

The regular meeting of the Greenville City Council was called to order by Mayor Scoby, in the Council Chambers, in the Municipal Complex located at 415 S. Lafayette Street, Greenville, Michigan 48838 at 7:00 p.m.

Present: Mayor Scoby; Councilpersons Barrus, Johnson, Moss, Lehman, Cunliffe, and Linton; City Manager Bosanic, Assistant City Manager Feazel, and Clerk Finance Director Rasmussen.

Absent: None.

1. The Pledge of Allegiance was led by Mayor Scoby.
2. The Statement of Citizens: None.
3. Councilperson Moss MOVED: The Consent Agenda be approved as presented. Councilperson Johnson seconded. Unanimously adopted.

The Consent Agenda consisted of the following:

- a. Approval of the minutes for the special City Council meeting held April 11, 2023.
- b. Approval of the minutes for the regular City Council meeting held April 18, 2023.
- c. Approval of the minutes for the special City Council meeting held April 25, 2023.
- d. Approval of the payroll report for the regular pay period April 15, 2023, in the amount of \$143,217.42.
- e. Approval of the accounts payable report for the period ending April 25, 2023, in the amount of \$198,249.62.
- f. Approval of the minutes for the regular Planning Commission meeting held April 13, 2023.
- g. Approval of the March Financial Report.
- h. Approval to set a public hearing for May 9, 2023, on a proposed budget for the Fiscal Year beginning July 1, 2023, through June 30, 2024.
- i. Approval to set a public hearing for May 16, 2023, on the proposed City of Greenville Wastewater Treatment Plant Expansion and Upgrades project – Phase 3 and 4.
- j. Information on the training opportunities provided.

Public Hearing:

4. To receive comment on an ordinance to amend Section 42-6 of Article I, “In General,” and Sections 42-89 and 42-95 of Article III, “Stopping, Standing and

Parking,” Chapter 42, “Traffic and Vehicles,” of the Code of Ordinances of the City of Greenville was introduced on April 18, 2023, in order to regulate motor vehicles in city-owned parking areas.

- a. Mayor Scoby opened the public hearing at 7:07 p.m.
 - b. Mayor Scoby closed the public hearing at 7:07 p.m. after receiving no comments.
5. To receive comment on a proposed amendment to the Greenville Zoning, an ordinance to amend the official zoning map of Chapter 46, “Zoning” of the code of ordinances of the City of Greenville to rezone 115 E. Van Deirse Avenue from the C-2, General Commercial District to the NLZD, North Lafayette Zoning District.
- a. Mayor Scoby opened the public hearing at 7:10 p.m.
 - b. Mayor Scoby closed the public hearing at 7:10 p.m. after receiving no comments.

New Business:

6. Council considered Ordinance No. 23-02, an ordinance to amend Chapter 42, Article I, “In General,” and Article III, “Stopping, Standing, and Parking,” of the code of the City of Greenville in order to regulate motor vehicles in City-owned parking areas.

Councilperson Moss MOVED: To approve Ordinance No. 23-02, an ordinance to amend Chapter 42, Article I, “In General,” and Article III, “Stopping, Standing, and Parking,” of the Code of the City of Greenville in order to regulate motor vehicles in City-owned parking areas:

THE CITY OF GREENVILLE ORDAINS:

Section 1. Amendment. Section 42-6 of Chapter 42, Article I, of the Code of Ordinances, City of Greenville, Michigan, is hereby amended in its entirety to read:

Sec. 42-6. – Storage of inoperable motor vehicles.

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

Inoperable motor vehicle means motor vehicles which do not bear valid registration plates pursuant to the Michigan Vehicle Code (MCL 257.1 et seq.) or which, by reason of dismantling, disrepair or other cause, are incapable of being

propelled under their own power (including, without limitation, vehicles without a working battery or tires capable of holding air), or are unsafe for operating on the streets and highways of this state because of inability to comply with the Michigan Vehicle Code.

Motor vehicle means any vehicle designed or intended to be operated as a self-propelled vehicle, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Storing means parking, placing or allowing the presence of a motor vehicle.

- (b) Except as provided in subsection (c) of this section, it shall be unlawful for:
- (1) Any person who is the owner, tenant, occupant, or manager of private property, to store or permit the storing of an inoperable motor vehicle on such private property.
 - (2) A person who is the last registered owner or transferee of an inoperable motor vehicle to store or permit the storing of such vehicle on private property.
 - (3) Any person to park or place an inoperable motor vehicle on any public or private street in the city, or in any city-owned parking area.
- (c) It shall not be a violation of this section to permit an inoperable motor vehicle to remain within a completely enclosed building or garage, nor shall it be a violation for a licensed junk dealer or a new or used automobile dealer or a bona fide commercial garage or repair shop to store inoperable motor vehicles upon premises completely enclosed by an opaque fence or wall not less than six feet in height, subject to all applicable provisions of chapter 46, Zoning.
- (d) Any person who violates the provisions of this section shall be responsible for a municipal civil infraction.
- (e) An inoperable motor vehicle is subject to immediate removal from public property at the expense of the last titled owner as permitted by law.

Section 2. Amendment. Section 42-89 of Chapter 42, Article III, of the Code of Ordinances, City of Greenville, Michigan, is hereby amended in its entirety to read:

Sec. 42-89. – Violation and penalty.

- (a) Any person, firm or corporation violating any provisions of this article, shall be liable for a civil infraction under the Michigan Vehicle Code (MCL 257.1 et seq.).

(b) Any approved vehicle parked in a parking zone in violation of this article may, in lieu of any other penalty, pay to the traffic bureau of the city the following:

- (1) If paid within seven days from the date and time written on the parking ticket: \$10.00.
- (2) If paid within the time period of seven days through 30 days from the date and time written on the parking ticket: \$25.00.

(c) Authority to seize for unpaid parking violations.

- (1) If the owner or operator of a vehicle which has been ticketed shall not within 30 days from issuance of the parking ticket pay or cause to be paid the fees or penalties for the violation, then any police officer of the city may seize such vehicle at any time thereafter anywhere within the city. Seizure may be by disabling the motor vehicle, towing or impounding.
- (2) In order that the owner or operator may remove any vehicle which has thus been impounded, he shall pay to the traffic bureau all overdue parking tickets which have accrued against the vehicle during the time of his ownership and, in addition thereto, the cost of impounding, towing and storage. If at the time of seizure the vehicle has been sold to a bona fide purchaser and transfer of title has been duly made, such new owner may have the car released forthwith by showing his new certificate of title to the proper officers and by satisfying any parking tickets which have been issued from the date of issuance of his new certificate of title.
- (3) In the event the owner or operator disputes liability as to any impoundment fees or any previously incurred impoundment fees, fines, cost, forfeiture or penalty, such owner or operator may have the vehicle released from impoundment by posting a bond, to be approved by the district judge or magistrate in an amount not to exceed \$500.00, pending final adjudication of disputed liability.
- (4) Any vehicle impounded by seizure under any city ordinance may, after one month from date of seizure, be sold by the department of public safety either at private or public sale to the highest bidder, after first giving the owner of the car, as is shown to be in the office of the secretary of state in which the car is licensed on the day of seizure, a notice of seizure and proposed sale, in writing, delivered in person or sent by certified mail, return receipt requested, addressed to such person at the owner's place of business or residence as shown in said secretary of state's office.

(d) Impoundment. Any motor vehicle parked in violation of this article may be removed from its parking place and impounded by the city.

Section 3. Amendment. Section 42-95 of Chapter 42, Article III, of the Code of Ordinances, City of Greenville, Michigan, is hereby amended in its entirety to read:

Sec. 42-95. – Damage to street or lot prohibited.

(a) No person shall, by the parking of any motor vehicle upon any street or in any municipal off-street parking lot, suffer or permit damage to the surface of any street or lot, from or by way of said wheeled vehicle's construction, condition, cargo or load.

(b) No person shall, by the parking of any motor vehicle upon any street or in any municipal off-street parking lot, damage, suffer or permit damage to the surface of any street or lots by permitting or suffering the loss of any portion of the load or cargo of said vehicle.

(c) A motor vehicle in violation of this section is subject to immediate removal from public property at the expense of the last titled owner as permitted by law.

Section 4. Publication and Effective Date. This Ordinance shall be published in a newspaper of general circulation in the City within 10 days of its adoption, and shall be effective 15 days after its adoption provided it has been published.

7. Council considered Ordinance No. 23-03, an ordinance to amend the official zoning map of Chapter 46, "Zoning" of the code of ordinances of the City of Greenville to rezone 115 E. Van Deirse Avenue from the C-2, General Commercial District to the NLZD, North Lafayette Zoning District.

Council took no action.

8. Council considered an appeal of a Freedom of Information Act Good Faith Estimate.

Councilperson Lehman MOVED: To deny request and uphold the fee that is consistent with our inspection between Council, City Manager and our attorney. Councilperson Moss seconded. Unanimously adopted.

9. Council considered an award of a bid to apply weed preventative and mulch for certain landscaped areas throughout the City.

Councilperson Moss MOVED: To award a bid for the purchase and placement of weed preventative and mulch in certain landscape areas throughout the City to Green Pro Landscape Management of Rockford, Michigan in the amount not to exceed \$6,750 as presented. Councilperson Johnson seconded. Unanimously adopted.

10. Council considered the approval of a food vendor application from Chris Petersen of Chef's Hand Specialties.

Councilperson Lehman MOVED: To approve the proposed application from Chris Petersen to operate a food truck at 1205 W. Washington (Public Warehouse Lot) with the following conditions:

- The location and operation of the food truck shall not impede traffic flow to or from adjacent properties or businesses nor shall it adversely impact them in any way.
- The operation of the food truck shall comply with all health department rules and regulations.
- The permit is authorized for use on these dates May 3 to November 3, 2023.
- The permit is suspended during the Danish Festival Event, August 17 – 20, 2023.
- The applicant must pay the food vendor license fee to the City of Greenville.

Councilperson Barrus seconded. Unanimously adopted.

11. Council considered a motion to enter into executive session to discuss written communication, subject to attorney/client privilege.

Councilperson Lehman MOVED: To allow Mayor Scoby to be excused from attending the executive session due to potential perceived conflict of interest. Councilperson Moss seconded. Unanimously adopted.

Councilperson Lehman MOVED: To enter into executive session to discuss written communication, subject to attorney/client privilege. Councilperson Cunliffe seconded. Unanimously adopted.

12. Councilmembers entered into closed session at 7:54 p.m.

13. Councilmembers returned to the regular meeting at 8:34 p.m.

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

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

Meeting adjourned at 8:34 p.m.

Jeff Scoby
Mayor

Norice Rasmussen
Clerk-Finance Director