

**CITY OF CHARLOTTE
COUNCIL PROCEEDINGS**

**Regular Meeting
May 3, 2021**

CALL TO ORDER:

By Mayor Armitage on Monday, May 3, 2021 at 7:00 p.m.

PRESENT:

Councilmembers: McRae, Baker, Weissenborn, 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

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 VanStee to approve the minutes from April 19, 2021, April 21, 2021 and April 26, 2021 as presented.
Carried. 6 Yes. 0 No. 1 Absent.

EXCUSE ABSENT MEMBERS:

Motion by Dyer, supported by Weissenborn to approve the absence of councilmember Hoogstra. Motion carried.

CLOSED SESSION:

Motion by Dyer, supported by Weissenborn to move to closed session at 7:18pm. Motion carried with roll call vote. 6 Yes. 0 No. 1 Absent.

RECONVENE TO OPEN SESSION:

Council reconvened to open session at 8:40pm.

PUBLIC COMMENT:

There was no public comment.

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

Motion by Dyer, supported by Baker to approve the Regular Meeting Agenda with the addition of item 11) c) Consider Resolution
Consider Resolution 2021-72 Recognizing Service of Fire Chief Fullerton and the removal of item 13) c) Resolution 2021-072
Authorizing Treasurer-Clerk MERS Addendums. Carried. 6 Yes. 0 No. 1 Absent.

Dyer requested items 13)b be removed from the Unanimous Consent Agenda.

McRae requested item 13)a be removed from the Unanimous Consent Agenda.

Motion by McRae, supported by Dyer to approve the Unanimous Consent Agenda as presented. Motion carried with roll call vote. 6 Yes. 0 No. 1 Absent.

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

SPECIAL PRESENTATION:

The Ad Hoc Enforcement Committee Report was presented by Weissenborn and Baker.

Joanne Vanderstelt thanked council for being proactive in code enforcement.

Armitage thanked those who sat on the Ad Hoc Enforcement Committee.

Manager LaPere thanked the committee for their service.

EXPEDITED RESOLUTIONS AND ORDINANCES:

A. Consider Resolution 2021-068 Approving Claims and Expenditures

RESOLUTION NO. 2021-068

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

FOR MAY 3, 2021

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

WHEREAS, the April 23, 2021, payroll totaled \$165,398.20; and

WHEREAS, the May 3, 2021, claims total in the amount of \$475,623.03 and

WHEREAS, the April 19, 2021, insurance claims totaled \$4,529.18; and

WHEREAS, the April 26, 2021, insurance claims totaled \$6,879.10; and

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for May 3, 2021, in the amount of \$652,429.51.

The foregoing resolution offered by Council member McRae and supported by Dyer. Carried with roll call vote. 6 Yes. 0 No. 1 Absent.

B. Consider Resolution 2021-069 Approving Mayoral Appointments

WHEREAS, a need for a Council appointment exists; and

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

Name	Board / Committee	Term Ending
Tamara Line	Camp Frances	05/15/2023
Amy Jo Smith	Camp Frances	05/15/2023

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

The foregoing resolution offered by Council member McRae and supported by Dyer. Carried with roll call vote. 6 Yes. 0 No. 1 Absent.

C. Consider Resolution 2021-072 Honoring the Service of Fire Chief Kevin Fullerton

A RESOLUTION TO HONOR THE SERVICE OF FIRE CHIEF KEVIN FULLERTON

WHEREAS, Kevin Fullerton began his service to the City of Charlotte as a volunteer firefighter in June 1973 and continued to advance within the department over the years to be named the Fire Chief in 1988; and

WHEREAS, during his tenure with the Charlotte Fire Department, Chief Fullerton responded to countless residential and commercial structures fires, and provided life-saving evacuations; and

WHEREAS, the City of Charlotte Fire Department has been well-served by his leadership and training as a certified fire inspector, EMT certified, arson investigator, building inspector and official, plan reviewer, certified fire inspector, driving instructor, hazardous materials operations technician, incident command, and hazardous material inspector; and

WHEREAS, in addition to his service in the fire department, he has also served as the Building Official and three terms as interim City Manager; and

WHEREAS, after nearly five decades of service to the community, Chief Fullerton will retire as of April 30, 2021 and will continue to be a mentor as a volunteer firefighter;

NOW, THEREFORE, BE IT RESOLVED that after 48 years of service to the City of Charlotte, the City Council does hereby recognize Chief Fullerton and wish him many years of health and happiness in retirement.

The foregoing resolution offered by Council member McRae and supported by Dyer. Carried with roll call vote. 6 Yes. 0 No. 1 Absent

APPROVAL OF RESOLUTIONS AND ORDINANCES

A. Consider Resolution 2021-061 Authorizing Contract with Fedewa, Inc. for Painting of North Water Tower

RESOLUTION NO. 2021-061

A RESOLUTION TO AUTHORIZE A CONTRACT WITH FEDEWA, INC. FOR PAINTING THE NORTH WATER TOWER

WHEREAS, the most recent inspection report indicated that the north water tower's exterior needs painting and miscellaneous repairs; and

WHEREAS, sealed bids were received on Tuesday, April 13, 2021; and

WHEREAS, Fedewa, Inc. of Hastings submitted the lowest unit price bid in the amount of \$69,699.00 to complete the project; and

WHEREAS, Nelson Tank Engineering & Consulting (NTEC) has verified Fedewa's experience and ability to perform the work satisfactorily; and

WHEREAS, funding for these items were budgeted and will be charged to the Water and Sewer Fund.

THEREFORE, BE IT RESOLVED that the City enter into a contract with Fedewa, Inc. to repaint and repair the north water tower and that the Mayor or Clerk be directed to sign said contract on behalf of the City.

The foregoing resolution offered by Council member McRae and supported by Dyer. Carried with roll call vote. 6 Yes. 0 No. 1 Absent.

B. Consider Resolution 2021-062 Authorizing Contract with TH Eifert for the Rebuilding of Main Primary Clarifier Drive

RESOLUTION NO. 2021-062

A RESOLUTION TO AUTHORIZE A CONTRACT WITH T.H. EIFERT FOR THE REBUILDING OF MAIN PRIMARY CLARIFIER DRIVE

WHEREAS, the primary clarifier #1 at the wastewater treatment plant needs to be removed and rebuilt; and

WHEREAS, sealed bids were received on Tuesday, April 13, 2021; and

WHEREAS, T.H. Eifert of Lansing submitted the lowest lump sum bid in the amount of \$35,600.00 to complete the project; and

WHEREAS, the City has worked with T.H. Eifert on previous projects and they have performed the work satisfactorily; and

WHEREAS, funding for these items were budgeted and will be charged to the Water and Sewer Fund.

THEREFORE, BE IT RESOLVED that the City enter into a contract with T.H. Eifert to rebuild the main drive for primary clarifier #1 and that the Mayor or Clerk be directed to sign said contract on behalf of the City.

The foregoing resolution offered by Council member McRae and supported by Dyer. Carried with roll call vote. 6 Yes. 0 No. 1 Absent.

C. Consider Resolution 2021-064 Authorizing Charlotte Celebrates Activities June 17-19, 2021

RESOLUTION NO. 2021-064

AUTHORIZING CHARLOTTE CELEBRATES ACTIVITIES JUNE 17-19, 2021

WHEREAS, Charlotte Celebrates is a community-based, organized event that is to be held June 17 to 19, 2021; and,

WHEREAS, the Charlotte Celebrates committee is responsible for organizing these events that contribute to community-wide fellowship, benevolence, and welfare; and

WHEREAS, the Committee has planned events that require the use and closure of certain streets and right of ways; and

WHEREAS, the Committee has requested that the Charlotte City Council approve the following requests and conditions, including assistance with street closures:

1. Closure of South Cochran Avenue in the 100 and 200 blocks, and East & West Lovett Streets in the 100 blocks to through traffic from 4 p.m. to 8:30 p.m. on Thursday, June 17, 2021 for Touch-A-Truck.
2. Closure of South Cochran Avenue in the 100, 200 and 300 blocks, and East & West Lovett Streets in the 100 blocks to through traffic from 4:00 p.m. to 9 p.m. on Friday, June 18, 2021 for the Charlotte Celebrates Car Show.
3. Authorization for the city to supply whatever closing signs and barricades it has available for the street closures. Other signs will be the responsibility of the event committee.
4. Authorization for the city Department of Public Works to place the required barricades as needed and designated by the Charlotte Police Department.
5. Authorization for the Charlotte Police Department to provide assistance for traffic diversion as necessary for the above-mentioned events.

WHEREAS, the City Council of the City of Charlotte determines these temporary street closings and other conditions are in the best interests of the community.

NOW, THEREFORE, BE IT RESOLVED, that these street closures at the specified times be granted and carried out in accordance with those permissions issued by the Michigan Department of Transportation; and,

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

The foregoing resolution offered by Council member McRae and supported by Dyer. Carried with roll call vote. 6 Yes. 0 No. 1 Absent

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. Ordinance 2021-04 for Cost Recovery

ORDINANCE NO. 2021-04

AN ORDINANCE TO AMEND CHAPTER 2 - ADMINISTRATION - OF THE CODE OF THE CITY OF CHARLOTTE BY AMENDING ARTICLE V - FINANCE TO ADD DIVISION 5 CHARGES FOR CERTAIN EMERGENCY RESPONSE SERVICES.

THE CITY OF CHARLOTTE ORDAINS:

SECTION 1. PURPOSE. The purpose of this ordinance is to clarify when charges for certain emergency response services are due, who is the responsible party, and exemptions and limitations on charges.

SECTION 2. Article V - Finance of Chapter 2 - Administration - of the Code of the City of Charlotte is hereby amended to read as follows:

Division 5. CHARGES FOR CERTAIN EMERGENCY RESPONSE SERVICES

Section 2-200 PURPOSE.

This division is adopted to defray some costs incurred in providing certain emergency response services. It is not the purpose of this division to provide complete reimbursement of funding for the Charlotte Police Department and/or the Charlotte Fire Department.

Section 2-201 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Alarm system* means a fire detection system, intrusion or holdup device designed or arranged to signal the presence of any fire hazard, intrusion or holdup of any residential, commercial or business property. Excluded from this definition are single-family residence battery-operated smoke or heat detectors.

(2) *Alarm user* means any person on whose premises an alarm system is maintained except for alarm systems on motor vehicles. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premise, the person using such system is an alarm user.

Also excluded from this definition and from the coverage of this article are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located; however, systems using a flashing light or beacon designed to signal persons outside the premises, shall be within the definition of an alarm system and shall be subject to this article.

(3) *Assessable costs* mean those charges and fees incurred by the city as a result of assistance provided by the police or fire department or by a third party on behalf of the city in connection with a fire department response to an incident including, but not limited to, the actual labor and material costs (including without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of transportation, costs of material disposal, and costs of contracted labor, legal fees, collection costs, etc.) provided.

(4) *Emergency response* means the following actions or services provided by the city, or by a private individual or corporation operating at the request or direction of the city:

- a. Extinguishing or fighting any fire occurring on or at a structure, vehicle, or

any other fire occurring on public or private property.

b. Any incident requiring a response by the city that involves any public or private utility property and requires city equipment or personnel to remain at the incident to protect health, safety, and welfare of the public until the utility provider responds to the incident and takes corrective measures, lasting greater than one hour.

c. The extrication of an individual(s) from a vehicle involved in an accident.

d. Extinguishing or fighting any vehicle fire.

e. Any response to a false alarm at a property in excess of once in a calendar year. This includes, but is not limited to: fire, medical, burglary, panic, hold-up, and other types of alarms.

(5) *False alarm* means the activation of an alarm system through mechanical failure, malfunction, improper installation, negligence or the intentional activation of the alarm system without reasonable and legitimate need or cause by the person or their employees and agents

using an alarm system. False alarm does not include an alarm caused by meteorological or geological conditions or by disruption or disturbance of telephone or other communication systems.

(6) *Person responsible* means the owner, operator, and/or person in charge of or person in possession of the structure, property or vehicle to which the emergency response is directed, including any private contractor, such as alarm companies requesting or initiating such a response. This also includes the person or persons who require rescue of a technical nature, and/or who cause extrication, rescue, or hazardous materials response to be needed.

(7) *Vehicle* means all motor vehicles (including but not limited to, cars, trucks, semi tractors, motorcycles, and trailers), trains, aircraft, or watercraft.

Section 2-202 CHARGES IMPOSED UPON RESPONSIBLE PARTY.

(1) The assessable costs of an emergency response shall be charged against the person(s) responsible. If there is more than one person responsible, liability shall be joint and several and the city may bill any or all persons responsible, however the city may not collect

more than the total amount owed. Liability for charges assessed under this article shall not be dependent upon fault or negligence. The charge constitutes a debt of the person(s) responsible and shall be collectible by the city in the same manner as an obligation under a contract.

(2) The assessable cost within the expense of an emergency response may not exceed an amount set forth by resolution of the city council.

Section 2-203 BILLING PROCEDURES.

Following the conclusion of the emergency incident, the Police Chief or Fire Chief shall submit a detailed listing of all known costs and expenses to the City Clerk, who shall prepare an invoice to the responsible party for payment. The Clerk's invoice shall demand full payment within 30 days of receipt of the bill. Any additional costs or expenses that become known following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after 30 days, the city shall impose a late charge of 1% per month, or fraction thereof.

Section 2-204 OTHER REMEDIES.

In case of default, the city may commence a civil suit to recover the costs and expenses of the response and court costs

and attorney fees incurred in the collection of such debt. The statement submitted to the person responsible shall be prima facie evidence of the validity of such costs and the person responsible bears the burden of challenging said costs. The city may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this article. The recovery of charges imposed under this article does not limit the liability of responsible parties under state or federal law, rule or regulation. In addition to any other court costs, the prevailing party shall be entitled to their reasonable attorney fees incurred in bringing or defending the action.

Section 2-205 EXEMPTIONS.

(1) The following persons responsible shall be exempt from the charges authorized by this division for an emergency response which does not involve hazardous material or a hazardous substance as defined under Chapter 30, Article IV:

- a. Fires caused by railroad trains which are the specific responsibility of railroad companies;
- b. Fire service provided outside the jurisdiction of the city under a mutual aid or similar contract with an adjoining municipality;

c. Fire service to property owned by the United States of America, or the State of Michigan, or any political subdivision of the State of Michigan;

d. Charges waived by the city council; and

e. Persons responsible who require or necessitate an emergency response which does not exceed \$500.00.

Section 2-206 NON-EXCLUSIVE CHARGES.

All charges for services rendered pursuant to this article shall be in addition to any charges or taxes made by the department or the city pursuant to law for the maintenance or operation of the department.

Section 2-207 – DEFINITIONS FOR INCIDENTS INVOLVING DRIVERS OPERATING MOTOR VEHICLES UNDER THE INFLUENCE.

The following words, terms and phrases, when used in sections 2-208 through 2-214, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Emergency response* means:

a. The providing, sending or utilizing of police, firefighting, emergency medical and rescue

services by the city, or by a private individual or corporation operating at the request or direction of the city, to an incident resulting in an accident involving a motor vehicle where one or more of the drivers were operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and controlled substance; or

b. An incident resulting in a traffic stop and arrest by a police officer when a driver was operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance.

(2) *Expense of an emergency response* means the direct and reasonable costs incurred by the city, or to a private person or corporation operating at the request or direction of the city, when making an emergency response to the incident, including the costs of providing police, firefighting and rescue services at the scene of the incident. These costs further include all of the salaries and wages of the city personnel responding to the incident, all salaries and wages of the city personnel engaged in investigation, supervision and report preparation, and all costs connected with the administration and provision of all chemical tests of driver's blood, and prosecution of the person causing the incident.

SECTION 2-208 PURPOSE AND INTENT.

The city finds that a significant number of traffic arrests and traffic accidents in the city involve drivers who operate a motor vehicle while under the influence of alcoholic beverages or controlled substances. In addition, the city finds that in traffic accidents involving drivers who were operating motor vehicles while under the influence of alcoholic beverages or controlled substances there is a greater likelihood of personal injury and property damage. As a result of these determinations, a greater operational and financial burden is placed upon the city's police, firefighting, rescue and other services by persons who are operating a motor vehicle while under the influence of alcoholic beverages or controlled substances.

SECTION 2-209 LIABILITY FOR EXPENSE.

Any person is liable for the expense of an emergency response if, while under the influence of an alcoholic beverage or controlled substance, or the combined influence of an alcoholic beverage and controlled substance, such person's operation of a motor vehicle proximately causes any incident resulting in an emergency response.

SECTION 2-210 PRESUMPTIONS.

For the purpose of this division, a person is under the influence of an alcoholic beverage or controlled substance, or the combined influences of an alcoholic beverage and controlled substance, when his/her physical or mental abilities are impaired to a degree that he/she no longer has the ability to operate a motor vehicle with the caution characteristic of a

sober person of ordinary prudence. Further, it shall be presumed that a person was operating a motor vehicle while under the influence of an alcoholic beverage if a chemical analysis of his/her blood, urine or breath indicates that the amount of alcohol in his/her blood was in excess of 0.07 percent.

SECTION 2-211 RESPONSIBILITY FOR PAYMENT OF CHARGES.

The expense of an emergency response shall be a charge against the person liable for the expenses under this division. The charge constitutes a debt of that person and is collectible by the city for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

SECTION 2-212 COST RECOVERY SCHEDULE

The city council shall, by resolution, adopt a schedule of the costs included within the expense of an emergency response. This schedule shall be available to the public from either the city clerk or the police department.

SECTION 2-213 BILLING.

The chief of police or city treasurer, or his/her designee, may, within ten days of receiving itemized costs, or any part thereof, incurred for an emergency response, submit a bill for these costs by first class mail or personal service to the person liable for the expenses as enumerated under this division. The bill shall require full payment in 30 days from the date of service.

SECTION 2-214 FAILURE TO PAY CHARGES.

Any failure by the person described in this division as liable for the expenses of an emergency response to pay the bill within 30 days of service shall be considered a default. In case of default, the city may commence a civil suit to recover the expenses and any costs allowed by law.

SECTION 2-215 MEDICAL TREATMENT OF THOSE IN CUSTODY.

Any person held in custody, confined or incarcerated by the city, including, but not limited to: individuals who are i) under arrest, ii) incarcerated, iii) imprisoned, iv) escaped from confinement, v) under supervised release, vi) on medical furlough, vii) residing in a mental health facility or halfway house, viii) living under home detention, ix) or confined completely or partially in any way under a state or local penal statute, ordinance or rule; shall be solely responsible for the payment of any medical services rendered to, and received by, that person during the course of his or her confinement with the city, or at the city's or court's direction, including without limitation, transportation to and from a medical treatment facility, and any treatment deemed necessary by his or her treating physician, whether or not requested by the prisoner; and shall be required to reimburse the city, in full for any fees or charges incurred for such services, if not paid directly to medical facility or practitioner by the prisoner or his or her insurance carrier.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective 20 days after adoption.

Motion by Dyer, support by Baker to approve the first reading of the ordinance. Council discussed the charges. Carried with roll call vote. 6 Yes. 0 No. 1 Absent.

B. Resolution 2021-071 Authorizing Park Ranger Positions in the DPW

RESOLUTION NO. 2021-071

A RESOLUTION TO AUTHORIZE FILLING PARK RANGER POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the City Council implemented a hiring freeze at the council meeting on June 8, 2020; and

WHEREAS, the Department of Public Works annually hires two summer park rangers for cleaning bathrooms, maintaining parks, and other miscellaneous tasks that the DPW staff does not have time to complete; and

WHEREAS, these employees are paid minimum wage, work 40 hours per week typically from May through August, and frequently are students earning money for college; and

WHEREAS, the positions have been budgeted and are charged to the parks in General Fund; and

WHEREAS, the Department is requesting permission to fill two seasonal Park Ranger positions to complete work in the parks and other city grounds throughout the summer months.

THEREFORE, BE IT RESOLVED That the City Council approves hiring two employees to fill the seasonal Park Ranger positions for the Department of Public Works.

Motion by Dyer, support by Weissenborn to approve the first reading of the Resolution. Council discussed the budget, the park rangers and park restrooms.

Motion by McRae, support by VanStee to amend the resolution to hire 1 park ranger with the resolution expedited for approval. Motion carried with Weissenborn in opposition. 5 Yes. 1 No. 1 Absent.

Original motion carried with Weissenborn in opposition. 5 Yes. 1 No. 1 Absent.

C. Resolution 2021-073 Authorizing General Fund Budget Amendments

RESOLUTION NO. 2021-073

A RESOLUTION TO AMEND THE BUDGET FOR THE 2020-21 FISCAL YEAR

WHEREAS, in accordance with the provisions of the City Charter, the City Manager submitted to Council a proposed budget

for the fiscal year commencing July 1, 2020 and ending June 30, 2021 with Resolution 2020-70; and

WHEREAS, Resolution 2020-70 appropriated \$6,374,020.80 for General Government purposes within the General Fund; and

WHEREAS, Council members have reviewed the proposed budget and the Council has availed itself of opportunities to be informed about its contents, to discuss the spending plan for the City, to debate its implications and to offer amendments to the budget; and

WHEREAS, the attached budget amendments modify the appropriations to \$5,966,479.00 for General Government purposes within the General Fund; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the attached amendments to the budget for the General Fund for the fiscal year that ends June 30, 2021:

Motion by McRae, support by Dyer to approve the first reading of the resolution. Council discussed. Carried with roll call vote. 6 Yes. 0 No. 1 Absent.

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 recognized Chief Fullerton for his years of service to the community and wished him the best in his retirement.

VanStee stated that the Planning Commission meeting was cancelled due to lack of agenda items.

Manager LaPere discussed the Budget for Fiscal Year 2021-2022 with council.

ADJOURNMENT:

Council member Dyer moved, supported by Baker to adjourn the meeting at 10:16 p.m. Carried. 6 Yes. 0 No. 1 Absent.

Mayor Armitage

Pearl Tidwell, City Clerk