

The regular meeting of the Greenville City Council was called to order by Mayor Pro-Tem Moss in the Council Chambers, in the Municipal Complex located at 415 S. Lafayette Street, Greenville, Michigan 48838 at 7:30 p.m. This was a hybrid meeting format, in-person and virtual.

Present: Councilpersons Moss, Lehman, Barrus, Linton, Scoby, and Johnson; City Manager Bosanic, Assistant City Manager Feazel, Clerk-Finance Director Rasmussen, Engineer Hinken, and Public Safety Director Magirl.

Absent: Mayor Cunliffe

1. The Pledge of Allegiance was led by Mayor Pro-Tem Moss.
2. The Statement of Citizens: Jerry Fennel, 125 S. Clay Street, requested that the City Council declare December “Do Business with a Veteran” month.
3. Councilperson Lehman MOVED: The Consent Agenda be approved as amended. Councilperson Johnson seconded. Unanimously adopted.

The Consent Agenda consisted of the following:

- a. Approval of the minutes for the regular City Council meeting on June 15, 2021.
- b. Approval of the payroll report for the regular pay period ending June 12, 2021, in the amount of \$133,690.37.
- c. Approval of the payroll report for the regular pay period ending June 26, 2021, in the amount of \$165,467.17.
- d. Approval of the accounts payable report for the period ending June 25, 2021, in the amount of \$521,237.85.
- e. Approval of the accounts payable report for the period ending July 09, 2021, in the amount of \$280,038.64.
- f. Approval of the minutes for the regular Downtown Development Authority meeting held June 08, 2021.
- g. Approval of the minutes for the regular Planning Commission meeting held June 10, 2021.
- h. Approval of the June Financial Report.
- i. Approval of the Quarterly Bank Review
- j. Approval of the Quarterly Investment Report.
- k. Information on training opportunities provided.
- l. Accepted the resignation of Brenda Fryear from the Downtown Development Authority.
- m. Approval of the Mayoral appointment of Leland Hawes to the Downtown Development Authority for the remainder of a four-year term ending December 31, 2021.

- n. Approval of the election of certain candidates to the Michigan Municipal League Worker's Compensation Fund Board.
- o. Approval to set a public hearing for August 17, 2021, to receive comments on a proposed ordinance to amend section 44-59, Service Deposits for Services, of chapter 44 of the City of Greenville Code of Ordinances.
- p. Approval to add addendum item VI.K to the agenda.

### Public Hearing

4. To receive comment on a request from Hathaway Land, LLC for a major amendment to the Hathaway Circle Planned Unit Development (PUD) Zoning District approved in 2006. This request is for the Final PUD Site Plan.
  - a. Mayor Pro-Tem Moss opened the public hearing at 7:50 p.m.
  - b. Jerry Fennell, 125 S. Clay Street, asked how many jobs the Aldi store would produce.
  - c. Mayor Pro-Tem Moss closed the public hearing at 7:52 p.m.

### New Business

5. Council considered the approval of a major amendment to the Hathaway Circle Planned Unit Development (PUD) Zoning District.

Councilperson Lehman MOVED: To approve the following major amendments to the Hathaway Circle Planned Unit Development approved in 2006 as requested by Hathaway Land, LLC and as illustrated on the site plan set dated 07-07-21 prepared by RJM Design, the lighting plan sheets LT1 and LT2 dated April 21, 2021, the signage and pavement marking plan sheets DT1 and DT2 prepared by Desine Inc. and the Operations Plan and exterior elevation plans dated 3-12 and 3-15, 2021 prepared by Mosure LLC:

- Increase the number of lots from 5 to 8.
- Construct an Aldi's Food Market on Lot 1 abutting Ridgewood Drive.
- Remove the existing private street connection to Ridgewood Drive.
- Construct two new driveways onto Ridgewood Drive to provide access to the Aldi's Food Market.
- Remove Building "B" a 6,000 sq. ft. office retail building (directly south of vacant Tim Horton's) and replace with a parking lot on proposed Lot 5.

The major PUD amendment is approved as it meets the Standards for Final PUD Approval in Section the 46-164 (m) and the Standards for Site Plan Approval in Section 46-41(c) (3) of the Greenville Zoning Ordinance. Approval is granted subject to the following conditions:

1. The trees proposed to be planted along the south lot lines as shown on sheet L-101 shall be planted before an occupancy permit is issued for the Aldi store.
2. The applicant shall provide an easement to the City to allow for public use of those sidewalks within the PUD which are outside of the street right of way. This easement shall be provided to the City and recorded with the Montcalm County Register of Deeds before a building permit is issued for the Aldi store.
3. The plans are subject to the approval of the City Engineer and the Montcalm County Road Commission.
4. All modifications requested on Sheet C-101 are approved.
5. The driveway serving the former Tim Horton's site may be modified as approved by the Michigan Department of Transportation. If approved, a site plan set illustrating the new driveway shall be provided to the City.
6. At the time the expansion is proposed to be built it may be approved by the City Zoning Administrator provided the expansion complies with the approved site plan. If the expansion plan does not comply with the approved PUD plan, then the expansion site plan shall be presented to the Planning Commission for approval and a public hearing shall be held.
7. Site plans for Lots 5, 6, and 7 shall be submitted to the Zoning Administrator for approval in accordance with the requirements of Section 46-41 of the Zoning Ordinance.
8. Any future expansion of the west side of the building shall have the same window and elevation appearance as presented in the approved elevation drawing sheet A-201.

Councilperson Scoby seconded. Unanimously adopted.

6. Council considered the approval of Resolution No. 21-14, a resolution authorizing a service credit purchase from MERS.

Councilperson Lehman MOVED: To approve Resolution 12-14, a resolution authorizing a service credit purchase from MERS allowing Public Safety Officer Sorsen to purchase four years and three months of credit for his MERS defined benefit plan provided that he pays the entire cost at once.

WHEREAS, the City of Greenville, as provided by the MERS Plan Document, and in accordance with the employer's policy, the employer hereby authorizes the participant Jamie D. Sorsen to make a service credit purchase from MERS as described in the application for Additional Service Credit Purchase form provided by MERS. The employer understands this is an estimated cost, calculated using actuarial assumptions approved by the Retirement Board. Any difference between the assumptions and actuarial experience will affect the true cost of the additional service to the employer. The calculation assumptions are outlined in the Application for Additional Service Credit Purchase form provided by MERS and the employer

understands and agrees it is accountable for any difference between estimated and actual costs.

Councilperson Linton seconded. Adopted with a vote of (6) Ayes: Barrus, Moss, Johnson, Lehman, Scoby, and Linton; (0) Nays; and (1) Absent: Cunliffe.

7. Council considered the award of a bid for the purchase of ancillary equipment for the Public Safety Department.

Councilperson Lehman MOVED: To award a bid to purchase ancillary equipment for the recently acquired Ford Interceptor for the Public Safety Department to Cruiser Corp., of Oklahoma City, Oklahoma in the amount not to exceed \$2,999.00 as presented. Councilperson Johnson seconded. Unanimously adopted.

8. Council considered the award of a bid for the purchase of a portable sound system for the Community Center.

Councilperson Johnson MOVED: To award a bid for the purchase of a portable sound system for the Community Center to B&H Photo – Video Corp., of New York, New York in the amount not to exceed \$1,554.81 as presented. Councilperson Lehman seconded. Unanimously adopted.

9. Council considered the purchase of additional software from BS&A for the Public Services Department.

Councilperson Lehman MOVED: To approve the request to purchase the BS&A Inventory Management Module for the Public Services Department in the amount not to exceed \$6,500 as presented. Councilperson Linton seconded. Unanimously adopted.

10. Council considered an amendment to the fire contract with Eureka Charter Township.

Councilperson Lehman MOVED: To approve the proposed amended Fire Contract between Eureka Charter Township and the City of Greenville as presented. Councilperson Scoby seconded. Unanimously adopted.

11. Council considered the approval of Resolution 21-15, a resolution to approve Contract 21-5261 with the Michigan Department of Transportation and authorize signators of said contract for the Fairplains Bridge Preventative Maintenance project.

Councilperson Lehman MOVED: To approve proposed Resolution 21-15, a resolution to approve contract 21-5261 with the MDOT and authorize the Mayor Pro-Tem and Clerk to sign said contract:

WHEREAS, the MDOT has offered the CITY Contract Number 21-5261 for Job Number 206092 through Local Bridge Funds for concrete overlay, substructure and superstructure repairs, application of penetrating healer/sealer, riprap and approach work on Fairplains Street over the Flat River in the City of Greenville, Montcalm County, Michigan;

WHEREAS, MDOT requires the CITY to approve the contract; authorize the signators; certify that the match amount be committed and execute the contract;

NOW, THEREFORE, BE IT RESOLVED THAT, the City hereby authorizes Mayor Pro Tem Larry E. Moss and City Clerk / Finance Director Norice Rasmussen, to act as signators on behalf of the City to execute Contract Number 21-5261 for the MDOT Local Bridge Funds.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, the funds necessary to carry out the project, including engineering for design and construction, permit fees, administration costs, and matching funds for Construction equal to 5% of the overall project cost.

BE IT FURTHER RESOLVED THAT, the City commits to owning operating, funding and implementing a maintenance program over the design life of the facilities constructed with Local Bridge Funding.

Councilperson Johnson seconded. Adopted with a vote of (6) Ayes: Barrus, Moss, Johnson, Lehman, Scoby, and Linton; (0) Nays; and (1) Absent: Cunliffe.

12. Council considered the adoption of Traffic Control Order No. 2021-04, establishing "No Semi Trucks Allowed" on North Irving between Greenville West Drive and Charles Street.

Councilperson Lehman MOVED: To adopt Traffic Control Order No. 2021-04, establishing "No Semi Trucks Allowed" signs on North Irving Street between Greenville West Drive and Charles Street as presented. Councilperson Linton seconded. Unanimously adopted.

13. Council considered the ratification of the City Manager's decision to allow tables and chairs on the city sidewalk in front of the Reno Bar.

Councilperson Johnson MOVED: To grant a license for the use of 15.5 x 20.5' of the public sidewalk in front of the Reno Bar from 11:00 am to 9:00 pm. Further provisions are that the business is responsible for maintaining adequate pedestrian passage, providing their own barricades, dining furniture, and all furniture and barricades shall be removed each evening prior to closing as presented. Councilperson Scoby seconded. Unanimously adopted.

14. Council considered Resolution No. 21-16, a resolution amending Social District and to allow certain on-premises liquor licensee expanded used of shared areas for consumption of alcohol pursuant to Public Act 24 of 2020.

Councilperson Lehman MOVED: To approve proposed Resolution 21-16, a resolution amending Social District and to allow certain on-premises liquor licensee expanded used of shared areas for consumption of alcohol pursuant to Public Act 24 of 2020:

WHEREAS, the Michigan Liquor Control Code was recently amended by 2020 PA 124 (the Act) to allow the governing body of a local governmental unit to designate social districts and commons areas which may be used by qualified licensees that obtain a social district permit from the Michigan Liquor Control Commission (MLCC) to utilize expanded areas for the consumption of alcohol; and

WHEREAS, if the governing body of a local governmental unit designates a social district that contains a commons area, the governing body must define and clearly mark the commons area with signs, establish local management and maintenance plans including, but not limited to, hours of operation for submittal to the MLCC, and maintain the commons areas in a manner that protects the health and safety of the community; and

WHEREAS, the City Council designated a social district and commons area pursuant to the Act and determined that a social district is in the best interests of the citizens of the City of Greenville especially as the City recovers from the economic impacts of COVID-19; and

WHEREAS, restaurants and bars, which have been key contributors to the vitality of downtown and neighborhood business districts have been and continue to be hard-hit by the economic impacts of the COVID-19 pandemic; and

WHEREAS, amending the existing social district will assist restaurants and bars as they strive to stabilize and recover from the COVID-19 pandemic within the downtown area.

NOW, THEREFORE, RESOLVED THAT:

1. The City Council hereby designates and amends the social district and

commons area as provided on the attached map and authorizes the City Manager or his designee to take all such other actions necessary in order to implement this Resolution and comply with the Act.

2. The commons area within the Social District shall be as noted on the attached maps with the City Manager, or designee, authorized to make minor reasonable adjustments to the limits of the commons area required by regulatory or operational requirements or to safeguard the public health, safety, and welfare.
3. The commons area is contiguous to at least 2 qualified licensees.
4. Signage shall be placed to define and clearly mark the limits of the commons areas.
5. The social district shall exclude premises authorized by the MLCC under a special license during the effective period of the special license.
6. The commons area shall be maintained in a manner that protects the health and safety of the community.
7. This social district designation shall expire one year from the date of the adoption of this resolution unless revoked earlier, modified, or extended thereafter by the City Council in accordance with the Act.
8. The City Clerk is authorized and directed to forward this Resolution and the attached map and management and maintenance plan to the MLCC as required by the Act together with this Resolution.
9. All resolutions and parts of resolutions in conflict herewith are rescinded.

Councilperson Johnson seconded. Adopted with a vote of (6) Ayes: Barrus, Moss, Johnson, Lehman, Scoby, and Linton; (0) Nays; and (1) Absent: Cunliffe.

15. Council considered a motion to enter into executive session to discuss communication with legal counsel subject to attorney/client privilege.

Councilperson Lehman MOVED: To enter into executive session to discuss labor negotiations with the Police Officers Labor council and the Command Officers Association of Michigan. Councilperson Scoby seconded. Unanimously adopted.

16. Council Members entered into executive session at 8:52 p.m.

Councilperson Lehman MOVED: The regular meeting reconvene. Councilperson Johnson seconded. Unanimously adopted.

17. Council Members returned to the regular meeting at 8:55 p.m.

Councilperson Lehman MOVED: To approve the letter of understanding with the POLC regarding reopener negotiations. Councilperson Scoby seconded. Unanimously approved.

Councilperson Lehman MOVED: To approve the letter of understanding regarding reopener negotiations with the COAM. Councilperson Scoby seconded. Unanimously approved.

Councilperson Lehman MOVED: The meeting be adjourned. Councilperson Johnson seconded. Unanimously adopted.

Meeting adjourned at 8:58 p.m.

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Larry Moss  
Mayor Pro-Tem

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Norice Rasmussen  
Clerk – Finance Director