

**CITY OF CHARLOTTE  
COUNCIL PROCEEDINGS**

**Regular Meeting  
December 14, 2020**

**CALL TO ORDER:**

By Mayor Armitage on Monday, December 14, 2020 at 7:01 p.m

**PRESENT:**

Councilmembers: McRae, Baker, Weissenborn, Hoogstra, VanStee, Dyer & Mayor Armitage. All reported their remote meeting location as being in the City of Charlotte, County of Eaton and State of Michigan. Staff: Clerk Tidwell, Manager Thomas, Economic Development Director Myrkle

**PLEDGE OF ALLEGIANCE:**

Mayor Armitage led the Pledge of Allegiance to the Flag of the United States of America.

**INVOCATION:**

There was no minister present for the meeting to offer an invocation.

**APPROVAL OF MINUTES:**

Motion by Baker, Second by Dyer to approve the following:

Regular Session Minutes of November 23, 2020 as presented;  
Special Session Minutes of December 7, 2020 – 6:00 p.m. as presented; Special Session Minutes of December 7, 2020 – 7:00 p.m. as presented; Regular Session Minutes of December 12, 2020 as presented.

Carried. 7 Yes. 0 No. 0 Absent.

**EXCUSE ABSENT MEMBERS:**

All members were present.

**PUBLIC HEARINGS:**

**ZBA EXCEPTION APPEAL RESOLUTION 2020-154 ROOM  
DENSITY REGULATIONS:**

Public Hearing Opened: 7:04pm

Community Development Director, Bryan Myrkle, explained the variance needed for PK Development to move forward with the development project. Myrkle stated that the fire department and police department saw no problems with the variance request.

Council member McRae inquired about the size of the units.

Scott Vyn, with Integrated Architecture explained the smallest unit will be about 750 square feet with most units being roughly 800 ft.

Council member Weissenborn asked if the new units will match existing units.

Jacob Horner with PK Development confirmed that the new units will have upgraded amenities but will match the existing units.

Mayor Armitage asked if there were any public comments on the request.

There was no public comment.

Public Hearing closed: 7:11 p.m.

**PILOT TAX EXEMPTION FOR PK DEVELOPMENT:**

Public Hearing Opened: 7:12 p.m.

Community Development Director, Bryan Myrkle, explained the tax incentive and the potential tax savings for the development project. Myrkle also explained that the exemption approval was needed in order for the project to qualify for state and federal incentives.

Mayor Armitage explained the project is located in the DDA district and a tax exemption would not impact the General Fund but rather the DDA fund.

Pro-tem Dyer inquired if the new units would be considered affordable income housing.

Jacob Horner confirmed that the new units would be considered affordable income housing.

Council member Baker spoke in support of the project.

Mayor Armitage asked if there were any public comments on the request.

There was no public comment.

Pro-tem Dyer inquired about other area PK Development projects.

Jacob Horner informed council of a downtown Lansing project that used a former school building for a senior housing development project with other projects located around the state of Michigan including Grand Rapids and Flint.

Pro-tem Dyer inquired why Charlotte was chosen for the project.

Jacob Horner explained the property itself and the opportunities Charlotte has attracted PD Development to the project.

Public Hearing Closed: 7:21 p.m.

**APPOINTMENTS:**

**RESOLUTION NO. 2020-159**

**A RESOLUTION TO APPROVE MAYORAL APPOINTMENT**

**WHEREAS**, a need for a Council appointment to the Planning Commission exists; and

**WHEREAS**, Mayor Armitage is recommending the following individual to be appointed to this board:

Name	Board	Term Ending
Andrew Barna	Planning Commission	3/31/2023

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

Pro-tem Dyer moved, supported by council member Baker to approve Resolution 2020-159 to approve Mayoral Appointment to the Planning Commission. Carried. 7 Yes. 0 No.

**PUBLIC COMMENTS:** There were no public comments.

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

Motion by Pro-tem Dyer, supported by Hoogstra to approve the Regular Meeting Agenda as presented. Carried. 7 Yes. 0 No. 0 Absent.

Pro-tem Dyer asked that agenda items 12) c, 13) c, d and e be removed from the Unanimous Consent Agenda for individual discussion.

Council member McRae asked that agenda item 14) b be removed from the Unanimous Consent Agenda for individual discussion.

Council member Weissenborn asked that agenda item 14) a be removed from the Unanimous Consent Agenda for individual discussion.

Council member Baker moved, supported by McRae to approve the Unanimous Consent Agenda as with items 12) c, 13) c, d and e, and 14) a and b removed. Carried with roll call vote. 7 Yes. 0 No. 0 Absent.

**SPECIAL PRESENTATIONS:**  
**PATH HOMELESS STREET OUTREACH**

Katie Stewart and Edwin Taylor explained the services for Clinton, Eaton and Ingham Counties that Path Homeless Street Outreach offers.

**EXPEDITED RESOLUTIONS AND ORDINANCES:**

**A. Consider approval of Resolution No. 2020-156 Approving 2021 Meeting Dates & Workshops**

**CITY OF CHARLOTTE  
RESOLUTION 2020-156**

**WHEREAS**, Public Act 267 of 1976 requires a resolution setting meeting dates.

**NOW THEREFORE BE IT RESOLVED**, that the regular meeting dates of the Charlotte City Council be as follows for the year

2021.

**Charlotte City Council Meeting Dates 2021**

	<b>1<sup>st</sup> &amp; 3<sup>rd</sup> Mondays</b>	
<b>CHARLOTTE CITY COUNCIL</b>	COUNCIL CHAMBERS 111 E. Lawrence Ave Charlotte MI 48813	
Monday, January 4		Phone: 543-2750
Monday, January 18		7:00 P.M.
Monday, February 1		
<i>*Tuesday, February 16</i>		
Monday, March 1		
Monday, March 15		
Monday, April 5		
Monday, April 19		
Monday, May 3		
Monday, May 17		
Monday, June 7		
Monday, June 21		
<i>*Tuesday, July 6</i>		
Monday, July 19		
Monday, August 2		
Monday, August 16		
<i>*Tuesday, September 7</i>		

	<b>1<sup>st</sup> &amp; 3<sup>rd</sup> Mondays</b>	
Monday, September 20		
Monday, October 4		
Monday, October 18		
Monday, November 1		
Monday, November 15		
Monday, December 6		
Monday, December 27		

**Charlotte City Council Workshop Meeting Dates 2021**

	<b>2<sup>nd</sup> Tuesday</b>	
<b>CHARLOTTE CITY COUNCIL</b>	COUNCIL CHAMBERS 111 E. Lawrence Ave Charlotte MI 48813	
Tuesday, January 12		Phone: 543-2750
Tuesday, February 9		7:00 P.M.
Tuesday, March 9		
Tuesday, April 13		
Tuesday, May 11		
Tuesday, June 15		
Tuesday, July 13		
Tuesday, August 10		

	<b>2<sup>nd</sup> Tuesday</b>	
Tuesday, September 14		
Tuesday, October 12		
Tuesday, November 9		
Tuesday, December 14		

**SPECIAL MEETINGS SHALL BE POSTED 18 HOURS BEFORE SUCH MEETING IS HELD**

Council member Baker moved, supported by McRae to approve Resolution 2020-156 to approve 2021 Council Meeting Dates. Carried. 7 Yes. 0 No.

**B. Consider approval of Resolution No. 2020-155 Approving the Payment of Claims and Accounts**

**RESOLUTION NO. 2020-155**

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

**FOR DECEMBER 14, 2020**

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

**WHEREAS**, the December 4, 2020, payroll totaled \$220,066.38; and

**WHEREAS**, the December 9, 2020, claims total in the amount of \$178,952.83; and

**WHEREAS**, November 23, 2020, insurance claims totaled \$249.68; and November 30, 2020, insurance claims totaled \$95.94; and December 7, 2020, insurance claims totaled \$815.43;

**THEREFORE, BE IT RESOLVED** that the City Council approves claims and accounts for December 14, 2020, in the amount of \$400,180.26.

Council member Baker moved, supported by McRae to approve Resolution 2020-155 to approve expenditures of the City. Carried. 7 Yes. 0 No.

**C. Consider approval of Resolution No. 2020-154 Room Density Regulations for PK Development**

**ZONING BOARD OF APPEALS RESOLUTION 2020 – 154**

**A RESOLUTION TO AUTHORIZE A MODIFICATION TO ROOM DENSITY REGULATIONS FOR 301 & 335 HORATIO AVENUE**

**WHEREAS**, the City of Charlotte has received a Zoning Board of Appeals application for consideration of a modification to the room density regulations for a development at 301 & 335 Horatio Avenue; and

**WHEREAS**, the purpose of this modification would be to allow the construction and occupancy of 203 rooms in residential rental units at this site; and

**WHEREAS**, the Zoning Board of Appeals has the authority to grant modifications to these 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 to the 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.

**THEREFORE, BE IT RESOLVED** that the City of Charlotte Zoning Board of Appeals hereby grants the requested modification to room density regulations for the development at 301 & 335 Horatio Avenue.

Pro-tem Dyer spoke in support of the project.

Pro-tem Dyer moved, supported by Baker to approve Resolution 2020-154 to Authorize a modification to room density regulations for 301 & 335 Horatio Avenue. Carried. 7 Yes. 0 No.

**ACTION ITEMS – RESOLUTIONS AND ORDINANCES:**

- A. Consider approval of Resolution No. 2020-149 to approve filling vacant position at the Department of Public Works WWTP**

**RESOLUTION NO. 2020-149**

**A RESOLUTION TO AUTHORIZE FILLING A VACANT POSITION IN THE DEPARTMENT OF PUBLIC WORKS**

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

**WHEREAS**, the Environmental Coordinator/ Assistant Utility Superintendent has submitted her resignation; and

**WHEREAS**, Assistant Utility Superintendent is a crucial position related to the operation and meeting permit regulations of the wastewater treatment plant; and

**WHEREAS**, the position to be filled is charged entirely to the Water and Sewer Fund and is in the budget; and

**WHEREAS**, the Department is requesting permission to fill the Environmental Coordinator/ Assistant Utility Superintendent position to make the staff whole.

**THEREFORE, BE IT RESOLVED** That the City Council approve the hiring of the Environmental Coordinator/ Assistant Utility Superintendent position for the Department of Public Works.

Council member Baker moved, supported by McRae to approve Resolution 2020-149 to Authorize filling a vacant position in the Department of Public Works WWTP. Carried. 7 Yes. 0 No.

- B. Consider approval of Resolution No. 2020-150 to approve ROWE PSC change order for Harris Street engineering**

**RESOLUTION NO. 2020-150**

**A RESOLUTION TO APPROVE CHANGE ORDER #1 FOR ROWE PSC FOR DESIGN ENGINEERING ON THE EAST HARRIS STREET RECONSTRUCTION PROJECT**

**WHEREAS**, the East Harris Street Reconstruction Project construction engineering contract was awarded to Rowe PSC by City Council on January 13, 2020 in the amount of \$160,000.00; and

**WHEREAS**, there were project scope additions necessary to have a complete and successful project that resulted in additional engineering costs totaling \$16,750.00; and

**WHEREAS**, Rowe PSC has outlined these changes in their change order request; and

**WHEREAS**, with the approval of Change Order #1, the overall percentage for design of the project is still under accepted standards for projects of this complexity; and

**WHEREAS**, these additional costs will be split accordingly between the Major Street Fund and the Water and Sewer Fund.

**THEREFORE, BE IT RESOLVED** that the City Council authorizes design engineering contract Change Order #1 in the amount of \$16,750.00 for Rowe PSC for additional work incurred as part of the East Harris Street Reconstruction Project.

Council member Baker moved, supported by McRae to approve Resolution 2020-150 to approve ROWE PSC change order for Harris Street engineering. Carried. 7 Yes. 0 No.

**C. Consider approval of Ordinance No. 2020-09 Tax Exemption for PK Development at 301 and 335 Horatio Street**

**ORDINANCE NO. 2020-09**

AN ORDINANCE TO AMEND CHAPTER 64 TAX EXEMPTION BY ADDING DIVISION 3 TO ESTABLISH A TAX EXEMPTION FOR PK DEVELOPMENT, 301 & 335 HORATIO STREET, COMMONLY KNOWN AS OLD SCHOOL VILLAGE APARTMENTS

**SECTION 1. PURPOSE.** The City is authorized by State law to levy a service charge in lieu of property taxes for certain housing developments for individuals with low and moderate incomes. An ordinance establishing such a charge for the Sugar Mill Apartments complex was passed in 2002. This ordinance amends City code to establish a service charge in lieu of property taxes for a proposed family housing development at 301 & 335 Horatio Street by PK Charlotte School LDHA LP.

**SECTION 2.** Chapter 64 of the Code of Ordinances is hereby amended to read as follows:

*Division 1. Sugar Mill Apartments*

**§ 64-1 IN GENERAL.**

This division shall be known and cited as the "City of Charlotte Tax Exemption Ordinance for Sugar Mill Apartments Complex on Maynard Street."

**§ 64-2 PREAMBLE.**

(A) It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low to moderate income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966) Public Act 346 of 1966, being M.C.L.A. §§ 125.1401 *et seq.*, as amended. The city is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act to any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing is a public necessity, and as the city will be benefitted and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provision of the chapter, for tax exemption and the service charge in lieu of taxes during the period contemplated in this chapter are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

(B) The city acknowledges that Sugar Mill Limited Dividend Housing Association, Michigan Limited Partnership, ("the sponsor") has offered subject to receipt of a mortgage loan from the Michigan State Housing Development Authority, to erect, own and operate a housing development identified as Sugar Mill Apartments (the "housing development") on certain property located on the 100 Block of Maynard Street in the city to serve senior citizens of low to moderate income, and that the sponsor has offered to pay the city, on account of this housing development, an annual service charge for public services in lieu of taxes.

**§ 64-3 DEFINITIONS.**

**AUTHORITY.** The Michigan State Housing Development Authority.

**ACT.** The State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, being M.C.L.A. §§ 125.1401 *et seq.*, as amended.

**ANNUAL SHELTER RENT.** The total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.

**ELDERLY PERSONS.** A family where the head of household is 62 years of age or older or a single person who is 62 years of age or older. Also includes persons of any age who are handicapped or disabled.

**HOUSING DEVELOPMENT.** A development which contains a significant element of housing for persons of low to moderate income and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the Authority determines improves the quality of the development as it relates to housing for persons of low to moderate income.

**MORTGAGE LOAN.** A loan to be made by the Authority to the sponsor for the construction and/or permanent financing of the housing development.

**UTILITIES.** Fuel, water, sanitary sewer service and/or electrical service, which are paid by the housing development.

**SPONSOR.** Person(s) or entities which have applied to the Authority for a mortgage loan to finance a housing development.

#### § 64-4 CLASS OF HOUSING DEVELOPMENT.

It is determined that the class of housing development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be senior housing which are financed or assisted pursuant to the Act. It is further determined that Sugar Mills Apartments is of this class.

#### § 64-5 ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

(A) The housing development identified as Sugar Mills Apartments and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The city, acknowledging that the sponsor and the Authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this chapter, the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this chapter in consideration of the sponsors offer, subject to receipt of a mortgage loan from the Authority, to construct, own and operate the housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes.

(B) The annual service charge shall be the greater of the following:

(1) Fourteen percent of the difference between the annual shelter rents actually collected and utilities; or

(2) A minimum payment determined as follows. In the first year of operation, the minimum payment shall be \$35,900, prorated on a daily basis from the date the final occupancy permit is issued through the next August 31. Each year thereafter, this payment shall be adjusted annually by the lesser of: 5%; or the increase or decrease in the general price level for the preceding year, as defined in the Michigan Constitution, § 33. The general price level is also the same percentage used to calculate the taxable property value by the City Tax Assessor.

#### § 64-6 LIMITATION ON THE PAYMENT OF ANNUAL SERVICE CHARGE.

(A) Notwithstanding § 64-5, the service charge to be paid each year in lieu of taxes for the part of the housing development which is tax exempt and which is occupied by other than low to moderate income persons or families shall be equal to the full amount of the taxes which

would be paid on that portion of the housing development if the housing development were not tax exempt.

(B) The term **LOW TO MODERATE PERSONS** as used herein means, with respect to any housing development that is tax-exempt, senior persons eligible to move into that development.

**§ 64-7 CONTRACTUAL EFFECT OF CHAPTER.**

Notwithstanding the provisions of § 15(a)(5) of the Act, to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this chapter.

**§ 64-8 PAYMENT OF SERVICE CHARGE.**

The service charge in lieu of taxes as determined under the chapter shall be payable in the same manner as general property taxes are payable to the city except that the annual payment will be paid on or before August 31 each year.

**§ 64-9 DURATION.**

This chapter shall remain in effect and shall not terminate so long as the mortgage loan remains outstanding and unpaid or the Authority has any interest in the property; provided, that construction of the housing development commences within 1 year from the effective date of this chapter.

**§ 64-10 SEVERABILITY.**

The various sections and provisions of this chapter shall be deemed to be severable, and should any section or provision of this chapter be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the chapter as a whole or any section or provision of this chapter other than the section or provision so declared to be unconstitutional or invalid. It is hereby amplified that it is the city's intent to accept a payment in lieu of taxes only for the purpose of a senior development. If the property is ever

used for another purpose, or if this chapter is unacceptable to any state agencies, this chapter is declared null and void.

*Division 2.*

**§ 64-11 IN GENERAL.**

This division shall be known and cited as the "City of Charlotte Tax Exemption Ordinance for the Edmond Senior Apartments on South Washington Street."

**§ 64-12 PREAMBLE.**

(A) It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low to moderate income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966) Public Act 346 of 1966, being M.C.L.A. §§ 125.1401 *et seq.*, as amended. The city is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing is a public necessity, and as the city will be benefitted and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provision of the chapter, for tax exemption and the service charge in lieu of taxes during the period contemplated in this chapter are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

(B) The city acknowledges that the Sponsor, as defined in this division, is a limited dividend housing association limited partnership and has offered, subject to receipt of an allocation under the Low Income Housing Tax Credit (LIHTC) Program and a Federally Aided Mortgage (as defined in the Act) to construct, own and operate the Housing Development Project to be known as The Edmond Senior Apartments located in the City to serve Low Income Persons, as



defined herein, and that the Sponsor has offered to pay the City on account of this Housing Development an annual service charge for public services in lieu of all ad valorem property taxes.

#### § 64-13 DEFINITIONS.

**ACT.** The State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, being M.C.L.A. §§ 125.1401 *et seq.*, as amended.

**ANNUAL SHELTER RENT.** The total collections during an agreed annual period from or paid on behalf of all Low Income Persons, as defined herein of the Housing Development Project representing rent or occupancy charges, exclusive of charges for Utilities, as defined herein.

**AUTHORITY.** The Michigan State Housing Development Authority.

**CITY.** The City of Charlotte, a Michigan municipal corporation.

**COMMENCEMENT OF CONSTRUCTION.** The commencement of the Housing Development, as defined herein.

**HOUSING DEVELOPMENT PROJECT.** The project being constructed at the Housing Development Location, consisting of a building to include qualified low income residential apartment units including approximately fifty (50) units reserved for Low Income Persons and such recreational, industrial, communal and educational facilities as the Sponsor and/or Authority determine will improve the quality of the Housing Development Project as it relates to housing for ~~Elderly~~ *Senior* Persons.

**HOUSING DEVELOPMENT LOCATION.** Lots 7, 8, 11, 12, 15, 16 and the West 30 feet 6 inches of Lot 17, the dividing line being the center of a block wall, and the vacated alley South of Lot 15 and the West ½ of the vacated alley adjacent to Lots 7, 8, 11, 12 & 15 Cummings Subdivision to the original Plat, City of Charlotte, Michigan and Lots 9, 10, 13, 14 the East 11 feet 1/5 inches of Lot 17, the dividing line being the center of a block wall, Lots 18, 19, 20 and the vacated alley South of Lot 14 and the East ½ of the vacated alley

adjacent to Lots 9, 10, 13 & 14 of the Cummings Subdivision to the original plat, City of Charlotte, Michigan.

**LOW INCOME PERSONS.** Senior Persons eligible to move into the Housing Development Project pursuant to the Act and the Authority.

**MORTGAGE LOAN.** A loan to be made by the Authority to the sponsor for the construction and/or permanent financing of the housing development.

**SENIOR PERSONS.** Single persons who are 55 years of age or older or a household in which at least one member is 55 years of age or older ~~and all other members are 50 years of age or older.~~

**SPONSOR.** The Edmond Senior Apartments limited Dividend Housing Association Limited Partnership, 333 North Pennsylvania Street, Suite 100, Indianapolis, Indiana, who shall act as the owner of the Housing Development Project.

**UTILITIES.** Fuel, water, heat sanitary sewer service and/or electrical service furnished to the occupants which are paid by the Housing Development Project.

#### § 64-14 CLASS OF HOUSING DEVELOPMENT.

It is determined that the class of housing development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be senior housing which are financed or assisted pursuant to the Act. It is further determined that The Edmond Senior Apartments is of this class.

#### § 64-15 ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

(A) Subject to the provisions of this division, the Housing Development Project and the Housing Development Location shall be exempt from all property taxes for the period specified in Section 64-19. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the Housing Development Project in reliance upon the enactment and continuing effect of this

Agreement and qualification of the Housing Development Project for the exemption from all property taxes and a payment in lieu of taxes as established in this division. Therefore, in consideration of the Sponsor's offer to construct, own and operate the Housing Development Project, the City has agreed to accept payment of an annual Service Charge, as defined below, for public services in lieu of all ad valorem property taxes as provided for in Section 64-15 (C) provided the Sponsor furnishes proof, on an annual basis upon request by the City, that the number of qualified low income units in the Housing Development Project have not increased, decreased, or been altered in any material form unless the City has otherwise amended the provisions of this division.

(B) In addition to the annual certified verification requirement in Section 64-15 (A), the tax exemption shall commence upon the acquisition of the Housing Development Location by the Sponsor. The Sponsor of the Housing Development Project eligible for exemption, or the City as appropriate and necessary, shall file with the local assessing officer a certified notification of the exemption, which shall be in an affidavit form by either the Authority, the city and/or the Sponsor as appropriate. The completed affidavit form first shall be submitted to the Authority for certification by the Authority that the Housing Development Project is eligible for the exemption. The Sponsor and/or the City shall file or cause to be filed the certified notification of the exemption with the local assessing officer as soon as practically possible.

(C) The annual service charge shall be equal to ten percent (10%) of the difference between the Annual Shelter Rent actually collected and Utilities (the "Service Charge.")

#### **§ 64-16 LIMITATION ON THE PAYMENT OF ANNUAL SERVICE CHARGE.**

Notwithstanding § 64-15, the service charge to be paid each year in lieu of taxes for any part of the housing development which is tax exempt and occupied by other than Low Income Persons shall be equal to the full amount of the taxes which would be due and payable on that

portion of the Housing Development Project if the project were not tax exempt.

#### **§ 64-17 CONTRACTUAL EFFECT OF CHAPTER.**

Notwithstanding the provisions of § 15(a)(5) of the Act, to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this division.

#### **§ 64-18 PAYMENT OF SERVICE CHARGE.**

The service charge in lieu of taxes as determined under the chapter shall be payable in the same manner as general property taxes are payable to the city except that the annual payment will be paid on or before June 30 of the year following the calendar year upon which such Service Charge is calculated and shall be distributed to the several units levying ad valorem property taxes in the same proportion as for said taxes. Failure to pay the service charge on or before June 30 of each year shall result in the service charge being subject to one percent (1%) interest per month until paid. If any amount of the annual service charge or accrued interest shall remain unpaid as of December 31 of any year, the amount unpaid shall be a lien upon the real property constituting the Housing Development Project upon the City Treasurer filing a certificate of non-payment of the service charge, together with an affidavit of proof of service of the certificate of non-payment upon the Sponsor with the Eaton County Register of Deeds, and proceedings may then be had to enforce the lien as provided by law for the foreclosure of tax liens upon real property.

#### **§ 64-19 DURATION.**

This division shall remain in effect and shall not terminate so long as the Housing Development Project continues to be used for Low Income Persons as provided in this division, but not to exceed fifty (50) years; provided, however, if construction of the Housing Development Project does not commence within one (1) year of the Authority's LIHTC April 1, 2017 funding round award date, which is

anticipated to be on or about July 1, 2017, or if the Sponsor materially changes the scope or purpose of the Housing Development Project with the consent of the City, by and through its representatives, and in accordance with the requirements of law, this division shall automatically expire, terminate and be of no further effect.

#### § 64-20 SEVERABILITY.

The various sections and provisions of this chapter shall be deemed to be severable, and should any section or provision of this chapter be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the chapter as a whole or any section or provision of this chapter other than the section or provision so declared to be unconstitutional or invalid. It is hereby amplified that it is the city's intent to accept a payment in lieu of taxes only for the purpose of a senior development. If the property is ever used for another purpose, or if this chapter is unacceptable to any state agencies, this division is declared null and void.

*Division 3.*

#### **§ 64-21 IN GENERAL.**

This division shall be known and cited as the "City of Charlotte Tax Exemption Ordinance for the PK Charlotte School LDHA LP family housing development at 301 & 335 Horatio Street"

#### § 64-22 PREAMBLE.

(A) It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low to moderate income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966) Public Act 346 of 1966, being M.C.L.A. §§ 125.1401 *et seq.*, as amended. The city is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing is a public

necessity, and as the city will be benefitted and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provision of the chapter, for tax exemption and the service charge in lieu of taxes during the period contemplated in this chapter are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

(B) The city acknowledges that the Sponsor, as defined in this division, is a limited dividend housing association limited partnership and has offered, subject to receipt of an allocation under the Low Income Housing Tax Credit (LIHTC) Program and a Federally Aided Mortgage (as defined in the Act) to construct, own and operate the proposed Housing Development Project at 301 & 335 Horatio Street in the City to serve Low Income Persons, as defined herein, and that the Sponsor has offered to pay the City on account of this Housing Development an annual service charge for public services in lieu of all ad valorem property taxes.

#### § 64-23 DEFINITIONS.

**ACT.** The State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, being M.C.L.A. §§ 125.1401 *et seq.*, as amended.

**ANNUAL SHELTER RENT.** The total collections during an agreed annual period from or paid on behalf of all Low Income Persons, as defined herein of the Housing Development Project representing rent or occupancy charges, exclusive of charges for Utilities, as defined herein.

**AUTHORITY.** The Michigan State Housing Development Authority.

**CITY.** The City of Charlotte, a Michigan municipal corporation.

**COMMENCEMENT OF CONSTRUCTION.** The commencement of the Housing Development, as defined herein.

**HOUSING DEVELOPMENT PROJECT.** The project being constructed at the Housing Development Location, consisting of a building to include qualified low income residential apartment units including approximately fifty-four (54) units reserved for Low Income Persons and such recreational, industrial, communal and educational facilities as the Sponsor and/or Authority determine will improve the quality of the Housing Development Project as it relates to housing for Low Income Persons.

**HOUSING DEVELOPMENT LOCATION.** 335 Horatio Street, Parcel No. **200-062-600-195-00, legally described as** N 42 FEET OF LOT 19. LOTS 20, 21, 22, 23, 24, 25 & 26. LAWRENCE'S SUBDIVISION OF OUT LOTS CITY OF CHARLOTTE; and 301 Horatio Street, Parcel No. **200-051-000-110-00, legally described as** LOTS 11, 12, 25, & 26 EXCEPT S 5 1/2 FEET. GALE'S ADDITION CITY OF CHARLOTTE; and unaddressed parcel on Pleasant Street, Parcel No. **200-051-000-260-00, legally described as** S 5 1/2 FEET OF LOT 26. N 40 FEET OF LOT 27. GALE'S ADDITION CITY OF CHARLOTTE.

**LOW INCOME PERSONS.** Persons eligible to move into the Housing Development Project pursuant to the Act and the Authority.

**MORTGAGE LOAN.** A loan to be made by the Authority to the sponsor for the construction and/or permanent financing of the housing development.

**SPONSOR.** PK Charlotte School LDHA LP, 1784 Hamilton Road, Okemos, MI 48864, who shall act as the owner of the Housing Development Project.

**UTILITIES.** Fuel, water, heat sanitary sewer service and/or electrical service furnished to the occupants which are paid by the Housing Development Project.

#### § 64-24 CLASS OF HOUSING DEVELOPMENT.

It is determined that the class of housing development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be family housing which are financed or

assisted pursuant to the Act. It is further determined that the proposed PK Development project at this location is of this class.

#### § 64-25 ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

(A) Subject to the provisions of this division, the Housing Development Project and the Housing Development Location shall be exempt from all property taxes for the period specified in Section 64-29. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the Housing Development Project in reliance upon the enactment and continuing effect of this Agreement and qualification of the Housing Development Project for the exemption from all property taxes and a payment in lieu of taxes as established in this division. Therefore, in consideration of the Sponsor's offer to construct, own and operate the Housing Development Project, the City has agreed to accept payment of an annual Service Charge, as defined below, for public services in lieu of all ad valorem property taxes as provided for in Section 64-25 (C) provided the Sponsor furnishes proof, on an annual basis upon request by the City, that the number of qualified low income units in the Housing Development Project have not increased, decreased, or been altered in any material form unless the City has otherwise amended the provisions of this division.

(B) In addition to the annual certified verification requirement in Section 64-25 (A), the tax exemption shall commence upon the acquisition of the Housing Development Location by the Sponsor. The Sponsor of the Housing Development Project eligible for exemption, or the City as appropriate and necessary, shall file with the local assessing officer a certified notification of the exemption, which shall be in an affidavit form by either the Authority, the city and/or the Sponsor as appropriate. The completed affidavit form first shall be submitted to the Authority for certification by the Authority that the Housing Development Project is eligible for the exemption. The Sponsor and/or the City shall file or cause to be filed the certified notification of the exemption with the local assessing officer as soon as practically possible.

(C) The annual service charge shall be equal to ten percent (10%) of the difference between the Annual Shelter Rent actually collected and Utilities (the “Service Charge.”)

**§ 64-26 LIMITATION ON THE PAYMENT OF ANNUAL SERVICE CHARGE.**

Notwithstanding § 64-25, the service charge to be paid each year in lieu of taxes for any part of the housing development which is tax exempt and occupied by other than Low Income Persons shall be equal to the full amount of the taxes which would be due and payable on that portion of the Housing Development Project if the project were not tax exempt.

**§ 64-27 CONTRACTUAL EFFECT OF CHAPTER.**

Notwithstanding the provisions of § 15(a)(5) of the Act, to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this division.

**§ 64-28 PAYMENT OF SERVICE CHARGE.**

The service charge in lieu of taxes as determined under the chapter shall be payable in the same manner as general property taxes are payable to the city except that the annual payment will be paid on or before June 30 of the year following the calendar year upon which such Service Charge is calculated and shall be distributed to the several units levying ad valorem property taxes in the same proportion as for said taxes. Failure to pay the service charge on or before June 30 of each year shall result in the service charge being subject to one percent (1%) interest per month until paid. If any amount of the annual service charge or accrued interest shall remain unpaid as of December 31 of any year, the amount unpaid shall be a lien upon the real property constituting the Housing Development Project upon the City Treasurer filing a certificate of non-payment of the service charge, together with an affidavit of proof of service of the certificate of non-

payment upon the Sponsor with the Eaton County Register of Deeds, and proceedings may then be had to enforce the lien as provided by law for the foreclosure of tax liens upon real property.

**§ 64-29 DURATION.**

This division shall remain in effect and shall not terminate so long as the Housing Development Project continues to be used for Low Income Persons as provided in this division, but not to exceed fifty (50) years; provided, however, if construction of the Housing Development Project does not commence within one (1) year of the Authority’s LIHTC February 1, 2021 funding round award date, which is anticipated to be in May 2021, or if the Sponsor materially changes the scope or purpose of the Housing Development Project with the consent of the City, by and through its representatives, and in accordance with the requirements of law, this division shall automatically expire, terminate and be of no further effect.

**§ 64-30 SEVERABILITY.**

The various sections and provisions of this chapter shall be deemed to be severable, and should any section or provision of this chapter be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the chapter as a whole or any section or provision of this chapter other than the section or provision so declared to be unconstitutional or invalid. It is hereby amplified that it is the city's intent to accept a payment in lieu of taxes only for the purpose of a senior development. If the property is ever used for another purpose, or if this chapter is unacceptable to any state agencies, this division is declared null and void.

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

Pro-tem Dyer reiterated that the tax exemption did not hinder tax revenue for the General Fund.

Council member Hoogstra moved, supported by Baker to approve Ordinance No. 2020-09 Tax Exemption for PK Development at 301 and 335 Horatio Street. Carried. 7 Yes. 0 No.

**D. Consider approval of Ordinance 2020-08 Amending the Zoning Map to Change Certain Parcels from PD to RM-2**

**CITY OF CHARLOTTE ORDINANCE NO. 2020-08  
AN ORDINANCE TO AMEND CHAPTER 82-ZONING, BY  
AMENDING THE ZONING MAP TO CHANGE CERTAIN  
DESCRIBED PARCELS FROM PD – PLANNED  
DEVELOPMENT TO RM-2 – MULTIPLE FAMILY  
RESIDENTIAL**

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:

Those properties known as 301 & 335 Horatio Avenue and more fully described as follows:

- Parcel No. 200-051-000-110-00 – LOTS 11, 12, 25, & 26 EXCEPT S 5 1/2 FEET. GALE'S ADDITION CITY OF CHARLOTTE
- Parcel No. 200-051-000-260-00 – S 5 1/2 FEET OF LOT 26. N 40 FEET OF LOT 27. GALE'S ADDITION CITY OF CHARLOTTE
- Parcel No. 200-062-600-195-00 – N 42 FEET OF LOT 19. LOTS 20, 21, 22, 23, 24, 25 & 26. LAWRENCE'S SUBDIVISION OF OUT LOTS CITY OF CHARLOTTE

is hereby rezoned from PD – Planned Development to RM-2 Multiple Family Residential.

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. 2020 - ?? 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.

Pro-tem Dyer moved, supported by council member Baker to approve Ordinance 2020-08 Amending the Zoning Map to Change Certain Parcels from PD to RM-2. Carried. 7 Yes. 0 No.

**E. Consider approval of Resolution 2020-145 to Approve a Request for the Rezone of 301 & 335 Horatio Avenue from PD to RM-2 Consider approval of Ordinance 2020-08 Amending the Zoning Map to Change Certain Parcels from PD to RM-2**

**RESOLUTION 2020 – 145**

**A RESOLUTION TO APPROVE A REQUEST FOR THE REZONING OF 301 & 335 HORATIO AVENUE FROM PD – PLANNED DEVELOPMENT TO RM-2 – MULTIPLE FAMILY RESIDENTIAL**

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

- Parcel No. 200-051-000-110-00 – LOTS 11, 12, 25, & 26 EXCEPT S 5 1/2 FEET. GALE'S ADDITION CITY OF CHARLOTTE
- Parcel No. 200-051-000-260-00 – S 5 1/2 FEET OF LOT 26. N 40 FEET OF LOT 27. GALE'S ADDITION CITY OF CHARLOTTE
- Parcel No. 200-062-600-195-00 – N 42 FEET OF LOT 19. LOTS 20, 21, 22, 23, 24, 25 & 26. LAWRENCE'S SUBDIVISION OF OUT LOTS CITY OF CHARLOTTE

from PD – Planned Development to RM-2 Multiple Family Residential; and

**WHEREAS**, the purpose of this change would be to allow for the development of mixed-income family housing at the site; and

**WHEREAS**, 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 these parcels from PD – Planned Development to RM-2 Multiple Family.

Pro-tem Dyer moved, supported by Weissenborn to approve Resolution 2020-145 to Approve a Request for the Rezone of 301 & 335 Horatio Avenue from PD to RM-2 Consider approval of Ordinance 2020-08 Amending the Zoning Map to Change Certain Parcels from PD to RM-2. Carried. 7 Yes. 0 No.

**INTRODUCTION OF RESOLUTIONS AND ORDINANCES:**

**A. Consider first reading of Resolution No. 2020-153 Charlotte 2021 Poverty Guidelines**

**WHEREAS**, the adoption of guidelines for poverty exemption is within the purview of the City Council; and

**WHEREAS**, the homestead of persons who, in the judgment of the City Assessor and board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390, 1994 (MCL.211.7u); and

**WHEREAS**, pursuant to PA 390, 1994 the City of Charlotte, Eaton County adopts the following Income and Asset levels establishing eligibility for Poverty Exemptions in the year 2021,

**FEDERAL INCOME GUIDELINES FOR 2021 POVERTY EXEMPTION**

1 person .....	\$ 12,760
2 persons .....	\$ 17,240
3 persons.....	\$ 21,720

4 persons.....	\$ 26,200
5 persons.....	\$ 30,680
6 persons.....	\$ 35,160
7 persons.....	\$ 39,640
8 persons.....	\$ 44,120
For Each Additional Person add.....	\$ 4,480

**MAXIMUM ASSET STANDARDS TO BE ELIGIBLE FOR A POVERTY EXEMPTION**

*(PA 390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit shall include an asset level test)*

1 person .....	\$ 27,741
2 persons .....	\$ 34,365
3 persons.....	\$ 41,103
4 persons.....	\$ 47,710
5 persons.....	\$ 54,547
6 persons.....	\$ 61,265
7 persons.....	\$ 67,892
8 persons.....	\$ 74,763
For Each Additional Person add.....	\$ 9,345

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the assessor and Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the assessor and Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these reasons are communicated in writing to the claimant.

Weissenborn inquired about the resolution.

The City Assessor, Randy Jewell, explained it was procedural every year for residents to be able to qualify for a tax exempt status if they met the poverty guidelines of the current year.

Pro-tem Dyer moved, supported by Weissenborn to approve first reading of Resolution No. 2020-153 Charlotte 2021 Poverty Guidelines. Carried. 7 Yes. 0 No.

**B. Consider first reading of Resolution No. 2020-157 to Approve Stipend Request for Volunteer Fire Fighters**

**RESOLUTION NO. 2020-157**

**A RESOLUTION TO AUTHORIZE A STIPEND REQUEST FOR CITY OF CHARLOTTE VOLUNTEER FIRE DEPARTMENT.**

**WHEREAS**, the City has received a request from the Charlotte Volunteer Department; and

**WHEREAS**, the Charlotte Volunteer Fire Department has opened and independent bank account with a separate employer identification number; and

**WHEREAS**, the Charlotte Volunteer Fire Department has reviewed the stipend amounts provided from the City; and

**WHEREAS**, the stipend amount received from the City has not changed in over 10 years; and

**WHEREAS**, the proposed stipend amounts are as follows: ‘A’ check; \$510; ‘B’ check; \$340 and ‘C’ Check \$170; and

**WHEREAS**, the Charlotte Volunteer Fire Department is requesting that the City of Charlotte be responsible for issuing W-2 forms and quarterly stipend checks for Charlotte Fire Department Volunteer members.

**THEREFORE, BE IT RESOLVED** that the City Council authorizes the stipend increase for the Charlotte Volunteer Fire Department effective January 1, 2021. Additionally, approve the

City be responsible for issuing payments and W-2 forms and quarterly stipend checks directly to Charlotte Fire Department Volunteer members. The City will provide an option for voluntary deduction for members from the stipend payments to the newly formed volunteers’ 501(c)4 association.

Council member McRae inquired about the payment to volunteer fire fighters and past practice.

City Attorney, Tom Hitch, explained the process of payment and shared concerns with the City charter section 15.3 in regards to the retro-active pay requested.

Mayor Armitage stated that the resolution was a first reading and that clarification should be obtained to determine how the volunteers are classified.

Pro-tem Dyer moved, supported by Weissenborn to approve first reading of Resolution No. 2020-157 to Approve Stipend Request for Volunteer Fire Fighters. Carried. 7 Yes. 0 No.

**C. Consider first reading of Resolution No. 2020-158 to Approve the Eaton County Interlocal Agreement for County Designated Assessor**

**EATON COUNTY INTERLOCAL AGREEMENT FOR COUNTY DESIGNATED ASSESSOR**

This Interlocal Agreement, by and between the COUNTY OF EATON, a political subdivision of the State of Michigan (hereinafter referred to as the “County”), and XXXX TOWNSHIP, XXXX TOWNSHIP, XXXX TOWNSHIP, XXXX TOWNSHIP, XXXX TOWNSHIP, XXXX TOWNSHIP, XXXX TOWNSHIP, XXXX TOWNSHIP, and XXXX TOWNSHIP, each a political subdivision of the State of Michigan (each hereinafter referred to as an “Assessing District,” and collectively referred to as the “Assessing Districts”), is entered into pursuant to the Urban Cooperation Act of 1967, Public Act 7 of 1967 (Ex. Sess.), as amended, MCL 124.501 *et seq.*, and the General Property Tax



Act, Public Act 206 of 1893, as amended by Public Act 660 of 2018, MCL 211.10g, for the purpose of designating an individual to serve as the County's Designated Assessor.

**WHEREAS**, pursuant to MCL 211.10g(4), every County shall have a Designated Assessor on file with the State Tax Commission as of December 31, 2020; and

**WHEREAS**, the County Designated Assessor is designated by an Interlocal Agreement executed between the County Board of Commissioners and a majority of the Assessing Districts in the County; and

**WHEREAS**, the individual designated as the County's Designated Assessor must be approved by the State Tax Commission.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

1. Designation of County Designated Assessor. The County and a majority of the Assessing Districts in the County designate \_\_\_\_\_, who is an individual qualified and certified by the State Tax Commission as a Michigan Master Assessing Officer, to be the County Designated Assessor for Eaton County. The Designated Assessor is not an employee or paid contractor of the County, and shall have no responsibilities as Designated Assessor during the period in which he or she is not acting as an assessor of record for an Assessing District within the County, other than to remain certified and in good standing.
2. Duties of County Designated Assessor. The County Designated Assessor shall contract with one or more Assessing Districts as necessary to serve as the Assessing District's Assessor of record, upon request of the Assessing District or as may be required by the State Tax Commission, as a consequence of the Assessing District receiving a notice of noncompliance from the State Tax Commission after an audit, under the terms and conditions set forth in MCL 211.10g.

The County Designated Assessor shall be capable of ensuring that the contracting Assessing Districts achieve and maintain substantial compliance with the requirements in MCL 211.10g(1). The Assessing District shall provide the Designated Assessor with reasonable access to records, documents, and information. The Assessing District shall advise the Designated Assessor of any applicable policies and procedures, including technology, equipment, and facilities.

The County Designated Assessor may charge an Assessing District that is required to contract with the County Designated Assessor a reasonable rate of compensation (e.g., periodic payment on a per parcel basis) and reimbursement of costs.

The Assessing District shall pay reasonable compensation to the Designated Assessor, and be responsible to pay the reasonable costs incurred by the County Designated Assessor in serving as the Assessing District's Assessor of record, including, but not limited to, the cost of overseeing and administering the annual assessment, preparing and defending the assessment roll, costs incurred in appeals to the Michigan Tax Tribunal (i.e., appraisal costs, expert witness fees and attorney fees), and operating the assessing office (including employment of additional staff necessary to bring the Assessing District into compliance).

The services to be provided by the Designated Assessor to the contracting Assessing District include: preparation of assessment rolls, establishing a plan to correct deficiencies found in the State Tax Commission audit, timely delivery of documents and execution of forms, attendance at Board of Review meetings, handling property tax appeals filed with the Michigan Tax Tribunal (either directly or through legal counsel), timely reporting and meetings with local officials of the Assessing District, and responsibility for overseeing assessing staff members of the Assessing District.

The County Designated Assessor is a local assessing unit for purposes of the provisions in MCL 211.44 concerning the

division and use of any collected property tax administration fees.

3. Term of Designation. If approved by the State Tax Commission, the County Designated Assessor shall serve for a minimum of five (5) years from the date of the approved designation. The designation shall not be revoked, and no new designation shall be made earlier than five (5) years following the date of the approved designation, except as otherwise provided in Sec. 4.

Once an Assessing District is under contract with the Designated Assessor, the Designated Assessor will remain in place for a minimum of five years. However, the Assessing District may petition the State Tax Commission to end the contract after the Designated Assessor has been in place for a minimum of three years.

4. Revocation of Designation by State Tax Commission. The State Tax Commission may designate and approve, on an interim basis and pursuant to a formal agreement, an individual to serve as a County Designated Assessor and, if applicable, revoke the approved designation of a current County Designated Assessor under the following circumstances:

- (i) if the County Designated Assessor dies or becomes incapacitated;
- (ii) if the County Designated Assessor was designated and approved based on his or her employment status, and that status materially changes; or
- (iii) if it determines at any time that the County Designated Assessor is not capable of ensuring that contracting Assessing Districts achieve and maintain substantial compliance with the requirements in MCL 211.10g(1).

The State Tax Commission's designation of an interim County Designated Assessor under this Section is effective only until a new County Designated Assessor has been designated in a new Interlocal Agreement under MCL 211.10g(4)(a), and approved by the State Tax Commission.

5. Petition to State Tax Commission. Upon the execution and filing of this Interlocal Agreement, the County shall petition the State Tax Commission to approve the individual named in Section 1 of this Interlocal Agreement to serve as the County Designated Assessor. The individual shall serve as the County Designated Assessor upon approval of the State Tax Commission. If the State Tax Commission rejects the County's petition, then the parties agree to enter into additional Interlocal Agreements under MCL 211.10g(4)(a) until a suitable Assessor has been presented.
6. Nondiscrimination. The Parties shall adhere to all Federal, State, and local laws, ordinances and regulations prohibiting discrimination in the performance of this Interlocal Agreement. The Parties shall not discriminate against a person to be served or an employee or applicant for employment because of race, color, religion, national origin, age, sex, disability that is unrelated to an individual's ability to perform the duties of a particular job or position, height, weight, or marital status. Breach of this section shall be regarded as a material breach of this Interlocal Agreement.
7. Effective Date. This Interlocal Agreement shall become effective when executed by the County and a majority of the Assessing Districts in the County, and an executed copy is filed with the Eaton County Clerk and the Michigan Secretary of State.
8. Certification. The persons signing this Agreement certify by their signatures that they are duly authorized to sign this Agreement on behalf of the Parties, and that this Agreement has been authorized by the Parties.

Council member Baker moved, supported by McRae to approve first reading of Resolution No. 2020-158 to Approve the Eaton County Interlocal Agreement for County Designated Assessor. 7 Yes. 0 No

**PUBLIC COMMENTS:**

There was no public comment.

**COMMUNICATIONS AND COMMITTEE REPORTS,**  
**COUNCILMEMBER COMMENTS:**

City Attorney, Tom Hitch, stated he was working with Interim Manager Thomas Thomas to review Fire Department matters and transition issues.

Mayor Armitage addressed the hazard pay under the state reimbursement program stating it was a first-come first-serve program that would cost the City approximately \$40,000 without a guarantee of reimbursement.

Mayor Armitage acknowledged the Volunteer Fire Fighters' memo regarding a Fire Chief selection and appreciated the communication.

Pro-tem Dyer announced he is going to be appointed to the Eaton County Brownfield Redevelopment Authority tomorrow.

Mayor Armitage reminded council of the second interviews being conducted for the City Manager position at 5:00 p.m. on Tuesday, December 15, 2020 and wished everyone a Merry Christmas and Happy Hanukkah.

**ADJOURNMENT:**

Council member Baker moved, supported by Council member Hoogstra to adjourn the meeting at 8:04 p.m. Carried. 7 Yes. 0 No. 0 Absent.

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Mayor Armitage

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Pearl Tidwell, City Clerk