

**OWOSSO CITY COUNCIL  
REGULAR MEETING**

**MARCH 16, 2015**

**7:30 P.M.**

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

**OPENING PRAYER:** PASTORAL ASSOCIATE EDWARD HORSKI  
ST. PAUL CATHOLIC CHURCH

**PLEDGE OF ALLEGIANCE:** BARBARA BAKER-OMEROD  
2015 GOLDEN PLUNGER RECIPIENT

**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 Councilperson Fox to approve the agenda as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 2, 2015**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of March 2, 2015 as presented.

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

**STUDENT REPRESENTATIVE REPORT**

None.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**2015 Plunge for Parks Awards**

Assistant City Manager Susan K. Montenegro presented awards to the top fund raiser, Barbara Baker-Omerod and the best costume winner, Casey Lambert, from this year's Plunge for Parks event. She also announced that the event raised approximately \$12,400 for the skate park.

**PUBLIC HEARINGS**

**ORDINANCE AMENDMENT – CHAPTER 38, ZONING**

The proposed amendment would regulate the location of smoking lounges within the City limits.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 38, Zoning, Section 38-5, *Definitions*, and Section 38-217, *Principal uses permitted*.

There were no citizen comments regarding the proposed amendment received prior to or during the meeting.

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

**ORDINANCE NO. 762**

**AMENDING SECTIONS 38-5 AND 38-217 OF CHAPTER 38, ZONING,  
TO ESTABLISH REGULATIONS GOVERNING THE LOCATION OF SMOKING LOUNGES**

WHEREAS, the city of Owosso has a zoning ordinance governing the use of buildings, structures, and land to ensure the most appropriate use of land and promote the general welfare of the public; and

WHEREAS, the city recognizes the need to amend the Zoning Ordinance to establish regulations governing the location of smoking lounges.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS that Chapter 38 Zoning, Sections 38-5 and 38-217 of the *Code of Ordinances of the City of Owosso, Michigan* be amended as follows:

SECTION 1. ADDITION. That Section 38-5, Definitions, shall be amended to add a definition for "Smoking Lounge" as follows:

**Section 38-5. – Definitions.**

*Smoking lounge* shall mean an establishment, which has a State issued smoking ban exemption certificate, and that allows smoking of tobacco products or non-tobacco products or substances on the premises. The term "smoking lounge" includes, but is not limited to, facilities commonly described as tobacco retail specialty stores, cigar bars and lounges, hookah cafes and lounges, tobacco bars and lounges, tobacco clubs or 0% nicotine establishments.

SECTION 2. ADDITION. That new Section 38-217(2)j, which reads as follows, shall be adopted:

**Sec. 38-217. - Principal uses permitted.**

In a B-2 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any retail business or service establishment permitted in B-1 districts as principal uses permitted;
- (2) All retail business, service establishments or processing uses as follows:
  - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building;
  - b. Any service establishment of an office, showroom or workshop nature of a decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct;
  - c. Private clubs, fraternal organizations and lodge halls;
  - d. Restaurants or other places serving food or beverage, except those having the character of a drive-in;
  - e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings;
  - f. Business schools and colleges or private schools operated for profit;
  - g. Medical marihuana dispensary or clinic provided that the medical marihuana dispensary or clinic is operated in full compliance with the Medical Marihuana Act, MCL 333.26421, and no medical marihuana dispensary or clinic shall be located within one thousand (1,000) feet of another dispensary, any park identified and so signed by the city, or any public or private school, college, or university property, nor shall any dispensary be located within five hundred (500) feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:
    1. Any house of worship;
    2. Any parcel zoned and used for residential purposes;
    3. Any licensed day care facility;
    4. Any public library.
  - h. Other uses similar to the above uses;
  - i. Accessory structures and uses customarily incident to the above permitted uses.
  - j. Smoking Lounges shall not be located within one thousand (1,000) feet of another smoking lounge, any park identified and so signed by the city, or any public or private school, college, or university property, nor shall any smoking lounge be located within five hundred (500) feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:
    1. Any house of worship;
    2. Any parcel zoned and used for residential purposes;
    3. Any licensed day care facility;
    4. Any public library.
- (3) Residential structures existing as of January 1, 2012.

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 April 6, 2015.

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.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: Mayor Pro-Tem Eveleth.

**CITIZEN COMMENTS AND QUESTIONS**

Historical Director Robert V. Doran gave Council an update on all the activities the Historical Commission has undertaken in the last few months and their plans for the future. Council remarked on the renewed energy of the group and the great ideas they were implementing.

Mayor Frederick commended the Chamber of Commerce for an outstanding Expo event this year.

Councilperson Bailey noted that she was recently made aware of a gentleman collecting "membership fees" at the Bark Park. She asked that the City consider placing signs at the park to inform users that use of the park is free. She went on to announce that the March 25<sup>th</sup> spay/neuter clinic is now full and approximately 65 cats will be participating. The next spay/neuter clinic will be held April 29<sup>th</sup>, those interested can contact her to join the waiting list.

**CITY MANAGER REPORT**

City Manager Donald D. Crawford indicated the proposed budget will be ready for presentation to Council by April 6<sup>th</sup>. He asked that Council consider scheduling approximately 6 hours of additional meetings in which to discuss the budget in depth. He went on to note several items that he was suggesting for the March 30<sup>th</sup> meeting including a number of closed session items.

**CONSENT AGENDA**

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

**First Reading & Set Public Hearing – Site Plan Review.** Conduct first reading and set a public hearing for Monday, April 6, 2015 to receive citizen comment regarding the proposed amendment to Chapter 38, Zoning, Section 38-390, *Site plan review*, of the Code of Ordinances of the City of Owosso as follows:

**RESOLUTION NO. 23-2015**

**CONDUCT FIRST READING AND SET A PUBLIC HEARING FOR  
AN ORDINANCE TO AMEND CHAPTER 38, ZONING  
OF THE OWOSSO CITY ZONING CODE REGARDING  
SITE PLAN REVIEW**

WHEREAS, the City of Owosso Zoning Code Section 38-390, Site plan review, specifies the site plan review process; and

WHEREAS, the site plan review process is lengthy and convoluted requiring the planning commission to refer to staff for review; and

WHEREAS, it is prudent to simplify and streamline the review process.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS that Chapter 38, Offenses, Article XVII, General Provisions, Section 38-390, Site Plan Review, be amended as follows:

SECTION 1. AMENDMENT. That existing Sections 38-390(1) & 38-390(2) of the Owosso City Code be amended to read:

- (1) **Submission for approval.** A site plan shall be submitted to the planning commission for approval of required for the following:
  - a. Any use or development for which the submission of a site plan is required by any provision of this chapter;

- b. Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in section 38-380, off-street parking requirements;
- c. Any use in an RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, I-1, I-2, P-1 or PUD district;
- d. Any use except single- or two-family residential which lies contiguous to a major thoroughfare or collector street;
- e. All residentially related uses permitted in single-family districts such as, but not limited to, churches, schools, colleges, institutions, and public facilities;
- f. ~~Building additions or accessory buildings shall not require planning commission review unless off-street parking in addition to that already provided on the site is required.~~ **Accessory buildings or building additions which require additional off-street parking.**

(2) ~~Preliminary site plan review. The planning commission shall review site plans required by this chapter and may grant preliminary approval to the petitioner, if the site plan conforms to the provisions of this chapter. The following information shall be so included on the site plan:~~ **Any person seeking site plan approval hereunder shall submit a site plan, application, and the applicable filing fee to the building department. The building department shall provide application forms and graphic standards for the site plan. Said site plan shall be prepared by a professional architect, engineer, landscape architect or land planner and must contain the following information.**

- a. A scale of not less than one (1) inch equals fifty (50) feet if the subject property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more;
- b. Date, northpoint, scale, and area of the site in acres;
- c. The dimensions of all lot and property lines, showing the relationship of the subject property to the abutting properties;
- d. The location of all existing and proposed structures and utilities on the subject property and all existing structures within one hundred (100) feet to the subject property;
- e. The location and layout of all existing and proposed drives and parking areas;
- f. The location and right-of-way widths of all abutting streets and alleys;
- g. The names and addresses of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan.

SECTION 2. ADDITION. That the following new Section 38-390(3) be added to read as follows:

**(3) Upon receipt of a complete site plan, application, and application fee the building department shall forward said documents to the community development department for distribution to appropriate city departments for comment. Staff comments shall be made with respect to compliance with the minimum technical requirements of city ordinances and the quality of the development consistent with the intent of the building codes, zoning codes and comprehensive plan. Upon receipt of all staff comment, the community development department shall review the site plan and make its recommendation to the planning commission which shall consider the application, site plan, all staff comments, and community development department recommendation at the next scheduled meeting.**

SECTION 3. AMENDMENT. That current Sections 38-390(3) through 38-390(8) be renumbered as Sections 38-390(4) through 38-390(9), without further changes to the text.

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 approval.

SECTION 7. 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 8. PUBLIC HEARING. A public hearing is set for Monday, April 6, 2015 at 7:30 p.m. for the purpose of receiving citizen comment regarding the proposed ordinance amendment.

**Mid-Michigan Custom Car Show Permission.** Consider application of Andy Genovese on behalf of the Mid-Michigan Custom Car Show for use of Washington Street from Main Street to Mason Street and Exchange Street from Water Street to Ball Street from 7:00am to 6:00pm on Sunday, May 17, 2015 for the Mid-Michigan Custom Car Show and authorize Traffic Control Order No. 1326 formalizing the request.

**Curwood Festival Permission.** Consider approval of the application from the Curwood Festival for use of various parking lots and streets from June 3, 2015 through June 8, 2015 for conduct of the annual Curwood Festival and authorize Traffic Control Order No. 1327 formalizing the action.

**Downtown Owosso Farmer’s Market Annual Block Party.** Consider granting the request from Downtown Owosso Farmer’s Market for the closing of Exchange Street from Ball Street to Washington Street on April 25, 2015, from 3 p.m. until 9 p.m. for the Downtown Owosso Farmer’s Market Annual Block Party and authorize Traffic Control Order No. 1328 formalizing the action.

**Downtown Owosso Farmer’s Market.** Consider granting the request from the Downtown Owosso Farmer’s Market for the closure of Exchange Street from Water Street east to Washington Street for the Downtown Owosso Farmer’s Market every Saturday from May 2, 2015 through October 31, 2015, and authorize Traffic Control Order No. 1329 formalizing the action.

**Warrant No. 499.** Authorize Warrant No. 499 as follows:

<b>Vendor</b>	<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Logicalis, Inc.	Network engineering support- February 2015	Various	\$9,408.00
William C. Brown, PC	Professional services- February 10, 2015 – March 9, 2015	General	\$ 8,119.28

**\*Check Register – February 2015.** Affirm check disbursements totaling \$ 2,102,496.34 for the month of February 2015.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**SET AGENDA FOR 5<sup>TH</sup> MONDAY MEETING**

There was general discussion about subjects the Council would like to address at the March 30<sup>th</sup> meeting. The annual street program was mentioned but dismissed because the City Engineer will be out of town until the beginning of April. There was also talk of reviewing the design ordinance, with the Mayor mentioning his desire to take action at the Council level rather than referring it to the Planning Commission once again.

Motion by Councilperson Fox to set the agenda for the meeting to be held March 30, 2015 as follows:

**ITEMS OF BUSINESS**

Scheduling of Special Meetings to Discuss the Budget

**EXECUTIVE SESSION**

- Labor Negotiations
- Purchase of Real Property
- Review of Legal Opinion
- City Manager Evaluation

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

Richard C. Williams, Finance Director. Revenue & Expenditure Report – February 2015.  
Charles P. Rau, Building Official. February 2015 Building Department Report.  
Charles P. Rau, Building Official. February 2015 Code Violations Report.  
Kevin D. Lenkart, Public Safety Director. February 2015 Police Report.  
Kevin D. Lenkart, Public Safety Director. February 2015 Fire Report.  
Historical Commission. Minutes of February 9, 2015.

**CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments.

Mayor Frederick indicated that a volunteer group had recently formed to assist with the upkeep of Oak Hill Cemetery. He asked the City for assistance with street sweeping and drainage in the cemetery area. He also mentioned a street sign at Oliver Street and Shiawassee Street that is in need of repair.

**NEXT MEETING**

Monday, March 30, 2015 – 5<sup>th</sup> Monday Meeting  
Monday, April 06, 2015 – Regular Meeting

**BOARDS AND COMMISSIONS OPENINGS**

Parks & Recreation Commission, expires June 30, 2015

**ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:05 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk