

COUNCIL PROCEEDINGS

Regular Meeting

June 7, 2021

CALL TO ORDER:

By Mayor Armitage on Monday, June 07, 2021 at 7:14 p.m.

PRESENT:

Mayor Armitage, Mayor Pro Tem Dyer, Councilmembers Baker, Hoogstra, McRae, VanStee, Weissenborn.

EXCUSE ABSENT MEMBERS:

All members were present.

INVOCATION:

The invocation was given by Fr. Dwight Ezop of St. Mary's Catholic Church.

PLEDGE OF ALLEGIANCE:

Mayor Armitage led the City Council in the Pledge of Allegiance.

MINUTES:

Councilmember Hoogstra, supported by Councilmember Baker, moved the approval of the May 17, 2021 and May 24, 2021 City Council meeting minutes. Carried.

PUBLIC COMMENTS:

Ronald Horvath, 1049 Northway Drive, said that he was unable to access the remote meeting and wants the record to reflect that he is opposed to the Special Assessment. He addressed concerns about spending and opportunities for grant funding. He disagrees with the assessment to fund the Fire Department and said that he would appeal the assessment to the State Tax Tribunal.

Owen Whitkopf, 308 Plymouth Drive, asked about a proposal from last fall to conduct a financial study of the City and whether that had been completed. He also said the west side fire station is not sufficient for community safety, and that the police and ambulance service should be located there as well. He said the solution should have been a bridge rather than a new station.

Jill Smith, 432 Forest St., spoke in favor of allowance for marijuana shops. She said the city could make lots of tax money if marijuana shops are allowed and said Charlotte should follow the example of Colorado. She noted other communities are receiving tax revenues and the shops are very popular.

Jeffery McNamee, Charlotte resident, wanted to address taxes and marijuana. He is not for or against marijuana businesses, but if they are allowed there should be a local sales tax and he would prefer that it be a local business owner, not a large conglomerate. He said that he is a Shyft Group employee and an entrepreneur in manufacturing.

Owen Whitkopf, 308 Plymouth Drive, spoke a second time in opposition to allowance for commercial marihuana.

Ben Phlegar, 425 Horatio, said that he had written a letter to the City Council addressing a number of different issues. He said the City should look at all revenue options, and should look at the pros and cons of them. He noted the City approves temporary liquor licenses for special events and should consider marijuana in the same way. He also asked about the stimulus money. He said that he understands that many cuts

have been made and there are none left that wouldn't hurt the city.

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

Councilmember Weissenborn, supported by Mayor Pro Tem Dyer, moved the approval of the agenda as presented. Carried.

Mayor Armitage asked whether Councilmembers wanted any items removed from the Unanimous Consent Agenda for individual consideration. Councilmember Hoogstra requested items 10b and 10e, Councilmember VanStee requested items 11a and 12a, Mayor Armitage requested item 10f.

Councilmember Baker, supported by Councilmember Weissenborn, moved the approval of the remaining items on the Unanimous Consent Agenda. Carried via roll call vote. 7 Yes. 0 No. 0 Absent.

PUBLIC HEARING:

Mayor Armitage opened a public hearing regarding a Zoning Board of Appeals case for variance from front yard setback and corner clearance area requirements at 123 East Stoddard. Community Development Director Myrkle explained that a front yard exception had been verbally approved at an earlier date for the purposes of constructing an elevator addition to the church building at this address. However, once the City received the plans for review, it was determined that the proposed addition would also encroach into a corner clearance area for the intersection of Washington and Stoddard Streets. He said that rather than having staff approve the variance as a reasonable accommodation under the Americans with

Disabilities Act, City Manager LaPere recommended that the issue should be reviewed by the Zoning Board of Appeals. He also said that he had heard from one neighbor who is concerned about visibility at the intersection, especially with cars parked there.

Martin Garn, representing the Saint's Church of Jesus Christ, said that the church is aware of the limited space they are working with. He said there is not even room to put in a handicapped access ramp. He said that the proposed building addition would be in the center of the building, not the edge. He also said there are other structures at the intersection that block the view, such as a utility pole.

Kim and Thomas Harder spoke, representing the aforementioned neighbor. They said that they do not dispute the need for an elevator, but the allowed parking around the intersection is too much and makes it difficult to see. Thomas said that working to better manage the parking on days the church is holding services would go a long way toward helping out.

Garn said that parking is not the issue and no illegal parking is taking place.

Mayor Armitage closed the public hearing at 7:57 p.m.

EXPEDITED RESOLUTIONS AND ORDINANCES:

A. Consider Resolution 2021-086 Approving Claims and Expenditures

RESOLUTION NO. 2021-086

**A RESOLUTION TO APPROVE EXPENDITURES OF
THE CITY OF CHARLOTTE FOR JUNE 7, 2021**

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

WHEREAS, the June 4, 2021, payroll totaled \$83,210.40; and

WHEREAS, the June 3, 2021, claims total in the amount of \$821,933.83; and

WHEREAS, the May 17, 2021, insurance claims totaled \$2,775.42; and

WHEREAS, the May 24, 2021, insurance claims totaled \$3,792.66; and

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for June 7, 2021, in the amount of \$911,712.31.

Motion by Councilmember Baker, supported by Councilmember Weissenborn to approve Resolution No. 2021-074. Carried on a roll call vote. 6 Yes. 0 No. 0 Abstain. 0 Absent.

B. Consider Amendments to Ordinance 2021-04 for Cost Recovery

**CITY OF CHARLOTTE
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.

Councilmember Baker moved that the following ordinance be amended and adopted as follows:

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. Persons responsible in circumstances in which the city manager finds imposition of assessable costs of an emergency response would clearly result in a manifest injustice. The city manager's decision may be appealed to 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. However, a person held in custody, confined, or incarcerated by the city shall not be responsible for payment of any medical services to treat illness or injury caused by conduct that would not qualify for immunity from tort liability under the Governmental Immunity Act, Public Act 170 of 1964 (MCL 691.1401, et seq), as amended.

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

Second, Weissenborn. Carried (7) Yeas. (0) Nays.

Dated: June 7, 2021

C. Consider Resolution 2021-087 Set Public Hearing for FY21-22 Budget:

RESOLUTION NO. 2021-087

A RESOLUTION TO SET THE DATE FOR A BUDGET WORKSHOP MEETING AND FOR A PUBLIC

HEARING ON THE PROPOSED 2021-22 BUDGET

WHEREAS, the City Manager has prepared a proposed budget for the fiscal year that begins July 1, 2021 and has submitted the budget document to the City Council; and

WHEREAS, the City Council wishes to designate their June 15th work session for the purpose of reviewing and discussing the budget; and

WHEREAS, prior to the adoption of the budget, the City Council is required to afford the public an opportunity to provide comments concerning the proposed budget;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby designate the work session meeting for the purpose of reviewing and discussing the budget to be held on Tuesday, June 15 at 7:00 p.m. in the City Hall Council Chambers; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize a public hearing on the proposed budget to be held on Monday, June 21, 2021 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 moved by Baker, supported by Weissenborn. Carried. 7 Yes. 0 No. 0 Absent.

D. Consider Resolution 2021- 088 Direct Administration to Review Commercial Marijuana and Social Districts

RESOLUTION NO. 2021-088

A RESOLUTION TO DIRECT ADMINISTRATION TO
STUDY COMMERCIAL MARIJUANA USES AND

SOCIAL DISTRICTS

WHEREAS, the City Council wishes to review the topic of whether to permit commercial marijuana uses in the City limits and to review the topic whether to establish a social district in or around downtown area; and

WHEREAS, the City Council desires a comprehensive overview of the statutory framework for commercial marijuana, including medical and recreational, including the allowable licenses, options for zoning and other regulatory limits, and the requirements and enforcement of such regulations; and

WHEREAS, the City Council also desires a comprehensive overview of the regulatory requirements and processes for establishment of a Social District; and

WHEREAS, the City Council seeks a robust discussion with the various stakeholders for each topic including city staff, residents, and the business community;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby direct administration to prepare a summary report of the statutory requirements, regulatory framework, potential impacts to the community, and other such information as it pertains to the allowable licenses for commercial marijuana uses, including medical and recreational; and

BE IT FURTHER RESOLVED that the City Council does hereby direct administration to prepare a summary report of the

statutory requirements, regulatory framework, potential impacts to the community, and other such information as it pertains to the establishment of a Social District in or around downtown area; and

BE IT FURTHER RESOLVED that both reports will be prepared and presented to City Council for further discussion at the Tuesday, July 13th work session.

The foregoing resolution moved by Dyer, supported by VanStee.

Mayor Armitage explained that the resolution is to direct staff to study these issues and make a report to the City Council. It is not taking action on the actual approval of these ideas.

Councilmember Hoogstra asked what the approval process would be. She said that she wanted to know the tax benefits, but also the negative effects these proposals might have. She said that police and fire input is needed. She said that she wants to know that the benefits are greater than the risks.

Councilmember Baker said that the City of Charlotte opted out of allowing commercial marijuana activities a couple of years ago, and it was not a unanimous vote. His concerns are related to Charlotte being a County Seat and some of the problems associated with that. He said that the community already has persons with addiction problems, and he wants to keep Charlotte a safe place where families want to move. By allowing marijuana, it opens the door to more problems in the

future. He is familiar with drug treatment clinics, and he doesn't think this is the right thing for us to do.

Councilmember Weissenborn said that she knows this is being brought up again because of the budget discussion, but she wants to understand the risks and not make a decision based just on money. She said that she wants to know more about what is happening in other communities who have allowed marijuana and what the effects have been. She said she wanted to know more about the approval process prior to July's report.

Councilmember McRae said that the City Council should consider this issue. He said that times are changing and marijuana is now a legal substance and there is some revenue to be had that the city needs. He said this could be part of the equation of keeping young people in the community.

Councilmember VanStee said that the City needs to do the research. He said the City has heard from many residents who have asked that it be considered. He said that there is a significant black market, and that making commercial sales of recreational marijuana legal in Charlotte could help undermine the black market. He said that access to marijuana is abundant in the City already and that we should choose a regulated approach, rather than relying on the black market.

Councilmember Dyer said that he had asked for this item to be added to the agenda. He said the resolution does not commit the City to any action, but that we need to look at all revenue

options. He said it is not the Council's job to regulate constituent morality and the City will miss out on the available revenue if it waits too long.

Mayor Armitage said that he supports the resolution, and that Charlotte residents voted in favor of marijuana when it was on the statewide ballot. He said that he does not believe that revenue is the primary reason to do it, and that the City needs to look at it in its total merit for the community.

Community Development Director Myrkle said that he is still getting many inquiries from people interested in setting up commercial grow operations in the City. He said that it is, by far, the most common inquiry he receives compared to any other category or type of business.

Carried. 5 Yes. 2 No. (Baker, Hoogstra) 0 Abstain. 0 Absent.

E. Consider Resolution 2021- 089 Replacement of Methane Boiler at Wastewater Treatment Plant.

RESOLUTION NO. 2021-89

**A RESOLUTION TO AUTHORIZE THE REPLACEMENT
OF METHANE BOILER AT THE WASTERWATER
TREATMENT PLANT**

WHEREAS, a boiler at the Wastewater Treatment Plant (WWTP) was installed in the 1978 upgrade as part of the biosolid digestion process; and

WHEREAS, the boiler has been requiring increased number of repairs and parts are no longer available due to its age; and

WHEREAS, the boiler replacement has been deferred for several years to minimize the impact on the budget; and

WHEREAS, the FY 2021-2022 budget has allocated \$88,000.00 for the replacement of the methane gas boiler; and

WHEREAS, staff has secured two bids for the boiler and associated equipment; and

WHEREAS, Gunthorpe Plumbing & Heating, Inc. (Gunthorpe) submitted the lowest bid to remove the existing boiler, install the new boiler, perform related work for a fee of \$87,493.38, and

WHEREAS, Gunthorpe has indicated that due to the volatility of material prices, their costs will increase by \$3,000.00 if the order isn't placed after June 8th, and

WHEREAS, funding for the work performed will be charged to the Water and Sewer Fund; and

WHEREAS, Section 2-186 of the City Ordinances allows for the waiver of sealed bids for purchases over the amount of \$5,000 and the required three quotes for purchases over \$2,500.

THEREFORE, BE IT RESOLVED That the city council authorizes Gunthorpe Plumbing & Heating, Inc. to replace the existing methane boiler at the WWTP for a fee of \$87,493.38 and agrees to waive the sealed bid process.

The foregoing resolution moved by Baker, supported by Dyer.

Mayor Armitage said that he did not like some of the language in the bid forcing the City to expedite the decision.

Councilmember VanStee asked whether this purchase is absolutely necessary. He said that he wants more information, and that if it can be delayed it should be. Councilmember Hoogstra said that she agrees.

Public Works Director Gilson said that the sewage sludge at the treatment plant has to be kept warm throughout the winter in order for the biological processes to take place. There are two boilers, one is natural gas and the other is methane. The methane boiler uses gas captured from the biological processes themselves. It is in disrepair and the City is salvaging parts from a similar boiler that was previously taken out of service elsewhere in Eaton County. She said it is significantly cheaper to use the methane boiler compared to the natural gas boiler, because the City has to purchase the natural gas. She also said the note on cost in the bid was just poorly worded, and she does not think it was intended as a scare tactic.

Van Stee asked if there was any risk in just continuing to use the natural gas boiler. Gilson said the risk is in the operational cost, because it is much higher.

Councilmember Baker asked the age of the boiler. Gilson said it was installed in 1978. She said the new boiler would be much smaller and more efficient. She said that it would take about 12 weeks to order and install the new methane boiler.

She suggested the City could wait until it fails and then risk the 12 weeks of expense related to the natural gas purchase.

Councilmember McRae asked if the methane has to be burned, or could it simply be vented or released. Gilson said that you cannot release it, it has to be burned.

Carried. 7 Yes. 0 No. 0 Absent.

F. Consider Resolution 2021- 090 Zoning Board of Appeals Case for variance from front yard setback and corner clearance area requirements at 123 East Stoddard St.

ZONING BOARD OF APPEALS RESOLUTION 2021 –090

A RESOLUTION TO AUTHORIZE A MODIFICATION TO THE HEIGHT AND AREA REGULATIONS FOR 123 EAST STODDARD STREET

WHEREAS, the City of Charlotte has received a Zoning Board of Appeals application for consideration of a modification to the height and area regulations at 123 East Stoddard Street; And

WHEREAS, the purpose of this modification would be to allow the construction of a building addition that would accommodate the installation of an elevator; and

WHEREAS, the Zoning Board of Appeals has the authority to grant modifications to height and area regulations in order to secure an improvement of a lot that cannot otherwise be improved without such modification; and

WHEREAS, the Zoning Board of Appeals has made the following determinations in relation to this request:

- The proposed modification will not impair an adequate supply of light and air to adjacent properties.
- The proposed modification will not unreasonably increase the congestion in public streets.
- The proposed modification will not increase the danger of fire or endanger public safety.
- The proposed modification will not unreasonably diminish or impair established property values in the surrounding area.
- The proposed modification will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.
- The proposed modification will secure the improvement of a parcel that, due to its relationship to surrounding development and physical characteristics cannot be appropriately improved without such modification.

And;

WHEREAS, the Zoning Board of Appeals has also determined that the proposed modification can and should be considered a reasonable accommodation as required by the Americans with Disabilities Act.

THEREFORE, BE IT RESOLVED that the City of Charlotte Zoning Board of Appeals hereby grants the requested modification to height and area regulations for the development at 704 St. Mary's Boulevard.

The foregoing resolution moved by Dyer, supported by Van Stee.

Mayor Armitage said that he realizes the new addition would be set back somewhat, but he would like to see the parking

addressed with signage or similar controls. He said that could be left to staff to manage. Councilmember Van Stee agreed, saying that they are planning this as best they can, but that the parking could be changed.

Councilmember Baker said the church has made a lot of improvements in the building and he supports the project.

Police Chief Brentar said that he would look at the parking situation to see if it can be approved.

Councilmember McRae said that there doesn't appear to be any other place to put an elevator.

Mayor Pro Tem Dyer said it is not a busy area.

Councilmember Hoogstra said that the issue should be addressed through parking changes if necessary.

City Manager LaPere said that parking is an existing condition and can be addressed separately. It does not need to be a condition of approval for this project.

Carried. 7 Yes. 0 No. 0 Absent.

APPROVAL OF RESOLUTIONS AND ORDINANCES:

A. Consider Resolution 2021-076 Authorizing Brush Grinding Contract

RESOLUTION NO. 2021-076
A RESOLUTION TO AUTHORIZE BRUSH GRINDING
CONTRACT

WHEREAS, the Department of Public Works collects leaves and brush throughout the year and contracts for its grinding and removal each Spring; and

WHEREAS, the Department issued a bid request to the few companies who own the equipment necessary to provide this service; and

WHEREAS, only one bid was turned in this year and it was from last year's low bidder; and

WHEREAS, the bid from Hammond Farms, Inc. of Dimondale, MI is in the amount of \$15,165.00; and

WHEREAS, Hammond Farms was the low bidder last few years and their work was timely and satisfactory.

THEREFORE, BE IT RESOLVED That the City Council approve the brush grinding service by Hammond Farms, Inc. and it be paid for from the General Fund Leaf Collection account as budgeted.

The foregoing resolution moved by Dyer, supported by Weissenborn.

Councilmember Van Stee asked whether the City would still be doing curbside brush pick-up and would this even be needed. Director of Public Works Gilson said DPW still has a lot of last year's brush and it needs to be ground. She also said that, even

if the City does not continue to do pick up, residents would still be dropping it off and it will need to be processed.

Carried. 7 Yes. 0 No. 0 Absent.

B. Consider Resolution 2021-077 Approving FTCH contract for Drinking Water Asset Management Grant

RESOLUTION NO. 2021-077
A RESOLUTION TO AUTHORIZE A CONTRACT WITH
FISHBECK FOR ENGINEERING SERVICES RELATED TO
DRINKING WATER ASSET MANAGEMENT GRANT

WHEREAS, the Michigan Department of Environment, Great Lakes and Energy (EGLE) has required municipalities to verify the material of all water service lines in three locations each by 2025; and

WHEREAS, The Department of Public Works (DPW) was assisted by Fishbeck in obtaining a \$350,700 Drinking Water Asset Management (DWAM) grant from EGLE to verify the grant allowable interim sampling of 346 water services in the City and perform asset management work related to the water Geographic Information System (GIS); and

WHEREAS, As outlined in the grant agreement, Fishbeck will provide a turnkey project including soliciting bids for the potholing of services, managing the contractor, paying them and providing GIS services related to the grant, and

WHEREAS, funding for the professional services related to the DWAM grant do not require a match, therefore there is no net effect to the Water and Sewer Fund.

THEREFORE, BE IT RESOLVED that the City Council enter into a contract with Fishbeck to provide the above-mentioned services in accordance with the grant award and that the Mayor or Clerk be directed to sign a contract on behalf of the City.

The foregoing resolution moved by Baker, supported by Weissenborn. Carried. 7 Yes. 0 No. 0 Absent.

C. Consider Resolution 2021-084 Approving Fund Balance Policy

RESOLUTION NO. 2021-084

A RESOLUTION TO APPROVE COUNCIL POLICY 2021-06 GENERAL FUND BALANCE POLICY

WHEREAS, City Council has expressed a desire to establish a formal Fund Balance and Reserve Policy for the General Fund that promotes responsible financial management by adhering to best budget practices and Generally Accepted Accounting Principles (GAAP); and

WHEREAS, by maintaining sufficient fund balances and reserves, the city will be well positioned to provide financial security and continued delivery of services, withstand economic downturns and other financial stressors such as a natural disaster or emergency, promote stable tax rates and

fees, protect the city's credit worthiness and bond rating, respond to opportunities, and consider long-term financial needs; and

WHEREAS, the policy will establish a target threshold for the unassigned General Fund balance, provide requirements to replenish the depleted reserves, and guidelines by which surpluses may be spent;

THEREFORE, BE IT RESOLVED that Council Policy 2021-06 regarding the general fund balance is hereby approved.

The foregoing resolution moved by Councilmember Baker, supported by Councilmember Weissenborn. Carried. 7 Yes. 0 No. 0 Absent.

D. Consider Resolution 2021-085 Approve Ad Hoc Committee Extension.

RESOLUTION NO. 2021-085

A RESOLUTION TO EXTEND ASSIGNMENT OF THE AD HOC CODE ENFORCEMENT COMMITTEE

WHEREAS, City Council established an Ad Hoc Code Enforcement Committee to review the code enforcement presence in the community; and

WHEREAS, City Council wishes to extend the assignment to include a review of certain sections of the City Ordinance related to property maintenance and dangerous buildings, specifically the language contained within Chapter 52 - Property Maintenance and Nuisance Abatement; and

WHEREAS, City Council believes that it is prudent to undertake an evaluation of the City's current property maintenance ordinance by forming an ad hoc committee to review and make recommendations to the City Council;

NOW, THEREFORE, BE IT RESOLVED that the previously established Ad Hoc Code Enforcement Committee shall continue to meet to 1) review certain city ordinances, and 2) make a recommendation to City Council for further consideration of language amendments to those ordinances.

BE IT FURTHER RESOLVED that the Ad Hoc Code Enforcement Committee shall issue a final written report of its findings and recommendations to the City Council not later than the first regular Council meeting in September 2021.

The foregoing resolution moved by Baker, supported by Weissenborn. Carried. 7 Yes. 0 No. 0 Absent.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES

A. Resolution 2021-091 contract with Moore and Bruggink to study tertiary filtration improvements.

RESOLUTION NO. 2021-091 A RESOLUTION TO AUTHORIZE A CONTRACT WITH MOORE & BRUGGINK FOR SERVICES RELATED TO A FEASIBILITY STUDY FOR TERTIARY FILTRATION IMPROVEMENTS

WHEREAS, the WWTP uses tertiary filtration as a critical process for the removal of phosphorus, biological oxygen demand, and total suspended solids that allows us to meet the terms of the discharge permit; and

WHEREAS, three tertiary filters are from the 1978 plant construction, and three were added in the 2000 upgrade, and they all need upgrades and replacements to the media, piping, and valves; and

WHEREAS, Moore & Bruggink has proposed a study to determine the most cost-effective option to either renovate, upgrade or replace the current process technology; and

WHEREAS, Moore & Bruggink has submitted a proposal in the amount of \$8,700 to prepare a report presenting up to three alternatives for the replacement of the above-mentioned study.

THEREFORE, BE IT RESOLVED That the City enter into a contract with Moore & Bruggink to provide the above-mentioned services and that the mayor or clerk be directed to sign said contract on behalf of the City.

The foregoing resolution moved by Van Stee, supported by Baker. Carried. 7 Yes. 0 No. 0 Absent.

B. Resolution 2021-092 approving updated fee schedule for 2021

CITY OF CHARLOTTE
RESOLUTION 2021-092

WHEREAS, fees to be paid for zoning reviews including fences, sheds, site plans, rezoning, Zoning Board of Appeals requests, etc., are to be established by resolution of the City Council; and

WHEREAS, fees to be paid for zoning reviews including fences, sheds, site plans, rezoning, Board of Appeals requests, etc., are to be established by resolution of the City Council; and

WHEREAS, fees to be paid for water turn on charges, NSF check, Sewer Cleaning, call out rates, and meter testing, etc. are to be established by resolution of the City Council; and

WHEREAS, fees to be paid for gun permits, copies of police reports, breath test, water turn on charges, weed cutting, copies, DVDs, CDs labels and other requests are to be established by resolution of the City Council; and

WHEREAS, fees for certain items have not been adjusted for some time and no longer reflect the true costs of providing the services associated with the issuance of those permits;

NOW THEREFORE BE IT RESOLVED, that the following fees be established as follows:

BUILDING/PLANNING/ZONING/FIRE

Occupancy Permit.....	\$30.00
Fence or Shed Permit.....	\$20.00
Swimming Pool Permit (above or in-ground).....	50.00
Demolition Permit (residential or commercial).....	50.00
Moving Permit (residential or commercial)	200.00
Roof Permit (complete or partial).....	50.00
Insulation Permit (complete building or partial).....	50.00
Siding Permit (complete building or partial).....	50.00
Window Permit (one or more).....	40.00
Sign Permit.....	40.00
Construction Permits:	
Minimum Permit.....	30.00
All other permits will be \$30.00 for the first \$1000 and \$10.00 for each additional \$1000	
Permit Renewal.....	10.00
Act 425 Agreement.....	100.00
Rezoning.....	150.00
Rezone with Master Plan Change.....	200.00
Board of Appeals hearing.....	75.00
Site Plans, including planned development districts.....	100.00
Special Condition Use.....	100.00
Class A Non-Conforming Use.....	100.00
Plan Review:	
Commercial and large buildings.....	75.00

Residential and small buildings.....	25.00
Department of Social Services and other requested inspections.....	25.00
Plus mileage if outside of City	
Re-inspection of the above.....	15.00
Plus mileage if outside of City	
Subdivision Review fees as follows:	
Conventional Subdivision Plats.....	250.00
Plus \$2.00 per lot	
Subdivision Open Spaces Plan.....	250.00
Plus \$2.00 per lot	
Multiple Family Residential Plat.....	250.00
Plus \$2.00 per individual dwelling unit	
Zoning Book.....	25 per page
Zoning Map.....	2.00
Master Plan with maps.....	40.00
Fire Report.....	5.00
Copies (per page).....	.25

DEPARTMENT OF PUBLIC WORKS

WATER/SEWER/STREETS/SIDEWALKS

Water turn on fee (due to repair or snow bird).....	30.00
Water turn on fee (due to non-payment shut off).....	40.00 80.00
Water turn on fee (after hours – repair/snowbird only).....	70.00
NSF check charge.....	30.00
Sewer Clean.....	75.00
After hours sewer clean (call out).....	150.00

Holiday hours sewer clean (call out).....	200.00
Meter test.....	varies based on cost
Weed cutting–(labor, equipment) minimum.....	150.00

Water meter rental	
Meter deposit (refundable less any unpaid water charges).....	500.00
Fee: 0 – 5,000 gallons (minimum fee).....	50.00
Over 5,000 gallons (minimum fee).....	100.00
Water billed at usage times rate times 2	
Frozen meter replacements – cost of meter & copperhorn.....	varies
Frozen meter in pit – cost of meter.....	varies
Frozen water service...(labor, material, equipment).....	varies
Sprinkler meter – cost of meter, copperhorn.....	varies
Sidewalk Snow Removal (labor, equipment, contractual svcs)- min. rate...	100.00
Brush Cleanup (labor, equipment, contractual svcs)– minimum rate....	100.00
Trash Cleanup (labor, equipment, contractual svcs)– minimum rate.....	150.00
Copies (per page).....	.25

POLICE DEPARTMENT

Gun Permits (notary fee)	5.00 10.00
Downtown overnight parking permit – residents only	30.00

Police report copy fees are calculated using FOIA itemization, therefore cost is determined for each report as

necessary.....	Varies
Court Ordered preliminary breath testing for city residents – conducted only on weekends & holidays at 6:00 AM	5.00
Vehicle crash reports – use this service: https://policereports.lexisnexis.com	
Court Ordered portable breath testing.....	5.00

ADMINISTRATION (fees do not include shipping costs which will be added)

City Code Book, including Charter and Zoning with tabs and cover.....	95.00
City Code Book, including Charter and Zoning without tabs and cover.....	.25 per page
City Charter.....	13.25
Cable DVD of Meetings.....	5.00
Qualified voter file information	
Per page.....	.25
Burned to CD (each CD)	5.00
Labels (each).....	.03
Copies (per page).....	.25

BE IT FURTHER RESOLVED that requests submitted under the Freedom of Information Act may be subject to charges in addition to per copy fees in accordance with the City Council policy regarding such requests, and

BE IT FURTHER RESOLVED that the effective date will be July 1, 2021.

The foregoing resolution moved by Baker, supported by Weissenborn. Carried. 7 Yes. 0 No. 0 Absent.

C. Resolution 2021-093 to rezone 121 E. Harris Street from OS-1 Office Service District to B-1 Local Business District

RESOLUTION NO. 2021 – 093

A RESOLUTION TO APPROVE A REQUEST FOR THE REZONING OF A PARCEL ON EAST HARRIS STREET FROM OS-1 OFFICE SERVICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT

WHEREAS, the City Council of the City of Charlotte has received a request to rezone properties in the City described as follows:

- 121 E. Harris Street -- Parcel No. 200-000-010-190-00 – S 70 FEET OF LOT 19. O.P. BLOCK 10 CITY OF CHARLOTTE from OS-1 Office Service District to B-1 Local Business District.

WHEREAS, the purpose of this change would be to allow for a wider range of commercial uses, including retail business; and

WHEREAS, following the required public hearing, the City of Charlotte Planning Commission has voted to recommend this rezoning action to the City Council.

THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte does hereby approve the rezoning of this parcel from OS-1 Office Service District to B-1 Local Business District.

The foregoing resolution moved by Baker, supported by Weissenborn. Carried. 7 Yes. 0 No. 0 Absent.

D. Ordinance 2021-07 to rezone 121 E. Harris Street from OS-1 Office Service District to B-1 Local Business District

CITY OF CHARLOTTE
ORDINANCE NO. 2021-07
AN ORDINANCE TO AMEND CHAPTER 82-ZONING BY
AMENDING THE ZONING MAP TO CHANGE A
CERTAIN DESCRIBED PARCEL
FROM OS-1 OFFICE SERVICE DISTRICT TO B-1 LOCAL
BUSINESS DISTRICT

THE CITY OF CHARLOTTE ORDAINS:

Section 1. The Zoning District Map of the City of Charlotte, being part of Chapter 82-Zoning of the Code of the City of Charlotte is hereby amended as follows:

That property described as S 70 Feet of Lot 19. O. P. Block 10 City of Charlotte is hereby rezoned from OS-1 Office Service District to B-1 Local Business District.

Section 2. That the City Clerk is hereby directed to make the necessary corrections evidencing this zoning change.

Section 3. The attached map evidencing this change shall be marked and designated as Ordinance No. 2021-07 and the City Clerk shall enter on the zoning map this ordinance number and

the date of the adoption thereof and shall maintain a file containing a copy of this ordinance and a map thereto attached.

Section 4. This ordinance shall become effective upon the date of its publication.

The foregoing ordinance amendment moved by Baker, supported by Weissenborn. Carried. 7 Yes. 0 No. 0 Absent.

PUBLIC COMMENTS:

Ben Phlegar, 425 Horatio, asked for an explanation of a social district.

Mayor Armitage explained basic information regarding the new regulations on social districts recently enacted by the Michigan Liquor Control Commission.

Councilmember McRae asked whether the social districts were only for alcohol, or whether they included marijuana use as well. Armitage said just alcohol.

Dr. Heidi Hanson, 710 West Lawrence Avenue, addressed marijuana grow operations and dispensaries, saying the City should consider air pollution and allergies. She also said that while marijuana is not supposed to be physically addictive, but her experiences would indicate otherwise. She said to consider CBD products vs. THC products, as well as how many dispensaries there should be and where. She said there are a lot of people growing marijuana in the City already and also CBD products being sold.

COMMUNICATIONS AND COMMITTEE REPORTS:

Mayor Armitage listed the various reports that can be found in the City Council meeting packet.

City Manager LaPere said that City staff have started working to address dangerous buildings in the City. She also said that the marijuana report would look at all options and impacts as best as possible, and the City would work to facilitate public input. She said that she agrees that it should not just be a decision based on money. She said the same applies to social districts, and there needs to be public input, input from downtown businesses and open discussion. She said there needs to be public safety input on both issues.

Councilmember Van Stee reported on the activities of the Planning Commission, which included the hearing and recommendation regarding the rezone of 121 E. Harris Street.

MAYOR AND COUNCIL COMMENTS:

Councilmember Van Stee said that it is nice to see everyone in person after more than a year of remote meetings. He said that Council is working hard to make decisions in the best interests of the city.

Councilmember Hoogstra also said it is nice to be meeting in person again, and said that she is glad that the tone of conversation at the meeting is mature and respectful.

Mayor Pro Tem Dyer said that while he did ask for both marijuana and social districts issues to be brought up, the discussions are not interdependent.

Councilmember Baker said that he is glad to be meeting in person again.

Councilmember Weissenborn echoed the same comments regarding in person meetings and offered congratulations to this year's high school graduates and said she loved the outdoor graduation ceremony.

Councilmember McRae also expressed appreciation for the in-person meeting.

Mayor Armitage said that there remain open positions on certain City boards and commissions, and anyone interested in serving should contact him. He said that he attended the VFW Memorial Day ceremony at the cemetery and he hopes more people come to it in the future.

ADJOURNMENT:

Councilmember Hoogstra moved, supported by Mayor Pro Tem Dyer to adjourn the meeting at 8:52 p.m. Carried. 7 Yes. 0 No. 0 Absent.