

OWOSSO CITY COUNCIL

MAY 20, 2013

7:30 P.M.

- PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK
- OPENING PRAYER:** GINA MOSKAL, LAY PERSON (RETIRED)
ST. PAUL CATHOLIC CHURCH
- PLEDGE OF ALLEGIANCE:** GORDON PARKINSON
- PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.
- ABSENT:** None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda with changes to the following items:

- Move to Items of Business:
 - 5. CDBG Sign Grant Approval – 113 South Washington Street
- Add to the Consent Agenda:
 - 8. Art Walk Permission.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MAY 6, 2013

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of May 6, 2013, correcting the reference to City Manager Crawford on page three to reflect the correct title (City Manager, not Councilperson).

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF MAY 8, 2013

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of May 8, 2013 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

DANDY WALKER AWARENESS MONTH

Mayor Frederick read aloud the following proclamation of the Mayor’s Office declaring May 2013 as Dandy Walker Syndrome and Hydrocephalus Awareness Month in the City of Owosso:

**A PROCLAMATION
OF THE MAYOR’S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
DESIGNATING MAY 2013 AS
DANDY-WALKER SYNDROME AND HYDROCEPHALUS AWARENESS MONTH
IN THE CITY OF OWOSSO**

- WHEREAS,** Dandy-Walker Syndrome is the most common congenital malformation of the cerebellum. Between 10,000 and 40,000 people have Dandy-Walker Syndrome in the United States; and
- WHEREAS** Dandy-Walker Syndrome affects at least one child in every 25,000 live births. However, this is likely a significant underestimate because of the difficulties in diagnosing the syndrome. Patients with Dandy-Walker Syndrome may present with developmental delays, enlarged head circumference, and signs or symptoms of hydrocephalus – the excessive accumulation of fluid in the brain; and
- WHEREAS,** the Dandy-Walker Alliance, Inc. is the only national organization focusing on promoting the public good and supporting education, informational activities and non-partisan research that increases public awareness of this congenital birth defect; and
- WHEREAS,** Dandy-Walker Syndrome and Hydrocephalus Awareness Month provides an opportunity to raise awareness of this disability and to focus on efforts to improve

the lives of those living with Dandy-Walker, as well as to find a cause and better treatment options.

WHEREAS, Dandy-Walker is largely unknown to the general public; therefore, it is the desire of this office and of the Owosso City Council to educate and inform this community to assure that families facing this diagnosis can receive support. In particular, we join with the Scrimger family and celebrate that their son Bennett has received the care he needed and is a happy and healthy toddler. We also applaud Dr. Kurt Aurand and his team at Memorial Healthcare for their attention to this syndrome and the outstanding level of care they are providing for the Scrimger family and so many others in Owosso.

NOW, THEREFORE, I, Benjamin R. Frederick, Mayor of the City of Owosso, do hereby proclaim May 2013, as Dandy Walker Syndrome and Hydrocephalus Awareness Month in the City of Owosso and encourage all citizens to join me in this worthy observance.

Proclaimed this 20th day of May, 2013.

The entire Scrimger family, including 18-month old son Bennett, a Dandy-Walker patient, were on hand to receive the proclamation.

AMOS GOULD OUTSTANDING CITIZEN AWARD

Mayor Frederick presented the 2012 Amos Gould Outstanding Citizen award to David Shepard, honoring him for his long-time volunteer efforts in the City of Owosso and all around the world. Describing him as irritatingly humble, Mayor Frederick noted a few of Dave's volunteer efforts over the years including 9 mission trips, assisting 3 Eagle Scouts with their Eagle projects, and founding and directing the local chapters of the Key Club and the Builders Club at the High School and Junior High respectively. Dave has also been a Kiwanis Club member for over 34 years. Mr. Shepard has been involved in countless volunteer efforts in the City and his volunteer exploits have taken him all over the world.

Dave thanked the Mayor for the honor, he said he was accepting the award on behalf of all of the volunteers out there, and there were far more deserving folks for such an award. Mr. Shepard was presented with a key to the city for his honor.

SHIAWASSEE HOMEBUILDERS ASSOCIATION PRESENTATION

Association president Jerry Meyer was on hand to present a before and after pictorial of the rehabilitation pilot project at 1409 West Main Street, noting all of the work that had been done on the house. He went on to say that while the Association had to dedicate almost twice as much money as they had originally budgeted to complete the project he hoped the recent upswing in the market would help them to break even on the deal. He said that the Association recognized the value the project brought to the neighborhood by stabilizing a deteriorating property and putting local people to work and they had not completely ruled out taking on another project.

Councilperson Cook thanked the organization for undertaking the project and said he hoped to take away knowledge from the experience that could be applied to future projects to make them more viable.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Mayor Frederick thanked County Commissioner Horvath for providing written information on the status of animal control in the county.

On behalf of the Military Order of the Purple Heart, the VFW, and the Disabled American Veterans Eddie Urban, 601 Glenwood Avenue, thanked Amos Gould award winner Dave Shepard for his work on the recent fund raiser for the Wounded Warrior Project setting off Chinese paper lanterns at the airport. He said the display was not only generous but very beautiful.

Mayor Frederick noted that a host of students had expressed a desire to be at the meeting to honor Mr. Shepard but various previously scheduled athletic and academic events prevented them from coming.

Joni Forster, former City Council woman & member of the Historical Commission, said she was experiencing great frustration with the funding structure for the City's historic properties as well as the lack of formal agreements governing any number of duties relating to those historic properties and the land they sit on. She went on to say that despite the burden placed upon the Historical Commission in regard to funding the upkeep and programming for the historic properties that

there was no communication between the Commission, the Council, and City Staff making their job even more difficult. She asked that Council consider reviewing the funding structure for the Commission.

Mayor Pro-Tem Popovitch thanked Amos Gould award winner Dave Shepard for helping her over years saying that when she was a single mother with young children he would sneak across the street to her house and shovel her driveway in the winter without her knowing. She also noted her appreciation for Ms. Forster's comments saying the budget was a difficult document to understand and was still tough for her even after 3 years on the Council.

There was discussion regarding the condition of the City's historic properties, the source of funding for maintenance and programming for the properties, and the desire to better define the role of the properties and the role of stakeholders.

Councilperson Cook remarked on the success of the first ever Culture Fest event and the downtown car show over the weekend, saying it was really nice to see all the activity in town.

He went on to address some of his immediate concerns with the County's response to the City's inquiry about animal control. This sparked a discussion between Council and County Commissioner Horvath, who was present in the audience. The Council wanted to know what service they received in exchange for dog license fees and how much money is generated from dog licenses issued to City residents. Comments were made that it was unfair for City residents to pay dog license fees and county taxes but receive no services in exchange.

Councilperson Erfourth thanked Lorraine Austin for her work in organizing Culture Fest saying it was a great event and he hoped it would continue. He went on to thank Ms. Forster for coming to speak to the Council and for her efforts on the Historical Commission. He relayed the frustration the Commission experiences with a lack of solid funding, confusion as to who is responsible for certain tasks, and the missed opportunities to capitalize on the City's historic properties due to a lack of man power. He said the proposed historical director role had generated criticism due to its added cost but he felt that there was greater expense in missing opportunities to utilize the historic properties.

CITY MANAGER REPORT

City Manager Crawford distributed copies of the Fred Meijer CIS Trailway study containing a proposed route for the section of the trail going through the City. There was a brief discussion regarding signage for the trail.

Councilperson Eveleth inquired whether the traffic issue at the High School that was brought up by a citizen a few weeks ago had been investigated. Public Safety Director Lenkart indicated he had talked with the principal and he had indicated the main traffic issue in the area existed only for a few minutes around the time that school is let out and it resolves itself rather quickly. There was discussion regarding installing signage and striping so that pedestrian crossings in the area are more visible.

Councilperson Erfourth inquired whether the DPW could dig out some new flower beds in Curwood Castle Park as a Historical Commission member was willing to donate and plant flowers in the park if someone would work up the soil for her. City Manager Crawford indicated he realized Curwood Castle Park was in need of refurbishing and the City was in the process of looking for potential grant money to help with such a project. He also expressed his frustration with the ever increasing requests for free work by the DPW, saying their numbers were reduced and funding for extra work is an issue. As the resources of the DPW are clearly finite Councilperson Cook suggested the City allocate a certain amount of funds each year for assistance with volunteer projects such as this. Projects would then be prioritized to determine which projects could receive help in that fiscal year. Councilperson Fox expressed his frustration that the City would not simply perform the work requested. He said such refusals would result in citizens ceasing to donate to the City. Mayor Frederick suggested such projects could potentially be helped through a private organization, such as the Helping Hands group, if the City granted permission for the work to be done. Councilperson Fox indicated he would like to see the creation of a policy to that effect.

CONSENT AGENDA

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

Ordinance Amendment First Reading and Set Public Hearing – Notifications. Conduct First Reading and set a public hearing for June 3, 2013 to receive citizen comment regarding proposed ordinance to amend Chapter 1, General Provisions, Section 1-9, *Notices*, of the Code of Ordinances of the City of Owosso, Michigan to clarify the procedures for notification as follows:

RESOLUTION NO. 43-2013

TO SET A PUBLIC HEARING TO HEAR COMMENT REGARDING THE PROPOSAL TO AMEND

**CHAPTER 1 GENERAL PROVISIONS
OF THE CODE OF ORDINANCES
TO AMEND THE SECTION REGARDING NOTICES**

Whereas, Section 1-9 of the Code of the City of Owosso defines the manner in which notices shall be served to private individuals in the instance expenses have been accrued for work performed by the City on private property, including sidewalk repairs, sewer or water connections, abatement of dangerous structures, and abatement of nuisances; and

Whereas, the manner of notification in each of the above mentioned circumstances is clearly defined elsewhere in the Code or, in cases regarding property maintenance, in the International Property Maintenance Code (IPMC); and

Whereas, Section 1-9 causes confusion due to its redundancy, and sometimes conflict, with provisions of the Code and the IPMC.

Now, Therefore, Be It Resolved, by the Council of the City of Owosso, Michigan that the following amendment to the Code of the City of Owosso be recommended:

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 1, General Provisions, Section 1-9, *Notices*, of the Code of Ordinances of the City of Owosso, Michigan is hereby amended as follows:

Sec. 1-9. - Notices.

Notices regarding ~~sidewalk repairs, sewer or water connections, dangerous structures, abating nuisances or any other act~~, the expense of which, if performed by the city, may be assessed against the premises under the provisions of this Code, shall be served **in the following manner if not otherwise specified elsewhere:**

- (1) By delivering the notice to the owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion; or
- (2) By mailing the notice by **first class or certified or registered** mail to such owner at his or her last known address; or
- (3) If the owner is unknown, by posting the notice in some conspicuous place on the premises at least five (5) days before the act or action concerning which the notice is given is required or is to occur.

Section 2. This amendment shall become effective twenty days after passage.

Section 3. 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 4. A public hearing is set for Monday, June 3, 2013 at 7:30 p.m. to hear citizen comment regarding the proposed amendment.

Ordinance Amendment First Reading and Set Public Hearing – Grass and Noxious Weeds.
Conduct First Reading and set a public hearing for June 3, 2013 to receive citizen comment regarding proposed ordinance amendment to amend Chapter 18, Nuisances, Article V, *Grass and noxious weeds*, Sections 18-121 through 18-125, of the Code of Ordinances of the City of Owosso, Michigan to update the list of prohibited plant species and to reflect the provisions of the 2009 International Property Maintenance Code as follows:

RESOLUTION NO. 44-2013

**AMENDING CHAPTER 18 NUISANCES
ARTICLE V, GRASS AND NOXIOUS WEEDS
SECTIONS 18-121 THROUGH 18-125
OF THE CODE OF ORDINANCES**

AN ORDINANCE to amend Chapter 18, Nuisances, Article V, *Grass and noxious weeds*, Sections 18-121 through 18-125 of the Code of the City of Owosso, to update the list of prohibited plants and to reflect the provisions of the 2009 International Property Maintenance Code.

Whereas, prior to 1977 the City adopted an ordinance prohibiting the growth of tall grass and noxious weeds and defining a process by which violations of the ordinance would be handled; and

Whereas, since that time the State has added new species to the list of prohibited and restricted plants and the City has adopted the 2009 International Property Maintenance Code (IPMC) which contains provisions regulating the growth of weeds and grass; and

Whereas, amendment of the City Code is required to keep it up to date and bring it into symmetry with the provisions of the IPMC.

Now, Therefore, Be It Resolved, by the Council of the City of Owosso, Michigan that the following amendments to Chapter 18, Nuisances, Article V, *Grass and noxious weeds*, Sections 18-121 through 18-125 of the Code of the City of Owosso are proposed and further a public hearing is set for June 3, 2013 as follows:

THE CITY OF OWOSSO ORDAINS:

Section 1. That The Code of Ordinances of the City of Owosso, Michigan is hereby amended by altering Chapter 18, Nuisances, Article V, *Grass and noxious weeds*, Sections 18-121 through 18-125 as follows:

Sec. 18-121. - Definitions.

For the purposes of this article "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (*charlock*, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sow-thistle (*Sonchur arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior*.) and poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*), **and any species identified by the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994) as prohibited or restricted including: African oxygen weed (Lagarosiphon major), Brazilian elodea (Egeria densa), Cyllindro (Cylindrospermopsis raciborskii), European frogbit (Hydrocharis morsus-ranae), Fanwort (Cabomba caroliniana), Giant hogweed (Heracleum mantegazzianum), Giant salvinia (Salvinia molesta, auriculata, biloba, or herzogii), Hydrilla (Hydrilla verticillata), Japanese knotweed (Fallopia japonica), Parrot's feather (Myriophyllum aquaticum), Starry stonewort (Nitellopsis obtusa), Water chestnut (Trapa natans), Yellow floating heart (Nymphoides peltata), Curly leaf pondweed (Potamogeton crispus), Eurasian watermilfoil (Myriophyllum spicatum), Flowering rush (Butomus umbellatus), Phragmites or common reed (Phragmites australis).**

Sec. 18-122. - Prohibited conditions.

No person occupying any premises, nor any person owning any unoccupied premises, shall permit or maintain on any such premises:

- (1) Any growth of noxious weeds;
- (2) Any growth of grass or other rank vegetation to a greater height than ~~twelve (12)~~ **eight (8) inches in the average**; or
- (3) Any accumulation of dead weeds, grass or brush.

Sec. 18-123. - Duty of occupant or owner.

It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the city to cut and remove or destroy by lawful means all such noxious weeds and grass, at least once each year not later than the fifteenth day of May, and thereafter as often as may be necessary to comply with the provisions of this article.

Sec. 18-124. - Cutting by city.

If any person shall fail to comply with the provisions of section 18-123 by the specified time, the city manager shall, ~~through the department of public works,~~ cause all such grass and noxious weeds to be cut or destroyed upon lands of the person not complying with the provisions hereof. ~~The director of the department shall keep an~~ **An** accurate account of all expenses incurred with respect to each parcel of land entered upon in carrying out the provisions of this article **shall be kept** and ~~shall make a sworn statement of the account and present the same to the city manager and presented for invoicing.~~

Sec. 18-125. - Collection ~~from owner of unpaid charges.~~

~~A copy of the sworn statement, including an~~ **the** account of the costs incurred on each of the several descriptions or parcels of property, shall be transmitted to the city treasurer. The city treasurer shall add to all such accounts fifteen (15) percent of all such expenditures to cover the costs of publication, overhead and other expense, and collect the total amount as provided in section 10.7 of the Charter.

Sec. 18-126. - Notice of requirements.

The city clerk shall on or before the first day of May of each year give notice of the requirements and provisions of this article by publishing a notice thereof once a week for two (2) successive weeks in a newspaper of general circulation in the city.

Secs. 18-127—18-130. - Reserved.

Section 2. This amendment shall become effective twenty days after passage.

Section 3. 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 4. A public hearing is set for Monday, June 3, 2013 at 7:30 p.m. to hear citizen comment regarding the proposed amendment.

Traffic Control Order No. 1293. Authorize Traffic Control Order No. 1293 for the installation of School Bus Parking Only signs on the north side of Oliver Street from Shiawassee Street to Ada Street.

Traffic Control Order No. 1294. Authorize Traffic Control Order No. 1294 to allow parking along the south side of Comstock Street from Washington Street to Park Street.

Payment Authorization. Authorize final payment to the Michigan Department of Transportation for work completed on the reconstruction of Oliver and Stewart Streets in the amount of \$20,509.62 as follows:

RESOLUTION NO. 45-2013

**AUTHORIZING FINAL PAYMENT TO
THE MICHIGAN DEPARTMENT OF TRANSPORTATION
FOR WORK COMPLETED ON
THE OLIVER STREET AND STEWART STREET RECONSTRUCTION PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has received a Michigan Department of Transportation Small Cities Grant; and

WHEREAS, using these funds in concert with monies from Street Special Assessments and the Street Bond Fund, the City has undertaken a project to reconstruct Oliver Street from M-52 to Washington Street and Stewart Street from Chipman Street to Cedar Street, replacing deteriorated curbs and pavement to improve the street infrastructure on these two streets; and

WHEREAS, final work on this project has been completed and is now eligible for payment; and

WHEREAS, the Michigan Department of Transportation has requested final reimbursement for the City's share of the work.

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 in the public interest to reimburse the Michigan Department of Transportation for eligible funds spent in the course of reconstructing portions of Oliver Street and Stewart Street.
- SECOND: The accounts payable department is authorized to submit payment to the Michigan Department of Transportation in the amount of \$20,509.62 as detailed on the attached Project Final Settlement request as authorized by Council on May 20, 2013.
- THIRD: The above expenses shall be paid from the Street Bond Fund and Special Assessments.

Warrant No. 463. Accept Warrant No. 463 as follows:

Vendor	Description	Fund	Amount
B S & A Software	Annual Updates- Building Dept-Internet Services- Delinquent Property	General	\$7,825.00
Logicalis, Inc.	Network Engineering Support- April 2013	General	\$6,664.00
Brown & Stewart, PC	Professional Services- April 9, 2013 – May 13, 2013	General	\$9,195.56

*Check Register – April 2013. Affirm check disbursements totaling \$625,324.81 for the month of April 2013.

Art Walk Permission. (This item was added to the agenda.) Approve the application of Owosso Main Street for use of Main Street Plaza on Friday, September 13, 2013 from 9:00 a.m. to 10:00 p.m. for an Art Walk, authorize Traffic Control Order No. 1292 formalizing the action, and waive the insurance requirement.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

*Due to its length, full text of the Check Register is not included in the minutes. A complete copy of this document is on file in the Clerk's Office.

ITEMS OF BUSINESS

DEMOLITION AUTHORIZATION & BID AWARD – 804 CENTER STREET

There was discussion regarding whether the City could foreclose on a property simply because there were unpaid charges that had become liens against the property. It was noted the liens in question are resolved using the tax sale process.

There was also discussion regarding rumors that previous demolition contractors had not properly disposed of materials from their demolitions. It was noted the issue was investigated and the City found the contractors had disposed of the materials properly.

Motion by Councilperson Eveleth to authorize the demolition of the structure(s) at 804 Center Street, approve bid award to S.A. Smith Paving & Trucking, Inc., also known as Smith Sand and Gravel, for the demolition in the amount of \$2,300.00, and establish a lien on the property for the costs incurred as follows:

RESOLUTION NO. 46-2013

RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR SERVICES BETWEEN THE CITY OF OWOSSO, MICHIGAN AND S.A. SMITH PAVING & TRUCKING, INC. FOR DEMOLITION OF THE STRUCTURE AT 804 CENTER STREET

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that a home located at 804 Center 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, S.A. Smith Paving & Trucking, Inc. submitted the low bid in the amount of \$2,300.00.

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 S.A. Smith Paving & Trucking, Inc. to demolish a structure at 804 Center 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 S.A. Smith Paving & Trucking, Inc. at a total cost not to exceed of \$2,300.00.
- THIRD: The city manager is authorized to execute any required permits to proceed with the demolition.
- FOURTH: Any charges incurred by the City pertaining to the abatement of the above described nuisance are hereby liened against the property.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

SET PUBLIC HEARING –
SPECIAL ASSESSMENT DISTRICT NO. 2013-03 – HAZARDS AND NUISANCES

Motion by Councilperson Eveleth to authorize Resolution No. 1 setting a public hearing for June 3, 2013 to receive citizen comment regarding Special Assessment District No. 2013-03, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating and removing of hazards and nuisances at 804 Center Street as follows:

RESOLUTION NO. 47-2013

**SPECIAL ASSESSMENT DISTRICT NO. 2013-03
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 June 3, 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 hearing 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
050-450-000-021-00	804 Center Street	\$5,910.00

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 June 3, 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 Bailey.

Roll Call Vote.

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

NAYS: None.

DOWNTOWN DEVELOPMENT AUTHORITY GENERAL APPROPRIATIONS RESOLUTION

Motion by Councilperson Eveleth to adopt the General Appropriations Resolution to authorize the levy of the Downtown Development Authority millage for the 2013-2014 fiscal year as follows:

RESOLUTION NO. 48-2013

**GENERAL APPROPRIATIONS RESOLUTION FOR
DOWNTOWN DEVELOPMENT AUTHORITY-2013-14**

WHEREAS, the Authority board met to consider a proposed budget for fiscal year 2013-14, and after deliberations and public input approved a budget; and

WHEREAS, the Owosso City Council held a public hearing on the proposed budget on May 6, 2013; and,

WHEREAS, it is the intent of the Downtown Development Authority to levy a tax for general operating purposes pursuant to Public Act 197 of 1975 based on the budget summary attached hereto and made part hereof; and

WHEREAS, the general property tax laws, specifically MCL 211.34(d) provide for an annual compound millage reduction calculation applied to the maximum millage rate of two mills pursuant to MCL 125.1662; and

WHEREAS, the millage reduction commonly known as the "Headlee" rollback results in a maximum operating millage rate of 1.9484 for which the Authority is authorized to levy,

NOW THEREFORE, BE IT RESOLVED, that the tax levy for the fiscal year commencing July 1, 2013 shall be the rate of 1.9484 per \$1,000 of taxable value of the 2013 assessment roll for the district as approved by the Board of Review,

The levy will generate a revenue yield for operating purposes as follows:

GENERAL OPERATING	1.9484 MILLS	\$27,702
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Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: None.

CDBG SIGN GRANT APPROVAL – 113 SOUTH WASHINGTON STREET

(This item was moved from the Consent Agenda)

Councilperson Erfourth indicated he had concerns that another local business had applied for a sign for their location and was turned down. He wanted to know why that business was turned down and what was different about this sign that qualified it for approval and a potential grant. Assistant City Manager Adam Zettel and Downtown Historic District Commission Coordinator Sarah Warren-Riley responded to his concerns saying the Historic District Commission denied the application for the other sign because it did not comply with the standards set forth by the Secretary of the Interior due to its proposed location, the materials proposed, and the lighting proposed. At that time the HDC also provided the applicant with a list of criteria that would bring the sign into compliance and allow their approval. They went on to say that the criteria for new signs and the criteria for existing signs are different, the sign up for consideration tonight was replacing an existing sign, and it met with the Secretary's standards. Councilperson Erfourth inquired whether the other local business could reapply for a sign permit and potentially receive a similar grant to help offset the cost. It was noted they could.

Motion by Councilperson Erfourth to approve a grant from the CDBG Loan Program to the owner of Lula's Restaurant, 113 S. Washington Street, in the amount of \$1,000.00 for the purchase of a historical sign for the business as follows:

RESOLUTION NO. 49-2013

**AUTHORIZING PAYMENT FROM THE CDBG REVOLVING LOAN FUND
LOAN TO JOHN BEILFUSS FOR A SIGN REIMBURSEMENT GRANT
RELATED TO IMPROVEMENTS AT 113 S. WASHINGTON STREET**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the improvement of signs in the downtown for preservation and identification purposes serves an economic and public benefit to the community; and

WHEREAS, the city of Owosso operates a Community Development Block Grant loan program, with program guidelines, to fund such activities; and

WHEREAS, the loan review committee has recommended approval of a grant under specific conditions that the city council finds fulfilled.

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 support signs that complement historic preservation efforts in the downtown.
- SECOND: The accounts payable department, under the direction of the finance director, is authorized to release funds in the amount of \$1,000 immediately following the installation of the sign as approved by the loan committee and historic district commission.
- THIRD: The above expenses shall be paid from the Community Development Block Grant Fund.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

The Council recessed from 9:00 p.m. until 9:10 p.m.

CITY BUDGET ADOPTION

There was significant discussion regarding the desire not to raise taxes for citizens, adopting the budget as proposed but not appropriating funds for certain expenditures until such time as they are examined more closely, treating the budget as a living document, creating a list of topics requiring further examination and a corresponding timeline for discussion of each topic, the necessity of the proposed historic director position, instituting a year-long holiday for general fund contributions to the fleet maintenance fund, pulling money from fund reserves to cover the historic director position and increased contributions to the SEDP, selling the Gould House, and allowing minutiae to create gridlock.

Motion by Councilperson Bailey to adopt the following General Appropriations Resolution approving the 2013-2014 Budget without the proposed .2 mil property tax increase, set aside \$50,000 from the Fleet Maintenance Fund to potentially cover the SEDP contribution and funding for the historic director position pending further work sessions, and examine the following issues in more detail between the current time and July 1st: Historical Commission and historic properties, retirement funding, permits and fees, and fleet maintenance.

Motion supported by Councilperson Eveleth.

There was discussion regarding the motion as proposed. Some members expressed a desire to see money taken from the General Fund Reserves rather than the Fleet Maintenance Fund. Some members also expressed a desire for more time to explore the list of topics included in the motion.

Motion by Councilperson Erfourth to amend the original motion to reflect the desire to see money taken from the General Fund Reserves instead of the Fleet Maintenance Fund and to change the deadline date to July 29th to allow adequate time to explore the list of topics in detail.

Motion to amend supported by Councilperson Eveleth. Voice vote. 6 Ayes, 1 Nay.

Motion by Councilperson Bailey to adopt the following General Appropriations Resolution approving the 2013-2014 Budget without the proposed .2 mil property tax increase, set aside

\$50,000 from general fund reserves to potentially cover the SEDP contribution and funding for the historic director position pending further work sessions, and examine the following issues in more detail between the current time and July 29th: Historical Commission and historic properties, retirement funding, permits and fees, and fleet maintenance.

RESOLUTION NO. 50-2013

**GENERAL APPROPRIATIONS RESOLUTION
2013-14 BUDGET**

WHEREAS, pursuant to Chapter 8, Section 5 of the Owosso City Charter, the City Council has received the proposed budget for the fiscal year beginning July 1, 2013 and held a public hearing on May 6, 2013; and

WHEREAS, it is the intent of the City Council to levy ad valorem and specific property taxes for general operating purposes of the City; for payment of principal and interest on voted indebtedness; and for special voted millage to support public transportation, based on the budget summary for fiscal year 2013-14 attached hereto and made part hereof; and

WHEREAS, the general property tax laws, specifically, MCL 211.34(d) provide for a compound millage reduction calculation applied to the City Charter maximum authorized operating millage rate of fifteen mills per thousand of taxable value; and

WHEREAS, this millage reduction commonly known as the Headlee rollback results in a maximum operating millage rate of 13.0370 for which the City is authorized to levy; and

WHEREAS, the Garbage Disposal Plants Act, MCL 123.261, allows for the City to levy up to three mills on all taxable property to provide for the collection and disposal of certain solid wastes; and

WHEREAS, it has been determined that a levy of one mill per \$1,000 of taxable value is required to operate a solid waste recycling program; and

WHEREAS, the voters approved, by a majority, in an election held on August 7, 2012, a millage, not to exceed .33 mills per \$1,000 of taxable value to support public transportation; and

WHEREAS, the board of the Shiawassee Area Transportation Authority have requested funding from the City equating to a millage of .3300 mills per thousand of taxable value for which the City is authorized to levy; and

WHEREAS, it has been determined that a millage rate of .2882 mills per thousand of taxable value is required for the annual debt service on unlimited tax general obligations bonds;

NOW THEREFORE, BE IT RESOLVED, that the tax levy for the fiscal year commencing July 1, 2013 shall be the rate of 14.6552 per \$1,000 of taxable value of the 2013 assessment roll as approved by the Board of Review; and

The total levy shall be composed of the constituent rates for purposes and with revenue yields described as follows:

GENERAL OPERATING	13.0370	\$3,086,901
GARBAGE DISPOSAL	1.0000	\$236,780
DEBT SERVICE	.2882	\$68,240
SATA	<u>.3300</u>	<u>\$75,584</u>
	14.6552	\$3,467,505

BE IT FURTHER RESOLVED, that \$50,000 be withdrawn from the general fund reserves to potentially cover the SEDP contribution and funding for the historic director position pending further work sessions.

BE IT FURTHER RESOLVED, that the Council will examine the following issues in more detail between the current time and July 29th: Historical Commission and historic properties purpose and mission, retirement funding, permits and fees, and fleet maintenance.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

Mayor Frederick expressed his appreciation for the debate and the willingness to move forward so that a \$6 million budget would not be held up by questions over \$50,000 in spending. He

asked that Council examine their personal schedules for potential additional meetings should they be needed.

Councilperson Cook asked that the Mayor and City Manager Crawford look at the topics listed and develop a potential schedule for discussion.

COMMUNICATIONS

Charles P. Rau, Building Official. April 2013 Building Department Report.

Charles P. Rau, Building Official. April 2013 Code Violations Report.

Kevin D. Lenkart, Public Safety Director. April 2013 Police Report.

Kevin D. Lenkart, Public Safety Director. April 2013 Fire Report.

CITIZEN COMMENTS AND QUESTIONS

Joni Forster, 1221 Adams Street, said she was disappointed that the Council feels the Historical Commission is confused as to their mission. She said their mission is clear but they are not receiving assistance from City staff the way they would expect. She went on to say that many Historical Commission members volunteer their time to run and fundraise for the City's historic properties and if the City continues to take advantage of them they will eventually quit.

Councilperson Cook said that he has learned a tremendous amount about the Historical Commission in the last few weeks and that what he took away from the discussion was Council's desire to learn more about the situation and to work toward a clear and concise plan that defines the purpose of all of the City's historic properties and the roles of all their stakeholders.

Mayor Pro-Tem Popovitch said she appreciated all of the discussion regarding the budget and she liked the idea of continuing to examine the details of the budget.

Mayor Frederick noted the Big Red Barrel project kicked off today. Four local law enforcement agencies will have red barrels installed in their offices to safely collect prescription drugs that are no longer needed. Citizens are free to utilize the drop off any time the offices are open. Offices include: Shiawassee County Dispatch, Owosso Public Safety, Perry Police Department, and Durand Police Department.

NEXT MEETING

Monday, June 03, 2013

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – 2 Alternates, terms expire 06-30-2015 (candidates must possess construction knowledge)

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 10:21 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk