\$626)
<b>Revenues:</b>		
State Aid	\$2700	\$2700
General Fund Contribution	\$7600	\$8600
<b>Expenditures:</b>		
Conferences and Training	\$7600	\$7600
302 Training	\$2700	\$2700
<b>Ending Fund Balance (Deficit)</b>	(\$626)	\$374

and;

**WHEREAS**, the proposed deficit elimination plan would require a budget amendment to authorize an increase of \$1000 in the appropriation of funds from the General Fund to the Police Training Fund, which increase would reduce the projected unassigned General Fund fund balance, excluding the revolving loan fund, to \$1,411,351, which represents 21.4% of projected general fund expenditures for the year;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby approve the deficit elimination plan for the Police Training Fund outlined above; and

**BE IT FURTHER RESOLVED** that the City Council does hereby approve the following amendment to the budget for the General Fund for the fiscal year that ends June 30, 2019:

	Adopted Budget	Amended Budget
General Fund		
Expenditures		
Operating Transfers	\$60,960	\$61,960

**Council member Ridge moved, supported by Russo to approve Resolution No. 2019-08 to approve deficit elimination plan for police training fund as presented. Carried. 7 Yes. 0 No.**

**B. CONSIDER APPROVAL OF RESOLUTION NO. 2019-09 TO AMEND RESOLUTION NO. 2019-05 TO CORRECT AN ERROR:**

**RESOLUTION NO. 2019-09**

**A RESOLUTION TO AMEND**

**RESOLUTION 2019-05 TO CORRECT AN ERROR**

**WHEREAS**, on January 14, 2019, City Council approved Resolution No. 2019-05 to approve credit card and AT&T AutoPay charges for November-December 2018; and

**WHEREAS**, documentation that accompanied the resolution listed credit card charges totaling \$3,467.98 but, due to an arithmetical error, the amount included in the resolution was \$3,426.67, a difference of \$41.31; and

**WHEREAS**, City staff is requesting the record of the meeting be corrected so that proper authorization for expenditures incurred by the City is included in the official record;

**NOW, THEREFORE, BE IT RESOLVED** that Resolution No. 2019-05 is hereby amended to increase the amount of approved credit card charges for November-December 2018 from \$3,426.67 to \$3,467.98.

**Mayor Pro-Tem Baker moved, supported by Christian to approve Resolution No. 2019-09 to amend Resolution No. 2019-05 to correct an error as presented. Carried. 7 Yes. 0 No.**

**C. CONSIDER APPROVAL OF RESOLUTION NO. 2019-12 PRELIMINARY APPROVAL OF SALE OF 220 W. SHAW:**

**RESOLUTION NO. 2019-12**

**A RESOLUTION TO GRANT PRELIMINARY APPROVAL FOR THE SALE OF 220 WEST SHAW STREET**

**WHEREAS**, the City is the owner of property located at 220 West Shaw Street more fully described as Lots 19 & 20 Except E 177 Feet, S.P. Jones' Addition City of Charlotte; and

**WHEREAS**, this lot was acquired following the demolition by the City of a blighted structure on the premises; and

**WHEREAS**, the City has incurred costs estimated between \$12,000 and \$13,000 for demolition, acquisition, maintenance and taxes; and

**WHEREAS**, the City Council previously authorized listing this property for sale for \$18,000 and during the sale listing period no offers were received and the listing has now expired; and

**WHEREAS**, the City has now received an offer to purchase the property from Mr. Alan Durham, 3258 Carlisle Highway, Charlotte in the amount of \$14,000; and

**WHEREAS**, the property is not needed for corporate or public purposes and the public interest is best served by returning the lot to private ownership;

**NOW, THEREFORE, BE IT RESOLVED** that Council does hereby give its preliminary approval to sell the property at 220 West Shaw Street to Mr. Alan Durham for \$14,000 and authorizes City staff to undertake such actions as are required by Charter and ordinance to proceed to final approval by the Council of the sale.

**Council member Ridge moved, supported by Christian to approve Resolution No. 2019-12 preliminary approval of sale of 220 W. Shaw as presented. Carried. 7 Yes. 0 No.**

**D. CONSIDER APPROVAL OF RESOLUTION NO. 2019-10 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:**

**RESOLUTION NO. 2019-xx**

**A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY FOR JANUARY 28, 2019**

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

**WHEREAS**, the January 18, 2019 payroll totaled \$161,083.69;

**WHEREAS**, the January 28, 2019 claims total \$163,663.42;

**WHEREAS**, the January 14, 2019 insurance claims total \$783.53;

**THEREFORE, BE IT RESOLVED** that the City Council approves claims and accounts for January 28, 2019 in the amount of \$325,530.64

**APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL**

**VOTE:** Mayor Pro-Tem Baker moved, supported by Mitchell to approve Resolution 2019-10 regarding payment of claims & accounts as presented. Carried. 7 Yes. 0 No.

**ACTION ITEMS – RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER APPROVAL OF 2019-07 AUTHORIZING MICHIGAN NORDIC FIRE ACTIVITIES FEBRUARY 22-24, 2019:**

**RESOLUTION NO. 2019 – 07**

**A RESOLUTION AUTHORIZING MICHIGAN NORDIC FIRE FESTIVAL ACTIVITIES FEBRUARY 22-24, 2019**

**WHEREAS**, the Michigan Nordic Fire Festival is a community-based, organized event that is to be held February 22 to 24, 2019; and,

**WHEREAS**, the Michigan Nordic Fire Festival organization is responsible for planning these events intended to contribute to community-wide fellowship, benevolence, and welfare; and

**WHEREAS**, the Michigan Nordic Fire Festival has, or will obtain prior to the festival, the appropriate insurance coverage, security and medical services, and licensing from the Michigan Liquor Control Commission; and

**WHEREAS**, the Committee in conjunction with City Administration, have planned events that require the use and closure of certain public facilities; and

**WHEREAS**, the Committee is asking that the Charlotte City Council approve the following requests and conditions:

1. Authorization for the use of the city Sledding Hill area for festival activities on February 22, February 23 and February 24; these activities to include a historical Viking encampment, a community bonfire, entertainment, food vendors, games and contests, historic demonstrations, and related activities.
2. Authorization for the city Department of Public Works to provide supporting services at the sledding hill area, including snow plowing and picnic table placement.
3. Authorization for the Charlotte Police and Fire Department to provide public safety assistance as it deems necessary at the sledding hill throughout the weekend.

**WHEREAS**, the City Council of the City of Charlotte determines these requests and conditions are in the best interests of the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the use of public facilities is authorized as outlined above; and

**BE IT ALSO RESOLVED**, that the city Department of Public Works, Police and Fire Department be authorized to provide the assistance as outlined above.

**Council member Ridge moved, supported by Dyer to approve Resolution No. 2019-07 authorizing Michigan Nordic Fire activities February 22-24 as presented. Carried. 7 Yes. 0 No.**

**INTRODUCTION OF RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER FIRST READING RESOLUTION NO. 2019-11 TO APPROVE COUNCIL POLICY NO. 2019-01 CONDUCT WITHIN AND USE OF CITY PARKS :**

**RESOLUTION NO. 2019-11**

**A RESOLUTION TO APPROVE**

**COUNCIL POLICY 2019-01 CONDUCT WITHIN AND USE OF CITY PARKS**

**WHEREAS**, on September 25, 2017, the City Council approved Council Policy 2017-02 which, among other provisions, established conditions under which alcohol might be sold and consumed in City parks; and

**WHEREAS**, Council Policy 2017-02 limited the hours during which alcohol could be served such that sales and consumption of alcohol must be concluded not later than 10:00 p.m.; and

**WHEREAS**, a representative of the Michigan Nordic Fire Festival has requested to extend the time for sale of alcohol by one hour to 11:00 p.m. so as to increase the profitability of the festival and better accommodate the crowds expected to attend; and

**WHEREAS**, staff has drafted Council Policy 2019-01 to replace Council Policy 2017-02 and incorporate the requested change in hours into regulations governing the sale and consumption of alcohol in City parks;

**NOW, THEREFORE, BE IT RESOLVED** that Council Policy 2019-01 is hereby approved.

**COUNCIL POLICY 2019-01**

**CONDUCT WITHIN AND USE OF THE CITY PARKS**

**1. PURPOSE**

The purpose of this policy is to set forth rules and regulations regarding conduct within and use of the various park facilities of the City of Charlotte.

**2. AUTHORITY**

This policy is adopted pursuant to Section 38-6 of the Charlotte City Code.

**3. RULES APPLICABLE TO ALL PARKS**

The following rules and regulations are applicable to all City parks:

**3.1 Commercial Activities.** A person may not sell, or offer for sale, any merchandise, article or thing in City parks without having first obtained written permission from

the manager or his/her designee. A person may not practice, carry on, conduct or solicit for any trade, occupation, business or profession without first obtaining written permission from the city manager or his/her designee.

**3.2 Disorderly Conduct.** A person may not indulge in riotous, boisterous, threatening or indecent conduct, or use abusive, threatening, indecent, profane or obscene language or gestures.

**3.3 Handbills and Advertising.** A person may not distribute any handbills or circulars or post, place or erect any bills, notices, paper or advertising device or matter of any kind.

**3.4 Noise.** Except in cases of concerts or similar events approved by the city manager or his/her designee, no person shall play a radio or other sound amplification device so loud as to be an annoyance to other people in the park or to nearby residents.

**3.5 Smoking.** No person shall smoke any tobacco product within fifty (50) feet of any playground.

#### **4. RULES APPLICABLE TO SPECIFIC PARKS**

**4.1 Rules applicable to Oak Park.** The following rules and regulations are applicable to Oak Park

**4.1.1 Park hours.** Oak Park shall be open to public use between the hours of 6:00 a.m. and dusk.

**4.1.2 Moving of park equipment.** No person shall move any picnic table, bench, trash container or

other fixture or equipment without first obtaining the permission of the Director of Public Works.

**4.1.3 Loitering in or on gazebo.** No person shall loiter in or on the gazebo.

**4.2 Rules applicable to Lincoln Park Skate Park.** The following rules and regulations are applicable to Lincoln Park Skate Park.

**4.2.1 Generally.** The Lincoln Park Skate Park is a sports facility open to children and persons of all ages. It is a "Use At Your Own Risk" park and will not be supervised by onsite park personnel. Skateboarding and skating are hazardous recreational activities. Parents should be in attendance and supervise their children at all times. All participants should wear protective equipment while using this facility. Failure to wear protective equipment while using this facility may result in death, paralysis, brain damage or concussion, broken bones or other serious injury. The City of Charlotte does not assume any responsibility for injuries.

**4.2.2 Skate Park rules of conduct.**

**4.2.2.1** Skate at your own risk.

**4.2.2.2** Safety equipment is strongly recommended. This is a non-supervised facility. (Your sport, your skull, your choice.) Use of the

- skate facility may expose the skate athletes to serious injury.
- 4.2.2.3** Skate within your means. Be honest about your skill level and use this facility at your own risk.
  - 4.2.2.4** Only skateboards, roller-skates, in-line skates and bicycles are permitted.
  - 4.2.2.5** Skate respectfully. This is a smoke-, alcohol- and drug-free facility.
  - 4.2.2.6** Be respectful of other patrons and of the park. No profanity.
  - 4.2.2.7** Amplified music is not allowed.
  - 4.2.2.8** Standing, sitting or hanging out on the ramps is prohibited.
  - 4.2.2.9** Waxing the rails is prohibited.
  - 4.2.2.10** Littering and possessing glass containers, food or beverages on the skating surface is prohibited.
  - 4.2.2.11** The Skate Park is not a designated picnic area.
  - 4.2.2.12** Fires are prohibited with the park.
  - 4.2.2.13** Glass containers are prohibited within the Skate Park.
  - 4.2.2.14** Modifications to any element or area within the Skate Park are prohibited. Mobile ramps or other skating structures of a makeshift nature are prohibited.
  - 4.2.2.15** Graffiti must be approved by the Park Board Subcommittee prior to placement.

- 4.2.2.16** The City of Charlotte reserves the right to close this facility at any time without notice.
- 4.2.2.17** De-icing products such as salt will damage the skating surface and are prohibited.
- 4.2.2.18** Bicycles may be used on even-numbered days, skates on odd-numbered days, if necessary.

### **4.3 Rules applicable to Lincoln Park Hockey Rink**

**4.3.1 Generally.** The Lincoln Park Hockey Rink is a sports facility open to children and persons of all ages. It is a “Use At Your Own Risk” park and will not be supervised by onsite park personnel. Hockey and skating are hazardous recreational activities. Parents should be in attendance and supervise their children at all times. All participants should wear protective equipment while using this facility. Failure to wear protective equipment while using this facility may result in serious injury. The City of Charlotte does not assume any responsibility for injuries.

#### **4.3.2 Hockey Rink Rules of Conduct**

- 4.3.2.1** This is a smoke-, alcohol- and drug-free facility.
- 4.3.2.2** Be respectful of other patrons and of the park. No profanity.
- 4.3.2.3** Except as provided in 4.3.2.7, only equipment typically associated with ice

skating, rollerblading or hockey is permitted within the hockey rink.

- 4.3.2.4** Standing on, sitting on, or climbing over the boards is prohibited.
- 4.3.2.5** Littering, glass containers, food or beverages on the skating surface are prohibited.
- 4.3.2.6** The City of Charlotte has the right to close this facility without notice.
- 4.3.2.7** Radio control car drag races may be conducted on the hockey rink when authorized by the city manager or his/her designee.

#### **4.4 Rules applicable to Lincoln Park Raceway**

**4.4.1 Generally.** Lincoln Park Raceway is a radio control car track located in Lincoln Park south of Shepherd Street between the hockey rink and the street. It is a dirt track with drainage tile barriers constructed in accordance with generally accepted construction standards for tracks of this nature. Lincoln Park Raceway will be open to the public for use during regular park hours.

#### **4.5 Rules applicable to Lincoln Park Open Space south of Shepherd Street.** The following rules and regulations are applicable to the open space in that portion of Lincoln Park that lies south of Shepherd Street:

**4.5.1 Generally.** The open areas of Lincoln Park south of Shepherd Street may be used for special events

organized and operated by recognized nonprofit organizations. The events must be approved in advance by the City Council which may require proof of liability and property damage insurance naming the City as an additional insured. Event organizers shall specify which portion or portions of the open space they intend to occupy and shall, during the dates and times approved by the Council, have control of all activities, sales, entertainment, games and the like occurring within said areas, subject to any limitations imposed by state laws and regulations and local ordinances and policies.

**4.5.2. Sale and Consumption of Alcohol.** The Council may authorize the sale and consumption of alcohol in conjunction with special events approved pursuant to 4.5.1 subject to the following conditions:

**4.5.2.1.** Application for a permit authorizing the sale and consumption of alcohol in City parks shall be made and the application approved pursuant to the provisions of Section 38-2 of the Charlotte City Code.

**4.5.2.2.** The sale and consumption of alcohol shall take place only within the confines of a tent or similar enclosure surrounded by a fence or other barrier designed to limit ingress and egress.

**4.5.2.3.** Event organizers shall provide and pay for security personnel in numbers judge adequate to maintain order for the anticipated crowd size. Said



personnel must be present within the tent at all times that alcohol is served therein.

**4.5.2.4.** The sale of alcohol shall cease not later than 11:00 p.m. and all patrons, security personnel, employees and volunteers shall vacate the premises not later than 12:00 midnight.

**4.6 Rules applicable to Dean Park.** The following rules and regulations are applicable to Dean Park.

**4.6.1 Park hours.** Dean Park shall be open to public use between the hours of 6:00 a.m. and dusk.

**4.7 Rules applicable to Southridge Park.** The following rules and regulations are applicable to Southridge Park.

**4.7.1 Park hours.** Southridge Park shall be open to public use between the hours of 6:00 a.m. and dusk

## **5. POLICY REPLACED**

This policy replaces Council Policy 2017-02.

## **6. EFFECTIVE DATE**

This policy shall be effective upon its approval by the City Council.

**Mayor Pro-Tem Baker moved, supported by Ridge to approve first reading Resolution No.2019-11 to approve Council Policy No. 2019-01 conduct within and use of city parks as presented. Carried. 7 Yes. 0 No.**

## **B. CONSIDER FIRST READING RESOLUTION NO. 2019-13 FOR AUTHORIZATION FOR SALE AND**

## **CONSUMPTION OF ALCOHOL PURSUANT TO COUNCIL POLICY 2019-01:** **NORDIC FIRE FESTIVAL ALCOHOL REQUEST** **RESOLUTION 2019 –13**

**WHEREAS**, Nordic Fire, Inc., the organizers of the Michigan Nordic Fire Festival, have requested permission to sell and consume alcohol on City of Charlotte property located at 615 West Shepherd Street, Charlotte, Michigan on February 22, 23 and 24, 2019; and

**WHEREAS**, City of Charlotte Council Policy 2019-01 regulates this activity and sets forth certain requirements for City Council approval of this request; and

**WHEREAS**, Nordic Fire, Inc. have met or exceeded these requirements.

**THEREFORE, BE IT RESOLVED** that the City of Charlotte City Council hereby approves the request by Nordic Fire, Inc. to sell and consume alcohol at the above-mentioned location on February 22, 23, and 24, 2019.

**Council member Ridge moved, supported by Dyer to approve first reading Resolution No. 2019-13 authorizing for sale and consumption of alcohol pursuant to Council Policy 2019-01 as presented. Carried. 7 Yes. 0 No.**

## **COMMUNICATIONS AND COMMITTEE REPORTS**

**CITY ATTORNEY REPORT:** Not present. Report included in packet.

**CITY MANAGER REPORT:** City Manager Guetschow reported that with the new utility billing software that we will begin utilizing

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a full-page bill in place of the postcard bills. The update of the new airport master plan has begun. He stated that we are still assessing the options for investing City surplus funds. He stated that he will be out of the office on February 6 and 7 attending the Michigan Municipal Executives winter institute.

**COUNCILMEMBER COMMITTEE REPORTS:**

- Mayor Lewis reported that the Compensation Commission met on Wednesday, January 23, 2019 and have requested no change in compensation for Council members and the Mayor for the next two years. They will meet again in January of 2021.

**PUBLIC COMMENT:** Bryan Myrkle, 126 E. Seminary, stated that he appreciates all the help for everything the council has done to help make the Michigan Nordic Fire Festival a success. This is the fourth year of the festival and it is growing each year. He also thanked the Police Department, Fire Department, Public Works departments and all of the sponsors for all the work they do to make it a success. He stated that this committee is looking at adding another type of festival in the fall.

**MAYOR AND COUNCIL COMMENTS:**

- Council member Russo no comment.
- Council member Dyer stated that he will be attending an orientation for the position that he was appointed to with the Michigan Municipal League tomorrow at the State Capitol.
- Council member Ridge stated that the RFP's for the strategic plan will be going out this week. She will be reporting back

in mid March or early April. She welcomed new Executive Director Lisa Barna. She thanked Joe Pray, Don Sovey and Bryan Myrkle for coming. She reported that the cheerleaders have once again won their league meet. They will be competing next Wednesday in St. Johns, February 2 in Flint and February 4 at home in the Middle School at 6 P.M.

- Council member Mitchell no comment.
- Mayor Pro-Tem Baker no comment.
- Council member Christian stated that the Aquatic Center hosted a league meet recently with over 350 athletes attending.
- Mayor Lewis thanked everyone for coming. He welcomed Executive Director Lisa Barna. He thanked the DPW crew for keeping the streets in good condition and for emergency services provided by the police and fire departments. He stated there will be an upcoming meeting with school officials to discuss vaping issues.

**Council member Ridge moved, seconded by Mitchell to adjourn at 7:25 p.m. Carried. 7 Yes. 0 No.**

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Mayor Tim Lewis

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Ginger Terpstra, City Clerk, CMMC