

**CITY OF OWOSSO**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**MONDAY, FEBRUARY 04, 2013**  
**7:30 P.M.**

**Meeting to be held at City Hall**  
**301 West Main Street**

**AGENDA**

**OPENING PRAYER:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**APPROVAL OF THE AGENDA:**

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 22, 2013:**

**ADDRESSING THE CITY COUNCIL**

1. Your comments shall be made during times set aside for that purpose.
2. Stand or raise a hand to indicate that you wish to speak.
3. When recognized, give your name and address and direct your comments and/or questions to any City official in attendance.
4. Each person wishing to address the City Council and/or attending officials shall be afforded one opportunity of up to four (4) minutes duration during the first occasion for citizen comments and questions. Each person shall also be afforded one opportunity of up to three (3) minutes duration during the last occasion provided for citizen comments and questions and one opportunity of up to three (3) minutes duration during each public hearing. Comments made during public hearings shall be relevant to the subject for which the public hearings are held.
5. In addition to the opportunities described above, a citizen may respond to questions posed to him or her by the Mayor or members of the Council, provided members have been granted the floor to pose such questions.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

1. Cystic Fibrosis Day Proclamation. A Proclamation of the Mayor's Office declaring February 8, 2013 as Cystic Fibrosis Day in the City of Owosso.
2. Certificate of Appreciation - James Hardwick. Presentation of a Certificate of Appreciation to James Hardwick for his work on the local cable access channels.

**PUBLIC HEARINGS**

1. Site Plan Review – 120 Michigan Avenue. Conduct a public hearing to receive citizen comment regarding review of the site plan for the Planned Unit Development at 120 Michigan Avenue (Lincoln House).
2. Lincoln House PILOT Agreement. Conduct a public hearing to receive citizen comment regarding the proposed ordinance amendment to Chapter 32, Taxation, Sections 32-36 through 32-42, to establish a Payment in Lieu of Taxes agreement for the Lincoln House senior housing development.
3. Special Assessment District No. 2013-01 – Hazards & Nuisances. Conduct a public hearing to receive citizen comment regarding Resolution No. 2 for Special Assessment District No. 2013-01, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating and removing of hazards and nuisances located at 1064 Tracy Street.

## **CITIZEN COMMENTS AND QUESTIONS**

### **CITY MANAGER REPORT**

Project Status Report

### **CONSENT AGENDA**

1. Set Public Hearing-Industrial Facilities Exemption Certificate. Set a Public Hearing for Tuesday, February 19, 2013 to receive citizen comment regarding the application from Ruess Winchester, Inc. for an Industrial Facilities Exemption Certificate for real and personal property located at 705 McMillan Avenue.
2. Demolition Authorization – 219 North Cedar Street. Authorize the demolition of the structure at 219 North Cedar Street and approve bid award to Fisher Gravel for the demolition in the amount of \$5,300.00.
3. Special Assessment District No. 2013-02 – Hazards and Nuisances. Authorize Resolution No. 1 setting a public hearing for Tuesday, February 19, 2013 to receive citizen comment regarding Special Assessment District No. 2013-02, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating and removing of hazards and nuisances at 219 North Cedar Street.
4. Resolution of Support – Lincoln House. Authorize resolution of support for the Lincoln House project at 120 Michigan Avenue.
5. Warrant No. 457. Authorize Warrant No. 457 as follows:

<b>Vendor</b>	<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Michigan Municipal League Workers' Compensation Fund	Worker's Compensation Insurance	General	\$23,196.00
Rehmann Robson	Final billing- audit of year ended 6/30/12	General	\$ 5,000.00
General Code	Payment on Laserfiche software system	General	\$ 8,543.00

### **ITEMS OF BUSINESS**

1. Executive Session. Authorize the holding of an executive session at the conclusion of the second session of Citizen Comments and Questions for the purpose of discussing land acquisition.
2. Land Acquisition. Consider resolution authorizing the purchase of land adjacent to the City, commonly known as 1155 VanDekarr Road.

### **COMMUNICATIONS**

1. Planning Commission. 2012 Annual Report.
2. Historical Commission. Minutes of January 14, 2013.
3. Planning Commission. Minutes of January 14, 2013.
4. Zoning Board of Appeals. Minutes of January 15, 2013.
5. Downtown Historic District Commission. Minutes of January 16, 2013.
6. Parks & Recreation Commission. Minutes of January 28, 2013.
7. Planning Commission. Minutes of January 28, 2013.

## **CITIZEN COMMENTS AND QUESTIONS**

### **NEXT MEETING**

Tuesday, February 19, 2013

### **BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals, term expires 06-30-2015  
(candidate must possess construction knowledge)

### **ADJOURNMENT**

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy K. Kirkland, City Clerk, 301 West Main Street, Owosso, MI 48867 or at (989) 725-0500. The City of Owosso Website address is [www.ci.owosso.mi.us](http://www.ci.owosso.mi.us).

**OWOSSO CITY COUNCIL**

**JANUARY 22, 2013**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK

**OPENING PRAYER:** GINA MOSKAL  
COMMISSIONED LAY MINISTER, ST PAUL CATHOLIC CHURCH

**PLEDGE OF ALLEGIANCE:** SERGEANT RUSY LAMAY

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch,  
Councilpersons Loreen F. Bailey, Thomas B. Cook, and Burton D. Fox.

**ABSENT:** Councilpersons Michael J. Erfourth and Christopher T. Eveleth.

A moment of silence was held in memory of Tom Hannen, the husband of former Mayor Pro Tem Susan Osika, on the occasion of his passing.

**APPROVE AGENDA**

Motion by Mayor Pro-Tem Popovitch to approve the agenda with the following change:

Consent item 2. Check Register – December 2012 moved to Item of Business 5.

Motion supported by Councilperson Cook and concurred in by unanimous vote.

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 7, 2013**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of January 7, 2013 as presented.

Motion supported by Councilperson Bailey and concurred in by unanimous vote.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Rob Lepley, 1786 South Morrice Road, indicated he is a landlord and has concerns with tenants growing medical marijuana as it heavily stresses the electrical system of a home and could cause a fire. He asked Council to consider establishing a permit to regulate medical marijuana growers.

Tom Wiegel, 4911 South Chippewa Path, rental unit owner, expressed his concern over what he felt was unequal treatment of some property owners. He said he felt code enforcement was unequal, that commercial properties were given preference, and asked why that happens. Mayor Frederick noted that the Council had received a report on the status of various structures of concern in the City and properties that are a living space for residents were of immediate concern because people live in those structures.

Norman Pugh, 3030 Copas Road, rental property owner, expressed his desire to see commercial buildings included in the rental inspection process. He said he too felt code enforcement was unequal

and had been so for years. He asked the City Manager to resign for this reason. He said it was unfair for rental units to be held to a higher standard than other properties. Lastly he noted his objection to higher water bills and the rezoning of the Lincoln School property.

Councilperson Bailey inquired about rules regulating house to house solicitation. It was noted that religious organizations could not be regulated but peddlers and charitable organizations needed to apply for a peddlers' permit and are required to carry this permit on their person when soliciting. It was also noted residents could post a No Solicitation sign in a prominent location to prohibit any door to door activity on the premises.

Mayor Pro-Tem Popovitch expressed her support for the City Manager and the Assistant City Manager. She went on to say she appreciates the rental inspection program, and empty buildings should not be held to the same scrutiny as that of a residential structure. She said she has spoken with staff about numerous properties in town and while she felt reasonable progress was being made it didn't hurt to be reminded of on-going issues from time to time. Lastly, she inquired whether a public notice could be made regarding a recent string of mail solicitations for water and sewer line repair insurance. She said she was concerned such firms may scam residents with unneeded insurance.

Councilperson Cook echoed Mayor Pro-Tem Popovitch's comments regarding the City Manager and code enforcement. He said he was encouraged to hear landlords express support for stronger code enforcement on other properties. He went on to say that the current efforts may not seem even-handed but staff was attacking a large number of accumulated problems all at once. Lastly, he asked if there was a difference in how some properties were handled. City Manager Crawford noted that some properties are involved in very complex situations which can severely slow the code enforcement process down. He noted that despite the challenges some of those difficult properties had seen some progress in the last year.

Councilperson Fox noted that he had mentioned numerous problem properties to staff over the years and believes the Building Official is aware of them. He went on to inquire about the status of the former House of Mok.

Building Official Charles Rau noted the former House of Mok property was in receipt of a citation last summer regarding the condition of the siding. The owners of the property indicated a sale was in progress and repair of the façade would alter the sale price and possibly derail the sale. At that time the City agreed to allow the building to stand as is to facilitate the sale. Since that time the siding has been removed to abate any danger of falling siding. The sale of the property continues but has been held up by environmental studies. Building Official Rau noted he would cite the property again if no progress is made by February 1<sup>st</sup>.

There was a discussion regarding the limitations imposed on the City by the State's Medical Marijuana law. The law requires the privacy of card holders and growers be maintained and thus prevents a permit system from being implemented or legally enforced by the City. City Attorney Brown noted that he felt a property owner could prohibit the growing of medical marijuana on his/her property based on the fact that it is against Federal law. Mayor Frederick suggested Mr. Lepley get in touch with the County Prosecutors Office to help him sort out his situation.

### **CITY MANAGER REPORT**

None at this time.

### **CONSENT AGENDA**

Motion by Councilperson Fox to approve the Consent Agenda as follows:

Warrant No. 456. Authorize Warrant No. 456 as follows:

<b>Vendor</b>	<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Logicalis, Inc.	Network Engineering Support – December 2012	General	\$7,080.00
Owosso Charter Township	Owosso Charter Township water sales payment for Q4 2012	Water	\$8,978.61
Brown & Stewart PC	Professional Services Dec 11, 2012 – Jan 14, 2013	General	\$ 10,770.39
Caledonia Charter Township	Caledonia Utility Fund payment for Q4 2012	Water	\$18,816.41

Check Register – December 2012. (This item was moved to Item of Business 5.)

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Fox, Cook, Mayor Pro-Tem Popovitch, Councilperson Bailey, and Mayor Frederick.

NAYS: None.

ABSENT: Councilpersons Erfourth and Eveleth.

**ITEMS OF BUSINESS**

**DEMOLITION AUTHORIZATION – 1064 TRACY STREET**

City Manager Crawford introduced the item saying that while the structure looks to be in good shape from the street level there are a number of issues that lead to the demolition order in question. He went on to note that despite those issues several parties had expressed interest in the home. The City had attempted to assist a number of the interested parties in finding the lender and it was his understanding that the mortgage lender was unwilling to accept any offers for less than the balance owed because they were bound to a mortgage guarantee for the full balance. The balance being an unreasonable amount compared to the value of the structure all of the interested parties had walked away.

Motion by Councilperson Fox to authorize the demolition of the structure at 1064 Tracy Street, approve bid award to Fisher Gravel for the demolition in the amount of \$2,000.00 as follows:

**RESOLUTION NO. 04-2013**

**AUTHORIZING EXECUTION OF A CONTRACT FOR SERVICES BETWEEN  
THE CITY OF OWOSSO, MICHIGAN AND FISHER GRAVEL  
FOR DEMOLITION OF THE STRUCTURE AT 1064 TRACY STREET**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that a home located at 1064 Tracy Street has deteriorated to a condition that it is unusable and has a blighting effect upon the neighborhood and community at large and has been determined to be a public nuisance; and

WHEREAS, proposals for the demolition of the structure were sought and received; and

WHEREAS, Fisher Gravel submitted a bid in the amount of \$2,000.00.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Fisher Gravel to demolish the structure at 1064 Tracy Street.
- SECOND: The mayor and city clerk of the city of Owosso are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the city of Owosso, Michigan and Fisher Gravel, at a total cost of \$2,000.00.
- THIRD: Payment to Fisher Gravel is authorized, up to the bid amount, upon satisfactory completion of the work contracted.
- FOURTH: The city manager is authorized to execute any required permits to proceed with the demolition.

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Cook, Fox, Bailey, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: None.

ABSENT: Councilpersons Erfourth and Eveleth.

**SPECIAL ASSESSMENT DISTRICT NO. 2013-01 – HAZARDS AND NUISANCES**

City Attorney William C. Brown offered a correction to the information relayed in the memo regarding this item saying that the special assessment being proposed would not survive tax sale should the property proceed through that process, but would simply protect the City's interests until that time. He noted that should the City desire they could purchase the property at tax sale to ensure reimbursement for the work performed.

Motion by Councilperson Cook to authorize Resolution No. 1 setting a public hearing for February 4, 2013 to receive citizen comment regarding Special Assessment District No. 2013-01, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating and removing of hazards and nuisances at 1064 Tracy Street as follows:

**RESOLUTION NO. 05-2013**

**SPECIAL ASSESSMENT DISTRICT NO. 2013-01  
HAZARDS AND NUISANCES**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on February 4, 2013 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.

- The City Clerk is directed to publish the notice of said hearings once in *The Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.

The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING TO REVIEW  
SPECIAL ASSESSMENT ROLL – HAZARDS AND NUISANCES  
CITY OF OWOSSO  
COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

<b>PARCEL NUMBER</b>	<b>ADDRESS</b>	<b>BALANCE</b>
050-602-014-008-00	1064 Tracy Street	\$4,821.94

TAKE NOTICE that a Special Assessment Roll-Hazards and Nuisances has been prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the above described property.

TAKE NOTICE THAT ANY HAZARDS/NUISANCES INVOICES OR CHARGES REMAINING UNPAID AS OF THEIR DUE DATE WILL BE INCLUDED ON THIS ROLL.

The said Special Assessment Roll-Hazards and Nuisances is on file for public examination with the City Clerk and any objections to said Special Assessment Roll-Hazards and Nuisances must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment Roll-Hazards and Nuisances.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on February 4, 2013 for the purpose of reviewing said Special Assessment Roll - Hazards and Nuisances and for the purpose of considering all objections to said roll submitted in writing. If you have questions regarding this notice, please contact the City Treasurer's Office at 725-0599.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Mayor Pro-Tem Popovitch, Councilpersons Fox, Cook, Bailey, and Mayor Frederick.

NAYS: None.

ABSENT: Councilpersons Erfourth and Eveleth.



## LINCOLN HOUSE PILOT AGREEMENT

Mayor Frederick noted the amended text that had been distributed that evening.

City Manager Crawford said that the City already had an ordinance on the books for the Kona Villa project. The proposed ordinance would incorporate terms for both Kona Villa and the Lincoln House project. He went on to say that the proposed agreement for the Lincoln House project would garner approximately 25% of the typical tax on a property of that value.

The first reading of the proposed ordinance was conducted.

Motion by Councilperson Cook to set a public hearing for Monday, February 4, 2013 to gather citizen comment on the proposed amendment to Chapter 32, Taxation, Sections 32-36 through 32-42 to establish a Payment in Lieu of Taxes agreement with the owners of the Lincoln House project at 120 Michigan Avenue as follows:

### **RESOLUTION NO. 06-2013**

#### **TO CONDUCT THE FIRST READING AND SET A PUBLIC HEARING FOR AN ORDINANCE AMENDING CHAPTER 32 TAXATION OF THE CODE OF ORDINANCES TO PROVIDE FOR A PAYMENT IN LIEU OF TAXES FOR THE LINCOLN HOUSE PROJECT**

WHEREAS, the Woda Group, also known as the Lincoln House LDHA Limited Partnership, has proposed a 28 unit low income housing development that is to be targeted towards seniors; and

WHEREAS, the project is located at 120 Michigan Avenue, parcel number 050-700-001-008-00, at the corner of Michigan Avenue and Clinton Streets, partially within the former Lincoln School; and

WHEREAS, the City of Owosso 2012 Master Plan explicitly indicates that this property and structure would be ideally reused as senior housing; and

WHEREAS, the City of Owosso City Council has approved the rezoning of this parcel to PUD and subsequently approved the final site plan for the development; and

WHEREAS, the rents for the housing will be controlled for the purpose of creating affordable low income housing for seniors, thereby reducing property revenues; and

WHEREAS, the reuse of this vacant structure and the housing of senior citizens near the downtown has a recognized public purpose.

NOW THEREFORE, BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS that Chapter 32, Taxation, of the City of Owosso city code be amended as follows:

SECTION 1. REPEAL. That Sections 32-36 through 32-42 of the *Code of Ordinances*, which read as follows, shall be repealed:

#### **~~Sec. 32-36. -- Preamble.~~**

~~It is acknowledged that it is a proper public purpose of the state and its political subdivisions to provide housing for its citizens of low 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, Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq., MSA 16.114(1) et seq.). The city is authorized by the 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 the act at any amount it chooses not to exceed the taxes that would be paid but for the act. It is further acknowledged that such housing for persons of low income 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 therefor is a valid public purpose; further, that the continuance of the provisions of this article for tax exemption and the service charge in lieu of taxes during the periods hereinafter contemplated are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance thereon. The city acknowledges that Owosso Limited Dividend Housing Association (a sponsor) has offered subject to receipt of a mortgage loan from the authority, to erect, own and operate a housing development identified as Owosso Mixed, MSHDA #618 on certain property located at (see legal description on file with the city clerk) in the city to serve persons of low income, and that the sponsor has offered to pay the city on account of the development an annual service charge for public services in lieu of all taxes.~~

**~~Sec. 32-37. – Definitions.~~**

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

~~*Act* means the state housing development authority act, being Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq., MSA 16.114(1) et seq.), as amended.~~

~~*Authority* means the state housing development authority.~~

~~*Contract rents* are defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to the U.S. Housing Act of 1937, as amended by the Housing and Community Development Act of 1974.~~

~~*Housing development* means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the authority determines improve the quality of the development as it relates to housing for persons of low income.~~

~~*Mortgage loan* means a loan to be made by the authority to the sponsor for the construction and permanent financing of the housing development.~~

~~*Sponsor* means persons or entities which have applied to the authority for a mortgage loan to finance a housing development.~~

~~*Utilities* mean fuel, water, sanitary sewer service and/or electrical service which are paid by the development.~~

**~~Sec. 32-38. – Class of housing developments.~~**

~~It is hereby determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be multiple dwellings for the elderly, which are financed or assisted pursuant to the act. It is further determined that Owosso Mixed, MSHDA #618 is of this class.~~

**~~Sec. 32-39. – Establishment of annual service charge.~~**

~~The housing development identified as Owosso Mixed, MSHDA #618 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 article and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established herein, and in consideration of the sponsor's offer, subject to receipt of a mortgage loan from the authority, to construct, own and operate the housing development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charges shall be equal to four (4) percent of the difference between contract rents actually collected and utilities.~~

**~~Sec. 32-40. – Contractual effect.~~**

~~Notwithstanding the provisions of section 15a(5) of the Act (MCL 125.1415a(5), MSA 16.114(15a)(5)), to the contrary, a contract between the city and the sponsor with the authority as third part beneficiary thereunder, to provide tax exemption and accept payments in lieu thereof as previously described is effected by enactment of this article.~~

**~~Sec. 32-41. – Service charge.~~**

~~The service charge in lieu of taxes as determined hereunder shall be payable in the same manner as general property taxes are payable to the city except that the annual payment shall be paid on or before March thirty first of the following year.~~

**~~Sec. 32-42. – Duration.~~**

~~Pursuant to section 15a(3) of the Act (MCL 125.1415a(3), MSA 16.114(15a)(3)), [of] this article 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.~~

SECTION 2. NAME. The amended Ordinance shall be known and cited as the “City of Owosso Payment in Lieu of Taxes Ordinance.”

SECTION 3. ADDITION. That new Sections 32-36 through 32-42 which read as follows, shall be adopted:

**Sec. 32-36. - Preamble.**

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its elderly citizens of low income or citizens of low 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 PA 346, as amended, MCLA 125.1401 *et seq*; MSA 116.114(1) *et seq*). 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 for elderly persons of low income and person of low income is a public necessity, and as the City will be benefited 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 provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the periods contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such Ordinance and service charge.

The city further acknowledges that Owosso Limited Dividend Housing Association (a sponsor) has offered subject to receipt of a mortgage loan from the authority, to erect, own and operate a housing development identified as Owosso Mixed, MSHDA #618 on certain property located at (see legal description on file with the city clerk) in the city to serve persons of low income, and that the sponsor has offered to pay the city on account of the development an annual service charge for public services in lieu of all taxes.

The city further acknowledges that Lincoln House LDHA Limited Partnership (a sponsor) has offered subject to receipt of Low Income Housing Tax Credits from the authority, to erect, own and operate a housing development identified as the Lincoln House on certain property located at 120 Michigan Avenue in the city to serve elderly persons and persons of low income, and that the sponsor has offered to pay the city on account of the development an annual service charge for public services in lieu of all taxes.

**Sec. 32-37. - Definitions.**

*Authority* means the Michigan State Housing Development Authority.

*Act* means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

*Annual shelter rents* means the total collections during an agreed annual period from all occupants of a housing development representing rents or occupancy charges exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.

*Contract rents* are as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the U.S. Housing Act of 1937, as amended.

*Housing development* means a development which contains a significant element of housing for elderly persons of low income or persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low income.

*HUD* means the Department of Housing and Urban Development of the United States Government. (Delete if inapplicable.)

*Elderly persons* means 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, or as otherwise defined by MSHDA.

*Elderly persons of low income* means elderly persons who meet the eligibility criteria set by the Authority and/or federal government.

*Persons of low income* means persons and families eligible to move into a Housing Development.

*Mortgage loan* means a loan to be made by the Authority or Farmers Home Administration or the Department of Housing and Urban Development to the Sponsor for the construction and permanent financing of the Housing Development or a mortgage loan insured by HUD or Federally aided mortgage as defined by the Act.

*Sponsor* means persons or entities which have applied to either the Authority for a Mortgage Loan to finance a Housing Development or to another governmental entity for a federally-aided mortgage, as defined by the Act.

*Utilities* mean fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.

**Sec. 32-38. - Class of Housing Developments.**

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be multiple dwellings for elderly persons of low income or persons of low income which are financed or assisted by the Authority or which have a Federally aided mortgage, as defined in the Act. It is determined that Owosso Mixed, MSHDA #618 and the Lincoln House are of this class.

**Sec. 32-39. - Establishment of Annual Service Charge for Owosso Mixed, MSHDA #618.**

The housing development identified as Owosso Mixed, MSHDA #618 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 article and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established herein, and in consideration of the sponsor's offer, subject to receipt of a mortgage loan from the authority, to construct, own and operate the housing development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charges shall be equal to four (4) percent of the difference between contract rents actually collected and utilities.

**Sec. 32-40. - Establishment of Annual Service Charge for Lincoln House.**

Housing Developments for elderly persons of low income or persons of low income and the property on which they 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, in the case of a Sponsor receiving a Federally aided mortgage, have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Developments for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, will accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 10% of the difference between the Annual Shelter Rent actually collected and utilities.

**Sec. 32-41. - Payment of Service Charge.**

The service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City except that the annual payment shall be paid on or before March 31<sup>st</sup> of each year.

**Sec. 32-42. - Duration.**

The tax exempt status of a Housing Development approved for such status by the City Council shall remain in effect and shall not terminate so long as the Mortgage Loan for such Housing Development remains outstanding and unpaid, as long as the property is subject to restrictive rents in compliance with the Low Income Housing Tax Credit program administered by MSHDA, or for such period as the Authority or other governmental entity has any interest in the property; provided, the construction of such Housing Development commences within two years from the effective date the City Council approves the Housing Development for tax exempt status as provided in this Ordinance.

SECTION 4. SEVERABILITY. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 5. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 6. EFFECTIVE DATE. This amendment shall become effective 20 days after passage.

SECTION 7. AVAILABILITY. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 8. PUBLIC HEARING. A public hearing is set for Monday, February 4, 2013 at approximately 7:30 p.m. in the City Hall Council Chambers to hear citizen comment regarding the proposed amendment.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

AYES: Councilpersons Fox, Cook, Mayor Pro-Tem Popovitch, Councilperson Bailey, and Mayor Frederick.

NAYS: None.

ABSENT: Councilpersons Erfourth and Eveleth.

### **EXECUTIVE SESSION**

Motion by Councilperson Cook to authorize the holding of an executive session at the conclusion of the second session of Citizen Comments and Questions for the purpose of discussing land acquisition.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Bailey, Fox, Mayor Pro-Tem Popovitch, Councilperson Cook, and Mayor Frederick.

NAYS: None.

ABSENT: Councilpersons Erfourth and Eveleth.

### **\*CHECK REGISTER – DECEMBER 2012**

Councilperson Cook questioned two large checks that appeared to be for improvements on a residential structure. City Manager Crawford explained these charges were a part of the Housing Program and was actually MSHDA funds funneled through the City as a part of the program.

Councilperson Cook moved to affirm check disbursements totaling \$1,023,104.14 for the month of December 2012.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

AYES: Mayor Pro-Tem Popovitch, Councilpersons Fox, Cook, Bailey, and Mayor Frederick.

NAYS: None.

ABSENT: Councilpersons Erfourth and Eveleth.

\*Due to its length, full text of the Check Register is not included in the minutes. It can be viewed in its entirety at the Clerk's Office.

### **COMMUNICATIONS**

C. Eveleth, SATA Board of Directors. Resignation letter.  
Charles P. Rau, Building Official. December 2012 Building Department Report.  
Charles P. Rau, Building Official. December 2012 Code Violations Report.  
Michael T. Compeau, Public Safety Director. December 2012 Police Report.  
Michael T. Compeau, Public Safety Director. December 2012 Fire Report.  
DDA/Main Street Board. Minutes of January 2, 2013.

Mayor Frederick noted the vacancy on the SATA Board created by the resignation of Councilperson Eveleth. He noted that while it was not required he would like to have another Council member take Mr. Eveleth's place and he would look to them for interest in the position. He also noted the DDA/Main Street Board is looking to expand its membership and he would be looking for people interested in those positions as well.

**CITIZEN COMMENTS AND QUESTIONS**

None.

The council took a brief recess at 8:15 p.m.

**ADJOURNED TO EXECUTIVE SESSION AT 8:20 P.M.**

**RETURNED FROM EXECUTIVE SESSION AT 8:51 P.M.**

**APPROVAL OF THE MINUTES OF EXECUTIVE SESSION OF JANUARY 7, 2013**

Motion by Mayor Pro-Tem Popovitch to approve the Minutes of the Executive Session of January 7, 2013 as presented.

Motion supported by Councilperson Fox and concurred in by unanimous vote.

**NEXT MEETING**

Monday, February 04, 2013

**BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals, term expires 06-30-2015  
(candidate must possess construction knowledge)

**ADJOURNMENT**

Motion by Councilperson Fox for adjournment at 8:52 p.m.

Motion supported by Mayor Pro-Tem Popovitch and concurred in by unanimous vote.

---

Benjamin R. Frederick, Mayor

---

Amy K. Kirkland, City Clerk



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

---

# *MEMORANDUM*

---

DATE: January 29, 2013

TO: OWOSSO CITY COUNCIL

FROM: Adam Zettel, AICP

RE: 120 Michigan Avenue - Site Plan, PILOT Ordinance, and Letter of Support

---

First, allow me to apologize for missing this council meeting. Don will be covering these elements since I will be in Florida on a planned trip to support my wife's coaching efforts at UDA Nationals. Sorry, it happens. ☺

The Lincoln House is now in the home stretch as it relates to our local processes. To recap its status, the Woda Group is proposing to reuse the existing Lincoln School, with an expansion that will double the total area of the structure, for 28 senior housing units. The zoning has been approved, and the planning commission has recommended approval of a site plan. The city council is now scheduled to hold a pair of public hearings on February 4, 2013. One is for the planned unit development (PUD) site plan and the other is for the payment in lieu of taxes (PILOT) ordinance. The petitioner is also looking to get a resolution of general support from Owosso to include in their funding application to the Michigan State Housing Development Authority (MSHDA).

## Site Plan

**Site plan documents can be found after the text for the PILOT Agreement.**

First on the agenda is the site plan review. These applications are approved by the planning commission, except in cases of a PUD. In these cases, confirmation is required by the city council. To that end, the commission reviewed the site plan at a public hearing on January 14, 2013. The plan was well received, but there were some elements of the plan that the commission desired to see some follow-up.

Ultimately, the commission recommended approval of the site plan conditioned upon administrative approvals on the more objective elements such as utilities, landscaping, and



lighting elements. The reason that there are not final illustrations for these elements is because of the cost involved at this point in the process. In essence, the petitioner does not want to invest heavily into engineering or landscape architecture fees if the project funding is not approved by MSHDA. Because these are objective elements that are often addressed by staff in normal circumstances, I do not see a problem with the conditioned approval. I recommend the city council affirm the planning commission's decision and approve the site plan.

### Payment in Lieu of Taxes

Concerning the PILOT, this is a standard request with housing projects that meet a public need for some sort of affordable and/or senior housing component. The project needs approval by the Michigan State Housing Development Authority for low income housing tax credits. These credits are the financial assistance that enables the provision of affordable rents. In order to qualify for such credits the city needs to consider a PILOT for this project.

This means that the owner will pay the city a sum that is calculated based upon the project rents less utilities instead of paying real property taxes. The difference in what this amount is compared to projected taxes is not known at this time, but my educated guess is that the PILOT will be about 1/3<sup>rd</sup> of a normal tax payment, totaling ≈\$13,500. This payment would still be distributed to taxing entities in the same manner as a tax payment.

The PILOT proposed is very reasonable. It will last only as long as the credits and affiliated rent controls are in place, and it will amount to 10% of the total of all shelter rents less provided utilities. To put this in perspective, the current PILOT that the city has for Kona Villa is set at 4% and the recent project in Durand (The Sycamore House) is set at 3%.

This has been sent to MSHDA for review, but I have not received comment from them. However, a former MSHDA staffer has reviewed the ordinance on behalf of WODA, and those changes were incorporated at the first reading of the ordinance January 22<sup>nd</sup>. Barring any last minute input from the public, counsel, or other sources, I recommend approval of the PILOT as drafted in the attached ordinance.

### Letter of Support

The last element of the Lincoln House trifecta includes a simple letter of support. For this project to be successful, it requires approval by MSHDA for tax credits. Since this is a competitive process, MSHDA likes to see a direct statement of support that is illustrative of local investment. I have included a resolution in your packet to this end, and I recommend that the city council approve it as drafted.

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION TO APPROVE THE SITE PLAN FOR  
THE LINCOLN HOUSE, A PLANNED UNIT DEVELOPMENT  
LOCATED AT 120 MICHIGAN AVENUE**

WHEREAS, an owner interest in 120 Michigan Avenue, parcel number 050-700-001-008-00, petitioned to rezone this parcel from Multiple Family Residential (RM-2) to Planned Unit Development (PUD) for the purpose of constructing a building addition and using the site for senior housing; and

WHEREAS, the Owosso City Council approved the rezoning of this parcel on January 7, 2013; and

WHEREAS, local law requires PUD rezoning requests be accompanied by a valid site plan that must be approved by the city council; and

WHEREAS, the planning commission has reviewed and recommended approval of such a site plan at a public hearing on January 14, 2013; and

WHEREAS, the city council finds that this site plan meets or exceeds all of the requirements of the local zoning ordinance and the conditions of the PUD rezoning petition, specifically sections 38-390 and 38-395 of the Code of the City of Owosso.

NOW THEREFORE, BE IT RESOLVED THAT City of Owosso City Council, County of Shiawassee, State of Michigan, hereby approves the site plan as part of the rezoning petition for the Lincoln House project, subject to administrative approval of the following:

1. Final light pole heights and all light screening or shading elements.
2. Landscaping/screening elements (species) within the parameters of the site plan.
3. Water, sewer, and storm water utility connections, locations, sizes, and detention measures.
4. Proven accessibility of the final dumpster location.
5. A construction access and/or mitigation plan.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND  
CHAPTER 32 TAXATION OF THE CODE OF ORDINANCES  
TO PROVIDE FOR A PAYMENT IN LIEU OF TAXES  
FOR THE LINCOLN HOUSE PROJECT**

WHEREAS, the Woda Group, also known as the Lincoln House LDHA Limited Partnership, has proposed a 28 unit low income housing development that is to be targeted toward seniors; and

WHEREAS, the project is located at 120 Michigan Avenue, parcel number 050-700-001-008-00, at the corner of Michigan Avenue and Clinton Streets, partially within the former Lincoln School; and

WHEREAS, the City of Owosso 2012 Master Plan explicitly indicates that this property and structure would be ideally reused as senior housing; and

WHEREAS, the City of Owosso City Council has approved the rezoning of this parcel to PUD and subsequently approved the final site plan for the development; and

WHEREAS, the rents for the housing will be controlled for the purpose of creating affordable low income housing for seniors, thereby reducing property revenues; and

WHEREAS, the reuse of this vacant structure and the housing of senior citizens near the downtown has a recognized public purpose; and

WHEREAS, all zoning and site plan approvals required by ordinance have been approved by the city council.

NOW THEREFORE, THE CITY OF OWOSSO ORDAINS that Chapter 32, Taxation, Article III, Service Charge in Lieu of Taxes for Certain Housing Developments, Sections 32-36 through 32-42, of the City of Owosso city code be amended as follows:

SECTION 1. REPEAL. That Sections 32-36 through 32-42 of the *Code of Ordinances*, which read as follows, shall be repealed:

**~~Sec. 32-36. -- Preamble.~~**

~~It is acknowledged that it is a proper public purpose of the state and its political subdivisions to provide housing for its citizens of low 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, Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq., MSA 16.114(1) et seq.). The city is authorized by the 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 the act at any amount it chooses not to exceed the taxes that would be paid but for the act. It is further acknowledged that such housing for persons of low income 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 therefor is a valid public purpose; further, that the continuance of the provisions of this article for tax exemption and the service charge in lieu of taxes during the periods hereinafter contemplated are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance thereon. The city acknowledges that Owosso Limited Dividend Housing Association (a sponsor) has offered subject to receipt of a mortgage loan from the authority, to erect, own and operate a housing development identified as Owosso Mixed, MSHDA #618 on certain property located at (see legal description on file with the city clerk) in the city to serve persons of low income, and that the sponsor has offered to pay the city on account of the development an annual service charge for public services in lieu of all taxes.~~

**Sec. 32-37. -- Definitions.**

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

~~Act means the state housing development authority act, being Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq., MSA 16.114(1) et seq.), as amended.~~

~~Authority means the state housing development authority.~~

~~Contract rents are defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to the U.S. Housing Act of 1937, as amended by the Housing and Community Development Act of 1974.~~

~~Housing development means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the authority determines improve the quality of the development as it relates to housing for persons of low income.~~

~~Mortgage loan means a loan to be made by the authority to the sponsor for the construction and permanent financing of the housing development.~~

~~Sponsor means persons or entities which have applied to the authority for a mortgage loan to finance a housing development.~~

~~Utilities mean fuel, water, sanitary sewer service and/or electrical service which are paid by the development.~~

**Sec. 32-38. -- Class of housing developments.**

~~It is hereby determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be multiple dwellings for the elderly, which are financed or assisted pursuant to the act. It is further determined that Owosso Mixed, MSHDA #618 is of this class.~~

**Sec. 32-39. -- Establishment of annual service charge.**

~~The housing development identified as Owosso Mixed, MSHDA #618 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 article and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established herein, and in consideration of the sponsor's offer, subject to receipt of a mortgage loan from the authority, to construct, own and operate the housing development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charges shall be equal to four (4) percent of the difference between contract rents actually collected and utilities.~~

**Sec. 32-40. -- Contractual effect.**

~~Notwithstanding the provisions of section 15a(5) of the Act (MCL 125.1415a(5), MSA 16.114(15a)(5)), to the contrary, a contract between the city and the sponsor with the authority as third part beneficiary thereunder, to provide tax exemption and accept payments in lieu thereof as previously described is effected by enactment of this article.~~

**Sec. 32-41. -- Service charge.**

~~The service charge in lieu of taxes as determined hereunder shall be payable in the same manner as~~

~~general property taxes are payable to the city except that the annual payment shall be paid on or before March thirty-first of the following year.~~

**Sec. 32-42. - Duration.**

~~Pursuant to section 15a(3) of the Act (MCL 125.1415a(3), MSA 16.114(15a)(3)), [of] this article 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.~~

SECTION 2. NAME. The amended Ordinance shall be known and cited as the “City of Owosso Payment in Lieu of Taxes Ordinance.”

SECTION 3. ADDITION. That new Sections 32-36 through 32-42 which read as follows, shall be adopted:

**Sec. 32-36. - Preamble.**

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its elderly citizens of low income or citizens of low 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 PA 346, as amended, MCLA 125.1401 *et seq*; MSA 116.114(1) *et seq*). 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 for elderly persons of low income and person of low income is a public necessity, and as the City will be benefited 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 provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the periods contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such Ordinance and service charge.

The city further acknowledges that Owosso Limited Dividend Housing Association (a sponsor) has offered subject to receipt of a mortgage loan from the authority, to erect, own and operate a housing development identified as Owosso Mixed, MSHDA #618 on certain property located at (see legal description on file with the city clerk) in the city to serve persons of low income, and that the sponsor has offered to pay the city on account of the development an annual service charge for public services in lieu of all taxes.

The city further acknowledges that Lincoln House **Limited Dividend Housing Association** Limited Partnership (a sponsor) has offered subject to receipt of Low Income Housing Tax Credits from the **Authority**, to erect, own and operate a housing development identified as the Lincoln House on certain property located at 120 Michigan Avenue in the city to serve elderly persons and persons of low income, and that the sponsor has offered to pay the city on account of the development an annual service charge for public services in lieu of all taxes.

**Sec. 32-37. - Definitions.**

*Authority* means the Michigan State Housing Development Authority.

*Act* means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

*Annual shelter rents* means the total collections during an agreed annual period from all occupants of

a housing development representing rents or occupancy charges exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.

*Contract rents* are as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the U.S. Housing Act of 1937, as amended.

*Housing development* means a development which contains a significant element of housing for elderly persons of low income or persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low income.

*HUD* means the Department of Housing and Urban Development of the United States Government. (Delete if inapplicable.)

*For purposes of Owosso Mixed, Elderly persons* means 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, or as otherwise defined by MSHDA.

*For purposes of Lincoln House, Elderly persons of low income* means elderly persons who **are aged 55 and older or otherwise** meet the eligibility criteria set by the Authority and/or federal government.

*Persons of low income* means persons and families eligible to move into a Housing Development.

*Mortgage loan* means a loan to be made by the Authority or Farmers Home Administration or the Department of Housing and Urban Development to ~~the a~~ Sponsor for the construction and permanent financing of ~~the a~~ Housing Development or a mortgage loan insured by HUD or **a** Federally aided mortgage as **otherwise** defined by the Act.

*Sponsor* means persons or entities which have applied to either the Authority for a Mortgage Loan to finance a Housing Development or to another governmental entity **or is** ~~for~~ a federally-aided mortgage, as **otherwise** defined by the Act.

*Utilities* mean fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.

### **Sec. 32-38. - Class of Housing Developments.**

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be multiple dwellings for elderly persons of low income or persons of low income which are financed or assisted by the Authority or which have a Federally aided mortgage, as defined in the Act. It is determined that Owosso Mixed, MSHDA #618 and the Lincoln House are of this class.

### **Sec. 32-39. - Establishment of Annual Service Charge for Owosso Mixed, MSHDA #618.**

The housing development identified as Owosso Mixed, MSHDA #618 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 article and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established herein, and in consideration of the sponsor's offer, subject to receipt of a mortgage loan from the authority, to construct, own and operate the housing development, hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charges shall be equal to four (4) percent of the difference between contract rents actually collected and utilities.

**Sec. 32-40. - Establishment of Annual Service Charge for Lincoln House.**

Housing Developments for elderly persons of low income or persons of low income and the property on which they 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, in the case of a Sponsor receiving a ~~f~~Federally aided mortgage, have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Developments for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, will accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to **ten (10) percent** ~~10%~~ of the difference between the Annual Shelter Rent actually collected and utilities.

**Sec. 32-41. - Payment of Service Charge.**

The service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City except that the annual payment shall be paid on or before March 31<sup>st</sup> of each year.

**Sec. 32-42. - Duration.**

The tax exempt status of a Housing Development approved for such status by the City Council shall remain in effect and shall not terminate so long as the Mortgage Loan for such Housing Development remains outstanding and unpaid, as long as the property is subject to restrictive rents in compliance with the Low Income Housing Tax Credit program administered by MSHDA, or for such period as the Authority or other governmental entity has any interest in the property; provided, the construction of such Housing Development commences within two years from the effective date the City Council approves the Housing Development for tax exempt status as provided in this Ordinance.

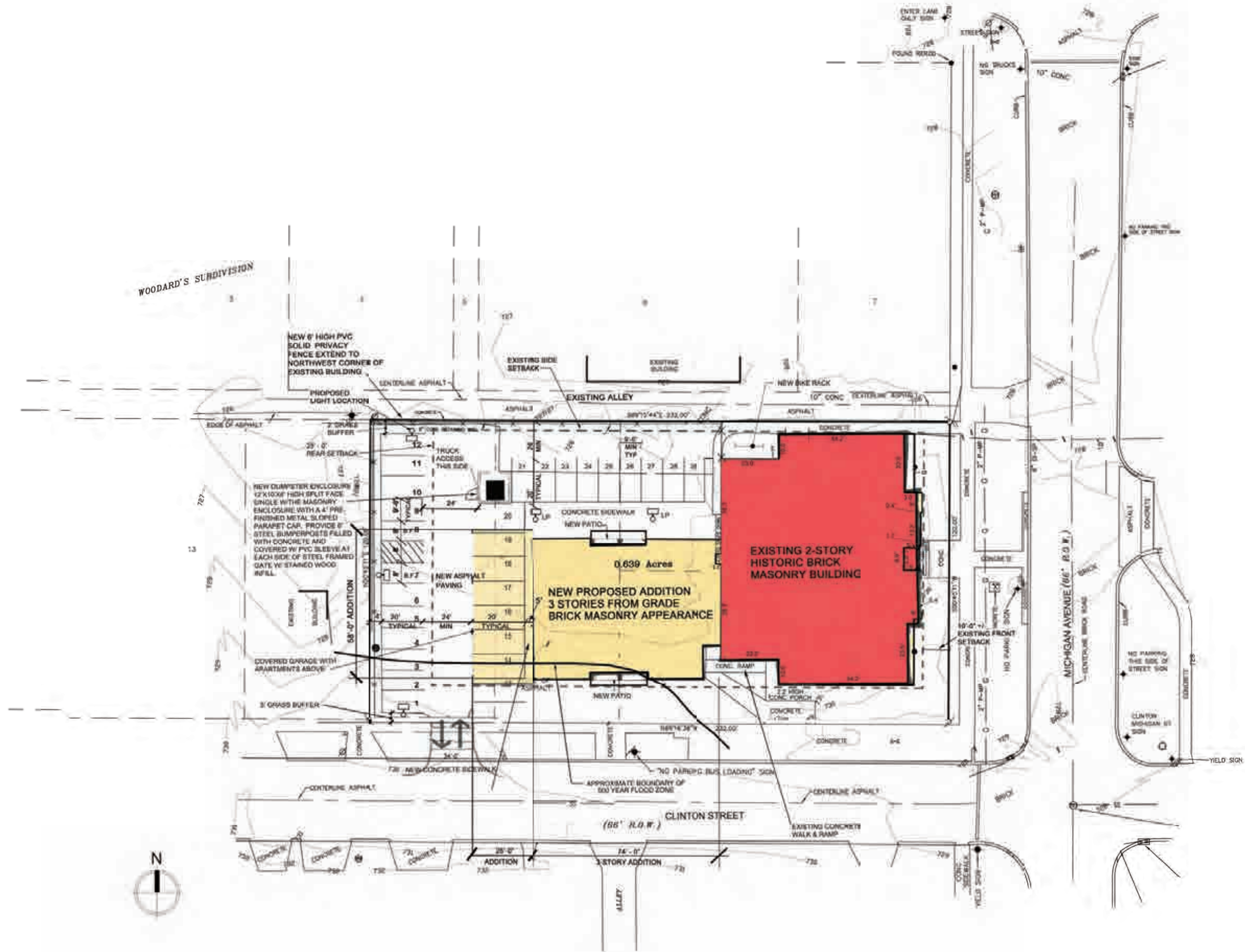
SECTION 4. SEVERABILITY. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 5. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 6. EFFECTIVE DATE. This amendment shall become effective February 24, 2013.

SECTION 7. AVAILABILITY. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

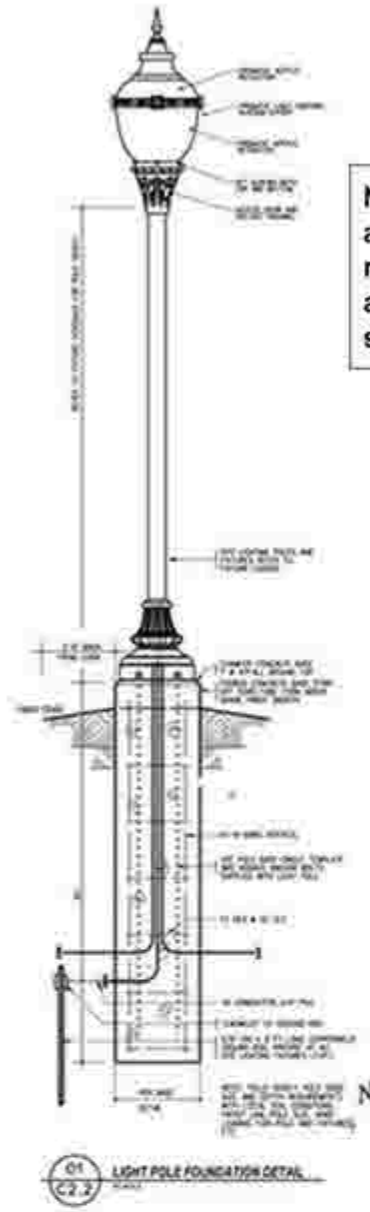




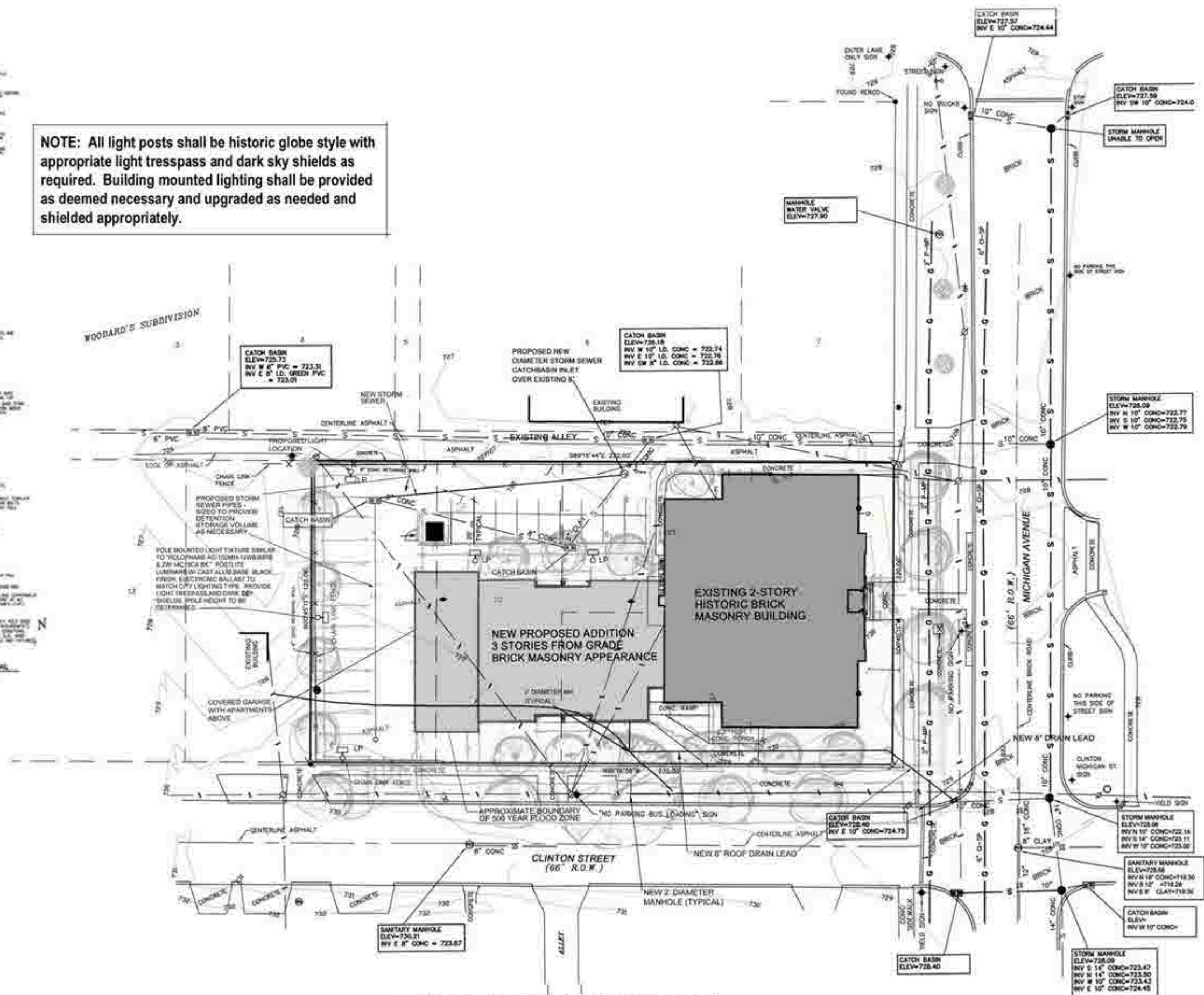
**WODA - LINCOLN HOUSE**  
Owosso, Michigan

01.30.2013





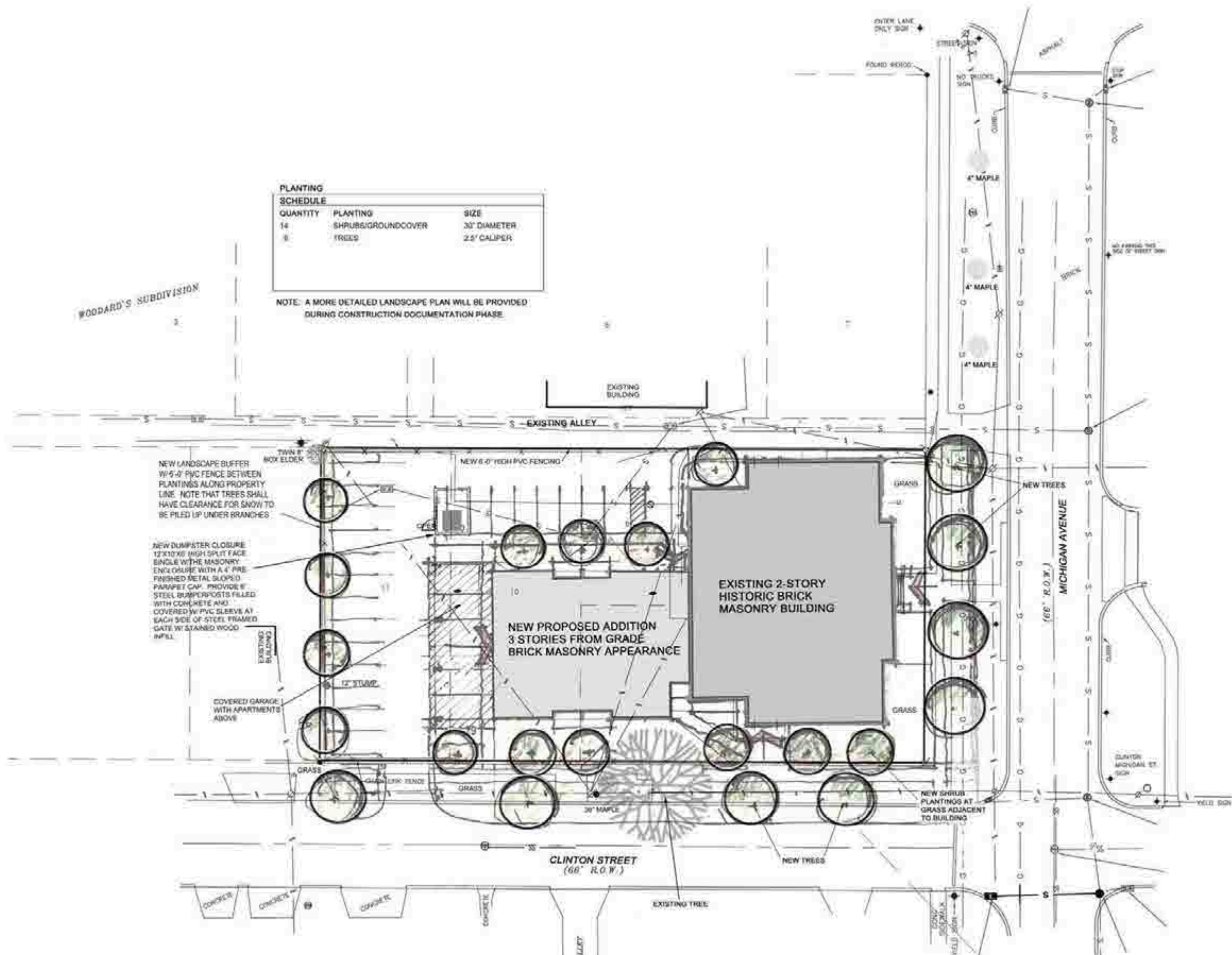
**NOTE:** All light posts shall be historic globe style with appropriate light trespass and dark sky shields as required. Building mounted lighting shall be provided as deemed necessary and upgraded as needed and shielded appropriately.



scale: 1" = 20'-0"

# SITE UTILITY PLAN

**WODA - LINCOLN HOUSE**  
Owosso, Michigan



**PLANTING SCHEDULE**

QUANTITY	PLANTING	SIZE
14	SHRUBS/GROUNDCOVER	30" DIAMETER
8	TREES	2.5' CALIPER

NOTE: A MORE DETAILED LANDSCAPE PLAN WILL BE PROVIDED DURING CONSTRUCTION DOCUMENTATION PHASE.

NEW LANDSCAPE BUFFER  
W/4'-0" PVC FENCE BETWEEN  
PLANTINGS ALONG PROPERTY  
LINE. NOTE THAT TREES SHALL  
HAVE CLEARANCE FOR SAWY TO  
BE PILED UP UNDER BRANCHES

NEW DUMPSTER CLOSURE  
12'X10'X6' HIGH SPLIT FACE  
BANGLE W/THE MASONRY  
ENCLOSURE WITH A 4' PRE-  
FINISHED METAL SLOPED  
PARAPET CAP. PROVIDE 6"  
STEEL BUMPERPOSTS FILLED  
WITH CONCRETE AND  
COVERED W/ PVC SLEEVES AT  
EACH SIDE OF STEEL FRAMED  
GATE W/ STAINED WOOD  
INFILL.

NEW PROPOSED ADDITION  
3 STORIES FROM GRADE  
BRICK MASONRY APPEARANCE

EXISTING 2-STORY  
HISTORIC BRICK  
MASONRY BUILDING

scale: 1" = 20'-0"

**LANDSCAPE PLAN**

**WODA - LINCOLN HOUSE**  
Owosso, Michigan



JOB NO.  
**25638**

SCALE  
**1" = 20'**

DATE  
**11/27/12**

ADDRESS:  
PROPERTY ADDRESS: 120 MICHIGAN AVENUE, OWOSSO, MICHIGAN

FLOOD ZONE:  
Subject parcel lies mostly within Flood Zone B (500 year flood zone), according to F.E.M.A. FIRM Community Panel No. 260596 0002 A, effective date March 1, 1982. Approximate flood zone boundary is shown on the drawing.

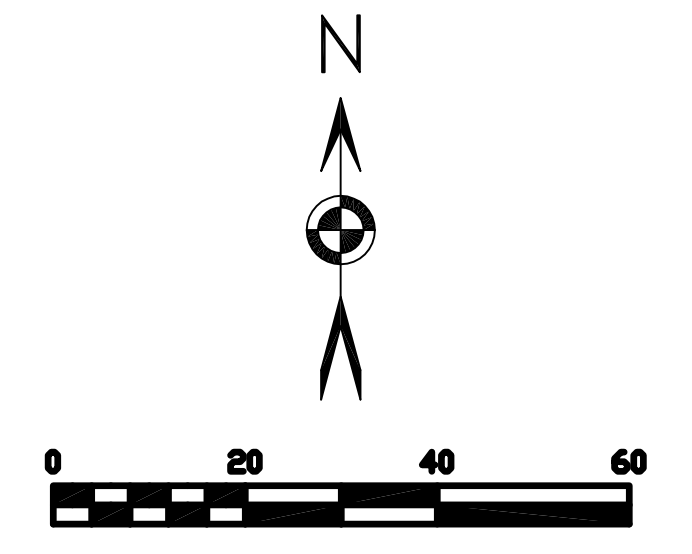
PROPOSED CHANGES:  
No proposed changes in street right of way lines or recent street or sidewalk construction or repairs were evident at time of survey.

LEGAL DESCRIPTION:  
DESCRIPTION OF PROPERTY AS PROVIDED: Lots 8, 9, 10 and 11 of Woodards Subdivision of Block 1 of A.L. Williams' Addition to the City of Owosso, Shiawassee County, Michigan.

ZONING & SETBACKS:  
ZONED RM-2 Multiple Family Residential - Highrise  
Maximum Building Height = 70'  
Minimum Yard Setbacks: Front = 30'  
Side = 20'  
Rear = 30'

EASEMENTS:  
NOTE: Easements were not provided and are not shown on the drawing.

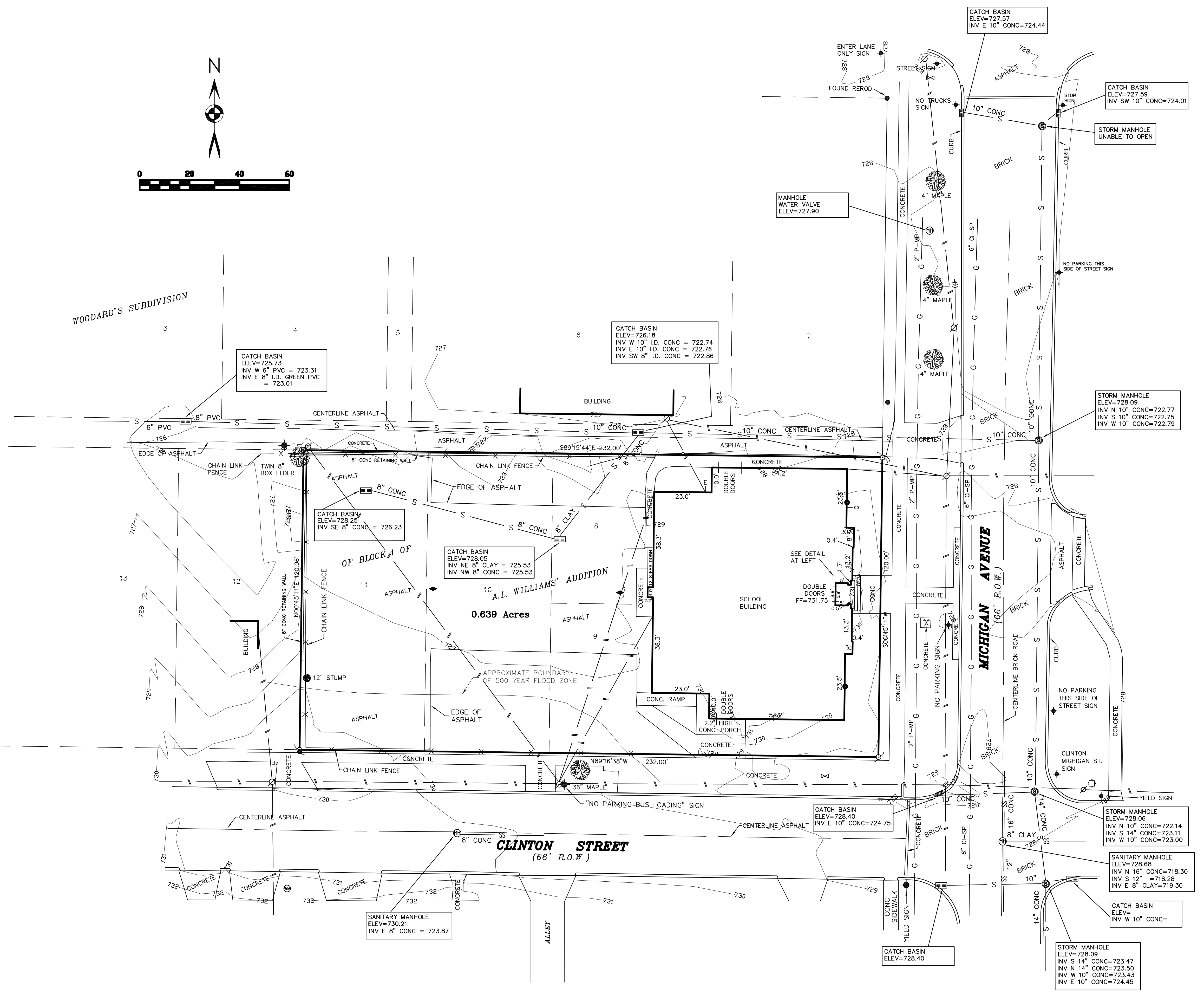
- LEGEND:
- SET REROD & CAP #24622
  - ▣ CATCH BASIN
  - ⊕ SANITARY MANHOLE
  - ⊙ STORM MANHOLE
  - ◆ SIGN POST
  - ⊕ HYDRANT
  - ⊕ UTILITY POLE
  - ✱ FLAG POLE
  - ↓ GUY WIRE
  - ⊕ WATER VALVE
  - ◆ BASKETBALL HOOP POLE
  - ⊕ WATER METER
  - ⊕ ELECTRIC IN
  - ⊕ HOSE BIB
  - ⊕ GAS METER
  - OVERHEAD UTILITY LINE
  - X — FENCE
  - G — GAS LINE
  - S — STORM SEWER LINE
  - SS — SANITARY SEWER LINE



LANDMARK SURVEYING  
 (989) 745-8725  
 FAX (989) 745-2462  
 landmark@landmark.org

CITY OF OWOSSO  
 SHIAWASSEE COUNTY,  
 MICHIGAN

PREPARED FOR:  
 THE WODA GROUP, LLC  
 229 HUBER VILLAGE BLVD., STE 100  
 WESTERVILLE OH 43081  
 ATTN: P. CRAIG PATTERSON



CATCH BASIN  
ELEV=725.73  
INV W 8" PVC = 723.31  
INV E 8" I.D. CONC = 722.01

CATCH BASIN  
ELEV=726.18  
INV W 10" I.D. CONC = 722.74  
INV E 10" I.D. CONC = 722.76  
INV SW 8" I.D. CONC = 722.86

CATCH BASIN  
ELEV=728.23  
INV SE 8" CONC = 726.23

CATCH BASIN  
ELEV=728.05  
INV NE 8" CLAY = 725.53  
INV NW 8" CONC = 725.53

CATCH BASIN  
ELEV=728.40  
INV E 10" CONC=724.75

SANITARY MANHOLE  
ELEV=730.21  
INV E 8" CONC = 723.87

CATCH BASIN  
ELEV=727.57  
INV E 10" CONC=724.44

CATCH BASIN  
ELEV=727.59  
INV SW 10" CONC=724.01

STORM MANHOLE  
ELEV=728.09  
INV N 10" CONC=722.77  
INV S 10" CONC=722.75  
INV W 10" CONC=722.79

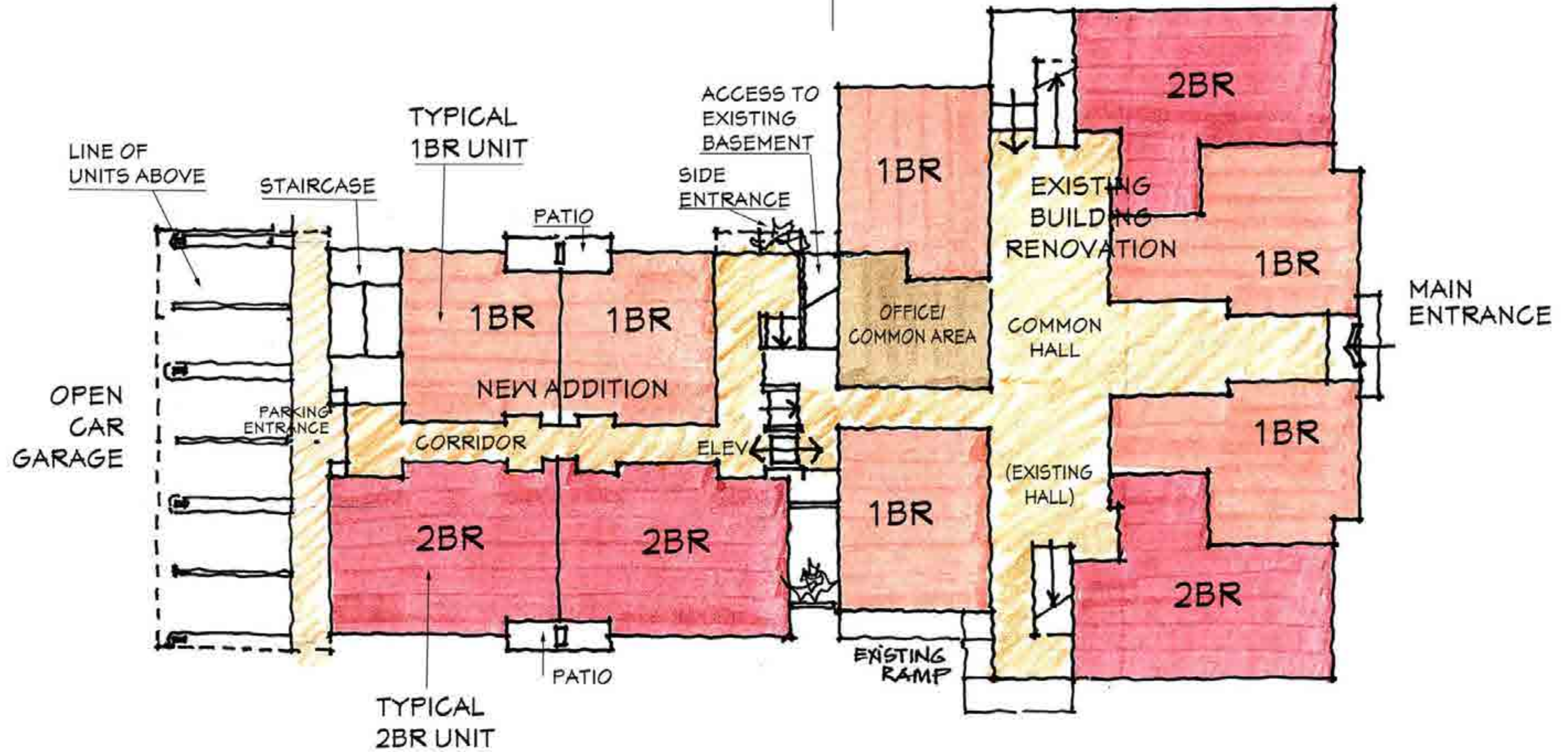
STORM MANHOLE  
ELEV=728.06  
INV N 10" CONC=722.14  
INV S 14" CONC=723.11  
INV W 10" CONC=723.00

SANITARY MANHOLE  
ELEV=728.68  
INV N 16" CONC=718.30  
INV S 12" = 718.28  
INV E 8" CLAY=719.30

CATCH BASIN  
ELEV=728.09  
INV S 14" CONC=723.47  
INV N 14" CONC=723.50  
INV W 10" CONC=723.43  
INV E 10" CONC=724.45



NEW  
ADDITION    EXISTING



MAIN FLOOR PLAN

1/16" = 1'0"

**WODA - LINCOLN HOUSE**  
Owosso, Michigan

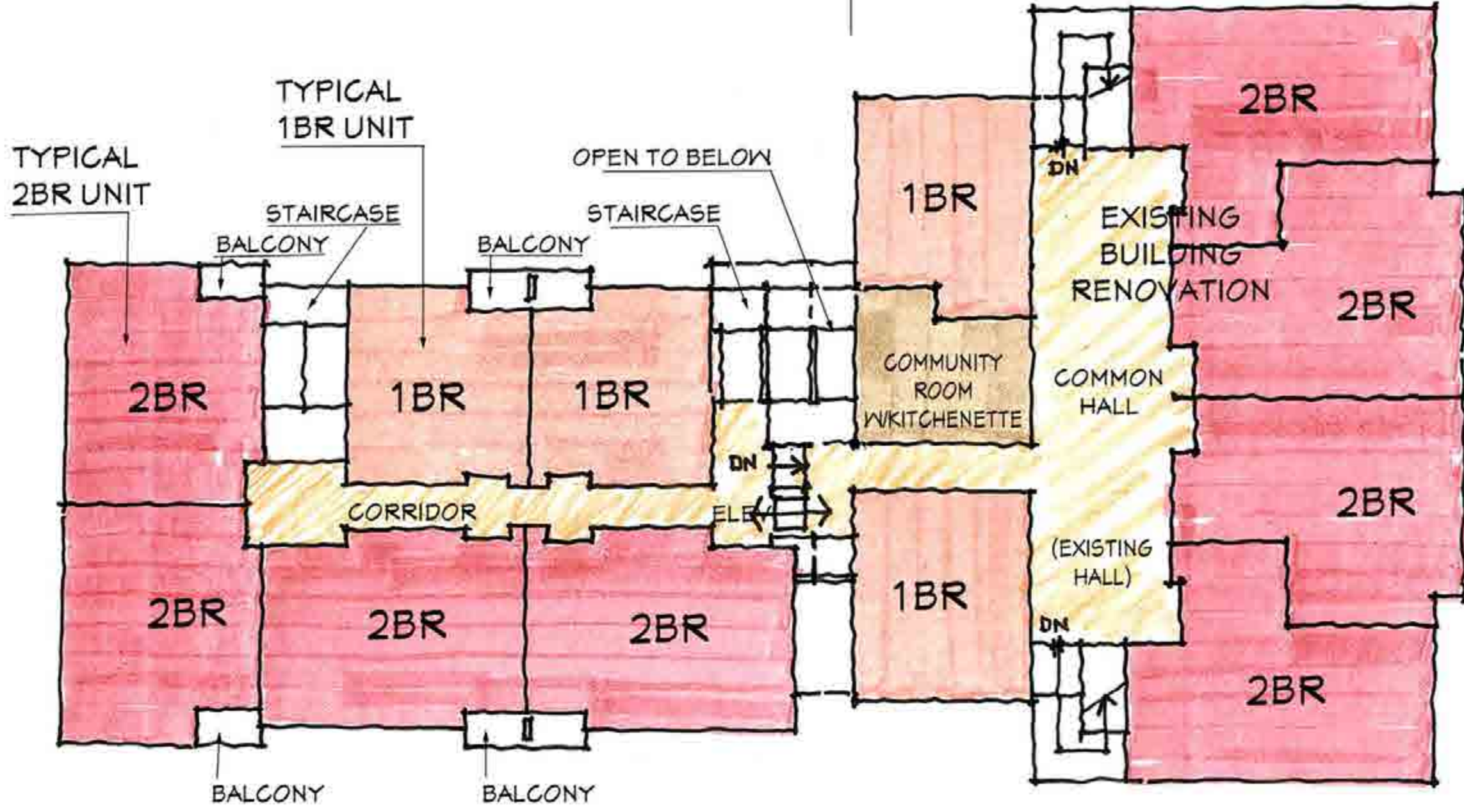
REV. 12.04.2012





NEW  
ADDITION

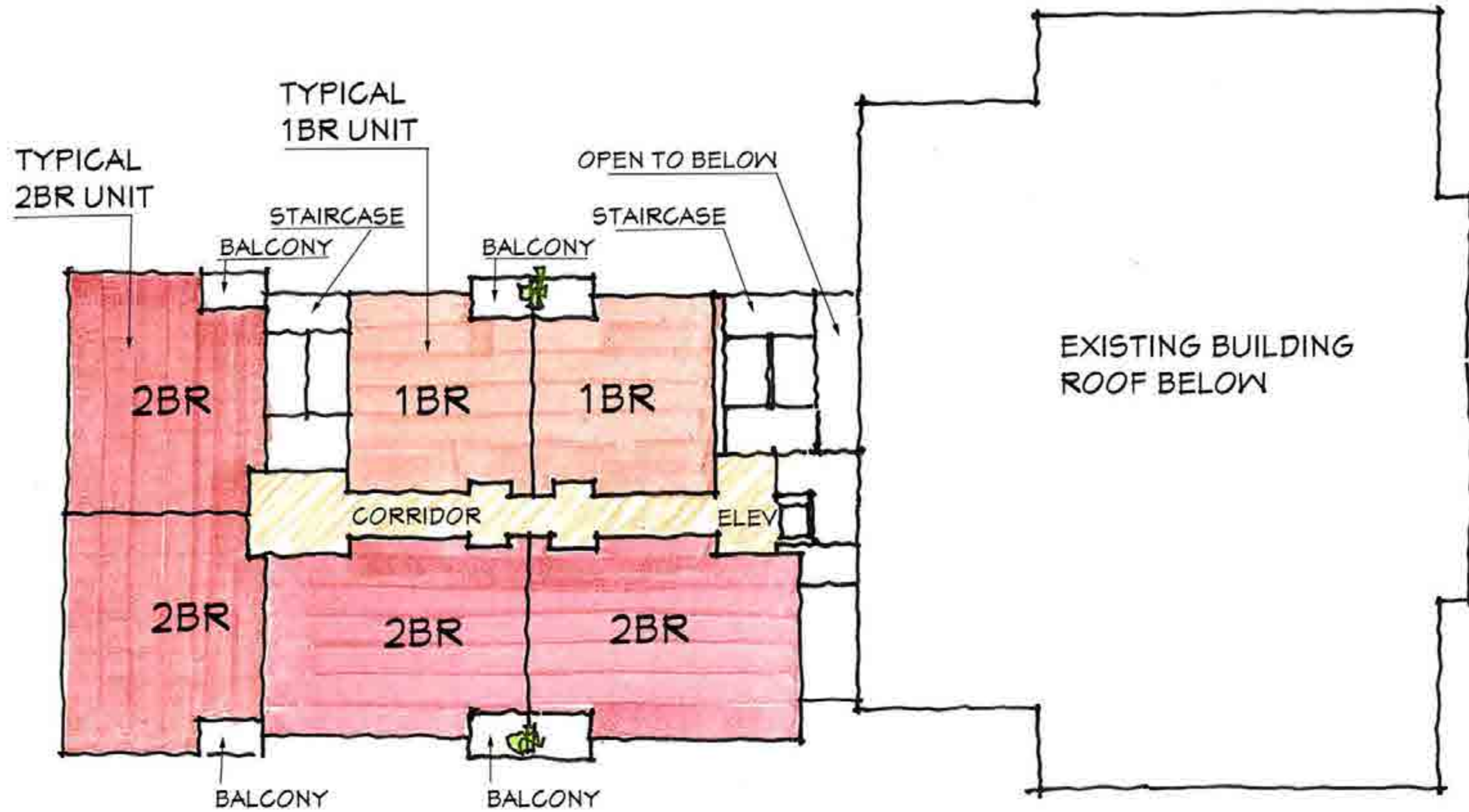
EXISTING



2<sup>ND</sup> FLOOR PLAN

1/16" = 1'0"

**WODA - LINCOLN HOUSE**  
Owosso, Michigan



3<sup>RD</sup> FLOOR PLAN

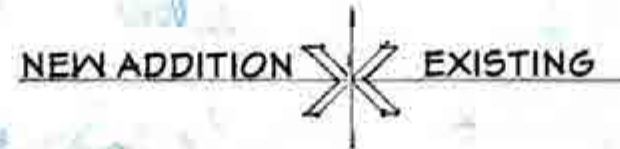
1/16" = 1'0"



NOTE:  
ADDITION FACADE SHALL BE  
A MINIMUM OF 50% BRICK  
TO COMPLEMENT EXIST. BRICK



MICHIGAN AVE FACADE



CLINTON STREET FACADE

ELEVATIONS

1/16" = 1'0"

**WODA - LINCOLN HOUSE**  
Owosso, Michigan



NOTE:  
ADDITION FACADE SHALL  
BE A MINIMUM OF 50% BRICK TO  
COMPLEMENT EXISTING BRICK

NEW BRICK TO COMPLEMENT  
EXISTING BRICK  
REPAIR / REPLACE EXIST.  
PARAPET COPING AS REQUIRED  
TUCKPOINT / CLEAN  
AND REPAIR EXIST.  
BRICK FACADE  
NEW WINDOWS TO  
MATCH EXIST.  
PROFILE AND SIZES

HVAC EQUIPMENT SHALL BE POSITIONED OUT OF SITE LINES AS FAR AS  
FEASIBLE. WHERE EQUIPMENT IS NOTICEABLY VISIBLE IT SHALL BE  
SCREENED WITH FENCING TO MATCH NEAREST FACADE COLOR

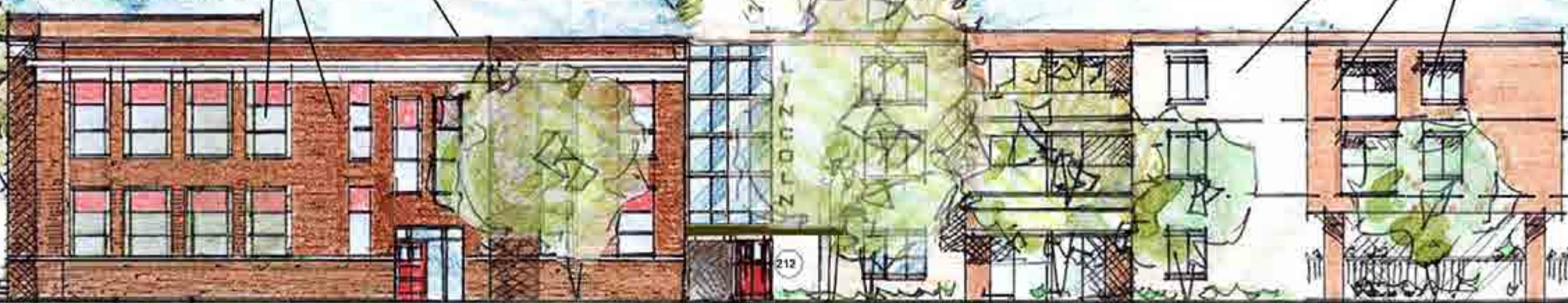
NEW WINDOWS



WEST FACADE

REPAIR / REPLACE EXIST.  
PARAPET COPING AS REQUIRED  
TUCKPOINT / CLEAN  
AND REPAIR EXIST.  
BRICK FACADE  
REPLACE EXIST. WINDOWS  
W/ MATCHING TYPE AS REQ'D

FIBER CEMENT PANELS WITH  
BRICK ACCENT  
NEW BRICK TO COMPLEMENT  
EXISTING BRICK  
NEW WINDOWS



THIRD FLOOR

SECOND FLOOR

NORTH ALLEY FACADE

## ELEVATIONS

1/16" = 1'0"

**WODA - LINCOLN HOUSE**  
Owosso, Michigan

REV. 01.09.2013





301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

---

# ***MEMORANDUM***

---

DATE: January 29, 2013

TO: City Council

FROM: Amy K. Kirkland  
City Clerk

RE: Special Assessment – Hazards & Nuisances Roll for 1064 Tracy Street

---

The public hearing marks a part in the final step of establishing a special assessment lien for hazards & nuisances charges. To date we have received no comments on the proposed assessment. Subsequent to the hearing Council will be asked to consider whether the assessment roll merits approval.

**RESOLUTION NO. \_\_\_\_**

**HAZARDS & NUISANCES ROLL FOR  
1064 TRACY STREET**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll-Hazards and Nuisances prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the following described property described as follows:

<b>PARCEL NUMBER</b>	<b>ADDRESS</b>	<b>BALANCE</b>
050-602-014-008-00	1064 Tracy Street	\$4,821.94

and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll-Hazards and Nuisances the Council deems said Special Assessment Roll-Hazards and Nuisances to be fair, just and equitable and that the assessment contained thereon results in the special assessment being in accordance with the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of said property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$4,821.94 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2013-01.
2. Said Special Assessment Roll-Hazards and Nuisances No. 2013-01 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

**CITY OF OWOSSO FEBRUARY 4, 2013 PROJECT STATUS REPORT**

	<b>PROJECT TITLE</b>	<b>PROJECT DESCRIPTION</b>	<b>PROJECT STATUS --1 new project, 2 updated project, 3 no change in project</b>
1	National Historic Preservation District designation for downtown	On behalf of the city, the state of Michigan has prepared an application to have the downtown area designated as a National Historic Preservation District.	The application has been prepared and submitted to the city for review by February 26.
1	Purchase order program	Several years ago the city purchased the online purchase order program from BS&A but never implemented the program.	The program has been placed on the city computer system and is being tested. The program should be fully operational by the end of February.
1	City-YMCA soccer field agreement	The city has for several years had an agreement where the YMCA handles scheduling for the soccer fields and uses the fields for YMCA programs.	Preparation of a new five-year agreement.
1	Economic Vitality Incentive Program (EVIP) report	To receive statutory revenue sharing, the city must meet three requirements, one of which is to submit the EVIP report by February 1.	The report was prepared and submitted.
1	Employee health and medical insurance	The current policy expires in March.	Alternatives are being examined, with review to take place during February and March.
2	Tree grant	Application submitted for planting replacement trees in Emerson Grove and pruning existing trees.	State grant has been approved for \$3,800. The project is planned for spring and summer 2013.
2	Website update	Update the city of Owosso website to provide more information and to make it more user friendly.	The new website is operational. Staff has received training on how to make changes. Changes are being made to improve the site on a weekly basis.
2	Woodland Trails Condominium Association issues	Resolve issues concerning the streets, sanitary sewers and walking trail that serve the project.	The developer has agreed to fix the sanitary sewer but has done nothing. The developer has submitted a quit claim deed for its interest in the remaining lots if the city will assume responsibility for the streets. Legal work is proceeding to pull the pieces together between the city, developer and condominium association.
2	Electronic recordkeeping system	Purchase and install an electronic recordkeeping system for maintaining city documents.	A contract was approved by the city council in December 2012. Laserfiche will be in the city March 13-15 to set up the system and train staff.
2	Castle Improvements	Install outline lights on the castle, along with improvements to windows, roof leaks and peeling paint.	The roof has been repaired. The plan is to repair damaged plaster within the next 30 days.
2	Tree removal	Remove dead and diseased trees and trim damaged trees on city rights-of-way and city property.	Approximately 150 of the 200 trees have been removed. Residents have been confused by a tree-removal-and-trimming project by Consumers Energy.
2	Library plaster repair	Repair plaster damaged when roof leaked.	Work was completed on January 18. The library is working on getting the interior painted.
2	Street improvement bonds	Issue \$990,000 in capital improvement bonds which were previously approved.	The city council approved issuance of the bonds, with proceeds to be used to pay for the 2013-14 street improvement program. The bond sale is anticipated to occur during February.
2	City hall replacement doors	The front and side doors to city hall are emergency insufficient and are in such condition that they need to be replaced.	A proposal has been received for the replacement of the front and side doors with historically correct doors and the Owosso Building Authority will be meeting to approve the contract. Plans are being developed. Preliminary designs have received approval of the Downtown Historic District Commission.

2	2013 street program	Develop a program for repair and maintenance of city streets.	Decisions are being made as to what should be included in the annual program. The first part of the pavement inventory and pavement condition index has been received. Plans are being prepared on streets that need complete reconstruction.
2	Downtown rental program	Assist building owners to convert unused upper floors of buildings into apartments.	The project at northeast corner of Comstock and Hickory has been completed. Work is proceeding on the building at the southeast corner of Exchange and Washington streets and a second building further east on Exchange street.
2	Acquisition of foreclosed property at 1409 W. Main Street	Proposal by Wells Fargo to give the vacant and foreclosed property to the city. The property was then sold to the Shiawassee Homebuilders Association for renovation within six months, at which time it will be sold.	Work is underway.
2	Foreclosed and vacant property ordinance	There is a problem with foreclosed and vacant residential properties being left unmaintained and blighting neighborhoods.	The number of registered properties fluctuates around 60 as properties are being added while others are being removed. Currently the number is 70. The police are making scheduled checks on each property, which have resolved several issues--unlocked doors, trash, and trespassing.
2	Outdoor warning siren upgrade	Upgrade outdoor warning sirens to meet new FCC requirements.	Federal Communications Commission license has been received and installation is scheduled during February.
2	Fire equipment maintenance	Perform major maintenance on all fire equipment.	Work was completed the week of January 21-25.
2	Facade grants	The city has qualified for state facade grants in the downtown area.	Owners of seven buildings have submitted applications for participation in the program. The applications are being processed, and additional information has been supplied to the state which may result in additional funding for more projects.
2	Unsafe property demolition	Force demolition or rehabilitation of vacant and unsafe properties.	A demolition bid has been awarded for 1064 Tracy and a bid is scheduled to be awarded February 4 for 219 N. Cedar. Notice was served on 1407 Young Street, and the decision is being appealed. A show-cause hearing has been scheduled on the dwelling at 804 Center and a notice of intent to demolish has been sent on 1711 Frederick.
2	Water and wastewater operation and maintenance	Examine whether to enter into a public-private partnership for water and wastewater operation and maintenance.	Make a presentation to city council to determine whether to proceed to development a request for proposals. City council decided to not explore at this time.
2	Fee and license resolution	Prepare a comprehensive ordinance covering all fees and ordinances imposed by the city which can be updated annually as part of the budget process.	Staff is reviewing a draft prior to submission to the city council, which is anticipated for the January 22 meeting.
2	Public safety director selection	Replace the recently-retired public safety director.	The number of candidates has been reduced, background checks are being made, and an appointment is anticipated in February.
2	Healthcare taskforce	A taskforce has been created to address employee benefits.	The taskforce has held an initial meeting and is developing a survey to obtain employee input.
2	Pavement management program	Collect data on all city streets and prepare a maintenance program.	Engineering Research International collected data from all streets and is analyzing data and preparing reports. The first report was received January 28.

2	I-69 International Trade Corridor Next Michigan Development Corporation	Participate in a proposal to have Owosso execute an interlocal agreement creating the I-69 International Trade Corridor Next Michigan Development Corporation.	The next meeting will be at 9:00 a.m. on February 12, 2013 at Bishop Airport.
3	Telephone system issues	Address problems with the city telephone system, which is no longer being serviced by the manufacturer and is experiencing problems.	Fiber optic cable has been installed connecting the major city facilities. Installation of the new system is nearly complete, and the system should become operational in February.
3	South Washington Street modification	Because of the roadway alignment and traffic movements, there is a high accident count on South Washington Street between Corunna Avenue and Gute Street.	An application was prepared and has been submitted seeking funding under the FY 2014 Federal Local Safety Program. In the meantime, a plan for remarking and signage is being prepared. As a class project, Michigan State University students will examine alternative development plans for the corridor.
3	Labor contracts	Negotiate new labor contract with AFSCME .	Negotiations will begin in February 2013.
3	Shiawassee County Central Dispatch	Clarify the responsibilities between the Shiawassee County Central Dispatch and the city as a participating agency.	The city has sent a letter outlining the city's position that the unilateral application of a microphone fee is not the correct way to pass charges on to an participating entity. No official response has been received.
3	2012 street program	Develop a program for repair and maintenance of city streets.	The 2012 street program is substantially complete. Grass seeding will take place in the spring. Some minor problems will also be addressed in the spring.
3	Amphitheater roof replacement	Replace the amphitheater roof, which has deteriorated and requires replacement.	The project is scheduled for sometime during the winter or early spring.
3	Playscape(s)	Prepare a plan for construction of a playscape in Bentley Park.	The playscape has been installed and slabs installed for the tables and benches. The tables and benches have been ordered. The pavers are being engraved and will soon be installed.
3	Main Street bridge	A storm sewer line has collapsed under the bridge which requires repairs.	The bridge and sewer line have been inspected, and a plan for making repairs is being developed. Also examining repairs to the retaining wall along the city hall.
3	North Street culvert	A culvert under North Street west of Chipman is showing signs of major deterioration.	Information is being collected as to ownership involving a drainage district, the city and Owosso Township. In the meantime, the culvert will be posted with a five-ton weight limit and barriers installed to force traffic to the center of the culvert.
3	Entranceway signs	Purchase new entranceway signs and install them near the city limits along the five state highway entrances to Owosso.	The plan is to have signs similar to the wayfinding signs designed by the DDA/Main Street constructed and installed. Design of the signs is proceeding, and property owners have been contacted concerning the necessary easements.
3	Public safety academy	Hold an eight-week evening course for 20 persons to learn much of the inside scoop on public safety operations.	The next citizen public safety academy is being scheduled for April.
3	Connection to bike trail west of city	Prepare a plan and work toward connecting various areas of the city with the Owosso-to-St. Johns bicycle trail, which currently ends at the M-21 s curve.	The Clinton-Ionia-Shiawassee trail authority and friends group have not shown any interest in expanding this path to the city. A steering committee composed of Owosso and Owosso Township has come together to address this connection. An engineering firm has been employed to prepare a plan and field work is progressing.
3	Bentley Park	Repair restrooms, pavilion, gazebo, tennis and basketball courts.	The city was awarded a \$30,000 Recreation Passport grant from the state of Michigan. Only two bids were received, and they far exceeded the budget. The bids were rejected. Detailed plans and specifications are now being prepared for rebidding portions of the project. With some modifications, the project will be rebid in January.

3	Firefighter wellness program	Establish a program agreed upon by the firefighters during contract negotiations to assess employee fitness and establish individualized fitness programs.	Each firefighter was assessed during October and individualized programs developed with a goal that all employees pass the National Fire Protection Association standard by October 1, 2013. Firefighters are actively following their programs.
3	Utility billing and payment revision	Revise the billing for water and sanitary sewer services to help resolve payment and collection issues which cause hardships and extra processing work.	Procedures are being revised.
3	Bentley Park splash pad	Daniel Vargus, via the Shiawassee Regional Educational Service District, has raised money and purchased a splash pad to be installed in Bentley Park.	Permitting from the Michigan DEQ is being sought for the installation, with no indication as to when approval will be received. DEQ has requested engineering drawings.
3	Wayfinding signs	Install signs at key locations throughout the community to give directions to points of interest.	The first sign has been installed at the southwest corner of Main and Washington streets. The final insert has not been completed.
3	Owosso dam study	A study was made of the three Shiawassee River dams located in Owosso and a final report has been received.	The report has been received and presented to the city council and posted on the city's web page. Some factfinding is now necessary to assist decision making. Owosso will likely be required to make a series of decisions following completion of the factfinding.
3	Wastewater treatment plant assessment	Determine what needs to be done to the wastewater treatment plant to meet the future needs of the city.	The process is underway to select an engineering firm to make the assessment. The process has been slowed in an attempt to secure some grant funding. Selection of an engineering firm will be made following interviews and negotiation of a contract in 2012.
3	City council chamber audiovisual project	Replace audio broadcast and recording system and install video cameras to record meetings.	Cost far exceeded what was anticipated, resulting in the need to examine alternatives. Potential grant funding that could possibly assist in this cause has been identified and will be explored.
3	Audience chairs for council chamber	Obtain new audience seating in the city council chamber to replace the 1960s folding chairs.	Materials obtained from vendors. Examining alternatives.
3	Library agreement	Negotiate a new agreement with the library district to replace the expired agreement.	The agreement expired December 31, 2000. Nothing currently scheduled.
3	Regional park entity	Invite all governmental units within Shiawassee County to a meeting to address the possibility of regionalizing park and recreational programs.	A meeting is being scheduled involving Owosso, Corunna, Durand and the townships along the corridor from Owosso Township to Durand to examine how to develop the trail system along this corridor.
3	Sewer separation program	Prepare for adoption a program to remove storm and ground water from the sanitary sewer system.	Concentration is being made on residential inspections to identify illegal footing drain connections and sump pump discharges into sanitary sewer system.
3	Downtown bicycle racks	Construct and install bicycle racks throughout the downtown.	Baker College is constructing some unique bicycle racks. Awaiting delivery of the third rack.
3	Gould Street bridge	Renovate the bridge to repair deterioration and to meet safety standards.	State and federal funds have been approved for 2014 to cover 95% of the estimated \$343,890 project cost. The next step in this process will be to select an engineering firm to do the design work.
3	M-52 and M-21 improvements and resurfacing	MDOT has scheduled improvements for 2014 rather than 2013 as initially planned.	Work with MDOT regarding utility relocations and replacement. An informational meeting was held for the public.

3	Shiawassee River erosion project	Control and repair bank erosion where the Abrey drain connects with the river.	In participation with the soil and water conservation district, erosion control measures are being taken, including bank restoration. Detention facilities are being constructed to limit downstream erosion and control of pollutants such as suspended solids, with work planned in 2013.
---	----------------------------------	--------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



---

# ***MEMORANDUM***

---

DATE: January 29, 2013

TO: Mayor Benjamin Frederick, City Council, and Manager Don Crawford

FROM: Larry Cook, Assessor

RE: Tax Abatement Application – Ruess Winchester, Inc. 705 McMillan St.

---

On Monday, January 21, 2013, the city clerk received an application for a Tax Abatement along with an application for Real Property IFT, from R.W.I. Manufacturing. Initial review indicates the applicant meets the requirements for a tax abatement.

RWI was approved for an Industrial Facilities Tax Exemption in the fall of 2011 for their current facility, but have already outgrown that initial building. They are proposing a 10,000 square foot addition to the east end of that facility, at a cost of \$456,416. The footings have already been constructed. This expansion will retain 12 current employees and proposes an additional 2 full time employees with a pay scale exceeding \$15.00 per hour.

An Industrial Facilities Tax Exemption Certificate, Act 198 of 1974, is a tax abatement which reduces the tax burden by 50%. The applicant is applying for the IFT exemption on real property only. The previously granted Personal Property IFT has allowed them the flexibility to purchase the machinery and equipment in advance of this expansion. The IFT exemption may be granted for up to 12 years.

An Industrial Development District for that area was established 3-19-79. The next step in the process is to set a public hearing for Tuesday, February 19, 2013 for the purpose of hearing public comments on this Real Property IFT application. The city clerk has notified the taxing jurisdictions of this application as required under the city's abatement policy and as required under the act and will forward any responses to you.

As always, if you have any further questions, please feel free to contact me at (989) 725-0530.



**RESOLUTION NO. \_\_\_\_**

**SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR  
AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE  
RUESS WINCHESTER, INCOPORATED  
705 McMILLAN AVENUE**

WHEREAS, a tax abatement application was received January 21, 2013 from Ruess Winchester, Incorporated per the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, application was also received January 21, 2013 from Ruess Winchester, Incorporated for a Real Property Industrial Facilities Tax Exemption Certificate; and

WHEREAS, the Industrial Facilities Tax Exemption certificate, being part of Act 198 of 1974, is available to the city of Owosso to attempt to induce industrial development; and

WHEREAS, the city of Owosso is a qualified local governmental unit under the Act and is permitted to grant an Industrial Facilities Tax Exemption Certificate as directed under the Act; and

WHEREAS, the Act requires the establishment of a qualified district encompassing the location of the property in question; and

WHEREAS, an Industrial Development District was established March 19, 1979 for property described as:

BLOCKS 8 & 9 ALSO BEG SW COR LOT 1, BLK 11 TH N 03\*39', E 366.24', TH S 62\*27', E 556.27' TH S 01\*05', W 118.70' TH W TO POB INCLUDING VACATED ABREY AVE. & ALLEYS ADJACENT AND WITHIN SAID BLOCKS. GEO. T. ABREY'S WOODLAWN PARK ADDN.; and

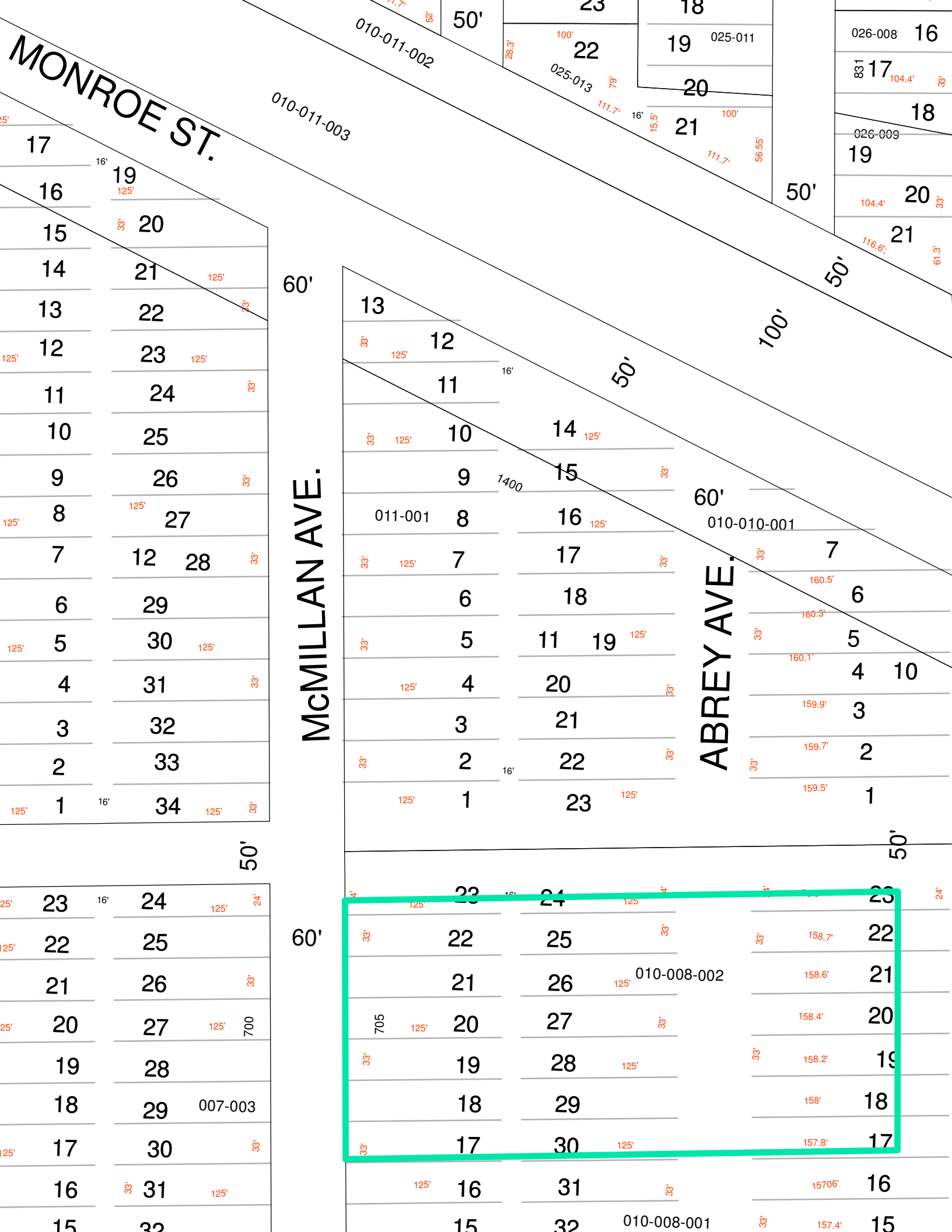
WHEREAS, it was determined by city staff that the Industrial Facilities Exemption Certificate is within the guidelines of the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, notification will be sent to all taxing jurisdictions per the City of Owosso Tax Abatement Policy of June 7, 2010.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: the Owosso City Council sets a public hearing for February 19, 2013 on or about 7:30 p.m. in the council chambers for the purpose hearing comments from those within the proposed district, governmental taxing jurisdictions and any other resident or taxpayer, of the city of Owosso.

SECOND: the city clerk gives the notifications as required by law.



MONROE ST.

010-011-003

010-011-002

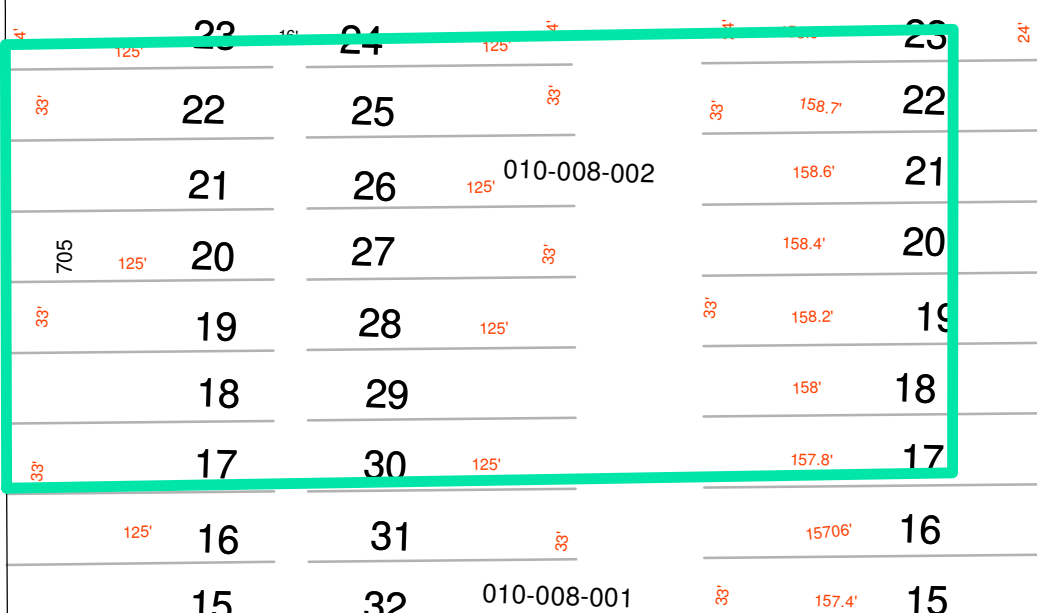
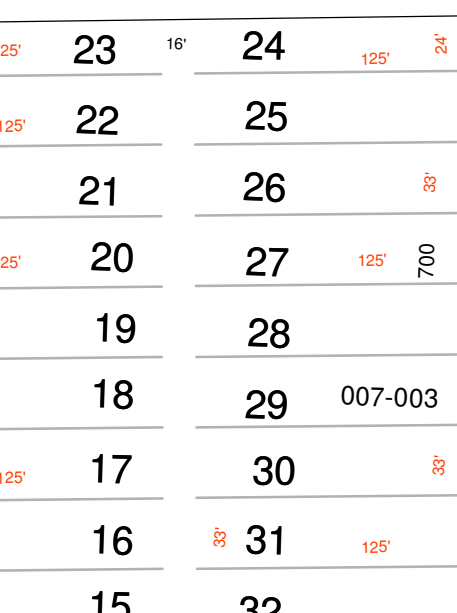
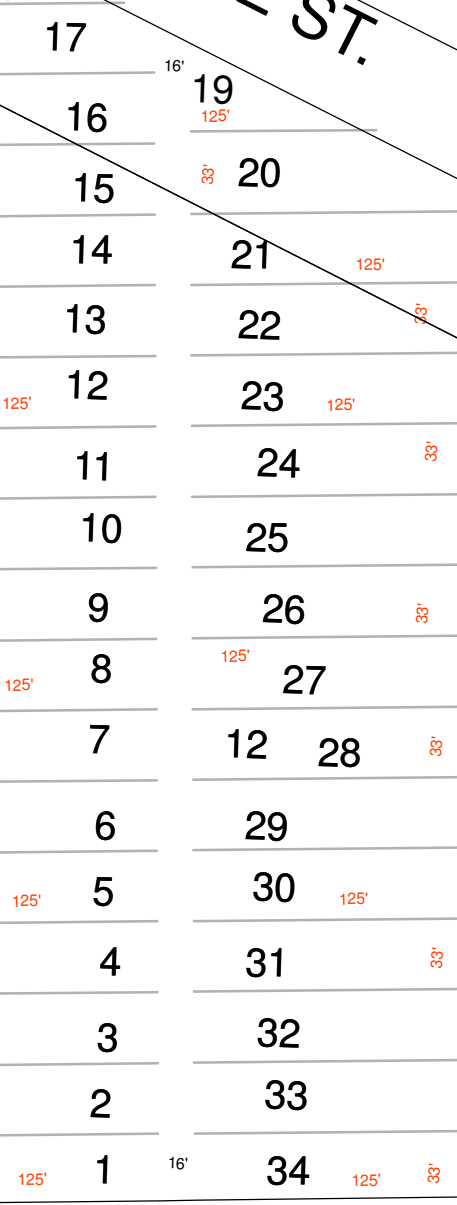
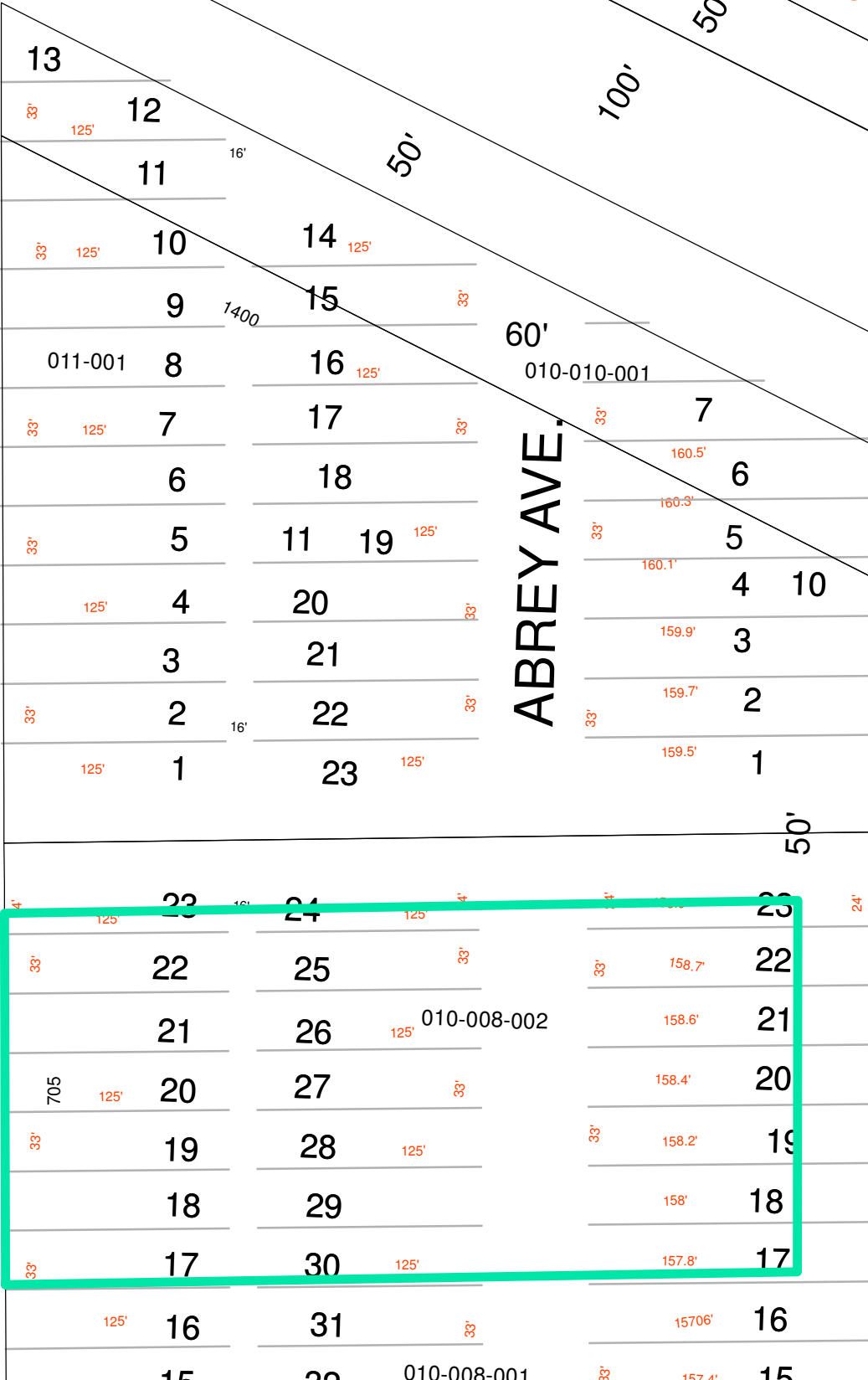
60'

MCMILLAN AVE.

ABREY AVE.

60'

010-010-001





---

# MEMORANDUM

---

DATE: January 23, 2013  
TO: City Council  
FROM: Michael Compeau  
Director of Public Safety  
RE: Demolition Bid – 219 N. Cedar Street

---

The Public Safety Department has taken all required actions as listed in the International Property Maintenance for the demolition of the vacant home at 219 N. Cedar Street.

**Section 110.2** of the *International Property Maintenance Code* states; **Unreasonable repairs:** Whenever the code official determines that the cost of such repairs would exceed 100 percent of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which shall be ordered razed without option on the part of the owner to repair.

The City of Owosso Code Official has determined that the vacant home at 219 N. Cedar Street fits the criteria set forth in **Section 110.2** of the *International Property Maintenance Code*.

Sealed bids were solicited for the demolition of the home:

1.	Fisher Gravel, Owosso, MI	\$ 5,300.00
2.	Smith Sand & Gravel, Owosso, MI	\$ 7,100.00
3.	Sumbera Excavating, Owosso, MI	\$ 10,340.00
4.	Perrin Construction, Durand, MI	\$ 13,970.00
5.	Greenstone Construct., Grant, MI	\$ 15,289.00
6.	Glaser Dawes Corp, Flushing, MI	\$ 17,839.84
7.	Cataldo, Inc., New Lothrop, MI	\$ 34,540.00

Recommend approval of demolition of 219 N. Cedar Street, accepting the low bid from Fisher Gravel for \$5,300.00 and establishing a lien on the property for the cost of the demolition.

**RESOLUTION NO. \_\_\_\_**

**RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR SERVICES  
BETWEEN THE CITY OF OWOSSO, MICHIGAN AND FISHER GRAVEL  
FOR DEMOLITION OF 219 N. CEDAR STREET**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that a home located at 219 North Cedar Street has deteriorated to a condition that it is unusable and has a blighting effect upon the neighborhood and community at large and has been determined to be a public nuisance; and

WHEREAS, proposals for the demolition of the structure were sought and received; and

WHEREAS, Fisher Gravel submitted the lowest bid in the amount of \$5,300.00.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Fisher Gravel, to demolish a structure at 219 North Cedar Street.
- SECOND: The mayor and city clerk of the city of Owosso are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Fisher Gravel, at a total cost of \$5,300.00 and authorize payment upon satisfactory completion.
- THIRD: The city manager is authorized to execute any required permits to proceed with the demolition.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THIS 4<sup>th</sup> DAY OF February, 2013.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Benjamin R Frederick, Mayor

\_\_\_\_\_  
Amy K. Kirkland, City Clerk.



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

---

# ***MEMORANDUM***

---

DATE: January 29, 2013  
TO: City Council  
FROM: Amy K. Kirkland, City Clerk  
RE: Special Assessment – 219 North Cedar Street

---

In an effort to prevent a situation similar to that of the demolition of the structure at 328 Prindle Street staff is proposing Council proceed with the special assessment process now. If you will recall, the City was unable to recover the cost of demolition at that location because the property had proceeded through the second tax sale and all pending assessments were waived by the State between the time the property was invoiced for the demolition and the time of the special assessment action. Proceeding with the special assessment process will allow the City to immediately attach demolition and administrative costs to the property, costs which will be unable to be waived by the State should the property proceed through the tax sale process in the future. The amount listed for this assessment includes staff time, attorney fees, and the cost of demolition.

Staff recommends approval of Resolution No. 1 of the Special Assessment – Hazards and Nuisances process, authorizing a public hearing for Tuesday, February 19, 2013 to gather citizen comment regarding the proposed special assessment of the property at 219 North Cedar Street for costs associated with the altering, repairing, tearing down, abating and removing of hazards and nuisances at that location.

**SPECIAL ASSESSMENT DISTRICT NO. 2013-02  
HAZARDS AND NUISANCES**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on February 19, 2013 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in *The Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.

The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING TO REVIEW  
SPECIAL ASSESSMENT ROLL – HAZARDS AND NUISANCES  
CITY OF OWOSSO  
COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

<b>PARCEL NUMBER</b>	<b>ADDRESS</b>	<b>BALANCE</b>
050-660-011-001-00	219 North Cedar Street	\$10,094.73

TAKE NOTICE that a Special Assessment Roll-Hazards and Nuisances has been prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the above described property.

TAKE NOTICE THAT ANY HAZARDS/NUISANCES INVOICES OR CHARGES REMAINING UNPAID AS OF THEIR DUE DATE WILL BE INCLUDED ON THIS ROLL.

The said Special Assessment Roll-Hazards and Nuisances is on file for public examination with the City Clerk and any objections to said Special Assessment Roll-Hazards and Nuisances must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment Roll-Hazards and Nuisances.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of

the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Tuesday, February 19, 2013 for the purpose of reviewing said Special Assessment Roll - Hazards and Nuisances and for the purpose of considering all objections to said roll submitted in writing. If you have questions regarding this notice, please contact the City Treasurer's Office at 725-0599.

**RESOLUTION NO. \_\_\_\_**

**CITY OF OWOSSO  
OWOSSO, MICHIGAN  
RESOLUTION TO SUPPORT THE LINCOLN HOUSE**

WHEREAS, The Woda Group has proposed a 28 unit low income housing development that is to be targeted towards seniors at the corner of Michigan Avenue and Clinton Streets, utilizing the former Lincoln School; and

WHEREAS, the City of Owosso 2012 Master Plan explicitly indicates that this property and structure would be ideally reused as senior housing; and

WHEREAS, the City of Owosso has invested \$380,000 into the brick paving of Michigan Avenue, and \$44,500 in the resurfacing with new curbs on Clinton Street, and other investments in the construction of the Walk of History within Curwood Castle Park, and the enhancement of the river walk trail on the east side of the river; and

WHEREAS, this historic structure is also adjacent to the Michigan Avenue National Historic District and is also within a very short walk of the downtown, the Shiawassee Arts Center, Curwood Castle Park, the amphitheater, and numerous public and private service providers; and

WHEREAS, the City of Owosso intends to invest more resources into an integrated trail network, the downtown, and the facilitation of neighborhood development; and

WHEREAS, the City of Owosso City Council demonstrated their financial commitment for the Lincoln House by voting on February 4, 2013 to grant the Woda Group a 10% PILOT for a period of 20 years.

WHEREAS, significant private and public investment has been made within downtown area near the Lincoln House, including:

1. Reconstruction of the Capital Bowl; \$2,100,000 estimated cost and \$158,550 in TIF reimbursement to developer.
2. Reconstruction of the Lebowsky Theater (in progress); estimated cost of \$6,000,000 and \$200,000 loan contribution from the local CDBG revolving loan fund.
3. Reconstruction of the Wesener Building; estimated cost of \$2,000,000 with \$442,811 in estimated TIF capture.

NOW, THEREFORE, BE IT RESOLVED, that the City of Owosso City Council commits its full support to the development of the Lincoln House.





WARRANT 457  
January 29, 2013

Vendor	Description	Fund	Amount
Michigan Municipal League Workers' Compensation Fund	Worker's Compensation Insurance	General	\$23,196.00
Rehmann Robson	Final billing- audit of year ended 6/30/12	General	\$ 5,000.00
General Code	Payment on laserfiche software system	General	\$ 8,543.00
		<b>Total</b>	<b>\$36,739.00</b>

**RESOLUTION NO. \_\_\_\_\_**

**AUTHORIZING THE PURCHASE OF REAL PROPERTY  
COMMONLY KNOWN AS 1155 VANDEKARR ROAD**

WHEREAS, the City of Owosso was made aware of a 36 acre parcel of property available for sale on the southern edge of the City in Caledonia Charter Township, commonly known as 1155 Vandekarr Road; and

WHEREAS, said property could offer many development options for the city, including green space, recreational areas, a camp ground, industry, and public facilities; and

WHEREAS, said property is adjacent to current city property and may be annexed into the city to allow for further utilization; and

WHEREAS, the City Council desires to purchase said property and a reasonable price of \$180,000 has been negotiated with the seller, including approximate costs of \$300 for closing and nominal recording costs.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Owosso, Shiawassee County, Michigan that:

- FIRST: The City of Owosso has heretofore determined it is advisable and in the public interest to purchase the 36 acre parcel commonly known as 1155 Vandekarr Road in the amount of \$180,000 plus closing, recording, and other miscellaneous costs that are not to exceed \$1,000.
- SECOND: The purchase is contingent upon the receipt of a satisfactory title search and a metes and bounds or other suitable description of the property.
- THIRD: The Mayor, City Clerk, and City Manager are hereby instructed and authorized to sign necessary documents and take necessary actions to complete the purchase.
- FOURTH: Payment for said property will be made with funds from the General Fund Balance.

*CITY OF OWOSSO*  
**OWOSSO, MICHIGAN**  
**PLANNING COMMISSION**  
**ZONING BOARD OF APPEALS**  
**2012 ANNUAL REPORT**

**To: The Honorable Benjamin Frederick & Owosso City Council**  
**From: The Owosso Planning Commission**  
**Subject: 2012 Annual Report**

## **Introduction**

In addition to the planning commission minutes that are delivered regularly to the city council, the following is a summary report of the activities of the Owosso Planning Commission and Owosso Zoning Board of Appeals for the calendar year of 2012. This report is not to be confused with the monthly building report. Rather, this document is intended to summarize the general status and open-meeting decisions made by the planning commission (PC) and zoning board of appeals (ZBA).

## **Summary Findings**

The PC and ZBA continue to function at a very high level. Though the ZBA has not met very frequently, attendance and participation remain high, and all plans, procedures, and policies are up to date for both bodies.

Because of the master plan process, the planning commission had meeting twice a month instead of once a month for the first part of the year. The ZBA has been meeting once a month but only on an as-needed basis. As in the previous year, resources for training and travel of the boardmembers and commissioners are noticeably strained, but training opportunities are still adequate. In fact, we completed in-house training this month for the entire ZBA and now have a full complement of able and interested members.

The Planning Commission met fifteen times in 2012, primarily to deliberate on the master plan and to consider subsequent zoning amendments. The ZBA met four times. Both groups meet for an annual meeting in July of each year wherein officers are selected.

Concerning membership, the planning commission has seen an influx of many new members in 2011. All of these members, with the exception of Terry Brown, are still on the commission and are doing well. Ms. Brown has since relocated to another community. The ZBA retains most of its prior membership, with Bill Wascher representing the planning commission and Mr. Eveleth representing the city council.

---

**Facts & Figures on Projects**

Below is an exhaustive list of projects that were reviewed by the Planning Commission and Zoning Board of Appeals.

PC 2012								
SPR	REZ	Text Amend	Date	Name	Business	Address	Results	Notes
X			1/9/2012	HORNUS, TED	TRI-MER	1400 MONROE	APPROVED	PLANS DATED 12-14-2011
		SMALL TURBINE WIND	1/9/2012	ZETTEL, ADAM	CITY OF OWOSSO		APPROVED	CHAPTER 38, SEC 5, 38-379 (2), (10)
		RES IN NON-RES ZONING	1/9/2012	ZETTEL, ADAM	CITY OF OWOSSO		APPROVED	RESIDENTIAL STRUCTURES EXISTING AS OF 1-1-2012
	X		3/26/2012	ETCHISON, JAMES		1484 W KING	REZONED TO R-1	
		SIMPLIFY ZONING AMEND PROCESS	4/9/2012	ZETTEL, ADAM	CITY OF OWOSSO		APPROVED	CHAPTER 38, SEC 551-557 REPEALED AND REWRITTEN
X			10/22/2012	ZETTEL, ADAM	CITY OF OWOSSO	MAIN STREET WESTOWN	APPROVED	BETWEEN CEDAR AND NEXT TO LAST PARCEL/CHIPMAN
	X		11/26/2012	PATTERSON, CRAIG	WODA	120 MICHIGAN AVENUE	REZONED TO PUD	

ZBA - 2012					
DATE	NAME	BUSINESS NAME	ADDRESS	RESULTS	CLASS A
5/15/2012	PONTE, DAVE	ACCESS CONSTRUCTION	1429 CLEVELAND	APPROVED W/ COND.	Y
8/21/2012	KIRBY, KENNETH		912 E NORTH	APPROVED	
11/20/2012	WAKELAND, DAVE	WAKELAND OIL CO.	109 CORUNNA AVE.	APPROVED	Y

**Boardmembers & Commissioners**

Below is the current list of the PC membership.

MEMBER	TITLE	DATE APPOINTED	TERM EXPIRES
THOMAS KURTZ 721 LEE STREET		01-17-2012 07-02-2012	06-30-2012 06-30-2015

January 23, 2013  
 Planning Commission  
 Annual Report for 2012

989-666-1398 <a href="mailto:tom.kurtz@gmail.com">tom.kurtz@gmail.com</a>			
FRANCIS LIVINGSTON 531 RANDOLPH STREET 989-723-4843 <a href="mailto:kieran989@aol.com">kieran989@aol.com</a>	Vice Chair 2012-2013	05-15-2006 06-05-2006 06-01-2009 07-02-2012	06-30-2006 06-30-2009 06-30-2012 06-30-2015
RONALD SCHLAACK 1220 N WASHINGTON STREET 810-241-6412 Cell <a href="mailto:ronaldschlaack@delta.edu">ronaldschlaack@delta.edu</a>		08-06-2012	06-30-2013
BRENT SMITH 717 WEST KING STREET 989-725-7832 BSMITH2IBCP.COM		06-20-2011	06-30-2014
WILLIAM WASCHER 510 MARTIN ST	Chair 2012-2013	07-17-2000 06-16-2003 06-19-2006 06-15-2009 07-02-2012	06-30-2003 06-30-2006 06-30-2009 06-30-2012 06-30-2015
THOMAS TAYLOR 1234 ADA STREET 989-277-9428 <a href="mailto:tomdtaylor@hotmail.com">tomdtaylor@hotmail.com</a>		12-02-2011 06-20-2011	06-30-2011 06-30-2014
DAVID BANDKAU 605 RYAN STREET		07-06-2010	06-30-2013
MELVIN RENFROW 417 ADAMS STREET	Secretary 2012-2013	06-20-2011	06-30-2013
CINDY POPOVITCH 704 NORTH CHIPMAN STREET	Ex Officio	11-16-2009	11-12-2013

Below is the current list of the ZBA membership.

<b>MEMBER</b>	<b>TITLE</b>	<b>DATE APPOINTED</b>	<b>TERM EXPIRES</b>
RANDY HORTON 402 NORTH HICKORY ST	Chair 2012-2013	10-18-1993 07-15-1996 06-17-2002 06-20-2005 06-16-2008 06-20-2011	06-30-1999 06-30-2002 06-30-2005 06-30-2008 06-30-2011 06-30-2014
DAN JOZWIAK 1504 SHADY LANE	Secretary 2012-2013	07-20-1998 Alternate 07-05-2000 Alternate	06-30-2000 06-30-2003

DRIVE		06-16-2003 Regular 06-19-2006 06-15-2009 07-02-2012	06-30-2006 06-30-2009 06-30-2012 06-30-2015
JOHN HORVATH 908 MOORE STREET 989-627-1926 <a href="mailto:jhorvath39@yahoo.com">jhorvath39@yahoo.com</a>	Alternate	12-17-2012	06-30-2013
WILLIAM WASCHER 510 MARTIN ST	Planning Commission Representative	08-15-2011 07-02-2012	06-30-2012 06-30-2015
CHRISTOPHER EVELETH COUNCIL	Vice Chair 2012-2013	06-15-2009 11-16-2009 11-21-2011	11-09-2009 11-14-2011 06-30-2014
KENT TELESZ 1007 CORLETT DRIVE		07-06-2010	06-30-2013
MATTHEW GRUBB 1517 ALTURAS DRIVE	Alternate	03-01-2010 Alternate 06-04-2012	06-30-2012 06-30-2015

### **Conclusions - Looking Forward**

The last year saw a general increase in activity with commercial projects beginning to lead the way, as well as the Lincoln House. Unfortunately, the housing market is still down with only some signs of a sustained recovery. I expect a fair amount of industrial expansions and redevelopment throughout 2013.

The completion of the master plan was also a great accomplishment for the community. Looking forward into 2013, it is expected that the commission will be quite busy executing policy changes and upgrades in accordance with this document between community projects.

Please contact me directly if you have any comments or inquiries on the matter.

Sincerely,

Adam H. Zettel, AICP  
 Assistant City Manager  
 City of Owosso  
[adam.zettel@ci.owosso.mi.us](mailto:adam.zettel@ci.owosso.mi.us)

Minutes of the **January 14, 2013**, regular meeting  
of the **Owosso Historical Commission** held  
at the Gould House, 7:00 p.m.

Members Present: City Treasurer Ronald Tobey, Chairman Michael Erfourth, and members Shaffer Fox, Elaine Greenway, Paul Heimnick, Scott Newman, Don Schneider, Lorraine Weckwert and Gary Wilson

Members Absent: Joni Forster

Guests Present: none

The meeting was called to order at 7:05 p.m. by Chairman Erfourth, with introduction of members to new member Greenway.

Motion to adopt proposed agenda made by Newman, supported by Heimnick and approved.

There were no citizen comments.

Motion by Heimnick to accept and place on file the minutes for the December 10, 2012, regular meeting. Supported by Fox and carried.

Weckwert arrived 7:09 p.m..

Wilson arrived 7:16 p.m..

Motion by Newman to accept the December 2012 Treasurer's Report. Support given by Greenway. Approved with dissent by Weckwert.

Chairman Erfourth commented on the Project Manager proposal. City Staff are evaluating budgets, job descriptions and options. Erfourth also made mention that the City Manager is reviewing the draft of Historical Commission bylaw changes he initiated. Members affirmed that any changes would still need to be reviewed by the commission as a whole.

Potential and identified leaks discovered at the Castle will be addressed before a plaster repair and painting project are commenced.

Members identified projects to be incorporated in the budget proposal for the 2013-14 fiscal year. The front stairs at the Gould House should be rebuilt and a cornice board on the exterior is missing. Members agreed that funds should be designated for a potential furnace replacement at the Gould House and \$5,000 be set aside for apartment renovation should a vacancy occur. It was also mentioned that wi-fi might be provided at the House rather than phone service in the apartment. The Castle budget should include incorporation of \$5,000 for potential acquisition of suitable area rugs for the main room. A budget of \$500 for materials acquisition was agreed upon. Members were receptive to the proposal to attempt a home tour in September 2013, with a proceed goal of \$8-10 K. Greenway, Weckwert, Newman and Erfourth will spearhead the home tour project.

Members continued general discussion concerning the Gould House.

Motion by Newman to adjourn at 8.35 p.m.. Supported by Fox.

Respectfully submitted,  
Ronald J. Tobey  
Secretary/Treasurer

**MINUTES**  
**REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION**  
**Council Chambers, City Hall**  
**January 14, 2013 – 7:00 pm**

**CALL TO ORDER:** Meeting was called to order at 7:00 p.m. by Chairman William Wascher.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited by all in attendance.

**ROLL CALL:** Roll Call was taken by Recording Secretary Marty Stinson.

**MEMBERS PRESENT:** Chairman William Wascher; Vice-Chairman Frank Livingston; Commissioners David Bandkau, Tom Kurtz, Cindy Popovitch, Ron Schlaack (arrived 7:16 p.m.), Brent Smith, and Thomas Taylor.

**MEMBERS ABSENT:** Secretary Melvin Renfrow.

**OTHERS PRESENT:** Adam Zettel, Assistant City Manager and Director of Community Development.

**AGENDA APPROVAL:**

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER POPOVITCH TO APPROVE THE AGENDA FOR JANUARY 14, 2013.**

**YEAS ALL. MOTION CARRIED.**

**MINUTES APPROVAL:**

**MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY COMMISSIONER SMITH TO APPROVE THE MINUTES OF THE MEETING OF DECEMBER 10, 2012**

**YEAS ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. PC minutes from December 10, 2012
3. Lincoln School site plan

**COMMISSIONER / PUBLIC COMMENTS:** None

**PUBLIC HEARING:** None requested.

**SITE PLAN REVIEW:**

1. Lincoln School PUD site plan review

Craig Patterson, WODA Group, brought the site plan for the Lincoln School PUD zoning. There will be 28 senior units. Funding will be from MSHDA and the Historic Tax Credits. There will be 29 parking spaces; the structure to be used for low to moderate income; age 55 and up. Former classrooms would be converted into one or two bedroom units. The outside of Lincoln School will remain the same except for some tucking repairs. The new construction will be different and will contrast, but will look like the new and old belong together. There will be an elevator between the two portions with two floors for Lincoln School and three floors for the new portion.

There will be fencing along the alley on the north side; 14 – 19 parking spaces will be underneath the new second floor. One large room on the second floor of the school will be converted partially to a community space and another portion to residential. The staircases and terrazzo floors will remain pretty close to what they are today except for added safety items. The first floor of both new and old structures will have a total of six – 1 bedroom units and four – 2 bedroom units. The second floors will have four – 1 bedroom units and eight – 2 bedroom units. The third floor on the new portion (no third floor on the school) will have two – 1 bedroom units and four – 2 bedroom units.



Commissioner Livingston asked how a garbage truck would get in and out to clear the dumpster. Mr. Patterson suggested that the dumpster may need to be turned. Further checking will need to be done.

Commissioner Popovitch stated that parking space number one looked pretty close to the property line and sidewalk.

7:16 P.M. Commissioner Schlaack arrived.

Mr. Patterson will check with the architects about how close that is. He thought there was a strip of grass on the landscape site plan between the parking space and the sidewalk.

Commissioner Taylor asked about guest parking. Mr. Patterson stated that was there was parking on both sides of Clinton Street and on some on Michigan Avenue. Mr. Adam Zettel, Assistant City Manager and Director of Community Development, stated that senior parking is usually .7 spaces per unit as some seniors no longer drive. Some spaces may be available on site.

Commissioner Taylor asked how many light poles there will be. Mr. Zettel replied five now. We require no visible glare; may need shielded lighting, possibly shoe box lighting. Mr. Patterson added that they can add shields to protect adjacent areas. There would be lights over the ingress and egress. Historic fixtures would stay, but energy efficiency lighting will be considered.

Mr. Leonard Krawczyk, owner of the parking lot at the corner of Michigan Avenue and Main Street, had concerns about people from the senior housing using his parking lot inappropriately. Mr. Patterson assured him that they keep track of license plates and vehicles. They would work with Mr. Krawczyk in keeping guests and tenants out of his parking lot. Mr. Krawczyk is in favor of the program and thinks this is good usage of the property for the senior housing.

Mr. Krawczyk asked if this property paid taxes. Mr. Patterson replied that they have a "pilot." That is an annual fee to the city similar to taxes. It is less than taxes, but they have restricted rents because they have a pledge to MSHDA. The pilot is about \$13,500 annually.

Discussion continued about possibly re-engineering the retaining wall; snow removal being done by local contract; bike racks being added; this project being a response to the master plan as a resolution to keeping the school from deteriorating and bringing in senior housing to the community.

Mr. Gary Burk, Director of Utilities for the city also noted that part of the \$13,500 would go to the schools.

Commissioner Popovitch asked for a review of the timeline. Mr. Patterson stated that the process with MSHDA would take about 120 days. In June, MSHDA will announce the winners. Then another 60 days. The closing on the February application would be between September – December or even into the following year. At that point they could start to demo the interior. Then in about a year, they may be able to take in occupants a floor at a time. It should be one year from the closing for the final occupancy.

Mr. Patterson stated that WODA acts as a general contractor, but hires locals for subcontractors.

**MOTION BY COMMISSIONER KURTZ SUPPORTED BY COMMISSIONER LIVINGSTON:**

**THE OWOSSO PLANNING COMMISSION, FINDING THE LINCOLN SCHOOL PUD SITE PLAN APPLICATION FOR 120 MICHIGAN AVENUE, 050-700-001-008-00, TO MEET ALL CRITERIA FOR PUD SITE PLAN REVIEW IN ACCORDANCE WITH ZONING SECTIONS 38-390 & 39-395, HEREBY RECOMMENDS APPROVAL OF THE FINAL SITE PLAN BY THE CITY COUNCIL, CONDITIONED UPON THE FOLLOWING:**

- 1. ADMINISTRATIVE APPROVAL OF FINAL LIGHT POLE HEIGHTS AND ALL LIGHT SCREENING OR SHADING ELEMENTS.**
- 2. ADMINISTRATIVE APPROVAL OF EXACT LANDSCAPING/SCREENING ELEMENTS WITHIN THE PARAMETERS SET IN THE EXISTING SITE PLAN.**
- 3. ADMINISTRATIVE APPROVAL OF WATER, SEWER, AND STORM WATER UTILITY CONNECTIONS, LOCATIONS, SIZES, AND DETENTION MEASURES.**

**4. THE GARBAGE DUMPSTER IS TO BE ACCESSIBLE TO THE TRUCKS.  
YEAS ALL. MOTION CARRIED.**

**BUSINESS ITEMS:** None

**ITEMS OF DISCUSSION:** None

**COMMISSIONER / PUBLIC COMMENTS:**

Commissioner Popovitch asked about the PUD timeline. Chairman Wascher stated it was three years according to the Section 395 PUD paragraph.

Commissioner Taylor asked about the House of Mok building. Mr. Zettel will check on the status. He mentioned that the building official said they were surprised by what they found when the siding was removed. They will need to refabricate the walls and create new plans. Mr. Zettel will check with the building official tomorrow and e-mail the board members.

Mr. Zettel announced that they have a MSU graduate student who is going to be studying the Washington Street corridor from Water Street to Baker College to make some recommendations for the area. This student is without cost to the city.

**ADJOURNMENT:**

**MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER LIVINGSTON, TO  
ADJOURN AT 8:22 P.M. UNTIL JANUARY 28, 2013.**

**YEAS ALL. MOTION CARRIED.**

---

Melvin Renfrow, Secretary

mms

**MINUTES  
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS  
CITY OF OWOSSO  
JANUARY 15, 2013**

The meeting was called to order by Chairman Randy Horton at 9:37 a.m.

Roll call was taken by City Clerk Amy K. Kirkland.

**MEMBERS PRESENT:** Chairperson Randy Horton, Secretary Daniel Jozwiak, Commissioner William Wascher and Alternate John Horvath.

**MEMBERS ABSENT:** Vice-Chairperson Christopher Eveleth, Commissioner Kent Telesz, and Alternate Matt Grubb.

**OTHERS PRESENT:** Adam Zettel, Assistant City Manager and Director of Community Development; Charles Rau, Building Official.

**AGENDA: CHAIRPERSON HORTON OFFERED UP THE AGENDA FOR APPROVAL AS PRESENTED.**

**AYES: ALL. MOTION CARRIED.**

**MINUTES: IT WAS MOVED BY SECRETARY JOZWIAK AND SUPPORTED BY BOARD MEMBER WASCHER TO APPROVE THE MINUTES OF THE MEETING OF NOVEMBER 20, 2012.**

**AYES: ALL. MOTION CARRIED.**

**SITE INSPECTIONS:** None.

**COMMUNICATIONS:**

1. Staff memorandum
2. ZBA minutes from November 20, 2012
3. Training materials

**COMMISSIONER/PUBLIC COMMENTS:** None.

**PUBLIC HEARINGS:** None.

New alternate John Horvath introduced himself to the Board saying he was a newly elected County Commissioner and worked as a real estate agent in the area.

**BUSINESS ITEMS:**

**1. Commission Training**

Assistant City Manager Zettel gave a Power Point presentation providing an overview of the purpose of ZBA, the laws governing its conduct, the process by which the Board reaches its conclusions, and finally some examples of actual cases heard by the Board. He noted that due to its nature meetings for the ZBA are scheduled on a monthly basis but may not be held unless there is business to be handled.

Mr. Zettel emphasized the ZBA functions as an appellate body to hear appeals of City decisions regarding building and zoning and its decisions function as the rule of law within the City, so the process by which the Board reaches its decisions is extremely important. Decisions of the ZBA are based in part on previous findings of fact as well as both objective and subjective data. Members must uphold impeccable ethical standards and he encouraged all members to publically address any potential conflicts they may have with a decision, even if in perception only. Further he noted that decisions of the Board are appealed through the Circuit Court and must be succinct, factual, related to the issue at hand and proportional in nature to stand up to the scrutiny of the court.

Alternates on the Board are encouraged to participate as regular members to ensure a full complement of educated voting members when a decision is required.

Mr. Zettel concluded the training by highlighting past cases that have come before the Board as examples of the decisions they would be facing in the future.

**COMMISSIONER/PUBLIC COMMENTS:** None.

**ADJOURNMENT:**

**MOTION BY SECRETARY JOZWIAK, SUPPORTED BY CHAIRPERSON HORTON TO ADJOURN AT 11:26 A.M.**

**AYES: ALL. MOTION CARRIED.**

---

Dan Jozwiak, Secretary

a.k.k.

MINUTES FOR THE REGULAR MEETING  
**OWOSSO HISTORIC DISTRICT COMMISSION**  
JANUARY 16, 2013 at 6:00 p.m.  
COUNCIL CHAMBERS / CITY HALL

**MEETING WAS CALLED TO ORDER** at 6:03 p.m. by Chairperson Newman.

**ROLL CALL** was taken by Recording Secretary Marty Stinson

**MEMBERS PRESENT:** Chairperson Scott Newman; Secretary Phil Hathaway; Commissioners Lance Omer and Gary Wilson.

**MEMBERS ABSENT:** Vice Chairperson Vincent Gonyou; Commissioners James Eaton and Matthew Van Epps.

**OTHERS PRESENT:** Ms. Sarah Warren-Riley, Housing Program Manager; Mr. Tom Campbell, The Argus-Press.

**AGENDA APPROVAL:** Motion by Commissioner Hathaway, supported by Commissioner Omer to approve the agenda for January 16, 2013 as presented.

**Yeas: All. Motion was passed.**

**MINUTES APPROVAL:** Motion by Commissioner Hathaway, supported by Commissioner Wilson to approve the minutes for the meeting of December 19, 2012.

**Yeas: All. Motion was passed.**

**COMMUNICATIONS:**

- 1) Staff Memorandum
- 2) Meeting minutes of December 19, 2012

**PUBLIC COMMENTS:** None.

**PUBLIC HEARINGS:** None.

**ITEMS OF BUSINESS:**

**1) 201 E. Exchange – Window Replacement Application**

Mr. Tom Campbell, The Argus-Press, brought in a window sample and a cut away sample to show the construction of the two piece windows with the mullion which will be placed dead center of the windows. The windows are 40% wood and 60% plastic polymer and vinyl wrapped.

Commissioner Hathaway asked if The Argus Press building qualified for the Main Street façade grant. Ms. Sarah Warren-Riley, Housing Program Manager replied that the façade application was already turned in.

**Motion by Commissioner Hathaway, supported by Commissioner Omer that the Owosso Downtown Historic District Commission, finding that the proposed exterior improvements at 201 E. Exchange St. do not meet the Secretary of the Interiors Standard, and are inappropriate for the district, hereby directs staff to issue a notice to proceed for the work as applied for and illustrated.**

**Discussion:** Commissioner Wilson asked how do we deal with the precedent we are setting. Commissioner Hathaway stated we have nothing else to offer the building owners without the tax incentives. This is a matter of economic hardship. The double hung wood clad windows are twice the price of the original request. This has been brought up to the mid-price compromise. There are 36 windows in this request for the second floor of the building.

**Yeas: All. Motion was passed.**

**Comments:**

Ms. Warren-Riley was contacted by Ms. Kelly Larson regarding the National Register nomination. The deadline has been pushed back to January 28 for the consultants to provide a draft to the commission. Ms. Larson will be looking for comments on the draft by February 25<sup>th</sup>. The next Historic District Commission meeting is February 20 which should be sufficient time to make any adjustments.

**ADJOURNMENT:**

**Motion by Commissioner Hathaway, supported by Commissioner Omer to adjourn the meeting at 6:26 p.m. until February 20, 2013.**

**Yeas all. Motion carried.**

---

Phil Hathaway, Secretary

mms

**Minutes**  
**Regular Meeting of the Parks & Recreation Commission**  
**Council Chambers, City Hall**  
**January 28, 2013 – 6 p.m.**

The meeting was called to order at 6:02 p.m. by Chairman Espich.

**Pledge of Allegiance:** The Pledge of Allegiance was recited by all in attendance.

**Roll Call** was taken by Recording Secretary Marty Stinson.

**Members Present:** Chairman Michael Espich; Vice-Chairman Jeff Selbig; Commissioners Tim Alderman, and Sherri Chavora.

**Members Absent:** New Commissioner Nicole Hathaway has not been sworn in yet.

**Others Present:** Adam Zettel, Assistant City Manager and Director of Community Development; Jeff and Tracy Peltier; Ian Granger, and John Beebe.

**Approve Agenda for January 28, 2013:**

**A motion to approve the agenda as presented with the addition of Business Item # 3, Lease Agreement for the Soccer Fields with the YMCA, was made by Commissioner Chavora and supported by Commissioner Alderman.**

**Ayes: all. Motion carried.**

**Approve Minutes from November 26, 2012 meeting:**

**A motion to approve the minutes from the November 26, 2012 meeting was made by Commissioner Alderman and supported by Commissioner Chavora.**

**Ayes: all. Motion carried.**

**Public / Board Comments:** None

**Communications:**

1. Staff memorandum
2. November 26, 2012 minutes
3. Splash pad emails
4. CIS email

**Business:**

1. Splash Pad Update

Adam Zettel, Assistant City Manager and Director of Community Development, stated that the plans for the splash pad has been through all local approvals. They are still dealing with questions from the DEQ to get the final permit from them. We're in the last step of DEQ approval. This modular unit is new and the state has requested a lot of details.

Jeff Peltier, 723 Grand Avenue, stated that some of the delay was his fault – he didn't think it should be built in the fall with freezing temperatures. The items to build the splash pad are off-the-shelf items. The DEQ concerns are health related. The UV light will work 24/7 internally, underground. The system includes prevention to keep the water from getting too high or too low in the tank. The DEQ is very

reasonable with their concerns. Mr. Paul Early, the RESD and Mr. Daniel Vargas have all been notified about the delay. Mr. Peltier reviewed the drawing of the splash pad system with the board.

2. CIS Trail Connector

Mr. Zettel noted that several local people including Ron Baker, former city engineer; Rick Morris, House of Wheels; and others got funds from the Cook Foundation. They are working on the CIS Connector Steering Committee looking for the best route from Owosso Township to the James Miner River Trail. Several potential routes were discussed.

3. Lease Agreement with the YMCA for the Soccer Fields

Per Mr. Zettel there is no current agreement. Anything that was, has long ago expired. The staff is comfortable with this proposed lease; and comfortable with the YMCA handling the schedule arrangements for the fields. Mr. Zettel recommends a shorter term such as five years and \$2 per person, instead of 30 years and \$1 per person. There was general agreement with the board.

4. Other Updates

Ian Granger and John Beebe stated they are all set with the disc golf coming out of Rosevear Park. The sign work is done; they still need sponsorships for the baskets. The city was going to assist with the project also. Mr. Zettel invited the men to meet with him to clarify some points. It was also noted that part of the course is in the township.

**Adjournment:**

**A motion to adjourn the meeting was made by Commissioner Selbig and was supported by Commissioner Alderman. The meeting adjourned at 6:56 p.m. until February 25, 2013.**

**Ayes: all. Motion carried.**

---

Adam Zettel, Secretary

mms



**MINUTES**  
**REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION**  
**Council Chambers, City Hall**  
**January 28, 2013 – 7:00 pm**

**CALL TO ORDER:** Meeting was called to order at 7:00 p.m. by Chairman William Wascher.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited by all in attendance.

**ROLL CALL:** Roll Call was taken by Recording Secretary Marty Stinson.

**MEMBERS PRESENT:** Chairman William Wascher; Vice-Chairman Frank Livingston; Secretary Melvin Renfrow ; Commissioners David Bandkau, Tom Kurtz, Cindy Popovitch, Ron Schlaack, Brent Smith, and Thomas Taylor.

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Adam Zettel, Assistant City Manager and Director of Community Development.

**AGENDA APPROVAL:**

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER KURTZ TO APPROVE THE AGENDA FOR JANUARY 28, 2013.**

**YEAS ALL. MOTION CARRIED.**

**MINUTES APPROVAL:**

**MOTION BY COMMISSIONER POPOVITCH, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES OF THE MEETING OF JANUARY 14, 2013**

**YEAS ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum
2. PC minutes from January 14, 2013
3. Design guidelines text
4. Outdoor sales and storage; temporary use text

**COMMISSIONER / PUBLIC COMMENTS:** None

**PUBLIC HEARING # 1 - Design Guidelines Ordinance**

Chairman Wascher opened the public hearing at 7:02 p.m.

Citizen Comments: Brian Wise, 1419 W King Street, stated the perimeter of his home has a hedge of 14 feet high. It gives him privacy and continuity. It is no problem for his neighbors. He would prefer not to have to remove it, especially with Oliver Woods behind him.

Adam Zettel, Assistant City Manager and Director of Community Development, stated that the article in the paper was misleading. The ordinance was better at defining *fence*. The proposed ordinance is an attempt to fine tune the definition to avoid materials such as pallets. Future plans are to maintain fences and hedges at six feet. There is no intent to enforce unless we have complaints. There will be no attempt to enforce changes on existing conditions until complaints are received.

Mike Bruff, 707 W. King Street, appreciates the intent as explained. When reading portions of the ordinance, it doesn't say what was just explained. It needs to state "grandfathered in". He thinks that 75% of Owosso is in violation at this time. The sentence about a permit isn't clear. Permit to remove plants? To plant shrubs?

Mr. Zettel replied that the benefit of having fences and hedges defined differently is so they can be handled differently. We can't cite anyone who has pre-existing conditions. Permits are for only new construction. The existing fences are legal non-conforming use.

Mark, Prindle Street, asked if certain species were defined. Mr. Zettel responded that there is a separate section in the ordinance that lists nuisance trees. Mark asked if there was a setback. Mr. Zettel said that they can't extend onto a neighbor's property. There is a reasonable expectation that property owners know their own property lines.

Neil White, 1214 Devonshire, asked if a permit would be required for planting. Mr. Zettel said no. Permits are for fences only.

Mr. Bruff asked who determines obscuring trees. Mr. Zettel said that is why it is written objectively.

Mr. White stated that is why he planted his hedges - to help block the view of another building.

June Coon, 615 Ridgeview Drive, Corunna. She thinks the ordinance is ambiguous. Why does this need to be re-written? Why change? Change of the code is not necessary. She and her husband are property owners in Owosso. First it was the registration only; then complaint only; then the inspections became mandatory. She thinks this is unreasonable.

Roger Snyder, 211 N. Washington. We don't have a city council that's responsible. They go around putting permits on everything. It's wrong.

Mr. White stated no new ordinances.

7:37 p.m. The public hearing was closed.

Commissioner Schlaak asked if we could mention the word "grandfathered". Mr. Zettel stated it is implied. Commissioner Schlaak said we need to keep clear vision at the corners.

Commissioner Popovitch suggested clarification of R-1 and R-2 at C, page 1.

**MOTION BY COMMISSIONER LIVINGSTON, AND SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE:**

**THE OWOSSO PLANNING COMMISSION HEREBY RECOMMENDS APPROVAL OF THE DESIGN GUIDELINES ORDINANCE TO THE CITY COUNCIL, AS ATTACHED, WITH THE FOLLOWING CHANGES:**

- 1. CHANGES TO THE RESIDENTIAL DISTRICT.**
- 2. REMOVAL OF HEDGE HEIGHT REQUIREMENT**
- 3. CLARIFICATION OF PERMIT REQUIREMENTS.**

SECTION 1. REPEAL. That Section 38-393 of the *Code of Ordinances*, which read as follows, shall be repealed:

~~Sec. 38-393. Fences, walls, or screens.~~

~~(a) *Definition.* "Required yard" means that portion of any lot on which the erection of a main building is prohibited.~~

~~(b) Where permitted; height.~~

~~(1) In the residential districts; also the OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1 districts: Fences, walls or screens are permitted on all lots of record within required side or rear yards, provided they do not exceed six (6) feet in height, measured from the surface of the ground, and are permitted in front required yards provided they do not exceed three (3) feet if of such~~

~~a nature to obstruct, vision; where fencing is open weave or chain link and does not obstruct vision, the permitted height shall be four (4) feet, measured from the ground surface except as otherwise provided in this chapter.~~

~~(2) In the I-1 and I-2 districts:~~

~~a. Fences, walls and screens are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space character in the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet.~~

~~b. Except as provided below, barbed wire strands are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard on major streets.~~

~~(c) Visibility at street intersections. On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement, or within twenty-five (25) feet of the intersection of the two (2) right-of-way lines, so as to interfere with motorists' vision across the corner.~~

~~(d) Visibility at intersections of driveways or alleys with streets. No fence, wall or screen, whether structural or botanical, may obstruct vision within twenty (20) feet in any direction of the intersection of the edge of a driveway with the right-of-way line. The area of non-obstructed vision shall be between the heights of three (3) feet and ten (10) feet measured from the centerline of the street pavement.~~

~~(e) Prohibited fences. Except for the provisions of (b)(2)b. above and (f) below, fences, walls or structural screens may not contain barbed wire, electric current, charges of electricity or any wire fence other than a chain link fence.~~

~~(f) Essential services and school off-campus facilities and bus garages. For essential services and off-campus school facilities and bus garages, the use of barbed wire atop fences six (6) feet in height is permitted in all zoning districts with the barbed wire tilted in toward the fenced parcel.~~

~~(g) Installation. Any fence with an unfinished side, e.g. stockade fence, shall be installed along or about a lot line so that the finished side of the fence faces the exterior of the lot.~~

~~(h) Permit fee. A permit shall be required with a fee to be prescribed by resolution of the council and paid to the city treasurer.~~

SECTION 2. NAME. The amended Ordinance shall be known and cited under the existing section of "General Provisions."

SECTION 3. ADDITION. That the new Section 38-393 and 38-396, 38-397, and 38-398 which read as follows, shall be adopted:

**Section 38-393. FENCES AND HEDGES.**

- (A) A fence is defined as any partition, structure or gate that is erected as a dividing marker, barrier or enclosure.
- (B) A hedge is defined as any bush, shrub or any living green fence of any nature that serves as a dividing marker, barrier or enclosure.
- (C) Regulations applicable to R-1, R-2, RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1.
  - 1. A fence shall not exceed six (6) feet in height in the rear or side lot of any parcel;
  - 2. Front yard (exterior side yard) fences or hedges must be of a decorative nature (chain-link is not considered to be of such quality), be less than fifty percent (50%) solid, impervious, or of an obscuring nature above a height of 30" above the curb or centerline of the street, and not exceed four (4) feet in total height;
  - 3. No fence or hedge shall extend across property lines;
  - 4. The finished side of any fence shall face away from the property on which the fence is located;
  - 5. No portion of any fence shall be constructed with or contain barbed wire, electric current or charge of electricity, glass, spikes or other sharp protruding objects;
  - 6. Fences must be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction which will obstruct vision so to create a hazard to vehicular traffic or pedestrians upon the public streets and/or sidewalks shall be deemed a nuisance.
  - 7. Fences shall not be constructed, in whole or in part, with any of the following materials:
    - (a) used materials, junk or other debris
    - (b) scrap building materials or metals
    - (c) organic materials known to be poisonous or hazardous to human or animal life
    - (d) other materials which may be deemed unsafe to person or property by the Zoning Administrator or Building Official.
  - 8. No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.
  - 9. Screening walls are required as prescribed in section 38-389.
- (D) Regulations applicable to industrial districts.
  - 1. Fences, walls and screens are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front

yard and eight (8) feet in the side and rear lots. To preserve open space and aesthetic character in the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet and all front yard fences must be black vinyl chain link or decorative in nature.

2. Except as provided below, barbed wire strands are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard.
  3. On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement, or within twenty-five (25) feet of the intersection of the two (2) right-of-way lines, so as to interfere with motorists' vision across the corner.
  4. Screening walls are required as prescribed in section 38-389.
- (E) The Zoning Administrator or Building Official may require removal, reconstruction, or repair of any fence or wall which, in their judgment is dilapidated, unsafe, or a threat to the health, safety and welfare of the residents of the City of Owosso.
- (F) A permit shall be required for new fence construction, with a fee to be prescribed by resolution of the council.

**Sec. 38-396. MECHANICAL EQUIPMENT AND UTILITIES.**

The following requirements shall apply to all site plans and new installations, not including replacement equipment and wind energy systems, for uses in the RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, and PUD zoning districts.

- (A) Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units, are permitted only in non-required side yards and in any rear yard, as determined by the Building Official/Zoning Administrator.
- (B) Mechanical equipment shall be placed no closer than three (3) feet to any lot line in the B-3 zoning district.
- (C) Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters or related devices, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air condition equipment (HVAC), and other similar equipment, shall comply with the following standards.
1. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearances with the principal building.
  2. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. All roof mounted mechanical units must be screened so they are not visible from ground level.

**Section 38-397. COMMERCIAL DESIGN REQUIREMENTS.**

The following design requirements for commercial buildings shall be applied during site plan review to development within the RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, and PUD zoning districts. These standards shall also apply to those elevations and parking areas that face a state highway and are within 200 feet of the right-of-way.

*A. Exterior building design.*

1. Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.
2. Building walls and roofs over 50 feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, or awnings.
3. Window area or spandrel glass shall make up at least 20 percent or more of the exterior wall area facing the principal street(s).
4. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this ordinance must also be satisfied.
5. Overhead doors shall not face a public street or residential district. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required by the ordinance.
6. Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and spacing of openings.

*B. Building materials.*

1. Durable building materials which provide an attractive, quality appearance must be utilized.
2. The predominant building materials (50% or more of the face) should be quality materials such as earth-toned brick, native stone, and tinted/textured concrete masonry units and/or glass products.
3. Other materials such as smooth-faced concrete block, EIFS panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
4. Metal roofs may be allowed if deemed by the Planning Commission to be compatible with the overall architectural design of the building.

*C. Building colors.*

1. Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors such as neon, metallic, or fluorescent for the facade and/or roof of the building are prohibited except as approved by the Planning Commission for building trim.
2. The use of trademark colors not meeting this requirement must be approved by the Planning Commission.
3. Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.

*D. Roof design.*

1. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.

2. Roofs shall have no less than two (2) of the following features:

- a. Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
- b. Overhanging eaves, extending no less than one (1) foot past the support walls;
- c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
- d. Three (3) or more roof slope planes.
- e. A specific architectural element proposed by the applicant's architect that is acceptable to the City Planner and Planning Commission.

E. *Customer entrances.*

1. Each large retail establishment (15,000 square feet or more) on a site shall have clearly defined, highly visible customer entrances featuring no less than five (5) of the following:

- a. canopies or porticos;
- b. overhangs;
- c. recesses/projections;
- d. arcades;
- e. raised corniced parapets over the door;
- f. peaked roof forms;
- g. arches;
- h. outdoor patios;
- i. display windows;
- j. architectural details such as tile work and moldings which are integrated into the building structure and design;
- k. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- l. a specific architectural element proposed by the applicant's architect that is acceptable to the City Planner and Planning Commission.

2. Where additional units will be located in the large retail establishment, each such store may have at least one (1) exterior customer entrance, which shall conform to the above requirements.

3. A bike rack or other acceptable form of bike parking or storage shall be provided near the primary entrance of all commercial structures in a ratio of no less than one bike slot or space for each ten parking spaces provided onsite, with a minimum of two such slots or spaces. This shall not apply to structures in the B-3 zoning district.

F. *Community amenities.* Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

G. *Signs.* Signs shall be in accordance with the city's sign ordinance. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.

H. *Natural features.* Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.

I. *Building location and orientation.* New buildings shall have at least one principal building entrance oriented toward the front lot line.

J. *Sidewalks.* All development shall include a provision for sidewalks within the site and within the right-of-way to provide connectivity between adjacent sites, the public realm, parking areas, primary structures, and any other on-site amenities.

#### **Section 38-398 – RESIDENTIAL DWELLING DESIGN STANDARDS:**

A. Intent

This Section is intended to establish regulations for the construction of new residential dwellings zoned R-1 and R-2, including reconstructed and in-fill housing. The standards herein are intended to:

1. Prevent grossly dissimilar dwellings which would adversely affect the value of dwellings in the surrounding area.
2. Prevent adverse effects on the desirability of an area to existing or prospective homeowners.
3. Ensure the stability of the environment.
4. Promote the most appropriate use of real estate.
5. Increase the opportunity to realize the development pattern envisioned in the Owosso Master Plan.

These regulations are based on the finding that the cohesiveness and character of the city's neighborhoods are significant factors in the city's quality of life,



contribute to the distinct character in the various neighborhoods and help retain property values. These regulations further ensure new housing units are harmonious with the general character of the adjacent houses and the city overall and ensure a stable housing stock. While some level of diversity is desirable, these regulations are intended to ensure the design variation of new homes is similar to the level of variation in existing homes in the immediate area, or surrounding neighborhoods with similar densities for new residential projects. The standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

**B. Applicability**

The regulations of this Section shall apply to all new single family home construction zoned R-1 and R-2. Major home expansions where the homeowner is expanding the footprint of the home by forty percent (40%) or more shall comply with subsections TBD.D.9, TBD.D.10, and TBD.D.11, in addition to required building codes, to ensure the resulting home continues to maintain the character of the neighborhood. The standards shall not apply to minor home expansions, interior remodeling, or to residences outside of the one and two family zoning districts.

**C. Approval**

Compliance with these regulations shall be determined by the Building and Zoning Administrator at the time the building permit is reviewed and shall be based on the standards of subsection D below.

**D. Standards**

1. Each such dwelling unit shall comply with all pertinent building and fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
2. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the City Building Code and other building regulations.
3. Each such dwelling unit shall comply with the minimum standards listed throughout the zoning code for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
4. Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the City Building Code.
5. The dwelling shall have an attached or detached structure of equal workmanship as the dwelling unit, designed for the parking and storage of vehicles. Said structure shall be functionally and

aesthetically compatible in design and appearance with other residences in the surrounding area as defined in subsection 12 below. When attached to a mobile home, modular home, pre-fabricated home or pre-constructed home, said structure shall comply with all requirements of the Michigan Building Code relative to grade separation and fire restrictive requirements.

6. Each such dwelling unit shall contain a storage area equal to or greater than ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less. This storage area shall consist of a basement, attic or in a separate detached accessory structure that complies with the standards of this Section regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.
7. The roof shall have a minimum 4:12 pitch and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall be composed of metal or wood shake, asphalt, or other acceptable shingles. A roof overhang of not less than six (6) inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
8. A minimum of two (2) exterior doors shall be provided with the second one being in either the rear or side of the dwelling. All dwelling units shall be oriented toward the public right-of-way such that the façade that faces the street contains a door, windows, and other architectural features customary to the front facade of a residence.
9. The width across any front, side or rear elevation shall be a minimum of twenty (20) feet and comply in all respects with the City Building Code.
10. In-fill housing or development on vacant lots in an existing platted subdivision shall consider the gross floor area and lot coverage of surrounding homes to ensure compatibility. The gross floor area and lot coverage of the proposed dwelling shall be at least ninety percent (90%) and no more than one-hundred and thirty-five percent (135%) of the average square footage of constructed single family dwellings within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit, with measurements made from the edge of the street.
11. In-fill housing or development on vacant lots in an existing platted subdivision shall maintain a consistent front building line along the street. The front yard setback of the proposed dwelling shall be no less than ninety percent (90%) and no more than one-hundred and thirty-five percent (135%) of the average established front yard setback of other single family dwelling unit within five hundred (500) feet, up to the boundary of the existing

neighborhood, of the subject dwelling unit, with measurements made from the edge of the street.

12. Building appearance for all new single family dwelling unit construction shall be aesthetically compatible in design and appearance with other residences in the surrounding area.

Definitions for what constitutes the surrounding area are as follows:

- i. For new single family neighborhood development (in the form of a new subdivision plat or new site condominium project), the surrounding area is defined as the nearest existing neighborhoods with similar densities.
- ii. For in-fill housing development where there are one (1) or a few isolated sites being developed within the existing neighborhood (in the form of an existing lot of record or recent land division), surrounding area shall be defined as within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit; with measurements made from the edge of the lot in each direction, including the opposite side of the street.

The determination shall be made by the Building and Zoning Administrator and in considering similarity and compatibility with the surrounding area the following features must be considered in order to meet this requirement:

- a. Exterior building material used on the proposed dwelling
- b. Roof style
- c. The design and position of windows
- d. Front entry design (presence of porches, front door location, etc.)
- e. Garage style and design

If the Building and Zoning Administrator cannot reach a determination on architectural compatibility, the application shall be forwarded to the Planning Commission for review and final action.

## 6. Appeal

An applicant may appeal the decision of either the Building and Zoning Administrator or the Planning Commission to the Zoning Board of Appeals. The City shall provide written notification of denial at the last address of record. A written application for an appeal hearing before the Zoning Board of Appeals shall be filed with the office of the Building and Zoning Administrator within 15 calendar days of the receipt of the notice of denial.

7. Exceptions

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks.

**YEAS ALL. MOTION CARRIED.**

**PUBLIC HEARING #2 Outdoor Sales and Storage; Temporary Uses Ordinance.**

Chairman Wascher opened the public hearing at 7:52 p.m. There were no public comments. Hearing was closed at 7:52 p.m.

Commission Comments:

Mr. Zettel stated that outdoor sales and storage are not permitted now, but this will loose the guidelines. Part 5C is to changed to 200 square feet.

Commission discussed Part F – exceptions for storing; sidewalk sales; windshield repairs.

**MOTION BY COMMISSIONER LIVINGSTON, AND SUPPORTED BY COMMISSIONER KURTZ TO APPROVE:**

**THE OWOSSO PLANNING COMMISSIONER HEREBY RECOMMENDS APPROVAL OF THE TEMPORARY STRUCTURES AND USES ORDINANCE TO THE CITY COUNCIL, AS ATTACHED, WITH THE FOLLOWING CHANGES;**

- 1. OUTDOOR CHANGE TO 200 SQUARE FEET.**

That Section 38-504.4.a of the *Code of Ordinances*, which read as follows, shall be repealed:

~~**Temporary permits. For temporary structures for dwelling purposes, including trailer coaches, subject to the following procedures and limitations:**~~

- ~~**1. An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the board on a special form used exclusively for that purpose.**~~
- ~~**2. The board shall give due notice to the applicant and to all property owners within three hundred (300) feet of the property affected at least five (5) days before the hearing will be held on such application.**~~
- ~~**3. A temporary permit shall not be granted unless the board finds adequate evidence that the proposed location or use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the county health department or the city director of public services.**~~
- ~~**4. The board may impose any reasonable conditions, including setbacks, land coverage, off-street parking, landscaping, and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.**~~
- ~~**5. The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed six (6) months. No permit shall be transferable to any other owner or occupant.**~~

**SECTION 2. NAME.** The amended Ordinance shall be known and cited as the “City of Owosso Temporary Structures and Uses.”

**SECTION 3. ADDITION.** That the new Section 38-399 which read as follows, shall be adopted:

**Section 38-399. Temporary structures and uses.**

- A. *Temporary structures used for residential purposes:*** A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the building official.

Also, a manufactured dwelling unit or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction, major repair, or remodeling of a new dwelling unit, subject to the following:

1. An occupancy permit is issued by the building official for the temporary residence.
  2. Such permits may be issued by the building official for up to six months in duration and may be renewed for periods of up to six months, provided that work is proceeding in an expeditious manner.
  3. Temporary structures shall comply with the setback standards for the district in which they are located.
  4. The building official shall approve electrical and utility connections to any temporary structure.
  5. An approved temporary structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a certificate of occupancy for the permanent dwelling.
- B. *Performance guarantee:*** The applicant shall furnish the city with a performance guarantee to assure removal of the temporary structure.
- C. *Temporary structures used for nonresidential purposes:*** Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the building official. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a certificate of occupancy for the project.
- D. *Permits:*** Permits for the utilization of temporary structures shall be issued by the building official. The permit shall specify a date for the removal of the temporary structure, and the zoning administrator may require posting of a bond to insure removal. A certificate of occupancy shall be required for such structures.
- E. *Use as an accessory structure:*** A temporary building or structure may only be used as an accessory building or structure if it meets all accessory structure requirements of this code.
- F. *Special events and other temporary uses:*** The zoning administrator or building official may grant temporary use of land and structures for special events and other temporary uses, subject to the following general conditions:
1. The use must be one permitted as-of-right within the applicable zoning district.

2. Adequate off-street parking, site ingress/egress, and adequate clear vision areas shall be provided.
  3. The applicant shall specify the exact duration of the temporary use.
  4. Electrical and utility connections shall be approved by the building official.
  5. A performance bond may be required to assure proper clean-up.
  6. Review by and approval by the police and fire departments.
  7. Approval of other applicable government agencies to ensure compliance with applicable health and safety regulations and standards.
  8. The use must be carried out so as to meet all other zoning and general ordinance provisions and performance standards, including but not limited to signs, lighting, noise, etc.
  9. The approval of the building official is required and all performance standards of this ordinance must be met.
- G. **Specific temporary use conditions:** The following conditions apply to specific temporary uses:
1. **Carnival, circus, festival, seasonal markets:**
    - a) **Operator, sponsor or beneficiary:** Government or not for profit entities only.
    - b) City council approval required.
  2. **Sidewalk uses including display, sales, and other features:**
    - a) **Time:** Operating hours only. The business must be open and staffed.
    - b) **Location:** In the B-3 zoning district only.
    - c) **Sidewalk coverage:** An area no less than four feet wide shall be maintained for passage of pedestrians at all times.
    - d) **Uses:** For portable signs, display, sale, and/or service of onsite products and activities only, including retail goods and food service. No off-premise advertising, sales, or services are permitted (i.e. vendors are not permitted).
    - e) **Exceptions:** Planters, bike racks, and decorative features may remain outside provided they adhere to all performance standards of the ordinance.
    - f) **Additional requirements:** The approval of the building official and street administrator is required; owner must provide liability insurance for activities in the right-of-way.
  3. **Christmas tree sales:**
    - a) **Maximum duration:** 45 days.
    - b) **Clean-up:** Stumps, branches, and other debris shall be completely removed from site.
    - c) Building official approval required.
  4. **Roadside produce or farm stands:** Because roadside stands are seasonal in character and utilized on a temporary basis, roadside stands shall be allowed in Business Districts by the city for periods not to exceed six months provided a temporary permit is obtained from the city and provided the following provisions are met:
    - a) The sale of farm products in a roadside stand shall not take place within the dedicated right-of-way of any thoroughfare within the city, and assurances shall be made to the city that ample off-street parking has been provided, and adequate ingress and egress provided to the stand.
    - b) No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.

**5. Outdoor sales and display:**

- a) **Time:** Operating hours only. The business must be open and staffed.
- b) **Location:** In the B-1, B-2, & B-4 zoning districts only; front or side yards only; use cannot occur in areas dedicated to parking, storm water detention/collection, or areas required for emergency use or clear vision.
- c) **Lot coverage:** An area no more than two hundred (200) square feet shall be used as outdoor sales and display area.
- d) **Setbacks:** Setbacks from the right of way and all lot lines must be a minimum of 10 feet or that setback require by Article XVI, whichever is less.
- e) **Uses:** For display, sale, and/or service of onsite products and activities only. No off-premise advertising, sales, or services are permitted (i.e. vendors and/or leased space are not permitted).
- f) **Exceptions:** Gas stations may store product in the vicinity of the fueling islands/pumps provided the product does not inhibit parking, traffic circulation, fueling, or vehicle occupant ingress/egress.
- g) **Additional requirements:** The approval of the building official is required and all performance standards of this ordinance must be met. Any loose debris, damaged products, unsecured materials, or products determined to be junk, waste, or scrap in nature shall be deemed a nuisance per se.

YEAS ALL. MOTION CARRIED.

**SITE PLAN REVIEW:** None

**BUSINESS ITEMS:** None

**ITEMS OF DISCUSSION:** None

**COMMISSIONER / PUBLIC COMMENTS:**

Mike Bruff thanked the Commission for listening and taking the comments tonight into consideration.

Mr. Zettel presented a report regarding the 2012 activities of the Planning Commission and the Zoning Board of Appeals that he will be sending on to the City Council. There was general acceptance of the report.

**ADJOURNMENT:**

**MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER RENFROW, TO ADJOURN AT 8:02 P.M. UNTIL FEBRUARY 25, 2013.**

YEAS ALL. MOTION CARRIED.

---

Melvin Renfrow, Secretary

mms