

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF JULY 20, 2020
7:30 P.M.**

Mayor Christopher T. Eveleth announced that due to the Governor's orders on social distancing and EO 2020-15 this meeting is being held as a virtual meeting.

He went on to state the following: This evening we have three public hearings scheduled, those wishing to comment as a part of a public hearing need to indicate they would like to comment by typing their name and the name of the street on which the affected property sits (Hamblin, Washington, or Main) into the chat dialogue. If you are joining us by telephone you may raise your hand for either public hearing by typing *9 on your phone; those wishing to comment must indicate so by 7:35 p.m.

After the public hearing opportunity will be provided for citizens wishing to comment on any topic.

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER JEROME C. HABER

PLEDGE OF ALLEGIANCE: MAYOR CHRISTOPHER T. EVELETH

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika, Councilmembers Loreen F. Bailey, Janae L. Fear, Jerome C. Haber, Daniel A. Law, and Nicholas L. Pidek.

ABSENT: None.

APPROVE AGENDA

Motion by Councilmember Bailey to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JULY 6, 2020

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of July 6, 2020 as presented.

Motion supported by Councilmember Haber and concurred in by unanimous vote.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Rezoning – 425 & 429 Hamblin Street

City Manager Nathan R. Henne briefly described the rezoning request. He went on to say that the Planning Commission recommended the lots be combined but the zoning remain as it is. In effect this would allow the owners to tear down the dilapidated home on the site but keep the current shed for storage. No industrial storage would be allowed on the site.

Kelly McIntyre of CIB Planning indicated that analysis of the request found that all of the criteria in the ordinance would be satisfied if the property is used as proposed. Should the use of the property change to something more industrial in nature the surrounding properties may experience a significant loss in the value of their homes.

A public hearing was conducted to receive citizen comment regarding the request to rezone the property 425 & 429 Hamblin Street from R-2, Two Family Residential District, to I-1, Light Industrial District.

The following people commented in relation to the requested rezoning:

Michael Erfourth, 801 W. Oliver Street, relayed his arguments for not allowing the rezoning request saying it would amount to spot zoning, a situation he has been affected by personally. He said that in his case there was an agreement signed requiring certain things take place for the zoning to be changed but that agreement has not been adhered to.

Brian Rinier, 426 Hamblin Street, said he doesn't want industrial zoning to creep into the residential area any further because it would significantly lower his property value and conditions in the neighborhood would only get worse.

Cassandra Boulin, 423 Hamblin Street, had turned in a series of pictures of the neighborhood prior to the hearing, saying there was already commercial property on the parcel. She said there are code violations on the main property owned by the company and they shouldn't be allowed to do the same to this property. She also said she was afraid the rezoning would lower her property value.

Darlene Shepherd, 418 Hamblin Street, said the company that owns the property has long created problems by blocking the streets in the area with their trucks. She also indicated she was concerned that the rezoning would lower her property value and didn't want to industrial stuff so close to her home.

Darlene Rinier, 426 Hamblin Street, said she felt the lot in question is low and would have to be filled to be used. She expressed her concern that if the property were backfilled the resulting runoff would flood her property. She also stated she was concerned the rezoning would negatively affect her property value.

Mayor Eveleth attempted to show a few of the pictures.

Carrie Cobb, applicant, said she was trying to do something good for the neighborhood by tearing down the old home on the property which is in terrible shape. She indicated that if she was not allowed to keep the storage shed on the property she would have nowhere to keep the lawn mowing equipment required to keep the lot in good shape and she would rather give the lot back to the City.

After hearing citizen comment on the topic the Council had a lengthy discussion regarding the following: the Planning Commission's intent to make all parties happy through compromise, the company's lack of follow-through on previous code enforcement demands, why staff would recommend the rezoning while the Planning Commission is not, and the company's plans for the property.

Motion by Councilmember Bailey to adopt the Planning Commission's compromise to allow the lots to be combined while keeping the current zoning.

There was further discussion regarding the intent of the Planning Commission, whether adding further details to the compromise could make all the parties happy, and whether such an agreement would be legal.

City Manager Henne indicated the Planning Commission had spent significant time considering the request and there was no more information or analysis to be done.

Hearing no support, Councilmember Bailey withdrew her motion.

Councilmember Fear said the Planning Commission had tried to come up with a solution that would allow the applicant to keep the shed and also keep the zoning, but if that compromise is not acceptable to the applicant she sees no reason to move forward with any changes.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Councilmember Fear that the application for rezoning and lot combination be denied.

Motion supported by Councilmember Bailey.

Roll Call Vote.

AYES: Councilmember Fear, Mayor Pro-Tem Osika, Councilmembers Pidek, Bailey, Law, and Mayor Eveleth.

NAYS: Councilmember Haber.

Rezoning – Southwest corner of Washington Street and Wesley Drive

City Manager Henne indicated that the property wasn't developed previously due to a lack of water and sewer service. The property needs the PUD overlay to be developed as proposed.

A public hearing was conducted to receive citizen comment regarding the request to rezone the property on North Washington Street from RM-1, Multiple Family Residential District – Low Rise, to RM-1, Multiple Family Residential District – Low Rise with Planned Unit Development (PUD) overlay.

The following people commented in regard to the requested rezoning:

Michael Erfourth, 801 W. Oliver Street, said he thinks the developer's hearts are in the right place but he would like to have seen the sidewalk system extend to this development.

Developers Tom Cook and Anna Owens noted that the idea for developing the property started at an SEDP meeting for the development of new middle income housing. They have formed a limited income company that will develop the property. Every house will have a front porch and a garage. And in response to Mr. Erfourth's concerns, there will be sidewalks in the new development. There is a lot of infrastructure work to be done and the team is now looking at financing options. Further, the RESD is interested in partnering with the development to include a playground that could be used by RESD students and residents. They are hoping to receive Council's support for the plan.

Mayor Eveleth said it was an awesome concept. One that will help grow the City's tax base and water and sewer usage while providing affordable middle range housing.

Whereas, the Council, after due and legal notice, and having heard all interested parties, motion by Councilmember Pidek that the following ordinance be adopted:

ORDINANCE NO. 808

**AMENDING CHAPTER 38 ZONING
OF THE CODE OF ORDINANCES TO REZONE THE PARCEL ON THE
SW CORNER OF N. WASHINGTON & WESLEY STREETS
AND AMEND THE ZONING MAP**

WHEREAS, the city council of the city of Owosso received a petition from Bailey Park Homes, L3C, developer of the real property identified as N. Washington Street, parcel number 050-535-000-001-00 to rezone the parcel from RM-1 Multiple-Family Residential District-Low Rise to RM-1 Multiple-Family Residential District-Low Rise with Planned Unit Development (PUD) Overlay; and

WHEREAS, the planning commission subsequently published the request and mailed notices of the request to surrounding property owners, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of N. Washington Street as petitioned; and

WHEREAS, the City Council held a public hearing on the request July 20, 2020, heard all interested persons, and deliberated on the request; and

WHEREAS, the City Council finds that the zoning petition meets the intent and criteria for a zoning map amendment, specifically as it relates to the requirements of Section 38-555 of the Code of Ordinances of the City of Owosso.

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF OWOSSO ORDAINS:

SECTION 1. OFFICIAL ZONING MAP AMENDMENT. That Chapter 38, Zoning, Sec. 38-27, Zoning Districts and Map, reflect the following change, to be noted on the official map and filed with the city clerk:

Parcel Address	Current Zoning	Amended Zoning
N. Washington Street, described as follows:	RM-1 Multiple-Family Residential District-Low Rise	RM-1 Multiple-Family Residential District-Low Rise with Planned Unit Development (PUD) Overlay
Parcel number: 050-535-000-001-00		
COM 358' N & 33' W OF INTER S LN SEC 12 & C/L N WASH ST TH W 231' N 6' W 133.7' N 279' E 364.21' S 284' TO POB PART OF SE 1/4 SE 1/4 SEC 12 T7N R2E		

SECTION 2. 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 3. EFFECTIVE DATE. This amendment shall become effective August 10, 2020.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Bailey, Pidek, Haber, Law, Mayor Pro-Tem Osika, Councilmember Fear, and Mayor Eveleth.

NAYS: None.

Obsolete Property Rehabilitation Exemption Certificate - 300 W. Main Street

City Manager Henne introduced the topic saying the developers were trying to resurrect the old Woodworth development that had been proposed for the site. The estimated cost of the project would be \$8 million and would qualify for a 12-year abatement. The City would forego approximately \$41,000 in tax revenue for each year of the abatement.

A public hearing was conducted to receive citizen comment regarding the application from Owosso REI Group, LLC for an Obsolete Property Rehabilitation Exemption Certificate for their property at 300 W. Main Street.

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

John Hambrick was on hand representing the developers. The Council inquired as to when repairs to the building might start, when the actual rehabilitation project will start, and what the rehabilitation project will look like. Mr. Hambrick noted that repairs should start within the week. He also went on to say that plans for the project are currently in flux due to the further deterioration of the riverside building as well as the negative effects that COVID has had on their planned tenants (three restaurants). They may raze the riverside building and possibly the middle building because they may be too far gone at this point, the analysis is currently underway.

There was discussion as to whether Councilmember Pidek had a conflict of interest if he is one the three prospective restaurant tenants. City Attorney Scott J. Gould indicated there was no conflict as he has nothing to gain financially from tonight's decision.

Motion by Councilmember Pidek to approve the Obsolete Property Rehabilitation Exemption Certificate for 300 W. Main Street as follows:

RESOLUTION NO. 104-2020

**APPROVE THE APPLICATION FOR AN
OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE FROM OWOSSO REI
GROUP, LLC
FOR PROPERTY LOCATED AT 300 W. MAIN STREET**

WHEREAS, the City of Owosso is a Qualified Local Government Unit within the State of Michigan and is empowered to provide tax exemptions for increased value of rehabilitated facilities within the City; and

WHEREAS, after public notice and a public hearing on April 18, 2016, the City Council of the City of Owosso approved an Obsolete Property Rehabilitation District at 300 W. Main Street in Owosso, Michigan. As provided by section 4(2) of Public Act 146 of 2000, said property more particularly described as:

PART OF ORIGINAL PLAT DESCRIBED AS; SOUTH 1/2 BLOCK 24 & SOUTH 10' OF NORTH 1/2 BLOCK 24, ALSO ADJACENT RESERVE 1, LYING BETWEEN EAST BANK OF SHIAWASSEE RIVER AND SAID DESCRIPTION

WHEREAS, the City Clerk received an application on March 5, 2020 from Nemer Hadad, authorized agent for Owosso REI Group, LLC owners of the property, for an Obsolete Property Rehabilitation Exemption Certificate; and

WHEREAS, notice of a public hearing concerning the application for an exemption certificate was provided to the Assessor of the City and the legislative body of each taxing unit that levies ad valorem property taxes in the City; and

WHEREAS, the City finds that the property meets the definition of an obsolete property as defined in section 2(h) of Public Act 146 of 2000 and the application for the exemption certificate is complete; and

WHEREAS, the City finds that the property relates to a rehabilitation program that when completed constitutes a "rehabilitated facility" within the meaning of P.A. 146 of 2000, and said property is located within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of PA 146 of 2000; and

WHEREAS, it has been found that the rehabilitation of the obsolete property is calculated to, and will at the time of the issuance of the certificate, have the reasonable likelihood to increase commercial activity, retain and create employment, and revitalize the downtown; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of the property already exempt under PA 146 of 2000 and under PA 198 of 1974 does not exceed 5% of the total taxable value of the unit; and

WHEREAS, the applicant is not delinquent in any taxes related to the facility; and

WHEREAS, the rehabilitation work described in the application had not commenced prior to the establishment of the District.

NOW, THEREFORE, BE IT RESOLVED that, based on the findings above made at public hearing, the City Council of the City of Owosso authorizes the application for an Obsolete Property Rehabilitation Exemption Certificate at 300 W. Main Street for a period of 12 years; and

ALSO, BE IT RESOLVED that the rehabilitation shall be completed within eighteen (18) months from the date of approval of said application, and

FURTHERMORE, BE IT RESOLVED that the application and resolution are authorized for submittal to the State Tax Commission for final review and authorization.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Pidek, Fear, Bailey, Law, Haber, Mayor Pro-Tem Osika, and Mayor Eveleth.

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 West M-21, thanked Council for decision to deny the rezoning for Trebor and asked what the exact plans are for the Matthews Building.

Mike Cline, 204 Stratford Drive, expressed his frustration with the Zoom app, saying he was not able to speak during the item addressing the Washington Street rezoning. He went on to say that he sees signs of all types, old and new, that are violating the sign ordinance. He would like to see stepped up enforcement of the ordinance.

Michael Erfourth, 801 W. Oliver Street, spoke about communications issues with the City saying people are treated as afterthoughts.

Mayor Eveleth expressed pride at the fact that the state of Michigan ranked 3rd on the list of best responders to the census. He went on to say that Owosso’s response rate is even higher than the state’s and he was willing to knock on doors to make it even better.

Mayor Pro-Tem Osika announced a \$20,000.00 grant that is available through the CARES Act for small businesses. Interested parties should contact Justin Horvath at the SEDP. Councilmember Fear said she has been approached by several people about making adjustments to the animal ordinance to allow people to keep chickens within the City limits. She asked if it would be possible for the Planning Commission to take a look at the ordinance.

Motion by Councilmember Fear to ask the Planning Commission to review the animal ordinance with a view to allowing people to keep poultry within the City limits.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmember Haber, Mayor Pro-Tem Osika, Councilmembers Bailey, Law, Fear, Pidek, and Mayor Eveleth.

NAYS: None.

CONSENT AGENDA

Motion by Councilmember Bailey to approve the Consent Agenda as follows:

Boards and Commissions Appointment. Approve the following Mayoral Boards and Commissions appointment:

Name	Board/Commission	Term Expires
Thomas Taylor*	Planning Commission	06-30-2023

* Indicates reappointment

Midwest Brass & Gas Car Parking Permission. Approve the application from the Midwest Brass & Gas for use of a portion of the southwest corner of the Comstock Parking Lot from 9:00 am on August 16, 2020 until 6:00 pm August 21, 2020 to park trucks and trailers associated with the group's tour of Shiawassee County, and authorize Traffic Control Order No. 1436 formalizing the action.

OMS/DDA RLF Loan Funding Approval – Apple Tree Lane. Approve the application from The Bake Shop and Coffee House, Inc. dba Apple Tree Lane/Wooden Crate Popo requesting a loan from the OMS/DDA Revolving Loan Fund in the amount of \$25,000.00 for expansion of their business at 207 N. Washington Street as follows:

RESOLUTION NO. 105-2020

**AUTHORIZING THE APPROVAL
OF THE RELEASE OF OMS/DDA REVOLVING LOAN FUND LOAN TO
APPLE TREE LANE/WOODEN CRATE POPCORN CO.
ASSOCIATED TO WORK AT 207 N. WASHINGTON STREET**

WHEREAS, in 1994 the city of Owosso established the Downtown Owosso Revolving (formerly UDAG/CDBG) Loan Program for projects within the Owosso Downtown Development Authority district; and

WHEREAS, on June 17, 2019 City Council approved the new OMS/DDA Revolving Loan & Grant Program, giving stewardship of the loan and grant process to the Owosso Main Street/DDA Board.

WHEREAS, on July 1, 2020 a loan application was submitted to the OMS/DDA for a loan request from The Bake Shop and Coffee House, Inc. dba Apple Tree Lane/Wooden Crate Popcorn Co. for \$25,000.00 for business expansion costs associated with business located at 207 N. Washington Street.

WHEREAS, on July 14, 2020 the OMS/DDA Revolving Loan Committee reviewed and approved the application, giving it an overall score of 75. This score is well above the 30 points required for consideration. The Committee determined the loan award for \$25,000.00.

WHEREAS, on July 15, 2020 the OMS/DDA Board of Directors approved the Revolving Loan Committee recommendations.

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

FIRST: The City of Owosso approves the loan of **\$25,000.00** to The Bake Shop and Coffee House, Inc. dba Apple Tree Lane/Wooden Crate Popcorn Co. for business expansion costs associated with business located at 207 N. Washington Street, according to the terms & specifications determined by the OMS/DDA Loan & Grant Manual.

Warrant No. 586. Authorize Warrant No. 586 as follows:

Vendor	Description	Fund	Amount
Caledonia Charter Township	Caledonia Utility Fund payment-4/1/20-6/30/20	Water	\$31,190.25
Owosso Charter Township	Owosso Charter Township 2011 Water Agreement payment-4/1/20 - 6/30/20	Water	\$13,693.96
Gould Law PC	Professional services-6/14/20-7/13/20	General	\$13,720.20

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Bailey, Pidek, Fear, Law, Haber, and Mayor Eveleth.

NAYS: None.

Mayor Eveleth announced the second session of citizen comments. Anyone wishing to comment should indicate so in the chat box or, if joining the meeting by telephone, by dialing *9.

ITEMS OF BUSINESS

Waiver of Penalty Fees - Property Transfer Affidavit

Motion by Mayor Pro-Tem Osika to approve the following resolution authorizing the waiver of late fees for Property Transfer Affidavits filed outside the 45-day requirement:

RESOLUTION NO. 106-2020

**WAIVING PENALTY FEES AND INTEREST FOR FAILURE TO FILE
A PROPERTY TRANSFER AFFIDAVIT**

WHEREAS, MCL 211.27a(10) requires the buyer, grantee, or other transferee of the property shall notify the appropriate assessing office in the local unit of government in which the property is located of the transfer of ownership of the property within 45 days of the transfer of ownership, on a form prescribed by the state tax commission; and

WHEREAS, MCL 211.27b(1) imposes penalties for the failure to file a Property Transfer Affidavit after the 45 day period has elapsed; and

WHEREAS, MCL 211.27b(5) allows the governing body of the local tax collecting unit to waive, by resolution, the penalty levied under subsection (1); and

WHEREAS, the City of Owosso hereby waives the penalties for failure to file a Property Transfer Affidavit within 45 days of a transfer of ownership.

NOW THEREFORE BE IT HEREBY RESOLVED, that the City of Owosso hereby waives penalties under Section 211.27b(1) of the General Property Tax Act.

IT IS FURTHER RESOLVED that all resolutions or parts of resolution in conflict herewith are hereby repealed.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Councilmembers Pidek, Fear, Bailey, Mayor Pro-Tem Osika, Councilmembers Haber, Law, and Mayor Eveleth.

NAYS: None.

First Responder Hazard Pay Premiums Program Application

Motion by Councilmember Bailey to approve application to the State of Michigan for First Responder Hazard Pay Premiums Program funds and authorize a \$1,000.00 payment to each of the 35 Police and Fire/EMS employees by September 30, 2020 as detailed below:

RESOLUTION NO. 107-2020

**RESOLUTION AUTHORIZING FIRST RESPONDER HAZARD PAY
PREMIUMS GRANT (FRHPPP) APPLICATION**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Public Safety Department has been notified by the Michigan Department of Treasury that it is eligible for a FRHPPP grant; and

WHEREAS, the FRHPPP has allotted \$100 million statewide to create a hazard pay benefit program for municipal first responders, fire fighters, police, and EMS employees for hazards endured during the COVID-19 emergency; and

WHEREAS, each eligible employee may receive up to \$1000; and

WHEREAS, each city is eligible for up to \$5 million; and

WHEREAS, the City of Owosso Public Safety Department employs 35 eligible employees in the police and fire department; and

WHEREAS, the grant application deadline is September 30, 2020 on a first-come, first-served basis; and

WHEREAS, the current grant approval date is November 14, 2020.

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 award a \$1000 one-time payment to its 35 eligible public safety employees for a cost to the City of Owosso of \$35,000.
- SECOND: The City of Owosso directs city staff to submit a FRHPPP grant application and to set the payout date for the benefit for September 30, 2020.
- THIRD: The above expenses shall be paid from the General Fund, accounts 101.300.702.100, 100.300.702.120, and 101.335.702.100.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Bailey, Haber, Law, Pidek, Mayor Pro-Tem Osika, Councilmember Fear, and Mayor Eveleth.

NAYS: None.

COMMUNICATIONS

N. Bradley Hissong, Building Official. June 2020 Building Department Report.
N. Bradley Hissong Building Official. June 2020 Code Violations Report.
N. Bradley Hissong Building Official. June 2020 Inspection Report.
N. Bradley Hissong Building Official. June 2020 Certificates Issued Report.
Kevin D. Lenkart, Public Safety Director. June 2020 Police Report.
Kevin D. Lenkart, Public Safety Director. June 2020 Fire Report.

CITIZEN COMMENTS AND QUESTIONS

Michael Erfourth, 801 W. Oliver Street, said that he felt the City should have performed a walk-through prior to the construction project near his home to see what they thought about it before making any changes to the neighborhood. He said he thought he should have been contacted before the City removed a sidewalk access near his home and asked that it be put back in.

Tom Manke, 2910 W. M-21, thanked Council for honoring first responders.

Mike Cline, 204 Stratford Drive, noted that no one on the Council had responded to his comments on signs. He asked why the subject was not getting addressed as part of code enforcement and threatened to pull offending signs down himself.

Councilmember Law asked if Retriever Solutions had fulfilled all of the terms of the agreement signed when the City agreed to rezone their property.

Councilmember Fear and City Manager Henne debated the level at which the City is responsible for communicating with residents when a construction project is proposed.

Councilmember Fear noted that things would be better for everyone if the City made more effort to communicate and educate citizens.

Mayor Eveleth noted that Councilmember Fear's comments were well received. He said he would love to see the City hire a person that would be responsible solely for constituent relations.

NEXT MEETING

Monday, August 03, 2020

BOARDS AND COMMISSIONS OPENINGS

Brownfield Redevelopment Authority – County Representative – term expires 06-30-2020
Building Board of Appeals – Alternate - term expires June 30, 2022
Building Board of Appeals – Alternate - term expires June 30, 2021
Brownfield Redevelopment Authority – term expires June 30, 2022
Historical Commission – 2 terms expire December 31, 2020

ADJOURNMENT

Motion by Mayor Pro-Tem Osika for adjournment at 10:14 p.m.

Motion supported by Councilmember Fear and concurred in by unanimous vote.

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk