

**OWOSSO CITY COUNCIL
REGULAR MEETING**

DECEMBER 15, 2014

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: MAYOR BENJAMIN R. FREDERICK

PLEDGE OF ALLEGIANCE: ZACK MATOUSEK
EAGLE SCOUT CANDIDATE

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, David B. Bandkau, Burton D. Fox, Elaine M. Greenway, and Robert J. Teich, Jr.

ABSENT: None.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the following changes:

Add

ITEMS OF BUSINESS

4. Moratorium on Medical Marijuana Dispensaries
5. Moratorium on Smoking Shops/Hookah Lounges

Move to **ITEMS OF BUSINESS**

Consent 5. 2015 Income Threshold Poverty Exemptions

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 1, 2014

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of December 1, 2014 as presented.

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

STUDENT REPRESENTATIVE REPORT

Owosso Middle School Students Jamie Cline, Hafsa Khan, Lily Kregger, and Emily Rau presented the Council with a report highlighting events and activities at the Middle School. Mayor Frederick thanked the girls for all the work they are doing to better their community and empower others.

PROCLAMATIONS / SPECIAL PRESENTATIONS

ESTABLISHMENT OF HOMELESS NON-PROFIT ORGANIZATION

(The scheduled presenter was not in attendance at the meeting.)

PUBLIC HEARINGS

SPECIAL ASSESSMENT DISTRICT NO. 2014-02 – HAZARDS AND NUISANCES

City Clerk Amy K. Kirkland noted for the record that the invoices for 553 Harrison Avenue had been paid prior to the meeting and should be removed from the list.

A public hearing was conducted to receive citizen comment regarding Special Assessment District No. 2014-02, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances.

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 Mayor Pro-Tem Eveleth to adopt Special Assessment Resolution No. 2 for the annual hazards & nuisances roll as follows:

RESOLUTION NO. 168-2014

**SPECIAL ASSESSMENT DISTRICT NO. 2014-02
HAZARDS AND NUISANCES**

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:

PARCEL NUMBER	ADDRESS	BALANCE
050-011-020-001-00	902 CORUNNA	\$ 167.35
050-537-000-055-00	1542 W MAIN	\$ 141.68
050-390-005-030-00	1101 N BALL	\$ 250.13
050-651-007-002-00	222 CASS	\$ 121.50
050-602-012-010-00	1616 FREDERICK	\$ 121.50
050-536-000-034-00	1230 N SHIAWASSEE	\$ 144.50
050-390-004-012-00	1260 ADAMS	\$ 121.50
050-580-000-140-00	930 JEROME	\$ 144.50
050-710-001-012-00	915 CORUNNA	\$ 144.50
050-010-003-015-00	702 GLENWOOD	\$ 121.50
050-602-007-005-00	1803 W STEWART	\$ 250.23
050-560-000-025-00	1001 MEADOW	\$ 172.94
050-660-011-001-00	219 N CEDAR	\$ 189.40
050-390-004-012-00	1260 ADAMS	\$ 143.27
050-420-007-009-00	719 LINGLE	\$ 143.27
050-010-004-010-00	703 GLENWOOD	\$ 186.52
050-111-001-020-00	814 E KING	\$ 186.52
050-601-000-037-00	221 W STEWART	\$ 184.44
050-490-000-058-00	1600 W MAIN	\$ 65.30
050-710-001-012-00	915 CORUNNA	\$ 266.62
050-660-007-012-00	1018 BEEHLER	\$ 340.71
050-580-000-140-00	930 JEROME	\$ 188.75
050-652-007-009-00	813 S PARK	\$ 236.88
050-602-007-005-00	1803 W STEWART	\$ 224.36
050-390-004-012-00	1260 ADAMS	\$ 221.80
050-601-000-064-00	319 W RIDGE	\$ 377.60
050-660-011-001-00	219 N CEDAR	\$ 186.04
050-602-012-010-00	1616 FREDERICK	\$ 362.72
050-580-000-140-00	930 JEROME	\$ 202.85
050-250-000-050-00	514 PINE	\$ 221.17
050-420-017-023-00	710 BROADWAY	\$ 349.06
050-536-000-034-00	1230 N SHIAWASSEE	\$ 463.58
050-110-017-024-00	621 WOODLAWN	\$ 195.70
050-660-012-009-00	202 N CEDAR	\$ 167.79
050-570-000-026-00	1700 W STEWART	\$ 387.07
050-580-000-137-00	706 JEROME	\$ 824.56
050-470-024-001-00	300 W MAIN	\$ 398.54
050-751-000-008-00	1171 JACKSON	\$ 130.01
		<u>\$ 8,746.36</u>

and

WHEREAS, there being no one to be heard 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 each of the assessments 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 properties.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$8,746.36 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2014-02.
2. Said Special Assessment Roll-Hazards and Nuisances No. 2014-02 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 Bailey.

Roll Call Vote.

AYES: Councilpersons Teich, Bailey, Mayor Pro-Tem Eveleth, Councilpersons Bandkau, Greenway, Fox, and Mayor Frederick.

NAYS: None.

The following work was previously leined and will be transferred to the delinquent tax roll:

<u>PARCEL NUMBER</u>	<u>ADDRESS</u>	<u>BALANCE</u>
050-660-011-001-00	219 N CEDAR	\$ 10,572.73
050-660-011-001-00	219 N CEDAR	\$ 1,091.50

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, wondered when the cable access channel would be discussed again. It was noted it would be discussed at some point in the future.

Councilperson Bailey thanked everyone that supported the latest Trap/Neuter/Release effort. Over 100 cats have now been spayed/neutered. An informational meeting has been scheduled for Sunday, January 11, 2014 at 11:00 am for those that would like to learn how to help community cats during the winter months. She went on to say that due to the cold weather the next TNR event would not be held until at least March. Lastly, she noted plans to develop a Facebook page and her desire to update the City’s animal ordinances.

Councilperson Fox noted that there was no easy solution to the cable access channel situation. He said he would like to see the channel become self-supporting and be removed from the Clerk’s Office. He went on to say that he is looking for volunteers to help with the effort but it may take time to work things out.

Councilperson Greenway thanked everyone that participated in the Christmas at the Gould House event last week. Due to its overwhelming success the Commission has decided to keep the Gould House open to the public from 6-8 p.m. each night until Christmas.

Councilperson Teich inquired about next steps in relation to road maintenance in light of the fact the public voted down the Headlee override request. He said he thought the override idea was a good one but felt the message was not delivered to the public prior to the election. Discussion ensued about the timing of the next election, funding road maintenance from the general fund, looking at options, and the formation of a small group to study the various avenues that could be pursued.

Mayor Frederick updated the Council on the status of the home at 111 South Lansing Street saying the City had received no offers for the sale of the home. One local charitable organization expressed interest in the home but after further examination found that moving the house would be too expensive to make the project viable. The City has let bids for demolition of the house and the contractor could be approached about allowing the charitable organization to salvage any components of value for reuse. It was anticipated Council would be asked to approve demolition of the home next month.

CITY MANAGER REPORT

City Manager Crawford highlighted the Revenue & Expenditure reports for September. It was asked if the remainder of the 2014 reports could be generated by the end of January, City Manager Crawford replied that he thought it would be.

CONSENT AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the Consent Agenda as follows:

First Reading and Set Public Hearing - Property Maintenance Code Ordinance Amendment.
Conduct First Reading and Set a Public Hearing for Monday, January 5, 2015 to receive citizen comment regarding the proposed amendment to Chapter 8, Buildings, Article VI, Property Maintenance Code, Section 8-142 to establish specific violation penalties as follows:

RESOLUTION NO. 169-2014

**SETTING A PUBLIC HEARING REGARDING
AN ORDINANCE AMENDING SECTION 8-142, ADOPTING ADDITIONS TO
THE INTERNATIONAL PROPERTY MAINTENANCE CODE (2009)
SECTION 106.4 OF THE OWOSSO CITY CODE REGARDING VIOLATION PENALTIES**

WHEREAS, the city of Owosso has previously adopted ordinances creating property maintenance and code enforcement regulations; and

WHEREAS, the city recognizes the need to amend section 8-142 of the *Code of Ordinances of the City of Owosso, Michigan*, which embodies details of the International Property Maintenance Code (2009), specifically Section 106.4 regarding violation penalties.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS that Chapter 8 Buildings and Building Regulations, Article VI. *Property Maintenance Code*, Section 8-142 of the *Code of Ordinances of the City of Owosso, Michigan* is amended to read as follows:

Sec. 8-142. - Changes in Code.

The following chapters, articles or sections of the International Property Maintenance Code (2009) adopted by the provisions of this article are hereby added, amended or deleted as hereinafter set forth. Subsequent articles, divisions, and sections numbers used in this section shall refer to the like numbered articles, divisions, and sections of such property maintenance code unless specified otherwise.

Section 101.1: Insert for name of jurisdiction: City of Owosso, Michigan

Section 103.5: Insert for fee schedule: Fees shall be set by resolution of the Owosso city council.

Section 106.4: Inserting section establishing violation penalties:

~~106.4 Violation penalties. Any person, firm or corporation, who shall violate any provision of this code, is responsible for a municipal civil infraction in section 1-8(c), plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by section 1-8(c)(2) of the Code of Ordinances of the City of Owosso, Michigan.~~

a. First and Second Offenses. Any person, firm or corporation who shall violate any provision of this code for a first or second time, is responsible for a municipal civil infraction, for each violation, as provided for in Section 1-8(c) of the Code of Ordinances of the City of Owosso, Michigan, plus costs and other sanctions.

b. Third and Subsequent Offenses. Any person firm or corporation who shall violate the same provision of this Code for a third or more instances shall be guilty of a misdemeanor, for each violation, punishable as provided in Sections 1-8(a) and (b) of the Code of Ordinances of the City of Owosso, Michigan, plus costs and other sanctions.

c. The code official, building inspector, building official, code enforcement officer, police officer or firefighter are hereby designated and authorized to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this section.

Sections 111.2 through Section 111.2.5: Delete Sections 111.2 through Section 111.2.5

Section 111.2: Insert the following wording:

PM-111.2. Membership. The Owosso Building Board of Appeals which serves as the construction board of appeals provided by the Michigan Uniform Construction Code Section 125.1514 (Act 230 Of 1972) shall hear all appeals of this ordinance.

Section 112.4: Insert amount of fine: \$50.00 and \$500.00

Section 302.4: Insert maximum height for weeds: Eight inches (8")

Section 304.14: Insert dates requiring window screens: April 15 and November 15

Section 602.3: Insert dates requiring heat: September 1 and May 1

Section 602.4: Insert dates requiring heat: September 1 and May 1

SECTION 1. 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 2. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

SECTION 4. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 5. PUBLIC HEARING. A public hearing is set for Monday, January 5, 2015 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

First Reading and Set Public Hearing – Parks & Recreation Ordinance. Conduct first reading and set a public hearing for Monday, January 5, 2015 to receive citizen comment regarding the proposal to repeal Sec. 21-3 and add sections 21-8 & 21-9 setting distinct park hours and authorizing the Public Safety Department to enforce said hours as follows:

RESOLUTION NO. 170-2014

**AMENDMENT TO CHAPTER 21, PARKS AND RECREATION
OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN,**

WHEREAS, the city of Owosso has previously adopted ordinances creating and governing parks and recreation; and

WHEREAS, the city recognizes the need for an ordinance specifying park hours.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS that Chapter 21, Parks and Recreation, of the *Code of Ordinances of the City of Owosso, Michigan* be amended as follows:

SECTION 1. REPEAL. That Section 21-3 of the *City of Owosso Code of Ordinances*, which reads as follows, shall be repealed:

~~Sec. 21-3. – Certain games restricted.~~

~~No baseball, football or softball throwing, or other violent or rough exercises or play shall be engaged in, in any public park or other public place, except in areas designated therefor by the city manager.~~

SECTION 2. ADDITION. That new sections 21-8 through 21-9 which read as follows, shall be adopted:

Sec. 21-8. – Park hours.

- (a) All parks of the city shall be open from 5:00 a.m. to 11:00 p.m. daily, unless otherwise posted. Hopkins Lake shall remain open for nighttime fishing.
- (b) It shall be unlawful for any person to enter or use a park other than during park hours.
- (c) Any person violating the provisions of Section 21-8 shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than \$500.00 and costs of prosecution, by imprisonment for not more than 90 days, or by both fine and costs and imprisonment at the discretion of the court.

Sec. 21-9. – Failure to leave when ordered to do so.

Any person who willfully disobeys an order by a police officer to leave a public park or recreation area shall be guilty of a misdemeanor.

SECTION 3. 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 4. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 5. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

SECTION 6. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 7. PUBLIC HEARING. A public hearing is set for Monday, January 5, 2015 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

Set Public Hearing - Obsolete Property Rehabilitation Exemption Certificate Amendment. Set a Public Hearing for Monday, January 5, 2014 to receive citizen comment regarding the proposal to amend the construction timeline related to Obsolete Property Rehabilitation Exemption Certificate #3-13-0012 for the Wesener Building at 104-108 North Washington Street as follows:

RESOLUTION NO. 171-2014

SETTING PUBLIC HEARING TO CONSIDER EXTENDING THE CONSTRUCTION PERIOD FOR OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE NO. 3-13-0012 WESENER, LLC

PROPERTY DESCRIBED AS:

S 2/3 OF LOT 5 & N 1/3 OF LOT 6 (EX E 22' OF LOT 6) BLK 21 ORIGINAL PLAT

WHEREAS, the City of Owosso approved an application for an Obsolete Property Rehabilitation Exemption Certificate on July 15, 2013; and

WHEREAS, the State Tax Commission approved the OPRA Certificate at their September 25, 2013 meeting; and

WHEREAS, it was established within the resolution for the OPRA Certificate, as approved by City Council and the State Tax Commission, the construction period be 18 months from the effective date of December 31, 2013; and

WHEREAS, the holder of the certificate, Wesener, LLC, has progressed in a timely manner, it is apparent the project cannot be completed within the 18 month construction period; and

WHEREAS, Wesener, LLC has asked for an extension of the construction period from 18 months to 36 months;

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

FIRST: the Owosso City Council sets public hearing for January 5, 2015 on or about 7:30 p.m. in the council chambers for the purpose of hearing comments for those within the district, and any other resident or taxpayer, of the city of Owosso; and

SECOND: the city clerk gives the notifications as required by law; and

THIRD: the city staff is directed to investigate and report findings at the hearing.

Boards and Commissions Appointments. Approve the following Mayoral appointments:

Name	Board/Commission	Term Expires
Benjamin Frederick	Brownfield Redevelopment Authority/ Local Development Finance Authority	12-31-2015
Brent Wesley	Owosso Community Airport Board	12-31-2015

2015 Income Threshold Poverty Exemptions. (This item was moved to Item of Business 6.)

Certified Local Government Resolution. Consider resolution naming a lead contact and a contract signatory for the application to the Michigan State Historic Preservation Office for certification as a Certified Local Government as follows:

RESOLUTION NO. 172-2014

CITY OF OWOSSO CERTIFIED LOCAL GOVERNMENT AGREEMENT WITH THE MICHIGAN STATE HISTORIC PRESERVATION OFFICE

WHEREAS, the City of Owosso has been invited to submit an application for certification as a Certified Local Government (CLG) making the City of Owosso eligible to compete for CLG Grants administered by the Michigan State Historic Preservation Office (SHPO); and

WHEREAS, a local government official needs to be designated for all contract signatories; and

WHEREAS, Joshua D. Adams, Owosso Main Street Manager, shall be named the person serving as the lead contact person, and

WHEREAS, Benjamin R. Frederick, City Mayor, shall be designated as the local government official for all contract signatories.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Owosso, Shiawassee County, Michigan that Joshua D. Adams, Owosso Main Street Manager, is authorized and directed to file an application for the City of Owosso's CLG certification and that upon approval of

the final application by the Michigan State Housing Development Authority, Benjamin R. Frederick, Mayor, shall be authorized to sign the certification agreement, any necessary amendments to the certification agreement, and any other certification-related documents.

Bid Award – Sale of Used Police Vehicle. Approve the bid of Kim Pemberton for one 2007 Chevrolet Impala (VIN #2G1WF55K549380019) used police vehicle in the amount of \$1,702.00 as follows:

RESOLUTION NO. 173-2014

**RESOLUTION AUTHORIZING THE EXECUTION OF SALE
FOR ONE 2007 CHEVROLET IMPALA POLICE VEHICLE TO
KIM PEMBERTON**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, established a purchasing cycle to maintain a healthy police vehicle fleet; and

WHEREAS, as part of this purchasing cycle older vehicles are retired and sold to the highest bidder; and

WHEREAS, bid solicitations were advertised, and the most responsive bid was received from Kim Pemberton of Sterling Heights, Michigan.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to sell one 2007 Chevrolet Impala police vehicle, last six digits of the VIN# reading: 380019, in the amount of \$1,702.00.

SECOND: The city clerk is instructed and authorized to complete the necessary paperwork to transfer ownership to Kim Pemberton upon the remittance of \$1,702.00.

Change Order & Payment Authorization – 2014 Street Patch Program. Authorize Change Order No. 1 to the 2014 Street Patch Program contract for additional work performed in the amount of \$16,823.97 and further authorize Progress Payment No. 2 to the contractor in the amount of \$22,235.17 as follows:

RESOLUTION NO. 174-2014

**AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT FOR
THE 2014 STREET PATCH PROGRAM
AND AUTHORIZING PAYMENT TO BLACK JACK ASPHALT
FOR WORK COMPLETED**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Bibi, Inc. aka Black Jack Asphalt for the 2014 Street Patch Program and finds it necessary and beneficial to amend the original contract as detailed in Change Order #1 for additional work requested by staff; and

WHEREAS, work on the project is now complete and eligible for payment, and quantities have been agreed to by the City and the Contractor; and

WHEREAS, the city project manager recommends approval of Change Order #1 in the amount of \$16,823.97 and authorization of Pay Estimate #2 in the amount of \$22,235.17, with \$5,000 remaining in retainage.

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

FIRST: The City of Owosso has thereto determined that it is advisable, necessary and in the public interest to amend the contract for the 2014 Street Patch Program for additional work provided in the amount of \$16,823.97 as detailed in Change Order #1.

SECOND: The accounts payable department is authorized to pay Bibi, Inc. aka Black Jack Asphalt in the amount of \$22,235.17, as detailed in Cost Estimate #2.

THIRD: The original amount of \$36,364.80 shall be paid from the water fund account number 591-552-833-200. The remaining contract amount of \$27,235.17 shall be paid from the Major and Local Street fund.

Warrant No. 494. Authorize Warrant No. 494 as follows:

Vendor	Description	Fund	Amount
Logicalis Inc.	Network engineering support-November 2014	General	\$ 7,034.00
State of Michigan-Dept of Environmental Quality	Annul NPDES Permit Fee	WWTP	\$ 5,500.00
Michigan Municipal Risk Management Authority	Building and property insurance	General	\$66,086.50
Brown & Stewart PC	Professional services- November 11, 2014–December 8, 2014	General	\$ 9,213.36

*Check Register–November 2014. Affirm check disbursements totaling \$749,534.82 for the month of November 2014.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Bandkau, Teich, Fox, Bailey, Mayor Pro-Tem Eveleth, Councilperson Greenway, and Mayor Frederick.

NAYS: None.

*Due to its length, full text of this item is not printed in the minutes. A copy of the document in its entirety is on file in the City Clerk’s Office.

ITEMS OF BUSINESS

ADAMS PARK PLAYScape PROJECT PROPOSAL

Eagle Scout candidate Zack Matousek presented his service project idea to Council. He proposes to donate and install a “Banana Split” playscape in Adams Park.

City Council expressed their excitement about the project.

Motion by Mayor Pro-Tem Eveleth to approve the proposed project to construct and donate a playscape in Adams Park by Eagle Scout candidate Zack Matousek as follows:

RESOLUTION NO. 175-2014

PLAYSCAPE DONATION FOR ADAMS PARK

WHEREAS, the City of Owosso Parks & Recreation Commission has been approached by an Eagle Scout candidate that desires to construct a playscape system in Adams Park; and

WHEREAS, the Parks & Recreation Commission has reviewed this request at its regular meeting on December 8, 2014; and

WHEREAS, the Parks & Recreation Commission believes that such a project would be a valuable asset to the park, the neighborhood, and the community; and

WHEREAS, such a feature would become property of the City to own, operate, and maintain after installed.

NOW THEREFORE BE IT RESOLVED THAT the Owosso City Council hereby approves the proposed playscape project.

BE IT FURTHER RESOLVED THAT the City Council hereby accepts the donation of such a feature and permits Zack Matousek to solicit funds for this project in accordance with City ordinance and policy.

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Mayor Pro-Tem Eveleth, Councilpersons Bandkau, Bailey, Fox, Teich, Greenway, and Mayor Frederick.

NAYS: None.

2014 AUDIT ACCEPTANCE

City Manager Crawford indicated the City had received a clean opinion on its annual audit and noted that the City’s assets far outweighed its liabilities.

Motion by Mayor Pro-Tem Eveleth to authorize the following resolution accepting and placing on file the City of Owosso Financial Report with Additional Information for the Fiscal Year Ended June 30, 2014:

RESOLUTION NO. 176-2014

**RESOLUTION ACCEPTING AND PLACING ON FILE
THE CITY OF OWOSSO, MICHIGAN FINANCIAL REPORT
WITH ADDITIONAL INFORMATION
FOR THE FISCAL YEAR ENDED JUNE 30, 2014**

WHEREAS, the city of Owosso is required by the laws of the state of Michigan to annually have an independent audit performed in accordance with generally accepted auditing standards; and

WHEREAS, the city of Owosso employed Rehmann Robson LLC, certified public accountants, to audit the financial records of the city of Owosso and such audit has been completed and is presented this date to the city council.

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

FIRST: The *City of Owosso, Michigan Financial Report with Additional Information for the Fiscal Year Ended June 30, 2014*, attached hereto and made a part hereof as Exhibit A and the same is hereby accepted and placed on file.*

SECOND: A copy of the *City of Owosso, Michigan Financial Report with Additional Information for the Fiscal Year Ended June 30, 2014* will be maintained on file in the office of the city clerk for public examination, a copy will be placed in the Shiawassee District Library Owosso Branch for public examination, and copies will be sent to those required by law and agreement.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Greenway, Fox, Mayor Pro-Tem Eveleth, Councilpersons Teich, Bailey, Bandkau, and Mayor Frederick.

NAYS: None.

*Due to its length, full text of the Audit Report is not included in the minutes. This document is on file, in its entirety, at the City Clerk’s Office.

TAX-FORECLOSED PROPERTY CONSIDERATION

City Manager Crawford noted the property in question is 409 Huron Street. He further indicated staff had examined the parcel and found it was of no strategic or financial value to the City.

Motion by Mayor Pro-Tem Eveleth to reject the listed tax-foreclosed property(s) that did not sell at the State tax sale in September 2014 as follows:

RESOLUTION NO. 177-2014

**OBJECTING TO THE TRANSFER OF UNSOLD TAX REVERTED
PROPERTIES FROM THE STATE OF MICHIGAN TO THE CITY OF OWOSSO**

WHEREAS, the city received from the state of Michigan's Foreclosure Services Section a list of parcels of property in the city of Owosso foreclosed for unpaid property taxes pursuant to Public Act 123 of 1999; and

WHEREAS, under Section 78m(6) of said Act, being MCL 211.78m(6) the title to the listed parcels will be automatically transferred to the city of Owosso on December 30, 2014, unless the city of Owosso objects to the transfer of all or any parcels before the transfer is made; and

WHEREAS, the city council has determined that the city has no interest in acquiring the parcel listed because the property in question does not possess clear title; and

WHEREAS, the city of Owosso does not wish the state of Michigan to transfer title to the city of Owosso for said parcel.

NOW, THEREFORE, BE IT RESOLVED the city council of the city of Owosso hereby objects to the transfer of title to the city of Owosso the following tax foreclosed parcel(s):

CITY OF OWOSSO 050-680-004-003 E 56' LOT 3 & W 33' OF LOT 4 BLK 4 WILLIAMS & LYONS ADD

BE IT FURTHER RESOLVED, that the city manager notify the state of Michigan that the city of Owosso objects to this transfers under MCL 211.78m(6), and requests that the state transfer said parcels to its Michigan Land Bank Fast Track Authority created under section 15 of the Land Bank Fast Track Act, 2003 PA 258, MCL 124.765.

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilperson Fox, Mayor Pro-Tem Eveleth, Councilpersons Greenway, Teich, Bandkau, Bailey, and Mayor Frederick.

NAYS: None.

MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES

(This item was added to the agenda.)

Assistant City Manager Susan Montenegro introduced the topic saying the Planning Commission had recently been approached by a corporation seeking to place a dispensary in the City. The Planning Commission was concerned with this development considering the fact the City does not have regulations governing the placement and operation of dispensaries. Further, they had asked that Council consider placing a 90-day moratorium on the establishment of any dispensaries to allow time to craft legislation to govern them.

Councilperson Bandkau indicated that the State ~~Legislature~~ **House** had recently passed new legislation governing dispensaries and the Planning Commission wanted the City's Code to reflect those changes. He also noted the Commission wanted to ensure that all dispensaries in the City are governed by the same rules.

(Councilperson Bandkau asked that the minutes be corrected to reflect the fact that the amendment to the Medical Marijuana Law he had referred to had passed the House but died for lack of action by the Senate.) 01/05/15 akk

Motion by Councilperson Fox to authorize the following resolution approving a 90-day moratorium on the establishment of medical marijuana dispensaries in the City of Owosso:

RESOLUTION NO. 178-2014

A RESOLUTION DECLARING A TEMPORARY MORATORIUM ON THE PERMITTING OF DISPENSARIES IN THE CITY OF OWOSSO

WHEREAS, the People of the state of Michigan have adopted, by initiative, the Michigan Medical Marihuana Act (the "Act"); and

WHEREAS, the Act does not regulate or even necessarily allow for dispensaries and many significant aspects of the operation of a dispensary could affect the health, safety and welfare of the citizens of the city of Owosso; and

WHEREAS, the City of Owosso intends to regulate dispensaries to ensure the health, safety and welfare of its citizens; and

WHEREAS, the City of Owosso, as part of the regulatory process, has adopted an ordinance regulating where dispensaries can be located; and

WHEREAS, the City of Owosso is in the process of considering and studying how to effectively regulate dispensaries to meet the intent of the Michigan Medical Marihuana Act while preserving the health, safety and welfare of its citizens; and

WHEREAS, the City Council desires that no dispensaries be permitted to open in the city of Owosso while a study is being conducted to determine the appropriate and necessary regulations;

NOW, THEREFORE, BE IT RESOLVED that:

1. No dispensaries shall be permitted from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

2. This limited moratorium for permitting dispensaries shall continue in effect for 90 days from the effective date hereof while this matter is being studied.
3. This resolution shall be effective as of December 15, 2014.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Teich, Bandkau, Bailey, Greenway, Fox, and Mayor Frederick.

NAYS: Mayor Pro-Tem Eveleth.

MORATORIUM ON SMOKING SHOPS AND HOOKAH LOUNGES

(This item was added to the agenda.)

Again Assistant City Manager Montenegro reported she had been contacted by parties hoping to establish hookah lounges in the City and the Planning Commission had expressed concern with the lack of regulation governing where such establishments could be located, with the Commission requesting a 90-day period to craft regulations for such businesses.

Councilperson Bandkau also noted the Commission’s concern with ventilation and infiltration of adjacent properties.

There was a brief discussion regarding how such establishments are typically regulated.

Motion by Councilperson Fox to authorize the following resolution approving a 90-day moratorium on the establishment of smoking shops & hookah lounges:

RESOLUTION NO. 179-2014

A RESOLUTION DECLARING A TEMPORARY MORATORIUM ON THE PERMITTING OF NEW SMOKING SHOPS AND HOOKAH LOUNGES IN THE CITY OF OWOSSO

WHEREAS, the city council for the city of Owosso finds that a need has emerged to study and develop regulations for public health, safety and welfare applicable to establishments that operate smoking lounges and facilities commonly described as tobacco retail specialty shops, cigar bars, 0% nicotine establishments, hookah lounges and bars, and other smoking facilities by any other name; and

WHEREAS, the city council for the city of Owosso finds that it is necessary to develop consistent, cohesive, and objective land use, development, and regulatory standards applicable to facilities and establishments commonly described as tobacco retail specialty shops, cigar bars, 0% nicotine establishments, hookah lounges and bars, and other smoking facilities by any other name, that may desire to operate within the city; and

WHEREAS, the city council finds that it would be counterproductive to approve the operation of these establishments within the city while the city studies and develops and adopts applicable, consistent regulations.

THEREFORE, BE IT RESOLVED, that the city administration and city council shall study the need for regulation and develop consistent, cohesive and objective land use, development and regulatory standards for the operation of tobacco retail specialty shops, cigar bars, 0% nicotine establishments, hookah lounges and bars, and other smoking facilities by any other name.

BE IT FURTHER RESOLVED, that during the course of study and deliberations as to the appropriate zoning and regulatory ordinance regulations for tobacco retail specialty shops, cigar bars, 0% nicotine establishments, hookah lounges and bars, and other smoking facilities by any other name, a moratorium is hereby declared effective immediately for a period of 90 days from the date hereof. Effective December 15, 2014, city review and approval of all applications, related to tobacco retail specialty shops, cigar bars, 0% nicotine establishments, hookah lounges and bars, and other smoking facilities by any other name, during the period of moratorium shall be deferred.

BE IT FURTHER RESOLVED, that during the period of this moratorium, there shall be no consideration or action taken by the city, any elected or appointed official, or any employee on any request to operate a tobacco retail specialty shop, cigar bar, 0% nicotine establishment, hookah lounge or bar, or any other smoking facilities whether a new operation or a license location transfer.

BE IT FURTHER RESOLVED, that during this period of a moratorium, an aggrieved property owner or business petitioner may request and be entitled to a hearing before the city council for the purpose of attempting to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate applicable provisions of State or federal law.

A hearing shall be requested in a written submittal to the city clerk that describes the grounds for the request and will be scheduled for the next regular city council meeting. Upon concluding the hearing, the city council shall determine whether the petitioner has made the required demonstration, and if so, shall grant relief from the moratorium to the extent necessary to cure that effect or violation.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Bandkau, Greenway, Fox, Bailey, Teich, and Mayor Frederick.

NAYS: Mayor Pro-Tem Eveleth.

2015 INCOME THRESHOLD POVERTY EXEMPTIONS

(This item was moved from the Consent Agenda.)

Councilperson Bailey indicated she had hoped to postpone this item to allow time to explore the possibility of using the ALICE thresholds instead of the federal poverty thresholds. She said she would like to know how many people would fit into each level should the thresholds be amended.

Motion by Councilperson Bailey to postpone adoption of the 2015 Income Threshold Poverty Exemptions until January 5, 2015 to allow time to explore raising the limits to meet the ALICE threshold.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Greenway, Bailey, Teich, Mayor Pro-Tem Eveleth, Councilpersons Fox, Bandkau, and Mayor Frederick.

NAYS: None.

COMMUNICATIONS

Richard C. Williams, Finance Director. September 2014 Revenue & Expenditure Report.

Charles P. Rau, Building Official. November 2014 Building Department Report.

Charles P. Rau, Building Official. November 2014 Code Violations Report.

Kevin D. Lenkart, Public Safety Director. November 2014 Police Report.

Downtown Historic District Commission. Minutes of November 19, 2014.

Parks & Recreation Commission. Minutes of November 24, 2014.

Planning Commission. Minutes of November 24, 2014 (no quorum).

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, said he was a Boy Scout as a child and he used much of his Scouting knowledge when he fought in Vietnam.

Tom Manke, business owner at 118 South Washington Street, commented regarding a recent Letter to the Editor from the Mayor asking why the City would suggest the County use its fund balance to shore up its budget when the City refuses to do the same itself. Mayor Frederick indicated the letter was from him, and he spoke only for himself. He also pointed out the letter never suggested the County use its fund balance to plug the holes in their budget. Councilperson Fox added that each Council member speaks his/her own mind and a letter from one member should not be misconstrued as representing the entire Council or the City in general.

Mayor Frederick acknowledged County Commissioner Mary Nordbeck for her service on the Commission representing City precinct 1-1, recognizing her presence this evening as well as her attendance at any number of City Council meetings over the course of her term.

Mayor Pro-Tem Eveleth wished everyone a Merry Christmas and a happy New Year.

NEXT MEETING

Monday, January 05, 2015

BOARDS AND COMMISSIONS OPENINGS

None.

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:35 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk