

**CITY OF CHARLOTTE
COUNCIL PROCEEDINGS**

**Regular Meeting
January 18, 2021**

CALL TO ORDER:

By Mayor Armitage on Monday, January 4, 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, DPW Director Gilson; Labor Attorney Kluck; Public: Father Dwight Ezop with Community of St. Mary & St. Ann

PLEDGE OF ALLEGIANCE:

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

INVOCATION:

Father Dwight gave the invocation.

APPROVAL OF MINUTES:

Motion by Baker, supported by Weissenborn to approve the minutes from January 4, 2020 and January 12, 2020 as presented. Carried. 7 Yes. 0 No. 0 Absent.

EXCUSE ABSENT MEMBERS:

All members were present.

PUBLIC COMMENT:

There was no public comment.

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

Motion by VanStee, supported by Weissenborn to approve the Regular Meeting Agenda as presented. Carried. 7 Yes. 0 No. 0 Absent.

Motion by Hoogstra, supported by Baker to approve the Unanimous Consent Agenda as presented.

McRae requested item 10) d) Resolution # 2021-007 and 11) a) Resolution #2021-005 be removed from the Unanimous Consent Agenda

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

SPECIAL PRESENTATIONS:

There was no special presentation.

EXPEDITED RESOLUTIONS AND ORDINANCES:

**A. Consider approval of Resolution No. 2021-004 Approving the
Payment of Claims and Accounts**

RESOLUTION NO. 2021-1

**A RESOLUTION TO APPROVE EXPENDITURES OF THE
CITY OF CHARLOTTE**

FOR JANUARY 18, 2020

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

WHEREAS, the January 15, 2021, payroll totaled \$175,268.46; and

WHEREAS, the January 5, 2021, claims total in the amount of \$2,367.86; and

WHEREAS, the January 13, 2021, claims total in the amount of \$83,905.12; and

WHEREAS, January 4, 2021, insurance claims totaled \$857.27;

WHEREAS, January 11, 2021, insurance claims totaled \$878.54;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for January 18, 2021, in the amount of \$263,277.25.

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

B. Consider approval of Resolution No. 2021-007 Supporting a USDA Rural Development Grant Application for a Study to Determine the Feasibility of Regional Trail Development

RESOLUTION NO. 2021 – 007

A RESOLUTION SUPPORTING A USDA RURAL DEVELOPMENT GRANT APPLICATION FOR A STUDY TO DETERMINE THE FEASIBILITY OF REGIONAL TRAIL DEVELOPMENT

WHEREAS, the City of Charlotte recognizes non-motorized transportation as an important element of our community's quality of life, as it provides necessary and vital opportunities for residents of all socio-economic backgrounds; and

WHEREAS, the City of Charlotte has worked, for many years, to develop and enhance a safe, walkable network of pedestrian infrastructure connecting all points within the City; and

WHEREAS, the City of Charlotte further recognizes that safe and high-quality non-motorized transportation enhancements are especially important to residents with disabilities that may make it difficult or impossible to access motorized transportation; and

WHEREAS, the City of Charlotte understands that non-motorized transportation infrastructure represents more than transportation; it is also critically important for recreation, and encourages the type of healthy and active lifestyles the City wants to help make available for its residents; and

WHEREAS, the City of Charlotte appreciates that it is part of a larger region that is home to other communities and jurisdictions that may share some or all of these same goals and objectives.

THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte hereby offers its support for a proposed multi-jurisdictional application to the USDA Rural Development Program that, if approved, would help fund a study to determine whether the development of a regional trail connecting the City of Charlotte and the City of Eaton Rapids is feasible; the study to include the identification and evaluation of route alternatives; and

BE IT FURTHER RESOLVED that any and all jurisdictions that might be connected by any proposed trail development be invited and encouraged to participate in the study, and any subsequent development process.

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

C. Consider approval of Resolution No. 2021-008 Authorizing Sidewalk Snow Removal Contract

RESOLUTION NO. 2021-008

A RESOLUTION TO AUTHORIZE SNOW REMOVAL CONTRACT

RESOLVED, that the City enter into a contract with Randy Kenyon for the general purposes of snow removal and all upon such terms and conditions as are set forth in an agreement between the parties as annexed hereto.

CONTRACT

THIS AGREEMENT is made on the 18th day of January, 2021, by and between the City of Charlotte, a Michigan municipal corporation, 111 East Lawrence Avenue, Charlotte, Michigan 48813, hereinafter referred to as "City," and Kenyon & Sons, whose address

is 308 S. Sheldon St., Charlotte, MI 48813, hereinafter referred to as “Contractor.”

The City and Contractor agree as follows:

ARTICLE I. Scope of Work

The Contractor agrees to furnish all of the materials, equipment and labor necessary and to abide by all the duties and responsibilities applicable to it for the project entitled “Sidewalk Snow Removal” in accordance with the following project description: For the 2020-21 winter season, to remove all snow and ice accumulations from the complete width of public sidewalks, including sidewalk ramps, abutting various addresses upon receipt of a verbal notice to proceed from the Supervising Professional. Before and after time stamped pictures shall be submitted with the invoices.

ARTICLE II. Definitions

“*Supervising Professional*” means the Charlotte City Manager or other persons acting under his/her authorization.

ARTICLE III. Time for Completion and Liquidated Damages

Section 1. The work to be completed under this contract shall begin within one (1) day following contractor’s receipt of a notice to proceed.

Section 2. The entire work for this contract shall be completed no later than two (2) days following the contractor’s receipt of the notice to proceed unless extended by mutual agreement.

Section 3. Failure to complete all the work within the time specified above, including any extension granted in writing by the Supervising Professional, may result in Contractor’s disqualification from consideration for future work pursuant to this agreement

ARTICLE IV. The Contract Sum

Section 1. City shall pay to Contractor for the performance of the contract either a) the lump sum amount of fifty dollars (\$50.00) for the removal of accumulations of ten (10) inches or less of snow and/or ice from sidewalks abutting standard residential lots including corner lots or b) actual invoiced costs associated with supplying labor, equipment and materials for the removal of 1) accumulations of snow and/ or ice in excess of ten (10) inches and 2) removal of any accumulations of snow from sidewalks abutting non-standard residential lots or commercial lots. Payment shall be made upon completion of all work and acceptance of the work by the Supervising Professional.

Section 2. The amount paid shall be equitably adjusted to cover changes in the work order by the Supervising Professional but not required by the contract documents. All such changes in the work shall be first approved in writing by the Supervising Professional prior to the start of such extra work.

ARTICLE V. Assignment

This contract may not be assigned or subcontracted without the written consent of City.

ARTICLE VI. Choice of Law

This contract shall be construed, governed and enforced in accordance with the laws of the State of Michigan. By executing this agreement, Contractor and City agree to venue in Eaton County for purposes of any action arising under this contract.

Whenever possible, each provision of the contract will be interpreted in a manner as to be effective and valid under applicable law. The

prohibition or invalidity, under applicable law, of any provision will not invalidate the remainder of the contract.

ARTICLE VII. Relationship of the Parties

City and Contractor agree that this is not a contract of employment but is a contract to accomplish a specific result. Contractor is an independent contractor performing services for City. Nothing contained in this contract shall be deemed to constitute any other relationship between City and Contractor.

Contractor certifies that it has no personal or financial interest in the project other than the compensation it is to receive under the contract. Contractor certifies that it is not, and shall not become, overdue or in default to City for any contract, debt, or any other obligation to City including real or personal property taxes. City shall have the right to set off any such debt against compensation awarded for services under this contract.

ARTICLE VIII. Notice

All notices given under this contract, except Notices to Proceed, shall be in writing at the addresses set forth above. Notices to Proceed shall be given by telephone and shall be confirmed by mail or email.

ARTICLE IX. Entire Agreement

This contract represents the entire understanding between City and Contractor and it supersedes all prior representations or agreements whether written or oral. Neither party has relied on any prior representations in entering into this contract. This contract may be altered, amended or modified only by written amendment signed by City and Contractor.

The foregoing resolution offered by Council member Hoogstra and

supported by Weissenborn. Carried with roll call vote. 7 Yes. 0 No.

D. Consider approval of Resolution No. 2021-009 Approving the Wide Open West Franchise Agreement RESOLUTION NO. 2021-009

A RESOLUTION TO APPROVE WIDE OPEN WEST FRANCHISE AGREEMENT

RESOLVED, that the City enter into The Cable Communications Franchise Agreement with WideOpenWest Mid Michigan, a Delaware Corporation doing business as WOW! Internet Cable Phone for the general purposes of providing video services and all upon such terms and conditions as are set forth in the attached agreement between the parties.

McRae expressed frustrations with video service providers.

The foregoing resolution offered by Mayor Pro-tem Dyer and supported by Hoogstra and establishing a 4% franchise fee. Carried with roll call vote. 7 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. Consider approval of Resolution No. 2021-005 Authorizing a Contract with Rowe PSC for Engineering Services Related to Safe Routes to School Project

RESOLUTION NO. 2021-005

A RESOLUTION TO AUTHORIZE A CONTRACT WITH ROWE PSC FOR ENGINEERING SERVICES RELATED TO SAFE ROUTES TO SCHOOL PROJECT

WHEREAS, the City Council approved Resolution 2019-59 Supporting a Safe Routes to School Grant Application at their meeting on June 10, 2019 and committed to

implementing and maintaining the infrastructure that is part of the grant; and

WHEREAS, the project is a partnership between the Charlotte Public Schools, St. Mary's School, and Sparrow Eaton Hospital with assistance from the Eaton County Road Commission; and

WHEREAS, the Michigan Department of Transportation's (MDOT) has issued a Conditional Commitment for a grant in the amount of \$1,303,706.00; and

WHEREAS, specific dates must be met to secure the zero-match grant; and

WHEREAS, an impact grant of \$75,000 through the Capital Region Community Foundation was secured for engineering costs by project partner HGB; and

WHEREAS, Rowe PSC provides road engineering services for the City and is familiar with the MDOT LAP standards, Safe Routes to School project requirements as well as expectations of the City; and

WHEREAS, Rowe PSC has submitted a proposal for the design and construction engineering for an amount of \$326,000.00 plus the cost of any required easements as outlined in their proposal, and

WHEREAS, funding for the professional services related to engineering of Safe Routes to School project will be charged to the Major and Local Street Funds as appropriate and will be offset by the grant.

THEREFORE, BE IT RESOLVED that the City Council enter into a contract with Rowe PSC to provide the above-mentioned services in accordance with the proposal and that

the Mayor or Clerk be directed to sign said contract on behalf of the City.

The foregoing resolution offered by Council member Baker and supported by Mayor Pro-tem Dyer.

McRae inquired about the project.

Manager LaPere explained the resolution authorizing the application to proceed with the grant as a conditional commitment. DPW Director, Gilson explained the project of constructing new sidewalk, upgrading sidewalks to be universally accessible and installing crosswalks.

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

B. Consider approval of Resolution No. 2021-006 Authorizing the Purchase of Dump Truck Box and Associated Equipment

RESOLUTION NO. 2021-006

A RESOLUTION TO AUTHORIZE THE PURCHASE OF DUMP TRUCK BOX AND ASSOCIATED EQUIPMENT

WHEREAS, the FY 20/21 budget includes the replacement of the dump body on Truck #22 (2007); and

WHEREAS, DPW staff has researched different dump bodies and determined that Truck & Trailer Specialties could best provide and install the equipment that meets their application needs; and

WHEREAS, Truck & Trailer Specialties holds a Cooperative Purchasing Contract through Rochester Hills for the requested equipment; and

WHEREAS, Truck & Trailer Specialties has quoted a price of \$22,124.00 to provide and install the dump box, hoist, tarp

and required lights based on the cooperative purchasing contract pricing; and

WHEREAS, the aforementioned equipment will be paid for from the Motor Vehicle Pool fund; and

WHEREAS, Section 2-186 of the City Ordinances allows for the waiver of sealed bids when using a purchasing contract from another governmental agency.

THEREFORE, BE IT RESOLVED That the City Council approve the purchase of the dump truck equipment from Truck & Trailer Specialties agrees to waive the sealed bid process.

RECESS TO CLOSED SESSION:

Motion by Weissenborn, support by VanStee to recess to closed session at 7:19pm. Carried with roll call vote. 7 Yes. 0 No.

RECONVENE TO OPEN SESSION:

Council reconvened at 9:34pm.

Motion by Mayor Pro-tem Dyer to approve the tentative agreement for the fire department union. There was no support.

Mayor Armitage stated that the labor attorney will discuss council's concerns with the fire department.

PUBLIC COMMENTS:

Jason Strotheide asked if there was a map of the proposed sidewalk improvements and shared traffic signal concerns.

Mayor Armitage stated he was unaware when a map would be available for the sidewalk project and stated that the cost for the project would be reimbursed through the grant.

COMMUNICATIONS AND COMMITTEE REPORTS,
COUNCILMEMBER COMMENTS:

City Manager LaPere stated that staff has been helpful and she's looking forward to working with everyone.

Baker had nothing to report.

McRae had nothing to report.

Hoogstra had nothing to report.

VanStee asked for a moment of silence for Martin Luther King Day.

Weissenborn welcomed the new city manager.

Mayor Pro-tem Dyer had nothing to report.

Mayor Armitage had nothing additional to report.

ADJOURNMENT:

Council member Baker moved, supported by Mayor Pro-tem Dyer to adjourn the meeting at 9:42 p.m. Carried. 7 Yes. 0 No. 0 Absent.

Mayor Armitage

Pearl Tidwell, City Clerk