

The regular meeting of the Greenville City Council was called to order by Mayor Hoppough, in the Council Chambers, in the Municipal Complex located at 415 S. Lafayette Street, Greenville, Michigan 48838 at 7:30 p.m.

Present: Mayor Hoppough; Councilpersons Lehman, Cunliffe, Warner, and Linton; City Manager Bosanic; Clerk-Treasurer Rasmussen; and Public Safety Director Magirl.

Absent: Councilperson Moss

1. The Pledge of Allegiance was led by Mayor Hoppough.
2. Swearing in of Councilperson Penny Dora.
3. The Statement of Citizens consisted of the following: David Clifford, 508 Lake Road, Greenville is concerned about not allowing wreckers to park in personal driveways because it is so close to the street.
4. Councilperson Lehman MOVED: The Consent Agenda be approved as presented. Councilperson Warner seconded. Unanimously adopted.

The Consent Agenda consisted of the following:

- a. Approval of minutes for the organizational City Council meeting held January 15, 2019.
- b. Approval of minutes for the regular City Council meeting held January 15, 2019.
- c. Approval of payroll report for the pay period ending December 29, 2018, in the amount of \$135,698.80, and approval of payroll report for the special pay period ending December 31, 2018, in the amount of \$40,066.00 and accounts payable reports for period ending January 10, 2019, in the amount of \$412,001.03.
- d. Approval of minutes from the Planning Commission meeting held January 10, 2019.
- e. Approval of the January Financial Report.

Public Hearings

5. Council held a public hearing to receive comments on an application for an Industrial Facilities Exemption Certificate and Industrial Facilities Tax Abatement Agreement, pursuant to Michigan Public Act 198 of 1974, received from WMC Holding Company, LLC.

- a. Mayor Hoppough opened the public hearing at 7:44 p.m.
- b. Mayor Hoppough closed the public hearing at 7:44 p.m. after receiving no comments.

New Business

- 6. Council considered the approval of a resolution (19-02) to approve an application for an Industrial Facilities Exemption Certificate and Industrial Facilities Tax Abatement Agreement, pursuant to Michigan Public Act 198 of 1974, received from WMC Holding Company, LLC.

Councilperson Lehman RESOLVED: To approve resolution 19-02 a resolution to approve an application for Industrial Facilities Tax Abatement Agreement:

WHEREAS, pursuant to PA 198 of 1974, after a duly noticed public hearing held on October 16, 2018, the Greenville City Council established the WMC Holding Company, LLC Industrial Development District No. 2018-3 (the “District”); and

WHEREAS, WMC Holding Company LLC, (the “Developer”) has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within the District; and

WHEREAS, prior to acting on the application, the City Council held a public hearing on February 5, 2019, at 7:30 p.m. at Council Chambers located in the Municipal Complex at 415 S. Lafayette Street, Greenville, MI 48838, at which hearing the applicant, the City Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to comment; and

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than 6 months before October 16, 2018, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Greenville; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Greenville, after granting this certificate,

will not exceed 5% of an amount equal to the sum of the SEV of the City, plus the SEV of personal and real property thus exempted; and

WHEREAS, the City Council has determined to enter into a Tax Abatement Agreement with the Developer, in the form of the attached Exhibit A (the "Agreement"), finding it in the best interests of Greenville after considering all of the factors and issues recited in the Agreement; and

WHEREAS, as indicated in the Affidavit of Fees, attached as Exhibit B, no payment of any kind, whether they be referred to as "fees," "payments in lieu of taxes," "donations" or by other like terms, has been made to the City in connection with the Developer's application an Industrial Facilities Tax Certificate, except for such fees as are explicitly authorized under PA 198 of 1974.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended, and PA 225 of 1978, as amended, shall not have the effect of substantially impeding the operation of the City of Greenville, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Greenville.
2. The application from the Developer, for an Industrial Facilities Exemption Certificate, with respect to its new facility to be acquired and installed within the District, is approved, pending Developer's signing of the Agreement attached as Exhibit A, in such form as is acceptable to the City.
3. The Agreement attached as Exhibit A is approved by City Council, with such changes as are approved by the Mayor and the Mayor and the Clerk are authorized to sign the Agreement.
4. The Industrial Facilities Exemption Certificate, when issued, shall remain in force for a period of twelve (12) years, subject to the terms and conditions of the Agreement.
5. The Agreement is approved and the Mayor and City Clerk are authorized and directed to sign it on behalf of the City.
6. The Affidavit of Fees is approved and the City Treasurer is authorized and directed to sign it on behalf of the City.
7. The City Clerk is authorized and directed to file a copy of this Resolution, the fully signed Agreement, and the Affidavit of Fees with

the State Tax Commission upon the Developer's signing of the Agreement.

8. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Councilperson Cunliffe seconded. Adopted with a vote of (6) Ayes: Hoppough, Cunliffe, Warner, Lehman, Dora, and Linton; (0) Nays; and (1) Absent.

7. Council considered a Resolution of Intent (19-03) to apply for State formula operating assistance for the fiscal year 2020 under Act 51.

Councilperson Warner RESOLVED: To approve the proposed Resolution of Intent to apply for state formula operating assistance for the fiscal year 2020 under Act 51 as presented.

WHEREAS, pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), it is necessary for the Greenville Transit (hereby known as THE APPLICANT) established under Act 279 to provide a local transportation program for the state fiscal year of 2020 and, therefore, apply for state financial assistance under provisions of Act 51; and

WHEREAS, it is necessary for the governing body, to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

WHEREAS, the performance indicators have been reviewed and approved by the governing body.

WHEREAS, THE APPLICATION, has reviewed and approved the proposed balance (surplus) budget, and funding sources of estimated federal funds \$58,824, estimated state funds \$128,099, estimated local funds \$139,877, with total estimated expenses of \$326,800.

NOW THEREFORE, be it resolved that THE APPLICANT hereby makes its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51; and

HEREBY, appoints George M. Bosanic as the Transportation Coordinator, for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51 for 2020.

Councilperson Linton seconded. Adopted with a vote of (5) Ayes: Hoppough, Cunliffe, Warner, Dora and Linton; (1) Nays: Lehman; and (1) Absent.

8. Council considered approving a resolution (19-04) for the approval of a Tasting Room Permit for TEBrew, Inc. (Flat River Brewing).

Councilperson Lehman RESOLVED: To approve the proposed Resolution No. 19-04 for an On-Premises Tasting Room Permit for TEBrew Inc. located at 300 W. Greenville West Drive as presented. Councilperson Cunliffe seconded. Adopted with a vote of (6) ayes: Hoppough, Lehman, Cunliffe, Dora, Linton, and Warner; (0) Nays; and (1) Absent.

9. Council considered the award of a contract for Audit Services for the City of Greenville.

Councilperson Lehman MOVED: To award a contract for professional auditing services to Vredeveld Haefner, LLC of Grand Rapids, Michigan in the amount not to exceed \$59,100 for the first three (3) years, \$3,250 for each additional audit and \$40,300 for a possible extension for years four (4) and five (5) as presented. Councilperson Warner seconded. Unanimously adopted.

10. Council considered the approval of a Law Enforcement Mutual Aid Agreement.

Councilperson Dora MOVED: To approve the proposed Law Enforcement Mutual Aid Agreement and authorize Public Safety Director Dennis Magirl to sign on behalf of the City as presented. Councilperson Lehman seconded. Unanimously adopted.

11. Council considered a proposed revision to the City's Videotaping Policy.

Councilperson Lehman MOVED: To adopt the proposed revised video recording policy for the City of Greenville as amended. Councilperson Linton seconded. Unanimously adopted.

12. Council considered an Over/Under Resolution (19-05) in connection with tax payments.

Councilperson Cunliffe RESOLVED: To approve Resolution No. 19-05 a resolution to address the collection of payments or refunds on taxes under/over \$5.00.

WHEREAS, The General Property Tax Act P.A. 206 of 1893 (as amended) requires the Treasurer of City of Greenville to collect Real and Personal Property Taxes.

WHEREAS, many taxpayers and Mortgage Companies, etc. pay their taxes by personal or bank check via U.S. Postal Service.

WHEREAS, on several occasions, the Treasurer has received checks for an incorrect amount, both deficient and excess of the amount due.

WHEREAS, this has resulted in refund checks totaling less than \$5.00 and/or a request to the taxpayer to submit the balance due, often amounting to less than \$5.00.

THEREFORE BE IT RESOLVED, that the City of Greenville Treasurer will not request a secondary payment due of any tax amounts totaling \$5.00 or less, once the primary payment has been received.

BE IT ALSO RESOLVED, that the City Council approves the underpayments to be taken from the interest being earned.

BE IT FURTHER RESOLVED, that overpayments of taxes totaling \$5.00 or less shall be handled by the Treasurer in accordance with generally accepted regional tax collection practices.

Councilperson Warner seconded. Adopted with a vote of (6) ayes: Hoppough, Lehman, Cunliffe, Dora, Linton, and Warner; (0) Nays; and (1) Absent.

13. Councilperson Lehman MOVED: To include the addendum to the agenda. Councilperson Linton seconded. Unanimously adopted.

14. Council considered a resolution (19-06) to re-accept a portion of Greenville West Drive and Grosvenor Drive back into the public street system.

Councilperson Lehman RESOLVED: To approve Resolution No. 19-06 a resolution of the dedication of Greenville West Drive extension and Grosvenor Drive.

WHEREAS, the City of Greenville previously accepted the dedication of an extension of Greenville West Drive on October 19, 2004 from Hathaway Properties LLC per resolution; and

WHEREAS, the parties now wish to reiterate that dedication contemporaneously with the recordation of a Warranty Deed further evidencing the transfer and dedication; and

WHEREAS, Hathaway Land, LLC and Hathaway Properties, LLC recorded a Warranty Deed as Instrument No. 2018R – 12251, to the City of Greenville, for land known as an extension of Greenville West Drive; and

WHEREAS, Hathaway Land, LLC, recorded a Warranty Deed in Liber 1347, at Page 899, to the City of Greenville for land now known as Grosvenor Drive; and

WHEREAS, The City Council of the City of Greenville, Montcalm County, State of Michigan, has found and determined that certain land owned by the City should be dedicated to public use as roadways; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street within the City of Greenville's public street system for the purpose of obtaining funds under Act 51, P.A. 1951, as amended;

NOW, THEREFORE, IT IS RESOLVED:

1. The following lands legally described as:

Part of the Northeast 1/4 of Section 17, T9N, RBW, City of Greenville, Montcalm County, Michigan, described as: Commencing at the North 1/4 corner of said Section; thence S00°03'16"W 1323.38 feet along the North-South 1/4 of said Section; thence N89°08'48"E 299.96 feet; thence S00°09'05"W 248.84 feet to the South right of way line of Meijer Drive (66 foot public); thence N89°19'09"E 554.40 feet along said South right of way line to the Westerly right of way line of Greenville West Drive (variable width, public); thence S45°48'29"E (recorded as S45°24'46"E) 56.69 feet along said Westerly line; thence S00°56'06"E (recorded as S00°32'25"E) 140.00 feet along said Westerly line; thence N89°19'09"E (recorded as N89°42'52"E) 10.00 feet along said Westerly line; thence S00°56'06"E 158.54 feet along said Westerly line; thence Southeasterly 168.03 feet along said Westerly line on a 533.00 foot radius curve to the left, the long chord of which bears S09°58'01"E 167.34 feet; thence Southeasterly 33.07 feet along said Westerly line on a 967.00 foot radius curve to the right, the long chord of which bears S18°01'13"E 33.06 feet to the Place of Beginning; thence Southeasterly 270.58 feet along said Westerly line on a 967.00 foot radius curve to the right, the long chord of which bears S09°02'05"E 269.69 feet; thence Southeasterly 19.68 feet along said Westerly line on a 383.00 foot radius curve to the left, the long chord of which bears S02°28'53"E 19.69 feet; thence N87°00'10"E 66.00 feet to the Easterly right of way line of said Greenville West Drive; thence Northwesterly 16.39 feet along said Easterly line on a 317.00 foot radius curve to the right, the long chord of which bears N02°29'24"W 16.39 feet; thence Northwesterly 290.09 feet along said Easterly line on a 1033.00 foot radius curve to the left, the long chord of which bears N09°03'12"W 289.13 feet; thence S72°57'39"W 66.00 feet to the Place of Beginning.

(hereinafter "Greenville West Drive Extension")

and

Part of the Northeast 1/4 of Section 17, Township 9 North, Range 8 West, City of Greenville, County of Montcalm, Michigan, more particularly described as follows:

Commencing at the North ¼ Corner of Section 17, Township 9 North, Range 8 West; thence along the west line of the Northeast quarter of said Section 17, South 00° 03' 16" West, 1323.38 feet; thence North 89° 08' 48" East, 299.96 feet; thence South 00° 09' 05" West, 248.84 feet to the south right of way line of Meijer Drive; thence along said south right of way line North 89° 19' 09" East, 554.40 feet to the westerly right of way line of Greenville West Drive; thence along said westerly right of way line, South 45° 48' 29" East, 56.69 feet (recorded as South 45° 24' 46" East); thence along said westerly right of way line, South 00° 56' 08" East, 140.00 feet (recorded as South 00° 32' 25" East); thence along said westerly right of way line, North 89° 19' 09" East, 10.00 feet (recorded as North 89° 42' 52" East); thence South 00° 56' 08" East, 158.54 feet; thence Southerly 168.03 feet along the arc of a curve to the left with a radius of 533.00 feet, a central angle of 18° 03' 46", and a chord which bears South 09° 58' 01" East, 167.34 feet; thence Southerly 303.64 feet along the arc of a curve to the right with a radius of 967.00 feet, a central angle of 17° 59' 28", and a chord which bears South 10° 00' 10" East, 302.40 feet; thence Southerly 19.68 feet along the arc of a curve to the left with a radius of 383.00 feet, a central angle of 02° 56' 41", and a chord which bears South 02° 28' 46" East, 19.68 feet to the point of beginning; thence North 87° 00' 10" East, 66.06 feet; thence Southerly 13.18 feet along the arc of a curve to the left with a radius of 317.00 feet, a central angle of 02° 22' 59", and a chord which bears South 05° 20' 34" East, 13.18 feet; thence Southerly 16.11 feet along the arc of a curve to the left with a radius of 18.96 feet, a central angle of 48° 41' 07", and a chord which bears South 30° 44' 49" East, 15.63 feet; thence North 52° 16' 58" West, 0.17 feet; thence Southeasterly 194.50 feet along the arc of a curve to the right with a radius of 76.00 feet, a central angle of 146° 37' 49", and a chord which bears South 20° 56' 40" West, 145.60 feet; thence Westerly 16.34 feet along the arc of a curve to the left with a radius of 19.00 feet, a central angle of 49° 16' 52", and a chord which bears South 69° 37' 09" West, 15.84 feet; thence South 45° 00' 00" West, 456.40 feet; thence North 45° 00' 00" West, 86.00 feet; thence North 45° 00' 00" East, 456.41 feet; thence Northeasterly 16.34 feet along the arc of a curve to the left with a radius of 19.00 feet, a central angle of 49° 15' 35", and a chord which bears North 20° 22' 12" East, 15.84 feet; thence Northerly 85.12 feet along the arc of a curve to the right with a radius of 76.00 feet, a central angle of 64° 10' 19", and a chord which bears North 27° 49' 34" East, 80.74 feet; thence Northeasterly 20.86 feet along the arc of a curve to the left with a radius of 19.00 feet, a central angle of 62° 54' 34", and a chord which bears North 28° 27' 27" East, 19.83 feet to the point of beginning. Containing 1.337 acres, more or less.

(hereinafter "Grosvenor Drive") are dedicated to use by the general public forever as public roadway.

2. That the Greenville West Drive Extension and Grosvenor Drive are located within the City of Greenville right of way and are under the control of the City of Greenville.
3. That said Greenville West Drive Extension and Grosvenor Drive are intended for public street purposes.

4. That the Greenville West Drive Extension and Grosvenor Drive are accepted into the City of Greenville Local Street System.

Councilperson Linton seconded. Adopted with a vote of (6) ayes: Hoppough, Lehman, Cunliffe, Dora, Linton, and Warner; (0) Nays; and (1) Absent.

15. Council considered a request for FAA Approval of Agreement for Transfer of Entitlements.

Councilperson Dora MOVED: To authorize Roger Swets to sign the Request for FAA Approval of Agreement for Transfer of Entitlements in the amount of \$21,245 as presented. Councilperson Warner seconded. Unanimously adopted.

Councilperson Cunliffe MOVED: The meeting be adjourned. Councilperson Warner seconded. Unanimously adopted.

Meeting adjourned at 8:31 p.m.

John M. Hoppough
Mayor

Norice Rasmussen
Clerk-Treasurer