

**CITY OF CHARLOTTE
COUNCIL PROCEEDINGS**

**Regular Meeting
April 5, 2021**

CALL TO ORDER:

By Mayor Armitage on Monday, April 5, 2021 at 7:00 p.m

PRESENT:

Councilmembers: McRae, Baker, Weissenborn, Hoogstra, VanStee, Dyer & Mayor Armitage. All reported their remote meeting location as being in the City of Charlotte, County of Eaton and State of Michigan. Staff: Manager LaPere, Clerk Tidwell, Police Chief Brentar

PLEDGE OF ALLEGIANCE:

Mayor Armitage led the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES:

Motion by Baker, supported by Dyer to approve the minutes from March 1, 2021 and March 15, 2021 as presented. Carried. 7 Yes. 0 No. 0 Absent.

EXCUSE ABSENT MEMBERS:

All members were present.

PUBLIC HEARINGS:

**A. Consider Ordinance 2021-03 to Amend Chapter 14 –
Buildings and Building Regulations**

Manager LaPere discussed the process to amend the building and building regulations to implement county administration.

Public hearing opened at 7:14pm.

There was no public comment.

Public hearing closed at 7:15pm.

PUBLIC COMMENT:

Martin Fabric, a resident of the City and President of the Board of Directors for the Eaton County Fair, discussed the fairground event list provided to council.

SPECIAL PRESENTATION:

Erin Wagner gave a presentation on the Michigan Independent Citizens Redistricting Commission.

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

Motion by Dyer, supported by McRae to approve the Regular Meeting Agenda with the addition of agenda item 11) i. Consider Resolution 2021-57 Establishment of Fire Chief Search Committee. Carried. 7 Yes. 0 No. 0 Absent.

Motion by VanStee, supported by Dyer to approve the Unanimous Consent Agenda as presented.

Dyer requested items 11)f, 13a and 11)i be removed from the Unanimous Consent Agenda.

McRae requested item 12)b be removed from the Unanimous Consent Agenda.

Carried with roll call vote. 7 Yes. 0 No. 0 Absent.

EXPEDITED RESOLUTIONS AND ORDINANCES:

**A. Consider Resolution No. 2021-041 Approving Mayoral
Appointments**

RESOLUTION NO. 2021-041

**A RESOLUTION TO APPROVE MAYORAL
APPOINTMENTS**

WHEREAS, a need for a Council appointments to the, Planning Commission exists; and

WHEREAS, Mayor Armitage is recommending the following individuals to be appointed:

Name	Board	Term Ending
Nicole Christensen	Planning Commission	3/31/2024
Kellie Garrett	Planning Commission	3/31/2023
Margaret Bales	Camp Frances	5/15/2024

THEREFORE, BE IT RESOLVED that the appointment listed above shall be and the same are hereby approved.

The foregoing resolution offered by Council member VanStee and supported by Dyer. Carried with roll call vote. 7 Yes. 0 No.

B. Consider Resolution No. 2021-042 Approving the Payment of Claims and Accounts

RESOLUTION NO. 2020-042

A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY OF CHARLOTTE

FOR APRIL 5, 2021

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

WHEREAS, the March 26, 2021, payroll totaled \$163,724.50; and

WHEREAS, the March 31, 2021, claims total in the amount of \$2,304,842.03 and

WHEREAS, the March 15, 2021, insurance claims totaled \$5,735.42; and

WHEREAS, the March 22, 2021, insurance claims totaled \$2,098.31; and

WHEREAS, the March 22, 2021, insurance claims totaled \$3,774.23; and

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for April 5, 2021, in the amount of \$2,480,174.49.

The foregoing resolution offered by Council member VanStee and supported by Dyer. Carried with roll call vote. 7 Yes. 0 No.

C. Consider Resolution No. 2021-044 Approving the 2021 Calendar of Events at the Eaton County Fairgrounds

RESOLUTION NO. 2021-044

A RESOLUTION TO APPROVE THE 2021 CALENDAR OF EVENTS TO BE HOSTED AT THE EATON COUNTY FAIRGROUNDS

WHEREAS, the City of Charlotte is the owner of property known as the Eaton County Fairgrounds, which property is leased to the Eaton County Agricultural Society; and

WHEREAS, the lease between the City and the Eaton County Agricultural Society provides, in part, that the Society must obtain the permission of the City Council for events that will take place at the fairgrounds; and

WHEREAS, the Eaton County Agricultural Society has submitted a letter dated March 26, 2021 in which they have listed the larger events that will occur during 2021, which list has been provided to the City Council; and

NOW, THEREFORE, BE IT RESOLVED that permission is hereby granted to the Eaton County Agricultural Society for the events listed in its March 26, 2021 letter provided those are held in accordance with current MDHHS or other public health orders in effect; and

BE IT FURTHER RESOLVED that the Eaton County Agricultural Society is permitted to host other smaller events and activities during 2021 as are described generally in the same letter.

The foregoing resolution offered by Council member McRae and supported by Dyer. Motion carried with roll call vote. 7 Yes. 0 No.

D. Consider Proclamation 2021-01 Recognizing Arbor Day

**PROCLAMATION 2021-01
RECOGNIZING ARBOR DAY**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the City of Charlotte has been recognized as a Tree City USA by the National Arbor Foundation; and

NOW THEREFORE, the City Council of the City of Charlotte, Michigan does hereby proclaim Friday, April 30, 2021 as ARBOR DAY in the City of Charlotte and urges all citizens to celebrate Arbor Day; and

FURTHER, the City Council of the City of Charlotte, Michigan urges all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

The foregoing resolution offered by Council member VanStee and supported by Dyer. Carried with roll call vote. 7 Yes. 0 No.

E. Consider Resolution 2021-045 Approving a Public Hearing on SAD Cost Estimates

RESOLUTION 2021-045

**A RESOLUTION TO SET DATE FOR A PUBLIC HEARING
ON THE ESTIMATED COSTS AND CREATION OF A
SPECIAL ASSESSMENT DISTRICT**

WHEREAS, the City Manager has prepared a cost estimate for fire protection for the fiscal year that begins July 1, 2021 and has submitted the document to the City Council; and

WHEREAS, the City Council wishes to consider the creation of a special assessment district to defray the costs as estimated to provide fire protection; and

WHEREAS, prior to the creation of the special assessment district, the City Council is required to afford the public an opportunity to appear or protest the assessment;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize a public hearing on the estimated costs and creation of a special assessment district to defray the costs of fire protection to be held on Monday, April 19 at 7:00 p.m.; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to provide notice of the public hearing in accordance with legal requirements.

The foregoing resolution offered by Council member VanStee and supported by Dyer. Carried with roll call vote. 7 Yes. 0 No.

F. Consider Resolution 2021-046 Authorizing Expenditures of Budget Sequestered Items

RESOLUTION 2021-046

A RESOLUTION TO AUTHORIZE EXPENDITURES PREVIOUSLY SEQUESTERED FOR THE 2020-21 FISCAL YEAR

WHEREAS, the City Council has adopted a budget for the fiscal year that began July 1, 2020 and ends June 30, 2021; and

WHEREAS, in adopting the resolution for the budget, the Council sequestered certain appropriations so that additional discussion could occur prior to authorizing the expenditure of funds for those purposes; and

WHEREAS, the Council has determined that expenditures for certain purposes are appropriate and a prudent use of the City's funds and wishes to authorize expenditures for those purposes;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize expenditures for the following purposes in accordance with the appropriations authorized by the budget resolution:

1. Community Development; 101-230-755, Contribution to others, \$8,000 to Courthouse Square
2. Parks & Recreation; 101-825-755, Contribution to others, \$15,000 to CARC

3. Clerk; 101-200-737, codification, \$4,000
4. Parking Services; 101-424-871, Loan repayment, \$50,000 to repay OI loan

The foregoing resolution offered by Baker and supported by Dyer. Council discussed sequestered items.

Motion by McRae, support by VanStee to approve and amended resolution with the deletion of item 1 and item 3, support by VanStee. Council discussed. Motion failed with McRae, VanStee in support and Hoogstra, Weissenborn, Baker, Armitage and Dyer opposed. 2 Yes. 5 No.

The foregoing resolution offered by Baker and supported by Dyer Motion carried with VanStee, Hoogstra, Weissenborn, Baker, Armitage and Dyer in support and McRae opposed. 6 Yes. 1 No.

G. Consider Resolution 2021-050 Approving Agreement for Services with BidNet

RESOLUTION 2021-050

Parties to this Agreement: The parties to this Services Agreement (hereinafter referred to as "the Agreement") are the City of Charlotte (hereinafter referred as the "Participating Organization") and International Data Base Corp., doing business under the trade name BidNet, a legally incorporated body having its principal place of business at 15 British American Boulevard, Latham, NY 12110 (hereinafter referred to as "BidNet")

RECITALS:

WHEREAS the Participating Organization is in need of web-based solicitation and bidding services, including maintenance and support services;

WHEREAS under the Agreement, BidNet has developed a web-based solicitation system, providing on-line bidding services,

including maintenance and support services for the Michigan Inter-governmental Trade Network (hereinafter referred to as “MITN”)

WHEREAS the Participating Organization wishes to join MITN and benefit from the services provided by BidNet;

THE PARTIES AGREE:

Description of Services:

System Membership: The Participating Organization has agreed to join MITN. It is understood that BidNet will provide the Participating Organization with access to MITN.

Promotion of System Name: To avoid confusion with the Participating Organization staff and supplier community, the Participating Organization agrees that any endorsement or advertising it may do internally or externally, will promote MITN.

Term of Agreement: This Agreement shall become effective on the date of execution for an initial term of thirty-six (36) months (the “Initial Term”). The Initial Term of this Agreement may be extended in one-year increments, without notice unless terminated by either party.

Payment for Services:

Participating Organization Fees:

Subscription Fees: There will be no subscription fees incurred by the Participating Organization under this Agreement.

Mailing Fees: BidNet will send an invoice to the Participating Organization for reimbursement of postage fees incurred to produce the mailing to suppliers for new members.

Programming Fees: The Participating Organization agrees to use MITN on an “as is” basis. Any customized work to the system requested by the Participating Organization shall be made available on a time and material basis.

Surplus Auction Fees: Should the Participating Organization choose to use the Surplus Auctions program to sell unwanted goods and equipment, a 5% commission will be paid to BidNet for items sold.

Supplier Registration Fees:

Basic Service: This option gives suppliers access to search for documents of interest for all Participating Organizations actively using MITN at no charge, but requires them to remember to login frequently to ensure they catch opportunities before they close. This includes bids, addendums and awards.

Purchasing Group Notification Service: Suppliers that choose to register for this value added service option will be charged a nominal annual subscription fee. This includes notification from all Participating Organizations when bids, addendums and awards are posted on MITN that matches their profile. In the event of a price change, BidNet will review with the Participating Organization ninety (90) days prior to implementation of any change.

In the event of a price decline, contract renewal or should BidNet at any time, during the life of this agreement, sell the Purchasing Group Notification Service at prices below those offered for MITN, BidNet will immediately extend such lower prices to the MITN membership. Exclusions include; current systems pricing and previous contractual obligations.

Termination: This Agreement may be terminated by either party upon sixty (60) days notice. Notice shall be in writing, sent by certified mail, return receipt requested.

Entire Agreement: This Agreement constitutes the entire understanding of the parties and the parties agree that there are no other understandings, representations or warranties, either expressed or implied, whether written or oral, made by either party, except as stated within this Agreement.

Amendments: No alteration of this Agreement shall be valid unless made in writing and signed by the parties and no oral understanding or agreements not incorporated herein shall be binding on the parties.

Governing Law: This Agreement shall be governed by the laws of the State of Michigan.

Severability: If any provision of this Agreement will be held to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable.

Work Product Ownership: Any copyrightable works, ideas, discoveries, inventions, patents, products, or other proprietary information developed in whole or in part by BidNet in connection of this Agreement, will be the exclusive property of BidNet. The Participating Organization supplier database is not subject to this work product ownership provision and remains the property of the Participating Organizations and upon written notice BidNet will transmit the database to the Participating Organizations in an ODBC compliant format within twenty (20) business days.

Unauthorized Use: The Participating Organization agrees to require each user obtain a username and password to gain access to MITN. Sharing of usernames and passwords is strictly prohibited.

Warranty: BidNet shall provide its services and meet its obligations under this Agreement in a timely manner, using knowledge for performing the services which meet a standard of care equal to service providers similar to BidNet on similar projects.

Signatures: The individuals executing this Agreement represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

Liability and Indemnity: BidNet agrees to protect, defend, reimburse, indemnify and hold each MITN member, its officers, affiliates, employees and agents harmless at all times from and against any and all claims, liabilities, expenses, losses, demands, damages, fines and causes of action of every kind and character

made, incurred, sustained or initiated by any party hereto, any party acquiring any interest hereunder, any agent or employee of any party hereto, any third or other party whomsoever, or any governmental agency, arising out of, incident to, or in connection with this contract, or any claims based on a contention with the MITN system or any infringements on patents, copyrights or intellectual property or in the performance, non performance or purported performance of the work or services or breach of the terms hereof, except when a MITN member is solely at fault.

THEREFORE, BE IT RESOLVED that the City Council approves the agreement for services with BidNet.

The foregoing resolution offered by Council member VanStee and supported by Dyer. Carried with roll call vote. 7 Yes. 0 No.

G. Consider Resolution 2021-056 Approving Council Policy 2021-056

A RESOLUTION TO APPROVE COUNCIL POLICY 2021-05 REMOTE AND HYBRID MEETINGS

WHEREAS, PA 254 of 2020 which amended section 3 (MCL 15.263) of PA 267 of 1976 (amended previously by PA 228 of 2020 and PA 485 of 2018) and added a section 3a, allowing for the following: a) An allowance for members of the public body to attend a meeting of the public body electronically under certain terms and conditions, and b) A requirement that members of the public and media attend a meeting of the public body electronically under certain terms and conditions; and

WHEREAS, section 3 (MCL 15.263) further states that the public body shall establish procedures to accommodate the absence of any member of the public body due to military duty, a medical condition, or a statewide or local state of emergency or state of disaster declared pursuant to law or charter or

local ordinance by the governor or a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person; and

WHEREAS, the County of Eaton declared a local emergency on March 17, 2021 and the City of Charlotte public meetings are held within the county jurisdiction; and

WHEREAS, the City Council desires to continue to meet electronically to comply with Michigan Department of Health and Human Services public gathering limits; and

THEREFORE, BE IT RESOLVED that Council Policy 2021-05 regarding remote and hybrid meetings of public bodies of the City of Charlotte is hereby approved.

The foregoing resolution offered by Council member VanStee and supported by Dyer. Carried with roll call vote. 7 Yes. 0 No.

H. Consider Resolution 2021-057 Establishment of Fire Chief Search Committee

WHEREAS, on April 30, 2021, the contract with Kevin Fullerton to serve as the Fire Chief will conclude and Chief Fullerton has announced his intent to retire his position at that time; and

WHEREAS, on March 1, 2021, the City Council confirmed the appointment of Tyger Fullerton to serve as the Fire Chief effective May 1, 2021 upon the retirement of the current Fire Chief; and

WHEREAS, the City Manager has received correspondence from Tyger Fullerton stating his withdraw of his application as a candidate for the position of Fire Chief thereby creating a vacancy in the office effective April 30, 2021; and

WHEREAS, the position of Fire Chief is an appointed officer of the City and pursuant to City Charter, Section 3.13 (B) a

vacancy in any appointive office must be filled within 120 days and such time may only be extended by an additional 60 days by resolution of Council; and

WHEREAS, the Fire Service Agreement between the City and Rural Fire Association, Section E. Fire Chief, 2. Appointment states that the City of Charlotte shall establish a Fire Chief Selection Committee to select the new Chief; and

WHEREAS, Section 2-66 of the City Ordinance authorizes the City Manager to designate an interim or acting officer until such time the vacancy is filled per the Charter, and Tyger Fullerton has offered to serve as acting Fire Chief until such time the vacancy has been filled;

NOW, THEREFORE, BE IT RESOLVED that the Council does hereby accept Tyger Fullerton's withdraw of his candidacy to be appointed as the Fire Chief and serve as Acting Fire Chief until the vacancy is filled; and

BE IT FURTHER RESOLVED that pursuant to the City Charter and Fire Services Agreement with the RFA, the City of Charlotte shall establish a Fire Chief Selection Committee to carry out the duties of selection of a Fire Chief.

The foregoing resolution offered by Baker and supported by Weissenborn. Council discussed. Carried with roll call vote. 7 Yes. 0 No.

APPROVAL OF RESOLUTIONS AND ORDINANCES:

A. Consider Ordinance 2021-03 to Amend Chapter 14 – Building and Building Regulations

CITY OF CHARLOTTE ORDINANCE NO. 2021-03

AN ORDINANCE TO AMEND CHAPTER 14 – STATE CONSTRUCTION CODE –OF THE CODE OF THE CITY OF CHARLOTTE BY AMENDING ARTICLE II TO RESCIND THE CITY’S AUTHORITY TO ENFORCE THE STATE CONSTRUCTION CODE.

Councilmember VanStee moved that the following ordinance be adopted, supported by Dyer:

THE CITY OF CHARLOTTE ORDAINS:

SECTION 1. RESCINDING AUTHORITY TO ENFORCE.

Chapter 14, ARTICLE II. STATE CONSTRUCTION CODE,

Sections listed below shall hereby be rescinded and shall no longer have any force or effect

§ 14-28 AGENCY DESIGNATED.

Pursuant to the provisions of the State Construction Code, in accordance with § 8b(6) of Public Act 230 of 1972, as amended, the Building Official and his or her designees of the city are hereby designated as the enforcing agency to discharge the responsibilities of the city under such act. The city assumes responsibility for the administration and enforcement of such act throughout its corporate limits.

§ 14-29 CHANGES IN CODE.

Sections 14-30 through 14-32 amend sections of the State Construction Code as set forth.

§ 14-30 BOARD OF APPEALS.

The Zoning Board of Appeals is hereby constituted as the Building Code Board of Appeals under the code adopted in this article.

§ 14-31 FEES.

(A) Generally. A permit to begin work for new construction, alteration, removal, demolition or other building operation shall not be issued until fees prescribed in this section shall have been paid to

the Department of Building Inspection or other authorized agency of the city, nor shall an amendment to a permit necessitating an additional fee, because of an increase in the estimated cost of the work involved, be approved until the additional fee shall have been paid.

(B) Special fees. The payment of the fee for the construction, alteration, removal or demolition and for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for water taps, sewer connections, electrical permits, erection of signs and display structures, marquees or other appurtenant structures or fees of inspection, certificates of use and occupancy or other privileges or requirements, both within and without the jurisdiction of the Department of Building Inspection.

(C) New construction and alterations. The fees for all building activities permits shall be as prescribed by resolution of the City Council from time to time.

(D) Fee schedule. A fee for each plan examination and building permit shall be paid in accordance with a schedule to be adopted by resolution of the City Council.

§ 14-32 CODE APPENDIX ENFORCED.

Pursuant to the provisions of the State Construction Code, in accordance with § 8b(6) of Act 230 of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency with the city.

§ 14-34 VIOLATIONS.

(A) Any person erecting, using, moving, demolishing, occupying or maintaining any building or structure in violation of the code adopted in this article or causing, permitting or suffering any such violation to be committed, shall be punished as prescribed in § 1-16 of this Code.

(B) Any building or structure erected, used, moved, demolished, occupied or maintained in violation of this chapter is hereby declared to be a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation or threatened violation restrained and enjoined.

SECTION 2. EFFECT ON REMAINING SECTIONS. The remaining Sections of Chapter 14, Article II as listed below shall remain in full force and effect.

§ 14-26 ADOPTED.

Pursuant to the provisions of the State Construction Code Act, Public Act 230 of 1972, § 8b(6), as amended, the State Construction Code is hereby adopted by reference subject to the modifications contained in this chapter.

§ 14-27 REFERENCES IN CODE.

References in the State Construction Code to “state” and “Michigan” shall mean the State of Michigan; references to “municipality” shall mean the City of Charlotte; references to the “municipal charter” shall mean the Charter of the City of Charlotte and references to “local ordinances” shall mean the Charlotte City Code.

§ 14-33 DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Eaton County, Michigan (all jurisdictions) dated November 26, 2010 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers 26045C; 303E, 304E, 311E, 312E and 325E dated November 26, 2010 are adopted by reference for the purposes of administration of the Michigan Construction Code and declared to be a part of § 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

§§ 14-35 -- 14-55 RESERVED.

Carried with roll call vote. 7 Yes. 0 No.

B. Consider Resolution 2021-035 Approving the MME Fellowship Application

RESOLUTION NO. 2021-035

A RESOLUTION TO SUBMIT APPLICATION TO MME FELLOWSHIP PROGRAM AS HOST COMMUNITY

WHEREAS, the City Manager was notified of the opportunity for Charlotte to apply as a host community for a Michigan Municipal Executive Fellowship program; and

WHEREAS, the City would be responsible for a financial commitment of \$6,000 in annual stipend if selected; and

WHEREAS, the Student would benefit from experience in serving the City of Charlotte for one year and gain hands-on municipal skills and future opportunities;

NOW, THEREFORE, BE IT RESOLVED the City Council does hereby authorize the City Manager to submit the application to MME Fellowship program to serve as a host community.

The foregoing ordinance offered by Council member Dyer and supported by Weissenborn. Council discussed.

Motion by McRae to table the resolution. Council discussed with Manager LaPere.

McRae withdrew his motion.

Carried with roll call vote with McRae and Weissenborn opposing the motion. 5 Yes. 2 No.

C. Consider approval of Resolution 2021-038 Authorizing a Contract with Eric Rogers, LLC

A RESOLUTION TO AUTHORIZE A CONTRACT WITH ERIC ROGERS, LLC FOR LAWN CARE SERVICES

WHEREAS, the City owns various properties and right-of-ways that require mowing at regular intervals; and

WHEREAS, sealed bids were received on Tuesday, March 9, 2021 for the mowing of the aforementioned properties; and

WHEREAS, Eric Rogers, LLC submitted the lowest valid price for the weekly and every other week (parks) mowing listed in Contract A; and

WHEREAS, Eric Rogers, LLC submitted the lowest price for the monthly and three times per year mowing listed in Contract B; and

WHEREAS, the contract is for one year with the option of 2- one year renewals based on performance for a total a three year contract; and

WHEREAS, Eric Rogers, LLC was awarded the last City contract for lawn care, and their work was satisfactory; and

THEREFORE, BE IT RESOLVED that the City enter into a contract with Eric Rogers, LLC for the weekly mowing listed in Contract A at the stated bid prices.

BE IT FURTHER RESOLVED that the City enter into a contract with Eric Rogers, LLC for the monthly and three times a year mowing listed in Contract B at the stated bid prices.

The foregoing ordinance offered by Council member VanStee and supported by Dyer. Carried with roll call vote. 7 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

- A. **Consider first reading of Resolution 2021-030 Authorizing a Contract with Axon for Tasers**

RESOLUTION NO. 2021-030

A RESOLUTION TO AUTHORIZE A CONTRACT WITH AXON FOR TASERS

WHEREAS, tasers used by officers are essential pieces of equipment; and

WHEREAS, the current department tasers are out of manufacturer's warranty and should be replaced; and

WHEREAS, the Police Department staff researched and identified that AXON provides the only viable option for tasers; and

WHEREAS, AXON, the manufacturer of tasers, has submitted a quote to replace the current tasers for a 5-year cost of \$55,200; and

WHEREAS, Section 2-178 of the City Ordinances allows for the waiver of sealed bids.

THEREFORE, BE IT RESOLVED that the City Council authorizes the purchase of 16 tasers from AXON in the amount of \$55,200 and agrees to waive the sealed bid process.

Chief Brentar discussed the need for the purchase of the tasers.

Motion by Baker, support by Hoogstra to approve the first reading of Resolution No. 2021-030. Carried with roll call vote. 7 Yes. 0 No

- B. **Consider Resolution 2021-043 Authorizing a Sale of Dump Truck and Miscellaneous Equipment**

RESOLUTION NO. 2021-043

A RESOLUTION TO AUTHORIZE A SALE OF DUMP TRUCK AND MISCELLANEOUS EQUIPMENT

WHEREAS, the Department of Public Works owns a 2001 Freightliner dump truck and various pieces of old equipment

that are no longer needed in the day-to-day operations of the Department; and

WHEREAS, the replacement dump truck was ordered one year ago and should arrive in the next couple of months; and

WHEREAS, the DPW has no other use for other equipment which have also reached the end of their useful lives and are in various states of disrepair; and

WHEREAS, based on the equipment to be sold, the Department would like to sell these items through Sheridan's Auction instead of the online auction we have been using for disposition of equipment; and

WHEREAS, a minimum bid will be set for each item.

THEREFORE, BE IT RESOLVED That the City Council authorizes the sale of Dump Truck #82 and other miscellaneous equipment through Sheridan's Auctions in accordance with City Ordinance 2-185.

Motion by VanStee, support by Dyer to approve the first reading of the resolution. Carried with roll call vote. 7 Yes. 0 No

C. Consider Resolution 2021-047 Approving the MML Insurance Renewal

RESOLUTION NO. 2021-047

A RESOLUTION TO AWARD PROPERTY AND LIABILITY INSURANCE FOR THE CITY OF CHARLOTTE 4/24/2021 - 4/24/2022

WHEREAS, the City of Charlotte requested proposals for Property and Liability Insurance Coverage in 2018 at which time it selected to renew with MML upon comparing coverage options and rates; and

WHEREAS, section 2-178 of the municipal code exempts insurance coverage from competitive bidding process;

THEREFORE, BE IT RESOLVED, that the city council authorize the renewal to Michigan Municipal League for the period of 4/24/2021 – 4/24/2022 as proposed in the amount of \$128,024.

Motion by VanStee, support by Dyer to approve the first reading of the resolution. Carried with roll call vote. 7 Yes. 0 No

D. Consider Resolution 2021-048 Parking TCO

RESOLUTION NO. 2021-048

A RESOLUTION TO APPROVE TRAFFIC CONTROL ORDER #21-01

WHEREAS, the Uniform Traffic Code allows for placement of "No Stopping, Standing or Parking Signs" under section 257.942, Sec. 2, (c), (f), (g), and (i) of the Michigan Vehicle Code; and

WHEREAS, the City of Charlotte Police Chief has issued Traffic Control Order #21-01; and

WHEREAS, Traffic Control Order #21-01 provides that additional "No Stopping, Standing or Parking Signs" will be placed on the south side of East Seminary St. from Cochran Ave. to Washington St., specifically the 100 Block; and

WHEREAS, the purpose of these signs will be to provide greater visibility for the CVS drive-through and for traffic to be able to flow through more easily; and

WHEREAS, Traffic Control Order #21-01 issues the removal of one "No Stopping, Standing or Parking Signs" located in the 200 Block of East Seminary on the south side of the road allowing parking from Washington St. to Horatio St. on the south side of the road for the residents; and

WHEREAS, Traffic Control Order #21-01 provides for the placement of one additional “No Stopping, Standing, or Parking Sign” to be placed on the north side of East Seminary St between Washington St. and Horatio St. thereby prohibiting parking for the entire block on the north side of the street allowing for parking on the south side of the street; and

WHEREAS, that the City Council does hereby authorize the Police Chief to issue Traffic Control Order #21-01; and

NOW, THEREFORE, BE IT RESOLVED, Traffic Control Order #21-01 becomes effective immediately upon signage changes and any previous traffic control orders conflicting with Traffic Control Order #21-01 are hereby rescinded and superseded.

Motion by VanStee, support by Dyer to approve the first reading of the resolution. Carried with roll call vote. 7 Yes. 0 No

E. Consider Resolution 2021-051 Approving the Purchase of Primary Sampler

RESOLUTION NO. 2021-051

A RESOLUTION TO APPROVE THE PURCHASE OF PRIMARY SAMPLER

WHEREAS, the primary sampler (Sampler) at the wastewater treatment plant was last replaced in 1998 and is in need of replacement because it requires frequent repairs; and

WHEREAS, the Sampler is used to automatically sample and refrigerate the incoming wastewater on a flow proportional pace; and

WHEREAS, the sampler is a vital part of our compliance reporting for the discharge permit; and

WHEREAS, preparation of a detailed specification for bids would be time consuming and broad in nature for a specialized piece of equipment; and

WHEREAS, staff obtained three proposals for the Sampler that ranged in price from \$5,614.58 to \$8,185.00 including shipping; and

WHEREAS, USA Bluebook presented the lowest cost for the Sampler; and

WHEREAS, cost for the Sampler has been budgeted for and will be charged to the Water and Sewer Fund and will be installed by staff at the wastewater plant.

WHEREAS, Section 2-186 of the City Ordinances allows for the waiver of sealed bids for purchases over the amount of \$5,000.

THEREFORE, BE IT RESOLVED That the City Council authorizes the purchase of a new primary sampler in the amount of \$5,614.58 from USA Bluebook and agrees to waive the sealed bid process.

Motion by VanStee, support by Dyer to approve the first reading of the resolution. Carried with roll call vote. 7 Yes. 0 No

F. Consider Resolution 2021-052 Renewing the Airport Manager Contract

RESOLUTION NO. 2021-052

A RESOLUTION TO RENEW THE AIRPORT MANAGER CONTRACT WITH TODD COTTER

WHEREAS, Todd Cotter, has provided Airport Manager services at Fitch H. Beach Municipal Airport since 2009; and

WHEREAS, the contract for these services is in need of renewal; and

WHEREAS, Todd Cotter has satisfactorily met the obligations required under the existing contract; and

WHEREAS, terms of a contract renewal have been negotiated and agreed to by both parties.

THEREFORE, BE IT RESOLVED that the contract between the City of Charlotte and Todd Cotter for the provision of Airport Manager services at Fitch H. Beach Municipal Airport be renewed for an additional three years.

Motion by VanStee, support by Dyer to approve the first reading of the resolution. Carried with roll call vote. 7 Yes. 0 No

G. Consider Resolution 2021-053 Renewing Fixed Base Operator Contract

RESOLUTION NO. 2021-053

A RESOLUTION TO RENEW THE FIXED BASED OPERATOR CONTRACT WITH CHARLOTTE AIR SERVICES

WHEREAS, Charlotte Air Services and its owner, Todd Cotter, has provided Fixed Base Operator services at Fitch H. Beach Municipal Airport since 2009; and

WHEREAS, the contract for these services is in need of renewal; and

WHEREAS, Charlotte Air Services has satisfactorily met the obligations required under the existing contract; and

WHEREAS, terms of a contract renewal have been negotiated and agreed to by both parties.

THEREFORE, BE IT RESOLVED that the contract between the City of Charlotte and Charlotte Air Services for the provision of Fixed Base Operator services at Fitch H. Beach Municipal Airport be renewed for an additional three years.

Motion by VanStee, support by Dyer to approve the first reading of the resolution. Carried with roll call vote. 7 Yes. 0 No

H. Consider Resolution 2021-054 Authorizing Lease of Ground at Municipal Airport

RESOLUTION NO. 2021-054

A RESOLUTION TO AUTHORIZE THE LEASE OF GROUND AT FITCH H. BEACH MUNICIPAL AIRPORT

WHEREAS, Grant Emfield recently purchased a private hangar at Fitch H. Beach Municipal Airport; and

WHEREAS, it is necessary to update the ground lease associated with this hangar to reflect new ownership; and

WHEREAS, the terms of this ground lease have been negotiated and agreed to by both parties.

THEREFORE, BE IT RESOLVED that the ground lease between the City of Charlotte and Grant Emfield for occupancy of a private hangar at Fitch H. Beach Municipal Airport is hereby authorized for execution by the Charlotte City Council.

Motion by VanStee, support by Dyer to approve the first reading of the resolution. Carried with roll call vote. 7 Yes. 0 No

I. Consider Resolution 2021-055 Authorizing Correspondence to Transfer Administration of Building Code to Eaton County

RESOLUTION NO. 2021-055

A RESOLUTION TO AUTHORIZE CORRESPONDENCE TO THE STATE FOR THE TRANSFER OF CONSTRUCTION CODE ADMINISTRATION TO EATON COUNTY

WHEREAS, the City has historically administered the state construction code through a division of the Fire Department and the Fire Chief has held the necessary license to administer such code; and

WHEREAS, the Fire Chief/Building Official will be retiring effective April 30, 2021 and no other members of the fire department are licensed to administer the construction code as required by the state; and

WHEREAS, the City has been utilizing the Department of Construction Codes of Eaton County to administer the plumbing, electrical, and mechanical codes for properties within the city's jurisdiction; and

WHEREAS, Eaton County officials have communicated their willingness to administer the construction code for the City of Charlotte and officials from both municipalities have been coordinating the transition of services; and

WHEREAS, the State of Michigan requires the City rescind its ordinance granting city officials the authority to administer the construction code and the City held a first reading on March 15, 2021 and will hold a second reading and consider adoption of such ordinance on April 5, 2021 that shall be effective May 1, 2021; and

WHEREAS, the State of Michigan requires correspondence from the City indicating its intent to have the County administer the construction code; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the City Manager to send such correspondence to the State with the copies of the ordinance rescinding our authority to administer the construction code effective May 1, 2021.

Motion by VanStee, support by Dyer to approve the first reading of the resolution. Carried with roll call vote. 7 Yes. 0 No

PUBLIC COMMENTS:

There was no public comment.

**COMMUNICATIONS AND COMMITTEE REPORTS,
COUNCILMEMBER COMMENTS:**

The City Attorney Report was received.

The City Manager Report was received. LaPere reminded council to review the budget that was sent in preparation for the workshop and thanked staff for their hard work.

MAYOR AND COUNCIL COMMENTS:

Armitage stated that the Planning Commission is full and discussed other board openings.

Baker had no comment.

Hoogstra thanked all the city workers for their hard work.

Dyer inquired about the status of the electric charging stations and priorities on the council calendar.

McRae had no comment.

Weissenborn had no comment.

VanStee thanked Chief Brentar for the information he shared with council.

ADJOURNMENT:

Council member Baker moved, supported by Dyer to adjourn the meeting at 7:30 p.m. Carried. 7 Yes. 0 No. 0 Absent.

Mayor Armitage

Pearl Tidwell, City Clerk