

OWOSSO CITY COUNCIL

FEBRUARY 4, 2013

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND CAL LONG
FIRST UNITED METHODIST CHURCH

PLEDGE OF ALLEGIANCE: JIM HARDWICK
OCTV CONTRIBUTOR

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons, Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.

ABSENT: Councilperson Loreen F. Bailey.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda as presented.

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

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

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of January 22, 2013 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

CYSTIC FIBROSIS DAY PROCLAMATION

Mayor Frederick read aloud the following Proclamation of the Mayor's Office declaring February 8, 2013 as Cystic Fibrosis Day in the City of Owosso:

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
PROCLAIMING FEBRUARY 8, 2013 AS
CYSTIC FIBROSIS AWARENESS DAY IN THE CITY OF OWOSSO**

Whereas, Cystic Fibrosis is an inherited chronic disease that affects the lungs and digestive system of about 30,000 children and adults in the United States; and

Whereas, a significant commitment of time and financial resources is required each day to effectively treat the symptoms of the disease and to help prolong the life of those with it; and

Whereas, research is the key to the continued development of new treatments to help and possibly someday cure patients with Cystic Fibrosis; and

Whereas, for 26 years a group of local families and volunteers has dedicated themselves to raising funds for CF research through their annual Cystic Fibrosis Dinner which has resulted in raising well over \$160,000; and

Whereas, because of efforts like theirs researchers have been able to develop exciting new therapies which target the root of the problem and not simply the symptoms, one of which was approved for use by the FDA in the past 12 months; and

Whereas, it is fitting to honor those living with CF and to recognize the achievements made by the local families, volunteers and organizations fighting to cure it here in Shiawassee County on the 26th anniversary of the Cystic Fibrosis Dinner.

NOW, THEREFORE, I, Benjamin R. Frederick, Mayor of the City of Owosso, Michigan, do hereby proclaim February 8, 2013 as "Cystic Fibrosis Awareness Day" in the City of Owosso, Michigan and do hereby encourage all citizens of this community to acknowledge and support the Cystic Fibrosis Foundation along with our local volunteers in their efforts to inform and serve the citizens of our community. We as a community proudly stand with those whose lives have been affected by Cystic Fibrosis – bonded by the shared goal of working toward a cure.

Proclaimed this 4th day of February, 2013.

CERTIFICATE OF APPRECIATION - JAMES HARDWICK

Mayor Frederick presented the following Certificate of Appreciation to James Hardwick thanking him for all of his work on the local cable access channels:

A CERTIFICATE OF APPRECIATION FROM THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN RECOGNIZING

JAMES HARDWICK

The Mayor, on behalf of the City Council and all local residents, expresses sincerest appreciation for his efforts in preserving, operating, and improving the local cable access channel.

Mr. Hardwick has dedicated himself to this endeavor for close to 20 years. In that time he has established a non-profit organization, donated his time and equipment, produced countless programs, and served as a broadcaster, all in an effort to further the reach and increase the quality of the local cable channel to improve the lives of local residents.

We in the city therefore state the following:

Your passion is appreciated and your dedicated commitment to this area asset is worthy of commendation.

The greater Owosso area has been the beneficiary of your time, efforts, and financial contributions to the cable channel.

Through the work on the cable channel that you have provided, and continue to provide, residents have an outlet on which to share their views and receive information about local happenings. It is important to also remember that while much of your time was spent behind the camera, your work ethic and pride has shined through in the finished product.

It is the intent of this Office that your efforts not go unrecognized, and it is with great pride and honor that I, Benjamin R. Frederick, Mayor of the City of Owosso, offer to you a sincere:

“THANK YOU!”

PUBLIC HEARINGS

SITE PLAN REVIEW – 120 MICHIGAN AVENUE

City Manager Donald D. Crawford indicated that PUD developments require Council approval of the Site Plan. He also highlighted the Resolution of Support that is part of the Consent Agenda saying it was important for the City to formally express its support for the project to aid the developer in securing tax credits.

P. Craig Patterson, Vice President of Development for the Woda Group, presented the Site Plan for review. The City Council reviewed the Site Plan documents. The Planning Commission hearing, held January 14, 2013, resulted in approval of the Site Plan with the following conditions, which were incorporated as much as possible at this juncture, into the documents before Council this evening:

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

A public hearing was conducted to receive citizen comment regarding review of the site plan for the Planned Unit Development at 120 Michigan Avenue (Lincoln House).

The following person commented in regard to the proposed site plan:

Brent Jones, SEDP Project Specialist, voiced the SEDP's support for the project saying the Woda Group was a proven company that would revitalize an historic building in the downtown.

Mayor Pro-Tem Popovitch commended the Woda Group for working with the Planning Commission and addressing all of their concerns.

Councilperson Cook expressed a strong desire to see more opportunity for water infiltration at the site saying it was important to take advantage of such opportunities to reduce the run-off into the river. Mr. Patterson noted that the firm tried very hard to increase green areas where possible but the site presented a challenge because of the small space. It was further noted the development, as planned, will

not increase the amount of impervious surface on parcel. There was discussion regarding the timeline of the project, if the item would be presented to Council again at a future date, and potentially adding a condition to the Site Plan requiring consideration of a reduction in impervious surfaces.

Motion by Councilperson Fox to authorize the following resolution approving the site plan with conditions:

RESOLUTION NO. 07-2013

**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.
6. Consideration of a reduction in impervious surfaces.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

ORDINANCE AMENDMENT - LINCOLN HOUSE PILOT AGREEMENT

The proposed amendment would establish a Payment in Lieu of Taxes agreement for the Lincoln House senior housing project.

A public hearing was conducted 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.

There were no citizen comments.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Eveleth that the following ordinance be adopted:

ORDINANCE NO. 739

**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*, shall be repealed.

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.

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 a Sponsor for the construction and permanent financing of 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 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 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 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 31st 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.
Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

SPECIAL ASSESSMENT DISTRICT NO. 2013-01 – HAZARDS & NUISANCES

A public hearing was conducted 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.

There were no citizen comments.

Motion by Councilperson Eveleth to approve Resolution No. 2 establishing Special Assessment District No. 2013-01 – Hazards & Nuisances as follows:

RESOLUTION NO. 08-2013

**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:

PARCEL NUMBER	ADDRESS	BALANCE
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.

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: Councilperson Erfourth.

ABSENT: Councilperson Bailey.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner at 118 South Washington Street, said he felt that Officer Kevin Pettigrew was owed a public apology by City Council for being fired without cause.

Eddie Urban, 601 Glenwood Avenue, announced that Purple Heart recipients were eligible for a free computer through the VA. He also spoke out against a recent proposal to lower property taxes for disabled veterans saying local communities will pay the price for the reduction in tax revenues. Lastly he donated several boxes of candy canes to the Public Safety Department to give to children they encounter in the line of duty.

Councilperson Eveleth thanked City Manager Crawford for speaking to the evening Kiwanis Club the previous Tuesday.

Councilperson Fox noted that it was hoped a sign advertising the Firemen's Memorial would be installed on the site of its future location by the end of the week.

Councilperson Cook thanked Mr. Urban for his comments on veterans and sought clarification on the proposed legislation to reduce property taxes for disabled veterans.

CITY MANAGER REPORT

City Manager Crawford highlighted several items on the Project Status List. He also distributed copies of the newly completed fee schedule. He asked that Council members look it over in the coming week and ask any questions they may have. Mayor Frederick inquired whether there could be any consolidation and simplification of the fees listed, particularly the building fees. It was noted the list had been closely examined and no further consolidations were planned at this time.

Mayor Frederick made note that it appears the State will continue crediting local municipalities for past cooperative efforts when calculating their EVIP stipends.

There were questions on when the 2013 street program would be announced, the status of the Bentley Park renovations, DEQ approval of the splash pad, new audience chairs for the Council Chambers, and making improvements to the audio/visual apparatus in the Council Chambers.

CONSENT AGENDA

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

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 as follows:

RESOLUTION NO. 09-2013

SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE RUESS WINCHESTER, INCORPORATED 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.

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 as follows:

RESOLUTION NO. 10-2013

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.

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 as follows:

RESOLUTION NO. 11-2013

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:

PARCEL NUMBER	ADDRESS	BALANCE
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 of Support – Lincoln House. Authorize resolution of support for the Lincoln House project at 120 Michigan Avenue as follows:

RESOLUTION NO. 12-2013

**CITY OF 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 and new curbs on Clinton Street, 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 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 Don & Metta Mitchell 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; and

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

1. Reconstruction of the Capital Bowl, with an estimated cost of \$2,100,000 and \$158,550 in TIF reimbursement to developer.
2. Reconstruction of the Lebowsky Theater (in progress) estimated at \$6,000,000 including a \$200,000 loan contribution from the local CDBG revolving loan fund.
3. Reconstruction of the Wesener Building, with an estimated cost of \$2,000,000 and \$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 No. 457. Authorize Warrant No. 457 as follows:

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

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

ITEMS OF BUSINESS

EXECUTIVE SESSION

The agenda item 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 was passed upon by Council, choosing instead to discuss the matter in open session.

LAND ACQUISITION – 1155 VANDEKARR ROAD

Considerable discussion was had regarding the proposed purchase of the 36 acre tract of land commonly known as 1155 Vandekarr Road. Topics included: the numerous opportunities for this particular piece of land, whether it could be annexed into the City, exactly what purpose the parcel will be used for, the reservations of a couple of Council members because of past experience purchasing land, using the parcel to tackle some Master Plan objectives like connecting trails, and setting a time limit for making plans for the parcel.

There was further discussion regarding investing in the future and taking advantage of opportunities while being good stewards of public funds. It was suggested specific plans for the parcel be presented to the Council within 12 months to avoid letting the land sit unutilized.

Motion by Councilperson Cook to approve the resolution authorizing the purchase of land adjacent to the City, commonly known as 1155 Vandekarr Road as follows:

RESOLUTION NO. 13-2013

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 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.
- FIFTH: Specific plans for the parcel shall be proposed for inclusion in the Master Plan within 12 months of purchase.

Motion supported by Mayor Pro-Tem Popovitch.

Note: A supermajority is required for the purchase of land.

Roll Call Vote.

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

NAYS: Councilperson Eveleth.

ABSENT: Councilperson Bailey.

COMMUNICATIONS

Planning Commission. 2012 Annual Report.

Historical Commission. Minutes of January 14, 2013.

Planning Commission. Minutes of January 14, 2013.

Zoning Board of Appeals. Minutes of January 15, 2013.

Downtown Historic District Commission. Minutes of January 16, 2013.

Parks & Recreation Commission. Minutes of January 28, 2013.

Planning Commission. Minutes of January 28, 2013.

CITIZEN COMMENTS AND QUESTIONS

Michael Tillotson, 1299 South Shiawassee Street, commented regarding the sophisticated features of some audio/visual equipment.

Rodney Weinert, 524 Martin Street, expressed his frustration with the City planting trees underneath power lines in the right of way only to see Consumers Energy remove them for interfering with the power lines years later. He also asked if the drainage issue on his street could be looked into. He indicated drainage tile had been installed years ago but had become plugged over time and was now causing flooding during rains. And he noted he forgot the third issue he intended to inquire about. It was noted the drainage issue would be looked into.

Eddie Urban, 601 Glenwood Avenue, thanked Mr. Tillotson for his work in filming Council meetings over the years.

Tom Manke, business owner at 118 South Washington Street, thanked Council for recognizing Jim Hardwick for his work with the cable channels. He also asked if the City would start including all crimes on the weekly crime report as he feels some are being left off the list.

Craig Patterson, Woda Group Vice President of Development, thanked the Council, the Planning Commission and City staff for their efforts and support of the Lincoln House project. He indicated they will be applying to MSHDA for various credits on February 15th.

There was discussion regarding making audio and video of Council meetings more accessible, utilizing the new website to its full potential, City practices when planting trees under power lines, and

approaching homeowners about planting trees on private property when it is not feasible to plant trees in the traditional right of way area.

Councilperson Cook announced the Alma College Percussion Ensemble was coming to town Friday, February 22nd, tickets are \$10.

Councilperson Eveleth indicated he was present for the elevation of Owosso High sophomore Ryan Comrie to the rank of Eagle Scout over the weekend. He went on to thank Mr. Comrie for his service project at Hopkins Lake.

Rodney Weinert, 524 Martin Street, was asked by Councilperson Fox to speak a second time and the request was allowed by the Mayor. He asked what plans the City had for the property behind him on Martin Street.

Mayor Pro-Tem Popovitch suggested a posting be placed on the City website looking for property owners willing to have a city tree planted on their private property.

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

Motion by Councilperson Eveleth for adjournment at 9:25 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk