

PLEASE TAKE NOTICE THAT THE FOLLOWING MEETING WILL BE A VIRTUAL MEETING

Due to the COVID-19 pandemic, the Owosso City Council will conduct a virtual meeting November 2, 2020, consistent with the Open Meetings Act of the State of Michigan.

**OWOSSO CITY COUNCIL
Monday, November 2, 2020
at 7:30 p.m.**

The public may attend and participate in public comment.

- **Join Zoom Meeting:**
<https://us02web.zoom.us/j/85334326146?pwd=NXY0TjJkcZBDa2VCZlFJOWI1QWJ3UT09>
- **Meeting ID: 853 3432 6146**
- **Password: 031549**
- **One tap mobile**
+13017158592,,85334326146#,,,,,0#,,031549# US (Germantown)
+13126266799,,85334326146#,,,,,0#,,031549# US (Chicago)
- **Dial by your location**
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
- **For video instructions visit:**
 - o Signing up and Downloading Zoom <https://youtu.be/qsy2Ph6kSf8>
 - o Joining a Zoom Meeting <https://youtu.be/hlkCmbvAHQQ>
 - o Joining and Configuring Audio and Video <https://youtu.be/-s76QHshQnY>
- **Helpful notes for participants:** [Helpful Hints](#)
- **Meeting packets are published on the City of Owosso website** <http://www.ci.owosso.mi.us>

Any person who wishes to contact members of the City Council to provide input or ask questions on any business coming before the Council on November 2, 2020 may do so by calling or e-mailing the City Clerk's Office prior to the meeting at (989)725-0500 or city.clerk@ci.owosso.mi.us. Contact information for individual Council members can be found on the City website at: <http://www.ci.owosso.mi.us/Government/City-Council>

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio recordings of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing, calling, or emailing the following: Owosso City Clerk's Office, 301 West Main Street, Owosso, MI 48867; Phone: (989) 725-0500; Email: city.clerk@ci.owosso.mi.us. The City of Owosso Website address is www.ci.owosso.mi.us.

WARNING: According to the State Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752.797) and/or Malicious Use of Electronics Communication (MCL 750.540). Per the US Attorney for Eastern Michigan, Federal charges may include disrupting a public meeting, computer intrusion, using a computer to commit a crime, hate crimes, fraud, or transmitting threatening communications.

City of Owosso related meetings are being monitored and violations of statutes will be prosecuted.

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MONDAY, NOVEMBER 02, 2020
7:30 P.M.**

Meeting to be held Virtually Via ZOOM

AGENDA

OPENING PRAYER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 19, 2020:

ADDRESSING THE CITY COUNCIL

1. Your comments shall be made during times set aside for that purpose.
2. Stand or raise a hand to indicate that you wish to speak.
3. When recognized, give your name and address and direct your comments and/or questions to any City official in attendance.
4. Each person wishing to address the City Council and/or attending officials shall be afforded one opportunity of up to five (5) minutes duration during the occasion for citizen comments and questions. Each person shall also be afforded one opportunity of up to three (3) minutes duration during each public hearing. Comments made during public hearings shall be relevant to the subject for which the public hearings are held.
5. In addition to the opportunities described above, a citizen may respond to questions posed to him or her by the Mayor or members of the Council, provided members have been granted the floor to pose such questions.

PUBLIC HEARINGS

1. Proposed Ordinance Amendment – Small Cell Wireless Facilities. Receive citizen comment regarding the proposal to add Article VII, Small Cell Wireless Facilities, to Chapter 34, Utilities and Services, of the Code of Ordinances of the City of Owosso

CITIZEN COMMENTS AND QUESTIONS

CONSENT AGENDA

1. MERS Retirement Temporary Modification – Hazard Pay. Approve a modification to eligible employees' MERS accounts to remove recent hazard pay checks from their FAC calculation.
2. Warrant No. 591. Authorize Warrant No. 591 as follows:

Vendor	Description	Fund	Amount
Caledonia Township	Utility Fund Payment 7.1.20 – 9.30.20	Water	\$48,892.12
Owosso Township	2011 Water Agreement Payment 7.1.20 – 9.30.20	Water	\$16,690.39

ITEMS OF BUSINESS

1. Fee Schedule Update. Amend the City's fee schedule to include reasonable fees for Small Cell DAS infrastructure installations within the public right of way subject to Public Acts 365 and 366 of 2018.

COMMUNICATIONS

1. N. Bradley Hissong, Building Official. Annual Liquor License Inspections
2. Nathan Henne, City Manager. Monthly Report

NEXT MEETING

Monday, November 16, 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

ADJOURNMENT

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**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF OCTOBER 19, 2020
7:30 P.M.**

A moment of silence was held marking the passing of former Councilmember Richard Crutts.

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 Janae L. Fear, Jerome C. Haber, Daniel A. Law, and Nicholas L. Pidek.

ABSENT: Councilmember Loreen F. Bailey.

APPROVE AGENDA

Motion by Mayor Pro-Tem Osika to approve the agenda with the addition of the following Consent Agenda item:

7. Bid Award – Private Property Lead Service Line Replacement Contract.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 5, 2020

Motion by Councilmember Pidek to approve the Minutes of the Regular Meeting of October 5, 2020 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Special Assessment District No. 2020-01 - Hazards and Nuisances

A public hearing was conducted to receive citizen comment regarding proposed Special Assessment District No. 2020-01, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances.

The following person commented regarding the proposed special assessment roll:

Tom Manke, 2910 W. M21, inquired why the City hasn't charged for work done on the Matthew's Building. Mayor Eveleth noted that the hazards & nuisances roll applies to services already rendered. City Manager Nathan R. Henne indicated that the City hasn't done any work on the Matthew's Building so far so there is no money owed at this time.

Councilmember Fear asked whether anyone on Zoom had comments. City Attorney Scott J. Gould indicated that today's meeting is in person and notification was made that comments must be made in person this evening. City Manager Henne further pointed out that since there is no state of emergency in effect it would be illegal to accept comments via Zoom.

Motion by Mayor Pro-Tem Osika that the following special assessment roll be adopted:

RESOLUTION NO. 127-2020

**AUTHORIZING THE ROLL FOR
SPECIAL ASSESSMENT DISTRICT NO. 2020-01, HAZARDS & NUISANCES**

WHEREAS, the Council, after due and legal notice, has met and having heard all interested parties, motion by Mayor Pro-Tem Osika to adopt Special Assessment Resolution No. 2 for the annual hazards & nuisances roll, as follows:

Inv Date Total	Invoice #	Srvc	Customer #	Owner Name	Address	Due
09/27/18	4712	WEEDS	050-390-004-012-00	HEASLIP, MARILEE		\$150.00
10/27/2018					1260 ADAMS ST	
10/31/18	4731	CLEAN	050-010-024-003-00	SMITH, DANIEL		\$170.67
11/30/2018					1210 CORUNNA AVE	
10/31/18	4732	CLEAN	050-010-024-003-00	SMITH, DANIEL		\$256.74
11/30/2018					1210 CORUNNA AVE	
01/17/19	4769	CLEAN	050-602-006-009-00	NIEMI, BARBARA		\$495.33
2/16/2019					823 TRACY ST	
05/22/19	4832	CLEAN	050-310-002-003-00	SILVERNAIL, MILDRED		\$2,106.24
6/21/2019					900 ADA ST	
06/13/19	4840	WEEDS	050-010-017-030-00	LARRIVEY ROBERTO		\$150.00
7/13/2019					614 ALGER AVE	
06/13/19	4841	WEEDS	050-240-003-020-00	SVARC, NANCI ANN		\$170.00
7/13/2019					652 N PARK ST	
06/13/19	4842	WEEDS	050-390-004-012-00	HEASLIP, MARILEE		\$150.00
7/13/2019					1260 ADAMS ST	
06/13/19	4843	WEEDS	050-010-018-007-00	COCHRAN, KAREN		\$150.00
7/13/2019					740 WOODLAWN AVE	
06/13/19	4845	WEEDS	050-660-011-011-00	MANSSUR, TINA LYNN		\$150.00
7/13/2019					216 N LANSING ST	
07/15/19	4861	POOL	050-010-022-003-00	UNDERWOOD, THEODORE, JR. & LAURA		\$50.00
8/14/2019					980 CORUNNA AVE	
08/05/19	4874	WEEDS	050-240-003-020-00	SVARC, NANCI ANN		\$170.00
9/4/2019					652 N PARK ST	
08/05/19	4877	WEEDS	050-390-004-012-00	HEASLIP, MARILEE		\$150.00
9/4/2019					1260 ADAMS ST	

08/05/19	4878	WEEDS	050-390-004-012-00	HEASLIP, MARILEE		\$150.00
9/4/2019					1260 ADAMS ST	
08/05/19	4884	WEEDS	050-710-001-012-00	SPENCER, DANIEL J. ET AL		\$210.00
9/4/2019					915 CORUNNA AVE	
08/05/19	4885	WEEDS	050-390-004-012-00	HEASLIP, MARILEE		\$150.00
9/4/2019					1260 ADAMS ST	
08/06/19	4887	CLEAN	050-651-006-007-00	VANDIVER, ALAN		\$293.22
9/5/2019					320 CASS ST	
08/22/19	4897	CLEAN	050-420-011-011-00	JOLLEY, JOHN JR. / JOLLEY, STACIE		\$502.96
9/21/2019					719 BROADWAY AVE	
09/24/19	4914	MISC	050-470-027-003-00	200 MAIN, LLC		\$263.45
10/24/2019					200 E MAIN ST	
09/25/19	4915	WEEDS	050-651-006-007-00	VANDIVER, ALAN		\$150.00
10/25/2019					320 CASS ST	
09/25/19	4916	WEEDS	050-090-002-003-00	CHRIS COULTER		\$150.00
10/25/2019					210 CARMODY ST	
10/01/19	4925	MISC	050-602-003-011-00	WISELEY, CHARLES S. II		\$611.06
10/31/2019					830 WILKINSON ST	
10/04/19	4931	WEEDS	050-710-001-012-00	SPENCER, DANIEL J. ET AL		\$320.00
11/3/2019					915 CORUNNA AVE	
10/22/19	4941	CLEAN	050-651-025-005-00	HARTWICK CHERIE		\$523.01
10/22/2019					616 S WASHINGTON ST	
10/30/19	4943	CLEAN	050-660-014-012-00	HARRAND, CHRISTOPHER R.		\$217.11
11/29/2019					104 N LANSING ST	
12/19/19	4974	CLEAN	050-391-000-026-00	ARMSTRONG, JOSHUA/COLBORN, KRISTI		\$282.84
1/18/2020					322 N HICKORY ST	
01/09/20	4989	CLEAN	050-651-003-010-00	BAC HOME LOAN SERVICING, LP		\$1,971.70
2/8/2020					419 CLINTON ST	
01/27/20	4991	CLEAN	050-660-012-004-00	VINCENT, ANGELIA M		\$244.69
2/26/2020					211 N HOWELL ST	
06/02/20	5043	MISC	050-390-004-012-00	HEASLIP, MARILEE		\$577.04
7/2/2020					1260 ADAMS ST	
07/14/20	5104	MISC	050-651-003-010-00	BAC HOME LOANS SERVICING, LP		\$230.04
8/13/2020					419 CLINTON ST	
07/14/20	5105	MISC	050-114-002-004-00	HAMILTON, LESTER & LESLIE		\$230.04
8/13/2020					821 STATE ST	
07/15/20	5106	MISC	050-710-001-012-00	SPENCER, DANIEL J. ET AL		\$310.14
8/14/2020					915 CORUNNA AVE	
07/15/20	5107	MISC	050-420-005-015-00	ANDERSON CAMERON		\$168.93
8/14/2020					716 GRAND AVE	
07/15/20	5108	MISC	050-270-000-128-00	KRHOVSKY, SALLIE S		\$306.76

8/14/2020					1002 WALNUT ST			
07/15/20	5109	MISC	050-010-033-006-00		1115 CORUNNA LLC		\$282.00	
8/14/2020					1115 CORUNNA AVE			
07/15/20	5110	MISC	050-010-003-024-00		WEST, CHRISTOPHER M.		\$221.95	
8/14/2020					904 GLENWOOD AVE			
07/16/20	5111	MISC	050-011-021-001-00		FRE OWOSSO MI REALTY, LLC		\$282.00	
8/15/2020					918 CORUNNA AVE			
07/16/20	5112	CLEAN	050-010-017-035-00		FATTEH SAIF		\$624.05	
8/15/2020					626 ALGER AVE			
07/20/20	5116	MISC	050-010-033-008-00		BUGH, DOUGLAS		\$236.01	
8/19/2020					720 FRAZER			
07/20/20	5117	MISC	050-651-006-011-00		SCHLISKA, THERESA E.		\$236.01	
8/19/2020					305 GENESEE ST			
TOTALS								\$14,063.99

and

WHEREAS, 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 \$14,063.99 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2020-01.
2. Said Special Assessment Roll-Hazards and Nuisances No. 2020-01 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Bailey.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 W. M21, said the County Commission has removed all requirements to wear masks inside the County Courthouse and legal charges against his brother Karl have been dropped. He also noted that the County received a grant of more than \$200,000 to help pay the sheriff's department during COVID and wondered if the City had applied for a similar grant.

Eddie Urban, 601 Glenwood Avenue, said he has free face shields for those that are interested. He also reminded everyone that the City has only a couple of months left in its Most Patriotic designation.

Larry Johnson, Shiawassee County Health Director, gave an update on the pandemic in the county, saying there have been no serious outbreaks so far in the schools despite an increase in the number of cases per week overall. Hospital rates are down in general. The county has hovered at a 2.3% positivity rate, even with increased testing.

In response to Mr. Manke's question about grant funding City Manager Henne indicated the City had received two grants for first responders totaling more than \$270,000.

Mayor Eveleth noted that the Open Meetings Act was amended by the legislature recently allowing virtual meetings to be held until the end of 2021. He said he would like to continue with Zoom meetings because public participation seems to be better, though he said he would like to hold the organizational meeting in person.

Mayor Pro-Tem Osika gave a brief update on Glo events planned for the Thanksgiving weekend including a reverse parade and a fun run. There will be no ball drop for New Year's this year.

CONSENT AGENDA

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

Proposed Ordinance Amendment – Small Cell Wireless Facilities. Set a public hearing for Monday, November 2, 2020 to receive citizen comment regarding the proposal to add Article VII, Small Cell Wireless Facilities, to Chapter 34, Utilities and Services, of the Code of Ordinances of the City of Owosso as detailed below:

RESOLUTION NO. 128-2020

SET A PUBLIC HEARING TO AMEND CHAPTER 34, UTILITIES AND SERVICES, OF THE CODE OF ORDINANCES TO ALLOW ADMINISTRATIVE SITE PLAN REVIEW

WHEREAS, the State of Michigan requires municipalities to allow small-cell wireless infrastructure within the public rights-of-way through Public Act 365 of 2018; and

WHEREAS, PA 365 allows municipalities to regulate such infrastructure and establish reasonable fees associated with placement of infrastructure within public rights-of-way; and

WHEREAS, the State of Michigan Public Act 366 of 2018 amends the Michigan Zoning Enabling Act with respect to wireless communications equipment and supporting structures and also small-cell wireless facilities; and

NOW THEREFORE BE IT RESOLVED, that a public hearing shall be scheduled for the regular council meeting of November 2, 2020 to receive public comment regarding the addition of Article VII, Small Cell Wireless Facilities, to Chapter 34, Utilities and Services, of the Code of the City of Owosso as follows:

AMENDMENT TO THE CITY OF OWOSSO CODE OF ORDINANCES

An ordinance to amend Chapter 34 of the City of Owosso Code of Ordinances to secure the health, safety, and general welfare of the residents and property owners of the City of Owosso, Shiawassee County, Michigan, by regulating small wireless facilities within the City pursuant to the Small Wireless Communications Facilities Deployment Act, Act 365 of 2018, as amended.

THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN ORDAINS:

SECTION 1. ADDITION. That Article VII, Small Cell Wireless Facilities, shall be added to Chapter 34, Utilities and Services, of the Code of Ordinances of the City of Owosso as follows:

ARTICLE VII. —SMALL CELL WIRELESS FACILITIES

Sec. 34-330. — Definitions.

Act means the Small Wireless Communications Facilities Deployment Act, Act 365 of 2018.

Authorization means permission from the city to do work in the public way or to maintain facilities in the public way and includes but is not limited to a franchise, a license, a permit, a letter, construction drawing approval. Multiple authorizations may be required for certain activities.

Colocate means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Colocate does not include make-ready work or the installation of a new utility pole or new wireless support structure.

Contractor means and includes any of the following licensed entities performing work on an owner's behalf: contractor; subcontractor; or any employee or agent of a contractor, subcontractor, or owner.

Department means the City Department of Public Works.

Emergency means a condition that poses a clear and immediate danger to life or health, or a significant loss of property, or requires immediate repair to restore service to a group of users of such service.

Emergency work means the replacement or repair of damage to active facilities, including main lines and services, where all 811 dig requirements are met.

Excavate means without limitation any cutting, digging, grading, tunneling, boring, or other alteration of the surface or subsurface material or earth in the public way.

Facilities means poles, pipes, culverts, conduits, ducts, cables, wires, fiber, amplifiers, pedestals, antennas, transmission or receiving equipment, other electronic equipment, electrical conductors, manholes, appliances, signs, pavement structures, irrigation systems, landscaping, monument signs, monument mailboxes and any other similar equipment, for public or private use.

Owner means any property owner, company owner, or any entity by which work within the right-of-way has been ordered, or any entity on behalf of which any work within the right-of-way is caused to be performed, or any agent thereof.

Person means an individual, association, firm, partnership, limited liability company, joint venture, corporation, government, utility, or other organized entity able to contract for the activities described in this ordinance, whether for profit or not for profit. The term does not include the city.

Public right-of way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. The term "public right-of-way" does not include a federal, state, or private right-of-way.

Small cell wireless facility means a wireless facility that meets both of the following requirements:

- (i) Each antenna is located inside an enclosure of not more than 6 cubic feet

in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.

(ii) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

User means a person that proposes to place facilities in the public way, places such facilities, or owns or maintains such facilities. The term includes but is not limited to licensees and franchisees.

Utility pole means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements in section 13(5) of the Act and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than 15 feet in height above ground.

Wireless facility means equipment at a fixed location that enables the provision of wireless services between user equipment and a communications network, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes a small cell wireless facility. Wireless facility does not include (i) the structure or improvements on, under, or within which the equipment is colocated, (ii) a wireline backhaul facility, or (iii) coaxial or fiber-optic cable between utility poles or wireless support structures or that otherwise is not immediately adjacent to or directly associated with a particular antenna.

Wireless provider means a wireless infrastructure provider or a wireless services provider. Wireless provider does not include an investor-owned utility whose rates are regulated by the Michigan Public Service Commission ("MPSC").

Wireless services means any services, provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile location.

Wireless services provider means a person that provides wireless services.

Wireless support structure means a freestanding structure designed to support, or capable of supporting, small cell wireless facilities. Wireless support structure does not include a utility pole.

Sec. 34-331. — General Requirements.

- (a) No wireless providers shall occupy, wholly or in part, the streets, alleys, or public rights-of-way within the geographical boundaries of the City without first receiving a franchise and consent and permit for that purpose.
- (b) No wireless providers shall attach, alter, or modify a City-owned pole or wireless support structure without entering into a license agreement with the City.
- (c) The City may establish appropriate requirements for new franchises, licenses, and ordinance requirements consistent with state and federal law, and may modify the requirements of this article from time to time to reflect changes in the industry. The City further retains the right to make any modifications based on court rules, injunctions, or statutory amendments addressing the federal and state law mandates requiring the City to provide this process under its current regulations. The City further reserves any

constitutional or statutory challenges it may have under federal and state law to the process mandated, despite its efforts to comply such changes in the law.

- (d) Notwithstanding any other provisions of this article to the contrary, a wireless provider shall at all times comply with all laws and regulations of the state and federal government or any administrative agencies thereof. Provided, however, if any such state or federal law or regulation shall require a wireless provider to perform any service, or shall permit a provider to perform any service, or shall prohibit a wireless provider from performing any service, in conflict with the terms of this article or resulting franchise or of any law or regulation of the City, then as soon as possible following knowledge thereof, a wireless provider shall notify the City of the point of conflict believed to exist between such regulation or law and the laws or regulations of the City or any applicable franchise.
- (e) Subject to this article, wireless providers may occupy and use the public right-of-way to collocate small cell wireless facilities to provide wireless services upon, along, over and under the public right-of-way in the city such that such collocations do not inhibit other utility installations within the public right-of-way.
- (f) The city retains its right to impose fees and compensation consistent with federal and state law.
- (g) Wireless providers shall pay taxes for telecommunications services that are subject to taxation.
- (h) Use of the public right-of-way is allowed only to the extent the city itself possesses such rights.
- (i) Wireless providers shall obtain approvals legally necessary to use the public right-of-way from owners, other than the city, of property interests in the public right-of-way or adjacent to the roadway system located within the city. To the extent any wireless provider obtains approval through a statutory authorization, as opposed to review and approval by the City, the wireless provider's placement or location of any small cell wireless facility, wireless facility, and utility pole within the City's public right-of-way shall comply the general and specific design and location requirements of this article.
- (j) No wireless provider shall have the exclusive right or privilege to occupy or use the public right-of-way for delivery of wireless services or any other purpose.
- (k) The city reserves all rights to use the public right-of-way for any purpose not prohibited by law, including the provision of wireless services, and all rights to grant authorizations to any other person(s), including any wireless provider, to use the public right-of-way.
- (l) Wireless providers shall have no right, title, or interest in the public right-of-way, and any franchise, consent, permit, or license provided by the city provides not right, title or interest to occupy any space outside of the public right-of-way or any private property not owned by the city.
- (m) Wireless providers use of the public right-of-way shall not divest the city of any interest in the public right-of-way.
- (n) The city does not warrant its legal interest in the public right-of-way.
- (o) Nothing in this section shall be deemed or construed to stop or limit the city from exercising any regulatory, police, governmental, or legislative function pursuant to applicable law, which powers include, but are not limited to, the authority to enact

regulations, ordinances, rules, and orders not prohibited by state or federal law that affect the public right-of-way or a wireless provider's use of the public right-of-way.

- (p) The terms of this section do not permit the wireless provider to operate a cable system or to provide cable service, as those terms are defined by Section 602 of the Cable Communications Policy Act of 1984, as amended (47 U.S.C. Section 522), or install any wires or facilities that are required to be permitted under the METRO Act, Public Act 48 of 2002, MCL 484.310.
- (q) This article only permits the wireless provider, upon obtaining required approvals and permits, to place its small cell wireless facilities in those portions of the public right-of-way approved by the city.
- (r) Under no circumstances shall any wireless provider be permitted to place small cell wireless facilities on any building that is on the National Register of Historic Places, pursuant to 47 C.F.R. § 1.1307(a)(4).
- (s) Colocation of small cell wireless facilities shall commence within six months of permit issuance and shall be activated for use no later than one year from the permit issuance date. Failure to commence colocation within six months of permit issuance shall void said permit. A small cell wireless facility not activated within one year of permit issuance shall be considered abandoned and shall be removed from the public right-of-way at the wireless provider's sole expense.
- (t) A wireless provider shall notify the city in writing of the location and date that any wireless facility located in the city whose use will be discontinued. If the use of the facility is discontinued for 180 days without notice from the owner/operator or the owner of the property or other information indicates that the facility is not in use, the City may declare the facility abandoned. The City will provide notice and provide the wireless provider an opportunity to show cause before the City Manager as to why the wireless facility should not be removed. Following determination of the City Manager, the city may take the necessary steps to remove the facilities from the City's right-of-way.

Sec. 34-332. — Permit Required.

- (a) *Permit Requirement.* Except as otherwise provided in the Act, a wireless services provider seeking to use public rights-of-way in the city for its small cell wireless facilities shall apply for and obtain a permit pursuant to this article.
- (b) *Limitations on Facilities in Application.* No more than 20 small cell wireless facilities may be included in a single permit application.
- (c) *Application.* A wireless provider shall apply for a permit on an application form made available by the city clerk. **A wireless provider shall file one copy of the application with the city clerk, one copy with the department, and one copy with the city attorney.** Applications shall be complete and include all required information. An application is not considered complete until all required materials have been submitted and accepted by the city. At a minimum, the applications shall require submission of the following:
 - (1) Applicant contact information, including an address, phone contact, twenty-four-hour emergency contact information, e-mail address, and any applicable license numbers;
 - (2) Applicant's contractor and subcontractor information, including the names, addresses, phone contact, e-mail addresses, emergency contact numbers, and

name of the supervisor(s) assigned to any facility project of all contractors or subcontractors that will work within the City's rights-of-way under a permit;

- (3) Number of wireless facilities that will be deployed;
- (4) The scope of the deployment, including whether the deployment is modification of a current facility or utility pole, collocation on an existing pole or structure, or installation of a new or replacement structure or pole;
- (5) GIS maps and coordinates detailing locations for each proposed attachment and related facilities associated with each attachment;
- (6) A coverage map showing the projected coverage areas of existing and proposed small cell wireless facilities;
- (7) Site plan at a scale not smaller than one-inch equals twenty feet with dimensions showing the following:
 - i. Proposed location within the right-of-way including nearest cross street intersection;
 - ii. Parcel identification number and property ownership for parcels located within 75 feet of the proposed facility;
 - iii. Height of the proposed facility;
 - iv. The distance of the proposed facilities and the nearest property line, roadways, rights-of-way, and utilities within the rights-of-way; and
 - v. Any other proposed improvements that are part of the deployment;
- (8) An application fee as established by the City Council;
- (9) Executed franchise, license and consent agreement for access to and use of the City's rights-of-way;
- (10) Specification sheets for all attachments and equipment that will be located within the City, including the dimensional size of the small cell wireless facility and all other wireless equipment;
- (11) Attachment drawings and demonstrations of each type of installation, including photograph simulations showing collocations, new or replacement poles, and concealment and design characteristics satisfying this article;
- (12) Structure loading analysis if being collocated on any pole within the City including but not limited to a utility pole or a Consumer's Energy pole or any other structure;
- (13) Attestation that the small cell wireless facilities will be operational for use by a wireless services provider within one (1) year after the permit issuance date;
- (14) Work plan describing the location of the proposed work, the work to be performed, the limits of disturbance to the public right-of-way and the method and materials to be used;
- (15) Landscape plans for ground-mounted facilities, if applicable;

- (16) Site/structure remediation plans for restoring the public right-of-way after removal of the wireless facilities;
 - (17) Certificate of compliance with FCC radio frequency emission regulations;
 - (18) For all new poles, replacement poles, and wireless structures, demonstration of compliance with AN SI/TIA 222-G-2 standards;
 - (19) For all new poles, replacement poles, and wireless support structures, a certification by the wireless provider and a structural analysis sealed by a licensed engineer attesting that the towers and structures design and present condition (if existing prior to the application) will accommodate collocation of additional antennas, including the extent of such collocation space;
 - (20) For all new poles, replacement poles, and wireless support structures, a statement from a licensed engineer why no current existing towers or structures are adequate to provide the services planned with the wireless facility;
 - (21) An inventory of any existing and approved small cell wireless facilities, poles, and wireless support structures that are within the jurisdiction of the City;
 - (22) Copy of all other permits related to the deployment, including any applicable METRO Act application and permit;
 - (23) For deployments in downtown or residential districts, documentation of compliance with design and location requirements;
 - (24) Documentation showing adequate insurance, including the City named as an additional insured;
 - (25) A performance bond meeting the requirements of this Article; and
 - (26) Any additional information requested by the City.
- (d) *Confidential information.* If a wireless provider claims that any portion of the information submitted by it as part of its application contains trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act (MCL 15.231 et seq.), the wireless provider shall prominently so indicate on the application.
 - (e) *Application fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time nonrefundable application fee in the amount as established by City Council.
 - (f) *Permit Approval Process.* Permit applications shall comply with the following process.
 - (1) *Submission.* The wireless provider may file the application, including all required documents, fees and information as guided by 34-315 (c).
 - (2) *Initial Review for Completeness.* Submitted applications will first be reviewed for completeness to ensure that all required information is included. If an application is deemed incomplete, the City will provide written notice to the wireless provider which clearly delineates all missing documents or information. Any applicable statutory review times will be tolled from the time the City notifies the wireless provider that the application is incomplete until a supplemental submission is received.
 - (3) *Review by City Staff* Once an application is deemed complete, it will be reviewed by

the City Manager, the City Department of Public Works, the City Building Official, the Chairperson of the Downtown Development Authority (if said application pertains to a location within the DDA District), the City Attorney and any other designees of the City Manager.

- (4) *Post-application Meeting.* If review by the City raises any issues or concerns, meetings with the wireless provider and relevant members of the City staff may be requested.
 - (5) *Final Approval.* Upon the conclusion of the City's review, the City Council will review the application and any recommendations from City staff. If the City Council is satisfied that all the requirements of this article are satisfied, it will approve the application. The wireless provider is requested to attend this meeting.
 - (6) *Issuance of Permit.* Once an application is approved by the City Council, the City Department of Public Works shall issue a permit granting wireless provider access to and use of the public rights-of-way.
 - (7) *Notice of Completion.* Wireless provider will notify the City within 48 hours after completing the work allowed by the permit.
 - (8) *Final Inspection.* Within 30 days after receiving notice that the wireless provider has completed the work under the permit, the City will inspect the wireless provider's facilities and make a written report as to the satisfaction of the permit, the City Code, any applicable agreements and state and federal law.
- (g) *Timeline for Review.* Applications will be processed consistent with the following timelines:
- (1) *Colocation Requests.* Applications requesting to colocate small cell wireless facilities on poles located within the public right-of-way will be approved or denied within 60 days after the date the application is submitted, subject to the following:
 - i. The City will determine whether the application is complete within 25 days after the application is submitted. The City will provide written notice to the wireless provider if the application is deemed incomplete and a supplemental response is required.
 - ii. If a supplemental response is required, the City's deadline for approving or denying the application will be tolled by however many days it takes for the wireless provider to submit a supplemental response to the City after receiving notice that the wireless provider's application was incomplete. The City will notify the wireless provider whether the application remains incomplete within 10 days of receiving a supplemental response. If more than one supplemental response is required, the deadline for approving or denying the application will continue to be tolled by the number of days between the City providing notice to the wireless provider and the City receiving a supplemental submission.
 - iii. The City may add 15 days to the deadline for approving or denying the application if another wireless provider also submitted an application within 7 days of the date of the submission of the application in question.
 - iv. The City may extend the deadline for approving or denying the application by an additional 15 days if the City notifies the wireless provider in writing that an extension is needed and the reasons for the extension.

- v. If the City denies a completed application, it will provide written notice explaining the reason for denial. The wireless provider may cure the identified deficiencies and resubmit its application within 30 days after the denial without paying an additional fee. The City will approve or deny the revised application within 30 days after receiving the revised application.
 - vi. The deadline for approving or denying the application may be extended by mutual agreement between the City and the wireless provider.
- (2) *Requests to Install a New or Replacement Utility Pole:* Applications requesting to install a new or replacement utility pole and associated small cell wireless facility within the public right of way will be approved or denied within 90 days after the date the application is submitted. The City will determine whether the application is complete, deny the application, and review and consider a revised application as provided for collocation requests.
- (3) *Requests to Install Facilities Outside the ROW, New or Replacement Wireless Support Structures Within the ROW or to Modify Wireless Support Structures.* Applications to install or modify small cell wireless facilities outside of the public right-of-way, application to install new or replacement wireless support structures within the public right-of-way, and applications to install or modify wireless support structures to be used for small cell wireless facilities will be approved or denied within 90 days after the date the application is submitted, subject to the following:
- i. The City will determine whether the application is complete within 30 days the wireless provider if the application is deemed incomplete and a supplemental response is required.
 - ii. If a supplemental response is required, the City's deadline for approving or denying the application will be tolled by however many days it takes for the wireless provider to submit a supplemental response to the City after receiving notice that the wireless provider's application was incomplete. The City will notify the wireless provider whether the application remains incomplete within 10 days of receiving a supplemental response. If more than one supplemental response is required, the deadline for approving or denying the application will continue to be tolled by the number of days between the City providing notice to the wireless provider and the City receiving a supplemental submission.
 - iii. The deadline for approving or denying the application may be extended by mutual agreement between the City and the wireless provider.
- (4) *Requests to Install New Wireless Support Structures Outside of the ROW.* Applications to install or construct new wireless support structures outside of the public right-of-way to be used for small cell wireless facilities will be approved or denied within 150 days after the date the application is submitted, subject to the following:
- i. The City will determine whether the application is complete within 30 days after the application is submitted. The City will provide written notice to the wireless provider if the application is deemed incomplete and a supplemental response is required.
 - ii. If a supplemental response is required, the City's deadline for approving or denying the application will be tolled by however many days it takes for the wireless provider to submit a supplemental response to the City after receiving notice that the wireless provider's application was incomplete. The City will

notify the wireless provider whether the application remains incomplete within 10 days of receiving a supplemental response. If more than one supplemental response is required, the deadline for approving or denying the application will continue to be tolled by the number of days between the City providing notice to the wireless provider and the City receiving a supplemental submission.

iii. The deadline for approving or denying the application may be extended by mutual agreement between the City and the wireless provider.

(h) *Standards for Review of Application.* The city may grant or deny the location and installation of any small wireless facility, pole, or wireless support structure prior to installation, if installation would:

- (1) Materially interfere with the safe operation of traffic control equipment.
- (2) Materially interfere with sight lines or clear zones for transportation or pedestrians.
- (3) Materially interfere with compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, or similar federal, state, or local standards regarding pedestrian access or movement.
- (4) Materially interfere with or endanger the use of City bike paths, walkways, parks, or recreational areas used by City residents.
- (5) Materially interfere with use or maintenance of the City's public utility infrastructure.
- (6) Materially interfere with maintenance or use of the City's drainage infrastructure as it was originally designed, or not be located a reasonable distance from the drainage infrastructure to ensure maintenance.
- (7) Fail to comply with spacing requirements as set forth in this article.
- (8) Fail to comply with applicable codes.
- (9) Fail to comply with design and concealment requirements as set forth in this article.
- (10) Fail to maximize existing infrastructure, i.e. applicant's refusal to collocate upon an available established structure without reasonable explanation, data or proof of how collocation will be detrimental to the service or performance of the small cell wireless equipment.

Sec. 34-333. —General Design and Location Requirements.

Small cell wireless facilities, related equipment and accessories, poles and wireless support structures shall comply with the following design and concealment standards:

- (a) *Compatible Design.* All small cell wireless facilities and related equipment must use materials, colors, textures, and screening so as to be aesthetically and architecturally compatible with the surrounding environment, including:
 - (1) Be compatible in design to match existing street lights, traffic control devices, poles, infrastructure, outside furniture, garbage receptacles, and adjacent buildings.
 - (2) Be aesthetically pleasing.
 - (3) Be the similar in color to existing architecture and adjacent infrastructure.

- (b) *Lighting.* Facilities shall not be artificially lighted. If lighting is required, the lighting fixtures and installation must cause the least disturbance to surrounding properties.
- (c) *Colocation.* Unless physically or technically infeasible, all wireless facilities shall be attached and colocated to existing structures within the City. The attachment and collocation is an effort to maximize the municipality's infrastructure and to avoid excessive structures. Any wireless provider must openly allow another provider to colocate upon its wireless facility under rates and conditions that are acceptable within the industry to promote colocation. Unless physically or technically infeasible to attach a new wireless facility to an existing pole or structure, any City approved new wireless facilities shall be constructed to accommodate two or more users.
- (d) *Ancillary Facility Equipment.* All other wireless equipment with the facility shall be designed and painted to satisfy this section. The equipment will be required by the City to be located underground in any locations where the equipment will be visible from adjacent roadways and lots and public electrical utility lines are already placed underground. Where underground placement of equipment is not required or would impair service, aboveground placement is permitted upon the City's approval. Ground-mounted equipment shall comply with the following requirements:
 - (1) All equipment shall be completely concealed from view within an enclosed cabinet. Cabinets must be compatible in color and design to match existing infrastructure and architecture.
 - (2) So as not to impede or impair public safety or the legal use of the public right-of-way by the traveling public, in no case shall ground-mounted equipment be located closer than two feet from the public right-of-way, edge line, face of curb, sidewalk, bike lane or shared-use path.
 - (3) Ground-mounted equipment shall be located a minimum of 12 feet from any permanent object or existing lawful encroachment in the public right-of-way to allow for access.
 - (4) Ground-mounted equipment must be secured to a concrete foundation or slab with a breakaway design in the event of collisions.
 - (5) Ground-mounted equipment must either be screened with plant material that is consistent with the characteristics of the surrounding area, be integrated into the base of an existing utility pole, wireless support structure or other infrastructure, or be otherwise camouflaged so as to be aesthetically and architecturally compatible with surrounding environment, without detracting from the streetscape. The City and the wireless provider shall agree on mutually acceptable design criteria prior to any aboveground deployment.
- (e) *Separation Distances.* New utility poles and ground-mounted equipment shall be installed at least 300 feet from any existing or proposed utility pole or ground-mounted equipment. Any wireless provider desiring to install poles less than 300 feet apart shall demonstrate to the City's satisfaction that the wireless provider could not serve a location without the desired placement.
- (f) *Marking and Signage.* No small cell wireless facility, utility pole, wireless support structure or any portion thereof shall have any signage except as expressly permitted by this article or as required by state or federal law. Aerial portions of small cell wireless facilities shall be marked with a marker which shall state wireless provider's name and provide a toll-free number to call for assistance. Underground portions of small cell

wireless facilities shall have a stake or other appropriate above ground markers with wireless provider's name and a toll-free number indicating that there is buried equipment below. Any marking required by this section shall not be used for advertising purposes and shall not exceed one (1) square foot in area unless approved by the City.

Sec. 34-334. —Design and Location Requirements for Deployments on Existing Poles.

Small cell wireless facilities installed on existing utility, street light, traffic signal poles, or wireless support structures located in residential and downtown districts shall comply with the following design and concealment standards:

- (a) The maximum pole height shall be 40 feet.
- (b) They shall be aesthetically pleasing, similar in design to existing infrastructure and architecture, consistent with the local character of the area and shall not detract from the streetscape.
- (c) To the extent practicable, all accessory cables and equipment shall be installed underground.
 - (1) If any equipment cannot be installed underground, then it shall be installed at the base of the pole and concealed with skirting compatible in design and color to the pole.
- (d) Antenna shall be installed within the pole and not visible. If any antenna cannot be installed within the pole and made not visible, then it shall extend vertically from the pole or be flush-mounted to the side of the pole and shall be designed to be an architecturally compatible extension of the pole. The diameter of the antenna shall be consistent with the diameter of the pole, not including other appurtenances or extensions from the pole, or the base to which the pole is mounted. The antenna shall not extend more than ten feet above the top of the pole and not exceed forty feet in total height as measured from the ground.

Sec. 34-335. — Design and Location Requirements for Deployments Requiring New Poles

Small cell wireless facilities requiring the installation of a new pole or wireless support structure in residential, historic, and downtown districts shall comply with the following design and concealment standards:

- (a) If available, small cell wireless facilities shall attach to existing poles or wireless support structures.
- (b) In the event that the only alternative to locating a small cell wireless facility upon an existing pole or wireless support structure is new construction of a pole or wireless support structure, the new pole or wireless support structure shall be designed to accommodate multiple small cell wireless provider facilities.
- (c) Poles shall be located a minimum of 15 feet from any tree, measured to the nearest edge of the tree-trunk. Additionally, 80 percent of the root protection zone shall remain undisturbed. The root protection zone shall either be a six-foot radius around the tree or a one-foot radius for every inch of tree diameter at breast height, whichever is greater. This minimum separation shall not apply for a new pole that replaces an existing pole, where the new pole is installed in the same place as, or immediate vicinity of, the existing pole.

- (d) Poles shall be designed pursuant to city standards or the applicable utility's standard, and function as street light poles, utility poles, or traffic signal poles in consultation with the city or the applicable utility and shall be incorporated into the applicable utility or signaling system.
- (e) Poles shall comply with the following height regulations:
 - (1) In residential districts, poles shall not exceed 33 feet in height from ground level.
 - (2) In downtown districts, poles shall not exceed 10% of an adjacent building or exceed 40 feet in height from ground level, whichever is less.
 - (3) In all other districts, poles shall not exceed 40 feet in height from ground level.
- (f) Poles shall be designed and installed with materials and appearance consistent with existing poles in the adjacent public way, unless materials and appearance are prescribed by other ordinance, law, or City requirements. Poles shall be aesthetically pleasing, consistent with the local character of the area and shall not detract from the streetscape.
- (g) Antenna shall be installed within the pole and not visible. If any antenna cannot be installed within the pole and made not visible, then it shall extend vertically from the pole or be flush-mounted to the side of the pole and shall be designed to be an architecturally compatible extension of the pole. The diameter of the antenna shall be consistent with the diameter of the pole, not including other appurtenances or extensions from the pole, or the base to which the pole is mounted. The antenna shall not extend more than five feet above the top of the pole.
- (h) To the extent practicable, all accessory cables and equipment shall be installed within the pole or placed underground as required by this article.

Sec. 34-336. — Insurance and Bonding Requirements

- (a) *Insurance.* The wireless provider shall furnish proof of insurance in an amount and form satisfactory to the City, naming the City as an additional insured. Such insurance shall cover a period of not less than the term of this permit and shall provide that it cannot be cancelled without thirty (30) days advance written notice to the City.
- (b) *Bonding.* Before any work under a permit issued pursuant to this Article may commence, a wireless provider shall furnish to the City a performance bond in the form of an irrevocable bank letter of credit form or surety bond form approved by City, in the amount of \$1,000.00 per small cell wireless facility included in the application for a permit, to provide for the reasonable costs of removal of abandoned or improperly maintained small cell wireless facilities, to repair the ROW or to recoup unpaid rates or fees.

Sec. 34-337. — Assignment; Speculation

- (a) *Assignment; Transfer.* No permit may be transferred or assigned by a wireless provider without the City's express written permission until the construction and installation of all permitted small cell wireless facilities is completed. After completion of such construction, wireless provider must provide notice to the City no later than thirty (30) days after any assignment or transfer, provided that the transferee or assignee:

- (1) Is qualified to perform under the terms of this Article, the permit issued by the City and any applicable agreement with the City, and shall be subject to the obligations set forth in the same;
 - (2) Supplies the City with all relevant information required by this Article, the permit issued by the City and any applicable agreement with the City; and
 - (3) Complies with any updated insurance and bond requirements deemed reasonably necessary by the City.
- (b) *Speculation.* Any permit obtained pursuant to this Article shall not be held for speculative purposes.

Sec. 34-338. — Revocation of Permit; Removal

- (a) **Revocation of Permit.** A permit to install small cell wireless facilities issued pursuant to this Article shall be revoked upon the occurrence of any of the following events:
- (1) The wireless provider does not commence construction of the permitted small cell wireless facilities six (6) months after the date of issuance;
 - (2) The permitted small cell wireless facilities are not operational within one (1) year after the date of issuance;
 - (3) The wireless provider or the permitted small cell wireless facilities violate the terms or conditions of this Article, any applicable agreement with the City, any permit issued by the City, applicable codes or any relevant provision of state or federal law, and such violations are not corrected within thirty (30) days after receiving written notice from the City;
 - (4) After the permitted small cell wireless facilities become operational, the wireless provider discontinues the use of the small cell wireless facilities for a period of one hundred and eighty (180) consecutive days;
 - (5) The wireless provider fails to renew the permit, or the permit otherwise expires by its own terms; or
 - (6) The wireless provider voluntarily requests that a permit be terminated.

These deadlines may be extended only with express written permission from the City. If small cell wireless facilities, utility poles or wireless support structures are installed prior to the revocation of a permit, the wireless provider shall comply with the procedures for removal in the following Section.

- (b) *Removal of Facilities; Restoration.*
- (1) A wireless provider shall remove all small cell wireless facilities, utility poles and wireless support structures, and shall restore the public right-of-way to its preinstallation condition within forty-five (45) days after receiving written notice from the City that a permit issued pursuant to this Article has been revoked.
 - (2) If the wireless provider does not complete removal and restoration within forty-five (45) days after receiving such notice, the City shall have the right, but not the obligation, to complete the removal and restoration and assess the costs and expenses against the wireless provider, including, without limitation, any administrative costs.

- (3) If the City exercises its right to effectuate removal and restoration, the wireless provider shall pay to the City the costs and expenses incurred by the City in performing any removal work and any storage of the wireless provider's property after removal (including any portion of the small cell wireless facilities) within fifteen (15) business days of the date of a written demand for this payment from the City. The City may, in its discretion, obtain reimbursement for the above by making a claim under the wireless provider's performance bond. After the City receives the reimbursement payment from the wireless provider for the removal work performed by the City, the City shall promptly return to the wireless provider the property belonging to the wireless provider and removed by the City pursuant to this Section at no liability to the City. If the City does not receive the reimbursement payment from the wireless provider within such fifteen (15) business days, or if City does not elect to remove such items at the City's cost after the wireless provider's failure to so remove prior to forty-five (45) days subsequent to the issuance of notice pursuant to this Section, any items of the wireless provider's property, including without limitation the small cell wireless facilities, remaining on or about the public right-of-way or stored by the City after the City's removal thereof may, at the City's option, be deemed abandoned and the City may dispose of such property in any manner allowed by law, and in accordance with any legal rights of persons other than the City who own utility poles located in the public right-of-way and used by the wireless provider. Alternatively, the City may elect to take title to such abandoned property, regardless of whether the City is provided a valid instrument satisfactory to the City, which transfers the ownership of such property to the City.
- (4) The deadline for removal and restoration may be extended only with express written permission from the City Manager.

Sec. 34-339. — Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Sec. 34-340.— Repeal

Any and all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Sec. 34-341. — Effective Date

This Ordinance shall become effective upon publication of a notice in a newspaper circulated in the City, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the City Clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the City Clerk.

Pink Panther Fun Run Permission. Approve the request of the DDA/Main Street for use of Exchange Street from Water Street to Washington Street, Water Street from Exchange Street to North Street, and North Street east to the High School for a 5K fun run on Saturday, October 24, 2020 from 8:30 am until 10:30 am, waive the insurance requirement, and authorize Traffic Control Order No. 1439 formalizing the request.

Professional Services Agreement – Water System Risk & Resiliency Assessment & Emergency Response Plan. Authorize professional services agreement with Tetra Tech for development of a Water System Risk & Resiliency Assessment and an update to the Water System Emergency Response Plan in the amount of \$19,900.00, plus a contingency of \$3,800.00 as follows:

RESOLUTION NO. 129-2020

AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH OF ANN ARBOR, MICHIGAN FOR DEVELOPMENT OF A WATER SYSTEM RISK AND RESILIENCE ASSESSMENT AND EMERGENCY RESPONSE PLAN

WHEREAS, the city of Owosso, Shiawassee County, is required to develop and submit a Risk & Resilience Assessment (RRA) and an updated Emergency Response Plan (ERP) by June 30, 2021 and December 31, 2021 respectively, in accordance with the USEPA American's Water Infrastructure Act (AWIA), and

WHEREAS, the city of Owosso and the Director of Public Services & Utilities desires to enter into a professional services agreement with Tetra Tech, for development of a RRA and ERP, in accordance with the AWIA.

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 enter into an agreement with Tetra Tech for providing professional services for the development of the USEPA required RRA and ERP in accordance with the AWIA.
- SECOND: The accounts payable department is authorized to submit payment to Tetra Tech in an amount not to exceed \$19,900.00, plus an additional contingency amount of \$3,800.00 with prior authorization, for a total of \$23,700.00.
- THIRD: The above expenses shall be paid for from the FY 2020-2021 Water Fund Account 591-552-818.000.

Professional Services Agreement – Supervisory Control & Data Acquisition System. Authorize professional services agreement with Tetra Tech for development of a supervisory control and data acquisition system for the water treatment plant in the amount \$346,000.00, plus a contingency amount of \$41,000.00 with prior written approval as follows:

RESOLUTION NO. 130-2020

AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH OF ANN ARBOR, MICHIGAN FOR DEVELOPMENT OF A SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM FOR USE AT THE WATER TREATMENT PLANT

WHEREAS, the city of Owosso, Shiawassee County, proposes to develop a new SCADA system for use at the Water Treatment Plant, and replace the obsolete SCADATA system currently in use, and

WHEREAS, the city of Owosso and the Director of Public Services & Utilities desires to enter into a professional services agreement with Tetra Tech, for engineering design and construction administration of a new SCADA system at the Water Treatment Plant.

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 enter into an agreement with Tetra Tech for providing professional engineering design services and construction administration for the development of a new SCADA system at the Water Treatment Plant.

SECOND: The accounts payable department is authorized to submit payment to Tetra Tech in an amount not to exceed \$346,000.00, plus an additional contingency amount of \$41,000.00 with prior authorization, for a total of \$387,000.00.

THIRD: The above expenses shall be paid for from the FY 2020-2021 Water Fund Account 591-553-818.000.

Warrant No. 591. Authorize Warrant No. 591 as follows:

Vendor	Description	Fund	Amount
Gould Law, PC	Professional services-9/15/20-10/12/20	General	\$11,089.48

Check Register – September 2020. Affirm check disbursements totaling \$3,276,648.97 for September 2020.

Bid Award - Private Property Lead Service Line Replacement Contract. (This item was added to the agenda.) Authorize bid award to Smith Sand & Gravel for the replacement of lead and galvanized water service lines on private property in the amount of \$28,060.00, plus a contingency of \$5,600.00 as detailed below:

RESOLUTION NO. 131-2020

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH SMITH SAND AND GRAVEL OF OWOSSO, MICHIGAN FOR REPLACEMENT OF LEAD & GALVANIZED WATER SERVICE LINES

WHEREAS, the city of Owosso, Shiawassee County, is required to replace lead and galvanized water service lines on both public and private property, by authority of the state of Michigan Administrative Rules as specified in the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), related to the LCR (R 32.5.10101 et seq.), and

WHEREAS, the city and Director of Public Services & Utilities desires to enter into an agreement with Smith Sand and Gravel, for the replacement of lead and galvanized water service lines, in accordance with the state of Michigan revised Lead and Copper Rules R 32.5.10101.

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 enter into an agreement with Smith Sand & Gravel for providing replacement services of lead and galvanized water service lines.

SECOND: The accounts payable department is authorized to submit payment to Smith Sand & Gravel in an amount not to exceed \$28,060.00 for construction replacement services, plus an additional contingency amount of \$5,600.00 with prior authorization, for a total of \$33,660.00.

THIRD: The above expenses shall be paid for from the FY 2020-2021 Water Fund Account 591-552-818.000.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Bailey.

ITEMS OF BUSINESS

City Budget Amendment

Motion by Mayor Pro-Tem Osika to adopt Amendment No. 1 to the 2020-2021 Budget as follows:

CITY OF OWOSSO BUDGET AMENDMENTS

Quarter Ending 9/30/20

FY2020-21

	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGET</u>	<u>REQUESTED INCREASE (DECREASE)</u>	<u>AMENDED BUDGET</u>
	<u>General Fund</u>	<u>To reflect spending, collections and labor changes</u>			
		General Fund			
1	101-300-702.100	Police Salaries	1,226,480	17,000	1,243,480
	101-300-702.120	Police Salaries-Magnet	70,287	1,000	71,287
	101-335-702.100	Fire Salaries	1,083,791	18,000	1,101,791
	101-000-528.000	Other Federal Grants	-	36,000	36,000
		Record Hazard Pay-CARES ACT			
2	101-000-695.699	Use of Fund Balance	223,688	(24,746)	198,942
	101-300-702.100	Police Salaries	1,226,480	42,226	1,268,706
	101-335-702.100	Fire Salaries	1,083,791	42,226	1,126,017
	101-000-528.000	Other Federal Grants	36,000	109,198	145,198
		Record CARES ACT Coronavirus Relief Local Gov't Grants Funds -- rcvd 8/31/20			
3	101-756-974.000	Contractual Services Parks	18,000	30,955	48,955
	101-000-695.699	Use of Fund Balance	198,942	30,955	229,897

		To move splash pad conversion to Genl Fd and record actual expenditures			
		Other Funds			
4	208-756-831.000	Building Maintenance	76,815	(9,000)	67,815
		To move splash pad conversion to Genl Fd			

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Bailey.

Tax Foreclosed Property – 305 Genesee Street

City Manager Henne noted that Habitat for Humanity had been looking for a location for their newest project when this property came into foreclosure. We can obtain the property now by paying the taxes owed or we can take part in the bidding process and take the chance that the price will go higher due to the tight housing market.

Council generally expressed their support for the purchase.

Motion by Councilmember Pidek to authorize acquisition of the tax foreclosed property located at 305 Genesee Street through the first right of refusal process in the amount of \$4,710.20 as detailed below:

RESOLUTION NO. 132-2020

RESOLUTION AUTHORIZING ACQUISITION OF 305 GENESEE STREET THROUGH FIRST RIGHT OF REFUSAL

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has the opportunity from time to time to acquire property before tax auction; and

WHEREAS, the City of Owosso received a First Right of Refusal list from the County Treasurer containing a single family home at 305 Genesee Street – parcel number 050-651-006-011-00; and

WHEREAS, this will be an opportunity for the city to partner with a developer to provide a new housing opportunity for family.

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 acquire the aforementioned property through the City's first right of refusal in the amount of \$4,710.20.

SECOND: The mayor is instructed and authorized to sign the document substantially in the form attached, Application to Purchase Tax Foreclosed Property – Local Government, in the amount of \$4,710.20.

THIRD: The above expenses shall be paid from the General fund, 101-299-971-000.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Bailey.

Shiawassee District Library Director was on hand to ask Council for reimbursement of asbestos removal costs related to the replacement of the carpeting in the library. There was discussion regarding what costs the City is responsible for and what costs the Library has paid to date. City Manager Henne expressed his reluctance to reimburse the costs because it would involve retroactively waiving the bidding requirement as the expense is over \$10,000. Mayor Eveleth indicated that he understands where the Library is coming from, but the City is looking at a 20% reduction in revenue. Councilmember Pidek asked if he could review the Library's annual budget prior to making a decision. Director Flayer indicated he did not have a budget with him. It was decided that the matter would be revisited at the request of Council.

COMMUNICATIONS

Cheryl A. Grice, Finance Director. September 2020 Revenue & Expenditure Report.
N. Bradley Hissong, Building Official. September 2020 Building Department Report.
N. Bradley Hissong Building Official. September 2020 Code Violations Report.
N. Bradley Hissong Building Official. September 2020 Inspections Report.
N. Bradley Hissong Building Official. September 2020 Certificates Issued Report.
Kevin D. Lenkart, Public Safety Director. September 2020 Police Report.
Kevin D. Lenkart, Public Safety Director. September 2020 Fire Report.
Planning Commission. Minutes of September 28, 2020.
Historical Commission. Minutes of October 12, 2020.

NEXT MEETING

Monday, November 02, 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

ADJOURNMENT

Motion by Mayor Pro-Tem Osika for adjournment at 8:20 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk



DATE: 11.2.20
TO: CITY COUNCIL
FROM: CITY MANAGER
SUBJECT: Small Cell Wireless Ordinance – Second Reading Public Hearing

BACKGROUND:

In 2018, the State legislature passed Public Acts 365 and 366 to allow small cell wireless infrastructure to be placed within municipal rights-of-way. The Michigan Municipal League on advice and consent from its membership opposed this legislation. It passed anyway but with slightly stronger regulatory powers granted to municipalities to protect public rights-of-way.

This legislation mandates that cities must allow such infrastructure within the right of way but that it may enforce land use rules, placement protocol, and reasonable fees for permitting. These regulations and fees must be adopted with appropriate local legislation.

FISCAL IMPACT:

Depends on associated fees for small cell wireless application.

RECOMMENDATION:

In order to maintain reasonable control of 3rd party infrastructure placement within public rights-of-way, staff recommends scheduling the public hearing for November 2, 2020 to receive comments regarding the addition of section 34-313 to the Owosso Code of Ordinances. This new ordinance will require an applicant to:

- Apply for a local permit
- Submit a site plan
- Colocation on existing poles where available
 - Subject to load restrictions
 - Allows new pole installation where existing poles are not available
- Abide by design standards
- Pay for removal and restoration of public right of way if infrastructure is ever decommissioned or no longer in use

RESOLUTION NO.

**AMEND CHAPTER 34 UTILITIES AND SERVICES OF THE CODE OF ORDINANCES
TO ALLOW ADMINISTRATIVE SITE PLAN REVIEW**

WHEREAS, the State of Michigan requires municipalities to allow small-cell wireless infrastructure within the public rights-of-way through Public Act 365 of 2018; and

WHEREAS, PA 365 allows municipalities to regulate such infrastructure and establish reasonable fees associated with placement of infrastructure within public rights-of-way; and

WHEREAS, the State of Michigan Public Act 366 of 2018 amends the Michigan Zoning Enabling Act with respect to wireless communications equipment and supporting structures and also small-cell wireless facilities; and

NOW THEREFORE BE IT RESOLVED, that the City of Owosso hereby amends Chapter 34, Utilities and Services Code of the City of Owosso to add Section 34-313 as follows:

**CITY OF OWOSSO ORDINANCE NO. 813
AMENDMENT TO THE CITY OF OWOSSO CODE OF ORDINANCES**

An ordinance to amend Chapter 34 of the City of Owosso Code of Ordinances to secure the health, safety, and general welfare of the residents and property owners of the City of Owosso, Shiawassee County, Michigan, by regulating small wireless facilities within the City pursuant to the Small Wireless Communications Facilities Deployment Act, Act 365 of 2018, as amended.

THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN ORDAINS:

ARTICLE VII. —SMALL CELL WIRELESS FACILITIES

Sec. 34-313. — Definitions.

Act means the Small Wireless Communications Facilities Deployment Act, Act 365 of 2018.

Authorization means permission from the city to do work in the public way or to maintain facilities in the public way and includes but is not limited to a franchise, a license, a permit, a letter, construction drawing approval. Multiple authorizations may be required for certain activities.

Colocate means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Colocate does not include make-ready work or the installation of a new utility pole or new wireless support structure.

Contractor means and includes any of the following licensed entities performing work on an owner's behalf: contractor; subcontractor; or any employee or agent of a contractor, subcontractor, or owner.

Department means the City Department of Public Works.

Emergency means a condition that poses a clear and immediate danger to life or health, or a significant loss of property, or requires immediate repair to restore service to a group of users of such service.

Emergency work means the replacement or repair of damage to active facilities, including main lines and services, where all 811 dig requirements are met.

Excavate means without limitation any cutting, digging, grading, tunneling, boring, or other alteration of the surface or subsurface material or earth in the public way.

Facilities means poles, pipes, culverts, conduits, ducts, cables, wires, fiber, amplifiers, pedestals, antennas, transmission or receiving equipment, other electronic equipment, electrical conductors, manholes, appliances, signs, pavement structures, irrigation systems, landscaping, monument signs, monument mailboxes and any other similar equipment, for public or private use.

Owner means any property owner, company owner, or any entity by which work within the right-of-way has been ordered, or any entity on behalf of which any work within the right-of-way is caused to be performed, or any agent thereof.

Person means an individual, association, firm, partnership, limited liability company, joint venture, corporation, government, utility, or other organized entity able to contract for the activities described in this ordinance, whether for profit or not for profit. The term does not include the city.

Public right-of way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. The term "public right-of-way" does not include a federal, state, or private right-of-way.

Small cell wireless facility means a wireless facility that meets both of the following requirements:

(i) Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.

(ii) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power

transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

User means a person that proposes to place facilities in the public way, places such facilities, or owns or maintains such facilities. The term includes but is not limited to licensees and franchisees.

Utility pole means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements in section 13(5) of the Act and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than 15 feet in height above ground.

Wireless facility means equipment at a fixed location that enables the provision of wireless services between user equipment and a communications network, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes a small cell wireless facility. Wireless facility does not include (i) the structure or improvements on, under, or within which the equipment is colocated, (ii) a wireline backhaul facility, or (iii) coaxial or fiber-optic cable between utility poles or wireless support structures or that otherwise is not immediately adjacent to or directly associated with a particular antenna.

Wireless provider means a wireless infrastructure provider or a wireless services provider. Wireless provider does not include an investor-owned utility whose rates are regulated by the Michigan Public Service Commission ("MPSC").

Wireless services means any services, provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile location.

Wireless services provider means a person that provides wireless services.

Wireless support structure means a freestanding structure designed to support, or capable of supporting, small cell wireless facilities. Wireless support structure does not include a utility pole.

Sec. 34-314. — General Requirements.

- (a) No wireless providers shall occupy, wholly or in part, the streets, alleys, or public rights-of-way within the geographical boundaries of the City without first receiving a franchise and consent and permit for that purpose.
- (b) No wireless providers shall attach, alter, or modify a City-owned pole or wireless support structure without entering into a license agreement with the City.
- (c) The City may establish appropriate requirements for new franchises, licenses,

and ordinance requirements consistent with state and federal law, and may modify the requirements of this article from time to time to reflect changes in the industry. The City further retains the right to make any modifications based on court rules, injunctions, or statutory amendments addressing the federal and state law mandates requiring the City to provide this process under its current regulations. The City further reserves any constitutional or statutory challenges it may have under federal and state law to the process mandated, despite its efforts to comply such changes in the law.

- (d) Notwithstanding any other provisions of this article to the contrary, a wireless provider shall at all times comply with all laws and regulations of the state and federal government or any administrative agencies thereof. Provided, however, if any such state or federal law or regulation shall require a wireless provider to perform any service, or shall permit a provider to perform any service, or shall prohibit a wireless provider from performing any service, in conflict with the terms of this article or resulting franchise or of any law or regulation of the City, then as soon as possible following knowledge thereof, a wireless provider shall notify the City of the point of conflict believed to exist between such regulation or law and the laws or regulations of the City or any applicable franchise.
- (e) Subject to this article, wireless providers may occupy and use the public right-of-way to collocate small cell wireless facilities to provide wireless services upon, along, over and under the public right-of-way in the city such that such collocations do not inhibit other utility installations within the public right-of-way.
- (f) The city retains its right to impose fees and compensation consistent with federal and state law.
- (g) Wireless providers shall pay taxes for telecommunications services that are subject to taxation.
- (h) Use of the public right-of-way is allowed only to the extent the city itself possesses such rights.
- (i) Wireless providers shall obtain approvals legally necessary to use the public right-of-way from owners, other than the city, of property interests in the public right-of-way or adjacent to the roadway system located within the city. To the extent any wireless provider obtains approval through a statutory authorization, as opposed to review and approval by the City, the wireless provider's placement or location of any small cell wireless facility, wireless facility, and utility pole within the City's public right-of-way shall comply the general and specific design and location requirements of this article.
- (j) No wireless provider shall have the exclusive right or privilege to occupy or use

the public right-of-way for delivery of wireless services or any other purpose.

- (k) The city reserves all rights to use the public right-of-way for any purpose not prohibited by law, including the provision of wireless services, and all rights to grant authorizations to any other person(s), including any wireless provider, to use the public right-of-way.
- (l) Wireless providers shall have no right, title, or interest in the public right-of-way, and any franchise, consent, permit, or license provided by the city provides not right, title or interest to occupy any space outside of the public right-of-way or any private property not owned by the city.
- (m) Wireless providers use of the public right-of-way shall not divest the city of any interest in the public right-of-way.
- (n) The city does not warrant its legal interest in the public right-of-way.
- (o) Nothing in this section shall be deemed or construed to stop or limit the city from exercising any regulatory, police, governmental, or legislative function pursuant to applicable law, which powers include, but are not limited to, the authority to enact regulations, ordinances, rules, and orders not prohibited by state or federal law that affect the public right-of-way or a wireless provider's use of the public right-of-way.
- (p) The terms of this section do not permit the wireless provider to operate a cable system or to provide cable service, as those terms are defined by Section 602 of the Cable Communications Policy Act of 1984, as amended (47 U.S.C. Section 522), or install any wires or facilities that are required to be permitted under the METRO Act, Public Act 48 of 2002, MCL 484.310.
- (q) This article only permits the wireless provider, upon obtaining required approvals and permits, to place its small cell wireless facilities in those portions of the public right-of-way approved by the city.
- (r) Under no circumstances shall any wireless provider be permitted to place small cell wireless facilities on any building that is on the National Register of Historic Places, pursuant to 47 C.F.R. § 1.1307(a)(4).
- (s) Colocation of small cell wireless facilities shall commence within six months of permit issuance and shall be activated for use no later than one year from the permit issuance date. Failure to commence colocation within six months of permit issuance shall void said permit. A small cell wireless facility not activated within one year of permit issuance shall be considered abandoned and shall be removed from the public right-of-way at the wireless provider's sole expense.

- (t) A wireless provider shall notify the city in writing of the location and date that any wireless facility located in the city whose use will be discontinued. If the use of the facility is discontinued for 180 days without notice from the owner/operator or the owner of the property or other information indicates that the facility is not in use, the City may declare the facility abandoned. The City will provide notice and provide the wireless provider an opportunity to show cause before the City Manager as to why the wireless facility should not be removed. Following determination of the City Manager, the city may take the necessary steps to remove the facilities from the City's right-of-way.

Sec. 34-315. — Permit Required.

- (a) *Permit Requirement.* Except as otherwise provided in the Act, a wireless services provider seeking to use public rights-of-way in the city for its small cell wireless facilities shall apply for and obtain a permit pursuant to this article.
- (b) *Limitations on Facilities in Application.* No more than 20 small cell wireless facilities may be included in a single permit application.
- (c) *Application.* A wireless provider shall apply for a permit on an application form made available by the city clerk. **A wireless provider shall file one copy of the application with the city clerk, one copy with the department, and one copy with the city attorney.** Applications shall be complete and include all required information. An application is not considered complete until all required materials have been submitted and accepted by the city. At a minimum, the applications shall require submission of the following:
- (1) Applicant contact information, including an address, phone contact, twenty-four-hour emergency contact information, e-mail address, and any applicable license numbers;
 - (2) Applicant's contractor and subcontractor information, including the names, addresses, phone contact, e-mail addresses, emergency contact numbers, and name of the supervisor(s) assigned to any facility project of all contractors or subcontractors that will work within the City's rights-of-way under a permit;
 - (3) Number of wireless facilities that will be deployed;
 - (4) The scope of the deployment, including whether the deployment is modification of a current facility or utility pole, collocation on an existing pole or structure, or installation of a new or replacement structure or pole;
 - (5) GIS maps and coordinates detailing locations for each proposed

attachment and related facilities associated with each attachment;

- (6) A coverage map showing the projected coverage areas of existing and proposed small cell wireless facilities;
- (7) Site plan at a scale not smaller than one-inch equals twenty feet with dimensions showing the following:
 - i. Proposed location within the right-of-way including nearest cross street intersection;
 - ii. Parcel identification number and property ownership for parcels located within 75 feet of the proposed facility;
 - iii. Height of the proposed facility;
 - iv. The distance of the proposed facilities and the nearest property line, roadways, rights-of-way, and utilities within the rights-of-way; and
 - v. Any other proposed improvements that are part of the deployment;
- (8) An application fee as established by the City Council;
- (9) Executed franchise, license and consent agreement for access to and use of the City's rights-of-way;
- (10) Specification sheets for all attachments and equipment that will be located within the City, including the dimensional size of the small cell wireless facility and all other wireless equipment;
- (11) Attachment drawings and demonstrations of each type of installation, including photograph simulations showing collocations, new or replacement poles, and concealment and design characteristics satisfying this article;
- (12) Structure loading analysis if being colocated on any pole within the City including but not limited to a utility pole or a Consumer's Energy pole or any other structure;
- (13) Attestation that the small cell wireless facilities will be operational for use by a wireless services provider within one (1) year after the permit issuance date;
- (14) Work plan describing the location of the proposed work, the work to be performed, the limits of disturbance to the public right-of-way and the method and materials to be used;

- (15)Landscape plans for ground-mounted facilities, if applicable;
 - (16)Site/structure remediation plans for restoring the public right-of-way after removal of the wireless facilities;
 - (17)Certificate of compliance with FCC radio frequency emission regulations;
 - (18)For all new poles, replacement poles, and wireless structures, demonstration of compliance with AN SI/TIA 222-G-2 standards;
 - (19)For all new poles, replacement poles, and wireless support structures, a certification by the wireless provider and a structural analysis sealed by a licensed engineer attesting that the towers and structures design and present condition (if existing prior to the application) will accommodate colocation of additional antennas, including the extent of such colocation space;
 - (20)For all new poles, replacement poles, and wireless support structures, a statement from a licensed engineer why no current existing towers or structures are adequate to provide the services planned with the wireless facility;
 - (21)An inventory of any existing and approved small cell wireless facilities, poles, and wireless support structures that are within the jurisdiction of the City;
 - (22)Copy of all other permits related to the deployment, including any applicable METRO Act application and permit;
 - (23)For deployments in downtown or residential districts, documentation of compliance with design and location requirements;
 - (24)Documentation showing adequate insurance, including the City named as an additional insured;
 - (25)A performance bond meeting the requirements of this Article; and
 - (26)Any additional information requested by the City.
- (d) *Confidential information.* If a wireless provider claims that any portion of the information submitted by it as part of its application contains trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act (MCL 15.231 et seq.), the wireless provider shall prominently so indicate on the application.

- (e) *Application fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time nonrefundable application fee in the amount as established by City Council.
- (f) *Permit Approval Process.* Permit applications shall comply with the following process.
 - (1)*Submission.* The wireless provider may file the application, including all required documents, fees and information as guided by 34-315 (c).
 - (2)*Initial Review for Completeness.* Submitted applications will first be reviewed for completeness to ensure that all required information is included. If an application is deemed incomplete, the City will provide written notice to the wireless provider which clearly delineates all missing documents or information. Any applicable statutory review times will be tolled from the time the City notifies the wireless provider that the application is incomplete until a supplemental submission is received.
 - (3)*Review by City Staff* Once an application is deemed complete, it will be reviewed by the City Manager, the City Department of Public Works, the City Building Official, the Chairperson of the Downtown Development Authority (if said application pertains to a location within the DDA District), the City Attorney and any other designees of the City Manager.
 - (4)*Post-application Meeting.* If review by the City raises any issues or concerns, meetings with the wireless provider and relevant members of the City staff may be requested.
 - (5)*Final Approval.* Upon the conclusion of the City's review, the City Council will review the application and any recommendations from City staff. If the City Council is satisfied that all the requirements of this article are satisfied, it will approve the application. The wireless provider is requested to attend this meeting.
 - (6)*Issuance of Permit.* Once an application is approved by the City Council, the City Department of Public Works shall issue a permit granting wireless provider access to and use of the public rights-of-way.
 - (7)*Notice of Completion.* Wireless provider will notify the City within 48 hours after completing the work allowed by the permit.
 - (8)*Final Inspection.* Within 30 days after receiving notice that the wireless provider has completed the work under the permit, the City will inspect the wireless provider's facilities and make a written report as to the satisfaction of

the permit, the City Code, any applicable agreements and state and federal law.

(g) **Timeline for Review.** Applications will be processed consistent with the following timelines:

(1) *Colocation Requests.* Applications requesting to colocate small cell wireless facilities on poles located within the public right-of-way will be approved or denied within 60 days after the date the application is submitted, subject to the following:

- i. The City will determine whether the application is complete within 25 days after the application is submitted. The City will provide written notice to the wireless provider if the application is deemed incomplete and a supplemental response is required.
- ii. If a supplemental response is required, the City's deadline for approving or denying the application will be tolled by however many days it takes for the wireless provider to submit a supplemental response to the City after receiving notice that the wireless provider's application was incomplete. The City will notify the wireless provider whether the application remains incomplete within 10 days of receiving a supplemental response. If more than one supplemental response is required, the deadline for approving or denying the application will continue to be tolled by the number of days between the City providing notice to the wireless provider and the City receiving a supplemental submission.
- iii. The City may add 15 days to the deadline for approving or denying the application if another wireless provider also submitted an application within 7 days of the date of the submission of the application in question.
- iv. The City may extend the deadline for approving or denying the application by an additional 15 days if the City notifies the wireless provider in writing that an extension is needed and the reasons for the extension.
- v. If the City denies a completed application, it will provide written notice explaining the reason for denial. The wireless provider may cure the identified deficiencies and resubmit its application within 30 days after the denial without paying an additional fee. The City will approve or deny the revised application within 30 days after receiving the revised application.

- vi. The deadline for approving or denying the application may be extended by mutual agreement between the City and the wireless provider.
- (2) *Requests to Install a New or Replacement Utility Pole:* Applications requesting to install a new or replacement utility pole and associated small cell wireless facility within the public right of way will be approved or denied within 90 days after the date the application is submitted. The City will determine whether the application is complete, deny the application, and review and consider a revised application as provided for collocation requests.
- (3) *Requests to Install Facilities Outside the ROW, New or Replacement Wireless Support Structures Within the ROW or to Modify Wireless Support Structures.* Applications to install or modify small cell wireless facilities outside of the public right-of-way, application to install new or replacement wireless support structures within the public right-of-way, and applications to install or modify wireless support structures to be used for small cell wireless facilities will be approved or denied within 90 days after the date the application is submitted, subject to the following:
- i. The City will determine whether the application is complete within 30 days the wireless provider if the application is deemed incomplete and a supplemental response is required.
 - ii. If a supplemental response is required, the City's deadline for approving or denying the application will be tolled by however many days it takes for the wireless provider to submit a supplemental response to the City after receiving notice that the wireless provider's application was incomplete. The City will notify the wireless provider whether the application remains incomplete within 10 days of receiving a supplemental response. If more than one supplemental response is required, the deadline for approving or denying the application will continue to be tolled by the number of days between the City providing notice to the wireless provider and the City receiving a supplemental submission.
 - iii. The deadline for approving or denying the application may be extended by mutual agreement between the City and the wireless provider.
- (4) *Requests to Install New Wireless Support Structures Outside of the ROW.* Applications to install or construct new wireless support structures outside of the public right-of-way to be used for small cell wireless facilities will be approved or denied within 150 days after the date the application is submitted, subject to the following:

- i. The City will determine whether the application is complete within 30 days after the application is submitted. The City will provide written notice to the wireless provider if the application is deemed incomplete and a supplemental response is required.
 - ii. If a supplemental response is required, the City's deadline for approving or denying the application will be tolled by however many days it takes for the wireless provider to submit a supplemental response to the City after receiving notice that the wireless provider's application was incomplete. The City will notify the wireless provider whether the application remains incomplete within 10 days of receiving a supplemental response. If more than one supplemental response is required, the deadline for approving or denying the application will continue to be tolled by the number of days between the City providing notice to the wireless provider and the City receiving a supplemental submission.
 - iii. The deadline for approving or denying the application may be extended by mutual agreement between the City and the wireless provider.
- (h) *Standards for Review of Application.* The city may grant or deny the location and installation of any small wireless facility, pole, or wireless support structure prior to installation, if installation would:
- (1) Materially interfere with the safe operation of traffic control equipment.
 - (2) Materially interfere with sight lines or clear zones for transportation or pedestrians.
 - (3) Materially interfere with compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, or similar federal, state, or local standards regarding pedestrian access or movement.
 - (4) Materially interfere with or endanger the use of City bike paths, walkways, parks, or recreational areas used by City residents.
 - (5) Materially interfere with use or maintenance of the City's public utility infrastructure.
 - (6) Materially interfere with maintenance or use of the City's drainage infrastructure as it was originally designed, or not be located a reasonable distance from the drainage infrastructure to ensure maintenance.
 - (7) Fail to comply with spacing requirements as set forth in this article.
 - (8) Fail to comply with applicable codes.

- (9) Fail to comply with design and concealment requirements as set forth in this article.
- (10) Fail to maximize existing infrastructure, i.e. applicant's refusal to collocate upon an available established structure without reasonable explanation, data or proof of how collocation will be detrimental to the service or performance of the small cell wireless equipment.

Sec. 34-316. —General Design and Location Requirements.

Small cell wireless facilities, related equipment and accessories, poles and wireless support structures shall comply with the following design and concealment standards:

- (a) *Compatible Design.* All small cell wireless facilities and related equipment must use materials, colors, textures, and screening so as to be aesthetically and architecturally compatible with the surrounding environment, including:
 - (1) Be compatible in design to match existing street lights, traffic control devices, poles, infrastructure, outside furniture, garbage receptacles, and adjacent buildings.
 - (2) Be aesthetically pleasing.
 - (3) Be the similar in color to existing architecture and adjacent infrastructure.
- (b) *Lighting.* Facilities shall not be artificially lighted. If lighting is required, the lighting fixtures and installation must cause the least disturbance to surrounding properties.
- (c) *Colocation.* Unless physically or technically infeasible, all wireless facilities shall be attached and collocated to existing structures within the City. The attachment and collocation is an effort to maximize the municipality's infrastructure and to avoid excessive structures. Any wireless provider must openly allow another provider to collocate upon its wireless facility under rates and conditions that are acceptable within the industry to promote collocation. Unless physically or technically infeasible to attach a new wireless facility to an existing pole or structure, any City approved new wireless facilities shall be constructed to accommodate two or more users.
- (d) *Ancillary Facility Equipment.* All other wireless equipment with the facility shall be designed and painted to satisfy this section. The equipment will be required by the City to be located underground in any locations where the equipment will be visible from adjacent roadways and lots and public electrical utility lines are

already placed underground. Where underground placement of equipment is not required or would impair service, aboveground placement is permitted upon the City's approval. Ground-mounted equipment shall comply with the following requirements:

- (1) All equipment shall be completely concealed from view within an enclosed cabinet. Cabinets must be compatible in color and design to match existing infrastructure and architecture.
 - (2) So as not to impede or impair public safety or the legal use of the public right-of-way by the traveling public, in no case shall ground-mounted equipment be located closer than two feet from the public right-of-way, edge line, face of curb, sidewalk, bike lane or shared-use path.
 - (3) Ground-mounted equipment shall be located a minimum of 12 feet from any permanent object or existing lawful encroachment in the public right-of-way to allow for access.
 - (4) Ground-mounted equipment must be secured to a concrete foundation or slab with a breakaway design in the event of collisions.
 - (5) Ground-mounted equipment must either be screened with plant material that is consistent with the characteristics of the surrounding area, be integrated into the base of an existing utility pole, wireless support structure or other infrastructure, or be otherwise camouflaged so as to be aesthetically and architecturally compatible with surrounding environment, without detracting from the streetscape. The City and the wireless provider shall agree on mutually acceptable design criteria prior to any aboveground deployment.
- (e) *Separation Distances.* New utility poles and ground-mounted equipment shall be installed at least 300 feet from any existing or proposed utility pole or ground-mounted equipment. Any wireless provider desiring to install poles less than 300 feet apart shall demonstrate to the City's satisfaction that the wireless provider could not serve a location without the desired placement.
- (f) *Marking and Signage.* No small cell wireless facility, utility pole, wireless support structure or any portion thereof shall have any signage except as expressly permitted by this article or as required by state or federal law. Aerial portions of small cell wireless facilities shall be marked with a marker which shall state wireless provider's name and provide a toll-free number to call for assistance. Underground portions of small cell wireless facilities shall have a stake or other appropriate above ground markers with wireless provider's name and a toll-free number indicating that there is buried equipment below. Any marking required by this section shall not be used for advertising purposes and shall not exceed one (1) square foot in area unless approved by the City.

Sec. 34-317. —Design and Location Requirements for Deployments on Existing Poles.

Small cell wireless facilities installed on existing utility, street light, traffic signal poles, or wireless support structures located in residential and downtown districts shall comply with the following design and concealment standards:

- (a) The maximum pole height shall be 40 feet.
- (b) They shall be aesthetically pleasing, similar in design to existing infrastructure and architecture, consistent with the local character of the area and shall not detract from the streetscape.
- (c) To the extent practicable, all accessory cables and equipment shall be installed underground.
 - (1) If any equipment cannot be installed underground, then it shall be installed at the base of the pole and concealed with skirting compatible in design and color to the pole.
- (d) Antenna shall be installed within the pole and not visible. If any antenna cannot be installed within the pole and made not visible, then it shall extend vertically from the pole or be flush-mounted to the side of the pole and shall be designed to be an architecturally compatible extension of the pole. The diameter of the antenna shall be consistent with the diameter of the pole, not including other appurtenances or extensions from the pole, or the base to which the pole is mounted. The antenna shall not extend more than ten feet above the top of the pole and not exceed forty feet in total height as measured from the ground.

Sec. 34-318. — Design and Location Requirements for Deployments Requiring New Poles

Small cell wireless facilities requiring the installation of a new pole or wireless support structure in residential, historic, and downtown districts shall comply with the following design and concealment standards:

- (a) If available, small cell wireless facilities shall attach to existing poles or wireless support structures.
- (b) In the event that the only alternative to locating a small cell wireless facility upon an existing pole or wireless support structure is new construction of a pole or wireless support structure, the new pole or wireless support structure shall be designed to accommodate multiple small cell wireless provider facilities.

- (c) Poles shall be located a minimum of 15 feet from any tree, measured to the nearest edge of the tree-trunk. Additionally, 80 percent of the root protection zone shall remain undisturbed. The root protection zone shall either be a six-foot radius around the tree or a one-foot radius for every inch of tree diameter at breast height, whichever is greater. This minimum separation shall not apply for a new pole that replaces an existing pole, where the new pole is installed in the same place as, or immediate vicinity of, the existing pole.
- (d) Poles shall be designed pursuant to city standards or the applicable utility's standard, and function as street light poles, utility poles, or traffic signal poles in consultation with the city or the applicable utility and shall be incorporated into the applicable utility or signaling system.
- (e) Poles shall comply with the following height regulations:
 - (1) In residential districts, poles shall not exceed 33 feet in height from ground level.
 - (2) In downtown districts, poles shall not exceed 10% of an adjacent building or exceed 40 feet in height from ground level, whichever is less.
 - (3) In all other districts, poles shall not exceed 40 feet in height from ground level.
- (f) Poles shall be designed and installed with materials and appearance consistent with existing poles in the adjacent public way, unless materials and appearance are prescribed by other ordinance, law, or City requirements. Poles shall be aesthetically pleasing, consistent with the local character of the area and shall not detract from the streetscape.
- (g) Antenna shall be installed within the pole and not visible. If any antenna cannot be installed within the pole and made not visible, then it shall extend vertically from the pole or be flush-mounted to the side of the pole and shall be designed to be an architecturally compatible extension of the pole. The diameter of the antenna shall be consistent with the diameter of the pole, not including other appurtenances or extensions from the pole, or the base to which the pole is mounted. The antenna shall not extend more than five feet above the top of the pole.
- (h) To the extent practicable, all accessory cables and equipment shall be installed within the pole or placed underground as required by this article.

Sec. 34-319. — Insurance and Bonding Requirements

- (a) *Insurance.* The wireless provider shall furnish proof of insurance in an amount and form satisfactory to the City, naming the City as an additional insured. Such insurance shall cover a period of not less than the term of this permit and shall provide that it cannot be cancelled without thirty (30) days advance written notice to the City.
- (b) *Bonding.* Before any work under a permit issued pursuant to this Article may commence, a wireless provider shall furnish to the City a performance bond in the form of an irrevocable bank letter of credit form or surety bond form approved by City, in the amount of \$1,000.00 per small cell wireless facility included in the application for a permit, to provide for the reasonable costs of removal of abandoned or improperly maintained small cell wireless facilities, to repair the ROW or to recoup unpaid rates or fees.

Sec. 34-320. — Assignment; Speculation

- (a) *Assignment; Transfer.* No permit may be transferred or assigned by a wireless provider without the City's express written permission until the construction and installation of all permitted small cell wireless facilities is completed. After completion of such construction, wireless provider must provide notice to the City no later than thirty (30) days after any assignment or transfer, provided that the transferee or assignee:
 - (1) Is qualified to perform under the terms of this Article, the permit issued by the City and any applicable agreement with the City, and shall be subject to the obligations set forth in the same;
 - (2) Supplies the City with all relevant information required by this Article, the permit issued by the City and any applicable agreement with the City; and
 - (3) Complies with any updated insurance and bond requirements deemed reasonably necessary by the City.
- (b) *Speculation.* Any permit obtained pursuant to this Article shall not be held for speculative purposes.

Sec. 34-321. — Revocation of Permit; Removal

- (a) **Revocation of Permit.** A permit to install small cell wireless facilities issued pursuant to this Article shall be revoked upon the occurrence of any of the

following events:

- (1) The wireless provider does not commence construction of the permitted small cell wireless facilities six (6) months after the date of issuance;
- (2) The permitted small cell wireless facilities are not operational within one (1) year after the date of issuance;
- (3) The wireless provider or the permitted small cell wireless facilities violate the terms or conditions of this Article, any applicable agreement with the City, any permit issued by the City, applicable codes or any relevant provision of state or federal law, and such violations are not corrected within thirty (30) days after receiving written notice from the City;
- (4) After the permitted small cell wireless facilities become operational, the wireless provider discontinues the use of the small cell wireless facilities for a period of one hundred and eighty (180) consecutive days;
- (5) The wireless provider fails to renew the permit, or the permit otherwise expires by its own terms; or
- (6) The wireless provider voluntarily requests that a permit be terminated.

These deadlines may be extended only with express written permission from the City. If small cell wireless facilities, utility poles or wireless support structures are installed prior to the revocation of a permit, the wireless provider shall comply with the procedures for removal in the following Section.

(b) *Removal of Facilities; Restoration.*

- (1) A wireless provider shall remove all small cell wireless facilities, utility poles and wireless support structures, and shall restore the public right-of-way to its preinstallation condition within forty-five (45) days after receiving written notice from the City that a permit issued pursuant to this Article has been revoked.
- (2) If the wireless provider does not complete removal and restoration within forty-five (45) days after receiving such notice, the City shall have the right, but not the obligation, to complete the removal and restoration and assess the costs and expenses against the wireless provider, including, without limitation, any administrative costs.
- (3) If the City exercises its right to effectuate removal and restoration, the

wireless provider shall pay to the City the costs and expenses incurred by the City in performing any removal work and any storage of the wireless provider's property after removal (including any portion of the small cell wireless facilities) within fifteen (15) business days of the date of a written demand for this payment from the City. The City may, in its discretion, obtain reimbursement for the above by making a claim under the wireless provider's performance bond. After the City receives the reimbursement payment from the wireless provider for the removal work performed by the City, the City shall promptly return to the wireless provider the property belonging to the wireless provider and removed by the City pursuant to this Section at no liability to the City. If the City does not receive the reimbursement payment from the wireless provider within such fifteen (15) business days, or if City does not elect to remove such items at the City's cost after the wireless provider's failure to so remove prior to forty-five (45) days subsequent to the issuance of notice pursuant to this Section, any items of the wireless provider's property, including without limitation the small cell wireless facilities, remaining on or about the public right-of-way or stored by the City after the City's removal thereof may, at the City's option, be deemed abandoned and the City may dispose of such property in any manner allowed by law, and in accordance with any legal rights of persons other than the City who own utility poles located in the public right-of-way and used by the wireless provider. Alternatively, the City may elect to take title to such abandoned property, regardless of whether the City is provided a valid instrument satisfactory to the City, which transfers the ownership of such property to the City.

- (4) The deadline for removal and restoration may be extended only with express written permission from the City Manager.

Sec. 34-322. — Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Sec. 34-323.— Repeal

Any and all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Sec. 34-323. — Effective Date

This Ordinance shall become effective upon publication of a notice in a newspaper circulated in the City, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the City Clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the City Clerk.



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: October 15, 2020

TO: Mayor Eveleth and the Owosso City Council

FROM: Jessica B. Unangst, Director of HR & Administrative Services

RE: MERS Temporary Modification to Benefit Provisions

On July 20, 2020 City Council approved the First Responder Hazard Pay Premiums Program Application. On August 27, 2020 first responders were given the \$1,000 bonus. For this \$1,000 bonus to count towards Final Average Compensation (FAC) and to also take pension contributions out of this amount, the attached "MERS Temporary Modification to Benefit Provisions" must be completed, approved by Council and submitted to MERS. This is for the firefighters only, based on the language in their union contract.

RESOLUTION NO.

ADOPTING THE MUNICIPAL EMPLOYEES RETIREMENT SYSTEM TEMPORARY MODIFICATION TO BENEFIT PROVISIONS FOR DIVISION 05 (FIREFIGHTERS)

WHEREAS, the city of Owosso, a Michigan municipal corporation, is a member of the Municipal Employees Retirement System (MERS); and

WHEREAS, recently enacted changes in the labor contract for the International Association of Fire Fighters (IAFF), Local 504 modified certain pension benefits; and

WHEREAS, firefighters received \$1,000 in hazard pay from the FRHPPP grant; and

WHEREAS, the city council must adopt a resolution authorizing a temporary modification to benefit provisions.

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

- FIRST: The City of Owosso has determined it is advisable, necessary and in the public interest to provide the \$1,000 one-time payment to our first responders and include that amount in the Final Average Compensation (FAC) for the firefighters and to also take out deductions for pension purposes from that same amount.
- SECOND: The mayor and city clerk are instructed and authorized to sign the MERS Temporary Modification to Benefit Provisions form.
- THIRD: That this modification to benefits is approved for the firefighters and payroll can make the necessary adjustments in the payroll system and with the MERS plan.

Temporary Modification to Benefit Provisions



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

In recognition of the impact to local units of government and adjustments to their workforce to maintain essential services and comply with the "Stay Home, Stay Safe" directive and the Families First Coronavirus Response Act, MERS will be allowing temporary benefit adjustments to an employer's definition of a day of work/hours in a month to earn service credit, and definition of compensation. These adjustments may be changed to account for workload and schedule changes, as well as for different types of compensation, such as paid leave. The temporary period of adjustment is March 1, 2020 through December 31, 2020.

By signing below, the Employer affirms it is making temporary benefit adjustments in good faith in the effort to continue operations, and that they are within the parameters outlined in the MERS' Plan Document and this agreement. These temporary modifications may not result in a diminishment of benefit for participants.

The Employer agrees to adopt and administer the MERS Defined Benefit, Defined Contribution, and Hybrid Plans provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with the MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

I. Employer name _____ **Municipality number** _____

Eligible Employee Divisions _____

(List all applicable division numbers)

II. Temporary Benefit Adjustments

Service Credit – For this temporary period, enter the minimum number of hours in a day or in a month that employees will work and earn service credit:

An employee shall work 10 _____ hour days.

An employee shall work _____ hours in a month.

This modification may not include laid off employees. To provide service credit to furloughed employees that are still employed but on leave, please check here.

All eligible employees, whether full or part time, who meet this criteria must be reported to MERS. Temporary adjustment to day of work definition cannot be more restrictive than the current definition. (This is applicable to Defined Benefit and Defined Benefit portion of Hybrid only.)

Definition of Compensation for purposes of determining wages and employer/employee contributions under Defined Benefit, Defined Contribution and Hybrid are temporarily defined as:

Bonuses, paid leave or additional pay related to COVID-19: INCLUDE EXCLUDE

By checking this box, the employer indicates that the above provisions are not being modified but directs MERS to skip months reported with a discrepancy code of "Other" and Noted as 'COVID-19' when determining an employee's final average compensation for benefit calculation.

All other terms and conditions of the Employer's Adoption Agreement and other agreements between the Employer and MERS remain applicable.

By signing this agreement, for months that include discrepancy code of: "Other" and Noted as 'COVID-19' (under Defined Benefit and Defined Benefit portion of Hybrid), MERS will proceed according to the following:

- Full service credit is allowed for all employees reported in the above division for the temporary period.
- MERS may skip months reported with code "Other" and Noted as 'COVID-19' when determining an employee's final average compensation for benefit calculation.
- Wages, contributions, and service reported will be treated as an accurate reporting for this period.

III. Authorization by Designee of Governing Body of Municipality or Chief Judge of Court

(Name of Approving Employer) Title: _____

Authorized signature: _____ Date: _____



Warrant 592
October 27, 2020

Vendor	Description	Fund	Amount
Caledonia Charter Township	Caledonia Utility Fund payment-7/1/20-9/30/20	Water	\$48,892.12
Owosso Charter Township	Owosso Charter Township 2011 Water Agreement payment-7/1/20-9/30/20	Water	\$16,690.39
		Total	\$65,582.51



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867

DATE: October 29, 2020

TO: Mayor Eveleth and the Owosso City Council

FROM: City Manager

SUBJECT: Fee Schedule Update – Small Cell DAS Infrastructure

BACKGROUND:

In 2018, the State legislature passed Public Acts 365 and 366 to allow small cell wireless infrastructure to be placed within municipal rights-of-way. The Michigan Municipal League on advice and consent from its membership opposed this legislation. It passed anyway but with slightly stronger regulatory powers granted to municipalities to protect public rights-of-way.

This legislation mandates that cities must allow such infrastructure within the right of way but that it may enforce land use rules, placement protocol, and reasonable fees for permitting. The new fees proposed are:

<ul style="list-style-type: none"> Wireless communications equipment and support structures 	
Zoning application fee	Administrative costs to review and process application or \$1,000 (whichever is less)
<ul style="list-style-type: none"> Non-exempt co-locating small cell wireless facilities and support structures 	
Zoning application fee-new wireless support structure or modification of an existing wireless support structure	\$1,000
Zoning application fee-new small cell wireless support structure or modification of an existing small cell wireless facility	\$500
<ul style="list-style-type: none"> Co-locate a small cell wireless facility and/or associated support structure application fee shall not exceed and shall be set as follows: 	
Application fee for permit-each small cell wireless facility alone	\$200
Application fee for permit-each small cell wireless facility and a new utility pole or wireless support structure to which it will be attached	\$300
<ul style="list-style-type: none"> Annual permit fee for each utility pole or wireless support structure in ROW on which a wireless provider has approval to co-locate a small cell wireless facility shall not exceed and shall be set as follows: 	
Annually, unless subsection D. (2) applies.	\$20
Annual permit fee, if the utility pole or wireless support structure was erected by or on behalf of the wireless provider on or after March 12, 2019	\$125

FISCAL IMPACT:

It is unclear how many of these permits will be issued annually. The speed at which the area's 5G network develops will probably increase the amount of permit applications over the next 3-5 years.

RESOLUTION NO. _____

A RESOLUTION TO AMEND THE OWOSSO FEE SCHEDULE TO ESTABLISH RATES, CHARGES, AND FEES ASSOCIATED WITH WIRELESS COMMUNICATIONS EQUIPMENT, SUPPORT STRUCTURES, AND SMALL CELL WIRELESS FACILITIES AND ASSOCIATED STRUCTURES

WHEREAS, The State of Michigan recently adopted Public Act 365 of 2018 (“Act 365”) and Public Act 366 of 2018 (“Act 366”). Both acts take effect on March 12, 2019.

WHEREAS, Act 365 significantly impinges on the City of Owosso’s authority and control over its rights of way and other public places by mandating that the small cell wireless facilities and associated support structures be allowed to use and operate within those public spaces.

WHEREAS, Act 365 further limits the maximum amount which the City of Owosso can charge to small cell wireless providers for use of these public resources, which are maintained and operated by the City of Owosso.

WHEREAS, Act 366 amends the State of Michigan Zoning Enabling Act with respect to wireless communications equipment and supporting structures and also small cell wireless facilities.

WHEREAS, This resolution is adopted in order to implement the rates, charges, and fees permitted to be assessed by the City of Owosso to utilize and operate within the City of Owosso’s public rights of way and other public spaces by the providers of small cell wireless services and wireless communications services.

NOW, THEREFORE, IT IS RESOLVED THAT:

FIRST: The City of Owosso Fee Schedule is hereby amended to add the following rates, charges, and fees:

- a) The zoning application fee for wireless communications equipment and support structures as defined by Act 366 shall be may not exceed the City's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
- b) The zoning application fee for non-exempt co-locating small cell wireless facilities and support structures as defined by Act 365 shall be:
 - a. \$1,000.00 for a new wireless support structure or modification of an existing wireless support structure.
 - b. \$500.00 for a new small cell wireless facility or modification of an existing small cell wireless facility.

- c) The application fee for a permit to co-locate a small cell wireless facility and/or associated support structure shall not exceed and shall be set as follows:
 - a. \$200.00 for each small cell wireless facility alone.
 - b. \$300.00 for each small cell wireless facility and a new utility pole or wireless support structure to which it will be attached.
- d) Provided that every 5 years after November 2, 2020, and without further action of the City of Owosso, the maximum fees then authorized under this subsection C shall be increased by 10% and rounded to the nearest dollar.
- e) The annual permit fee for each utility pole or wireless support structure in the ROW in the City of Owosso on which a wireless provider has approval to co-locate a small cell wireless facility shall not exceed and shall be set as follows:
 - a. \$20.00 annually, unless subsection D.(2) applies.
 - b. \$125.00 annually, if the utility pole or wireless support structure was erected by or on behalf of the wireless provider on or after March 12, 2019. (This subdivision does not apply to the replacement of a utility pole that was not designed to support small cell wireless facilities).
- f) Provided that every 5 years after November 2, 2020, and without further action of the City of Owosso, the maximum rates then authorized under this subsection D shall be increased by 10% and rounded to the nearest dollar.

SECOND: All words, terms, and phrases used in this Resolution shall be interpreted in a manner consistent with Act 365 and Act 366.

THIRD: All resolutions and parts of resolutions in conflict herewith are, to the extent of such conflict, hereby repealed.

FOURTH: This Resolution shall take immediate effect.

**CITY OF OWOSSO
2020 FEE SCHEDULE
Effective June 1, 2020 (as amended November 2, 2020)**

ASSESSING

• Application fee for IFEC extension	\$500.00
• Application fee for IFT tax abatement – Not to exceed limits of Statute MCL 207.555(3) in which the lesser of the actual cost of processing the application or 2% of total property taxes abated during the term that the exemption certificate is in effect can be charged	
Establishing	\$1,500.00
Exemption certificate	\$1,500.00
• Application fee for industrial development district	\$1,500.00
• Application fee for industrial facilities	
Exemption certificate	\$1,500.00
Exemption certificate transfer	\$500.00
• Application fee for project cost revision	\$500.00
• Application fee for project extension	\$500.00

BUILDING DEPARTMENT

***Income limit fee waiver** – Building permits and inspections will be required. However, permit fees will be waived for owner occupied residential buildings for households that have annual incomes less than 30% of the Michigan State Housing Development Authority (MSHDA) area Minimum Income (AMI). The waiver will cover permits for bringing a structure into code compliance and for replacement of roofs, windows, and siding. To qualify, the applicant must submit Michigan or Federal 1040 tax returns for the last three years along with any other financial and ownership information required for determination.*

• Accessory structure - zoning compliance - 200 sq. feet and under	\$50.00
• Accessory structure – zoning compliance – over 200 sq. feet	\$50.00 + building permit fee
• Base fee	\$30.00
• Building board of appeals application fee	\$200.00
• Building permit	
Up to \$1000 – includes base fee and 1 inspection	\$105.00
\$1,001 to \$2,000 – includes base fee and 1 inspection	\$145.00
Add \$30.00 base fee and \$75.00 per inspection to the following:	
\$2,001 to \$50,000	\$60.00 + \$10.00 per \$1,000 over \$2,000
\$50,001 to \$500,00	\$540.00 + \$10.00 per \$1,000 over \$50,000
\$500,001 and above	\$5,000 + \$6.00 per \$1,000 over \$500,000
• Demolition (add \$30.00 base fee and \$75.00 per inspection)	
Commercial - based on size of building	\$180.00 + \$1.00 per sq. ft. over 2,000 sq. feet
Garage – includes base fee + 1 inspection	\$110.00
House – includes base fee and 1 inspection	\$180.00
• Fence zoning – residential	\$80.00
• Fence – commercial	same as building permit fees
• Home occupation – type B home permit	\$50.00
• Inspections/re-inspection fee – commercial and residential - each	\$75.00
• License/registration fee	\$0.00
• Marihuana Fees	
Medical Marihuana Facilities (at time of application and annual renewal)	\$5,000
Adult Use Recreational Establishments (at time of application and annual renewal)	\$5,000
• Misc. reviews (concrete, antennas)	\$50.00
• Mobile/Modular Home	\$250.00
• Moving building	\$200.00
• Penalty for work prior to obtaining permit	cost of permit + \$175.00
• Plan review	55% of permit fee
Plan review special	\$100.00 + cost
Plan review-plans are returned to applicant for modifications	\$50.00 + 60.00/hour

•.Roofing permit – residential	
Up to \$5,000 (includes base fee and 1 inspection)	\$80.00
\$5,001 to 10,000 (includes base fee and 1 inspection)	\$130.00
Over \$10,000	same as building permit fees
•.Roofing permit – commercial	same as building permit fees
•.Siding	\$80.00
•.Sign	\$0.40/sq. foot
Temporary sign (90 days)	\$50.00
•.Swimming pool permit – above ground (zoning compliance)	\$50.00
•.Swimming pool permit – in ground	same as building permit fees
•.Tank removal	\$100.00
•.Temporary structures (tents, contractor’s mobile offices, etc.)	\$60.00
•.Wheel chair ramp/door modification (residential – permit required)	no fee
•.Windows – residential (3 or fewer by owner)	\$50.00
•.Windows – residential (4 or more / all commercial properties)	same as building permit fees

ELECTRICAL

• Base fee	\$30.00
• Baseboard heater	\$15.00
• Branch circuits	\$15.00
• Feeders – bus duct (per 50 ft. or fraction thereof)	\$15.00
• Fire alarm system	\$150.00
Fire alarm system – each additional pull station	\$15.00
• Furnace – unit heater	\$15.00
• Garage	\$50.00
• Generator – residential	\$25.00
• Generator – commercial	\$50.00
• Inspections/re-inspection fee - commercial and residential - each	\$50.00
Special/safety inspections	\$75.00
• License/registration fee	\$0.00
• Low Voltage/Data/Telecom Outlets	
1-19 devices, each	\$5.00
20-300 devices	\$100.00
Over 300 devices	\$300.00
• Mobile/modular home	\$100.00
• Motors	
Up to 20 KVA or HP, 1-25 units (each)	\$15.00
Up to 20 KVA or HP, (each additional unit after 25)	\$5.00
Over 20 KVA or HP, 1-25 units (each)	\$15.00
Over 20 KVA or HP, (each additional unit after 25)	\$7.00
• Penalty for work prior to obtaining permit	cost of permit + \$175.00
• Plan review	\$100.00/hr. (minimum 1 hour)
• Outlets/receptacles/fixtures/other (per 25 or fraction thereof)	\$10.00
• Power outlets (a/c/range/dryer/dishwasher/disposal) each	\$15.00
• Service	
0-200 amps	\$25.00
201-600 amps	\$30.00
601-800 amps	\$35.00
801-1200 amps	\$40.00
Over 1200 amps	\$45.00
• Sub-panels	
0-200 amps	\$25.00
201-600 amps	\$30.00
601-800 amps	\$35.00
801-1200 amps	\$40.00
Over 1200 amps	\$45.00

• Signs	\$75.00
• Whole house permit	\$150.00
MECHANICAL – COMMERCIAL/INDUSTRIAL	
• Base fee	\$30.00
• Air conditioning and refrigeration	
Absorption units/chiller	\$90.00
Centrifugal units/chiller	\$90.00
Compressor – 15-50 hp	\$45.00
Compressor – over 50 hp	\$70.00
Heat pumps – 1.5-15 hp	\$35.00
• Air handlers (self-contained units ventilation & exhaust fans)	
Under 1,500 cfm (piping fee included)	\$35.00
1,500- 10,000 cfm	\$45.00
Over 10,000 cfm	\$100.00
• Air handlers (thru-the-wall fan coil vents)	\$15.00
• Breeching & combustion to appliance – when required	\$60.00
• Chimney – factory built	\$60.00
• Cooling towers w/ reservoirs	
Capacity under 500 gal	\$50.00
Capacity over 500 gal	\$85.00
• Crematories	\$50.00
• Ducts, insulation and fire suppression systems – duct system based on bid price	
Under \$3,000	\$40.00
\$3,000 to \$6,999	\$50.00
\$7,000 to \$14,999	\$85.00
Over \$15,000	\$10.00 fee per each \$3,000 + \$85.00
• Electronic air cleaner with washer	\$50.00
• Evaporator coils	
180,000 BTU and under	\$40.00
180,000 BTU and over	\$45.00
• Fire suppression systems – based on bid price	
Under \$2,000	\$75.00
\$2,000 to \$7,999	\$90.00
Over \$8,000	\$15.00 fee + \$90.00
• Gas burning equipment – new and/or conversion	
400,000 BTU and under (piping fee included)	\$50.00
Over 400,000 BTU (piping fee included)	\$60.00
• Humidifiers	\$25.00
• Incinerators – each	\$40.00
• Inspections – each (including re-inspection)	\$75.00
• Insulation – duct, piping, and/ tanks – based on bid price	
Under \$2,000	\$40.00
\$2,000 to \$7,999	\$50.00
Over \$8,000	\$15.00 fee per each \$3,000 + \$50.00
• License/registration fee	\$0.00
• LPG & fuel oil tanks (underground add \$5.00 additional) (piping fee included)	
276 to 550 gal	\$60.00
551 to 2,000 gal	\$100.00
Each additional tank	add 50% of fee based on largest tank size
• Oil burner	
New/conversion, under 5 gal/hour (piping fee included)	\$60.00
New/conversion, over 5 gal/hour (piping fee included)	\$90.00
• Penalty for work prior to obtaining permit	cost of permit + \$175.00
• Plan review	\$100.00/hour – minimum 1 hour
• Refrigeration systems	

Under 5 hp (split system)	\$35.00
5 hp to 50 hp (split system)	\$45.00
Over 50 hp (split system)	\$75.00
Self-contained units	\$50.00
• Solar equipment/each panel (piping fee included)	\$30.00
• Unit heaters – hot water, gas, or steam	
200,000 BTU and under (piping fee included)	\$30.00
Over 200,000 BTU (piping fee included)	\$40.00
MECHANICAL-RESIDENTIAL	
• Base fee	\$30.00
• Boiler	
200,000 BTU's and under (piping fee included)	\$40.00
Over 200,000 BTU's (piping fee included)	\$55.00
• Central air	\$35.00
• Dampers (all kinds)	\$15.00
• Duct system	
Under \$3,000	\$30.00
\$3,000 to \$6,999	\$35.00
\$7,000 to \$15,000	\$40.00
Over \$15,000	\$7.00 per each \$1,000 + \$40.00
• Exhaust fan	\$15.00
• Gas burning equipment - new and/or conversion	
400,000 BTU's and under (piping fee included)	\$40.00
Over 400,000 BTU's (piping fee included)	\$55.00
• Gas piping/each outlet	\$15.00
• Hotel or motel/per unit	\$50.00
• Inspections - each	\$75.00
• License/registration fee	\$0.00
• LPG & fuel oil tanks (underground add additional \$10) (piping fee included)	\$30.00
• Modular home	\$150.00
• Oil burner - new and/or conversion (piping fee included)	\$45.00
• Penalty for work prior to obtaining permit	cost of permit + \$175.00
• Plan review	\$100.00/hour – 1 hour minimum
• Solar equipment/each panel (piping fee included)	\$100.00
• Solid fuel equipment (complete) - wood stove, prefab fireplaces, stoves, add-on	
Furnaces	\$45.00
• Two-family dwelling	\$150.00
• Water heater	\$15.00
• Whole house permit	\$125.00
PLUMBING	
• Base fee	\$30.00
• Fixtures, floor drains, water connected appliances	\$15.00
• Hotel, motel/per unit	\$45.00
• Inspections	\$75.00
Special/safety inspection (includes certification fee)	\$75.00
• License/registration fee	\$0.00
• Manholes – catch basins/each	\$15.00
• Modular home	\$150.00
• Penalty for work prior to obtaining permit	cost of permit + \$175.00
• Plan review	\$100.00/hour – minimum 1 hour
• Reduced pressure zone back-flow preventer	\$15.00
• Sewage ejectors, sumps	\$15.00
• Sewers (sanitary, storm, or combined)	\$15.00

• Sewers (connection building drain-building sewer)	\$15.00
• Stacks (soil, waste, vent and conductor)	\$10.00
• Sub-soil drains	\$15.00
• Two-family	\$180.00
• Water distributing pipe	
3/4"	\$15.00
1"	\$15.00
1 1/4"	\$20.00
1 1/2"	\$30.00
Over 2"	\$45.00
• Water service	
Less than 2"	\$15.00
2" to 6"	\$25.00
over 6"	\$30.00
• Whole house permit	\$120.00

CITY CLERK

• Cable television franchise fee	3%
• Marriage fee/presided by Mayor	\$10.00

CITY TREASURER

• Adult entertainment license fee:	
Note: If application denied, 1/2 fee returned	\$1,500.00
• Adult entertainment license renewal fee	\$1,500.00
Note: a late penalty of \$100 if renewal filed less than 60 days before license exp. If application denied, 1/2 of total fees collected returned	\$1,500.00
• License renewal	
Late fee first 15 days	License fee + 25%
Late fee beyond 15 days	License fee + 50% adult entertainment penalties
• Adult entertainment penalties	\$500.00
• Collection fee tax – administrative fee	
1% on all advalorem taxes (on the amounts collected for other units – not City) Potential to collect Admin. Fee on our own (City) taxes	
• Property tax late collection fee	
Summer	2% additional September
Summer	3% additional October
Summer	4% additional November
Winter & any summer balance	3% additional Feb 15 th – 28 th
• Return check – as allowed by MCL 600.2952	
First incident	\$25.00
Second incident, etc. in 12 months' time	\$35.00

COMMUNITY DEVELOPMENT

• Credit reports (if not partnered w/ bank or finance group)	cost + 25%
• Consultant Escrow fee	\$1,500.00
• Historic district permit application fee	\$0.00
• Lot splits	
Single	\$225.00
Multiple	\$225.00 each + \$35.00/resulting lot
• Off-street parking facility/lot application permit (see ordinance/code)	\$150.00
• Permits ("new use of land" and "new use of building(s)") mentioned specifically in code	\$30.00
• Rental property registration/per unit	\$25.00
Non-compliance fee, 1 st occurrence	\$200.00

Non-compliance fee, each additional occurrence	\$400.00
• Residential entranceway permit (see ordinance/code)	\$150.00
• Rezoning request	\$550.00 + \$5.00/acre
• Site Plans	
Apartment/townhouse	\$550.00 + \$4.50/unit
Commercial/Industrial	\$500.00 + \$50.00/acre
Institutional (Schools, Public Services, Hospitals)	\$475.00 + \$40.00/acre
Mobile home park	\$575.00 + \$5.00/unit
Planned Unit Development/Mixed use development	\$550.00 + \$50.00/acre
Preliminary site plan review	75% of site plan review fee
Single family site condo (prelim or final)	\$700.00 + \$5.00/lot
Site plan revision/review	75% of site plan review fee + any needed consulting fees determined by administration
Site plan requiring review by city engineer	all costs by owner/applicant via escrow
Special meetings with planner/engineer	all costs by owner/applicant via escrow
• Special exceptions application/permit, conditional use or temporary use permit by ZBA (see ordinance/code)	\$200.00
• Special land use	\$400.00 + \$6.00/acre
• Subdivision	
Preliminary – tentative	\$700.00 + \$5.00/lot
Preliminary - final	\$350.00 + \$2.50/lot
Final plat	\$500.00 + \$4.00/lot
• Temporary land use (ZBA review)	\$500.00
• Temporary uses for administrative approval	\$75.00
• Use variance	\$700.00
• Wireless communications equipment and support structures	
Zoning application fee	Administrative costs to review and process application or \$1,000 (whichever is less)
• Non-exempt co-locating small cell wireless facilities and support structures	
Zoning application fee-new wireless support structure or modification of an existing wireless support structure	\$1,000
Zoning application fee-new small cell wireless support structure or modification of an existing small cell wireless facility	\$500
• Co-locate a small cell wireless facility and/or associated support structure application fee shall not exceed and shall be set as follows:	
Application fee for permit-each small cell wireless facility alone	\$200
Application fee for permit-each small cell wireless facility and a new utility pole or wireless support structure to which it will be attached	\$300
• Annual permit fee for each utility pole or wireless support structure in ROW on which a wireless provider has approval to co-locate a small cell wireless facility shall not exceed and shall be set as follows:	
Annually, unless subsection D. (2) applies.	\$20
Annual permit fee, if the utility pole or wireless support structure was erected by or on behalf of the wireless provider on or after March 12, 2019	\$125
• Zoning variance	
Commercial	\$400.00
Residential	\$175.00
GENERAL	
• Notary	
Non-resident	\$10.00
Resident	\$5.00
• Rental conference room between 8:00 am to 5:00 pm	
½ day up to four hours	\$30.00

Full day	\$60.00
Organization of which the city is a member	\$0.00
• Rental council chambers between 8:00 am to 5:00 pm	
Up to four hours	\$30.00
Full day	\$60.00
Organization of which the city is a member	\$0.00

HISTORICAL COMMISSION - Funds go to back to Historical Commission

• Admission Curwood Castle	
Adult	Donation Request \$5.00
Child	Donation Request \$2.00
• Rental Curwood Castle	
First hour	(\$50.00 refundable) \$250.00
Each additional hour	\$55.00
• Rental Gould House	
First hour	(\$50.00 refundable) \$250.00
Each additional hour	\$55.00
• Rental Gould House apartment #2	
Per month	\$750.00
Note: reduction in rate if long term	\$650.00
• Rental Gould House apartment #3	
Per month	\$750.00
Note: reduction in rate if long term	\$650.00

PUBLIC SAFETY

• Ambulance fees – adjusted to the screen rates approved by commercial insurance companies	
In-facility transport	\$250.80
• Dog license	see ordinance**none currently**
• False alarm fee – fee may be waived by authority of Public Safety Director	
First call in 12 months	\$0.00
Second false alarm in 12 months	\$10.00
Each additional false alarm in calendar year	\$25.00
Late fee(s) (in excess of 10 days)	10% of fee + 6% interest
• Fire house demonstrations	donation only
• Fire run	\$500.00
• Gun registration	\$10.00
• Liquor license application fee	\$10.00
• Liquor license changes	\$50.00
• Liquor license ownership transfer	\$150.00
• Portable breath test (PBT)	
1/2 month	\$15.00
Full month	\$30.00
• Sex offender initial registration	\$35.00

PARKING FINES – DEFINED IN SECTION 33 OF THE OWOSSO MUNICIPAL CODE

• Abandoned car	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Across parking line	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Blocking alley	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00

Paid within 30 days	\$45.00
• Blocking driveway	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Blocking traffic	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Double parking	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Fifth violation of any above violation within a 30-day period	
Paid within 7 days	\$100.00
Paid within 14 days	\$100.00
Paid within 30 days	\$100.00
• Moving to evade time limitations	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Other parking violation	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Overnight parking in 3:00 am to 6:00 am zone	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Parked facing wrong way	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Parking in prohibited zone	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Parking in loading zone	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Parking on sidewalk or crosswalk	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Parking at yellow curb	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Parking in handicap zone	
Paid within 7 days	\$50.00
Paid within 14 days	\$100.00
Paid within 30 days	\$100.00
• Parking within 15 feet of fire hydrant	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00

• Parking over 12 inches from curb	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Parking over legal limit in areas other than business districts defined in sec 33-37	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Parking over legal limit in business districts defined in sec 33-37 – 3 rd & subsequent violations in each calendar year	
Paid within 7 days	\$15.00
Paid within 14 days	\$30.00
Paid within 30 days	\$45.00
• Parking of a truck or commercial vehicle with a gross weight in excess of 5 tons or in excess of 22 feet in length in violation of the provisions of section 5.61 of the Uniform Traffic Code	
Paid within 7 days	\$25.00
Paid within 14 days	\$50.00
Paid within 30 days	\$75.00

VIOLATIONS/FINES

• Bonfire permit	\$0.00
• Misdemeanor **see ordinance/code under (b)**	\$500.00 + other stipulations
• Municipal civil infraction	
First offense	\$75.00
Second offense	\$250.00
Third or subsequent repeat offenses	\$500.00
• Municipal civil infraction - loose dogs	
Code states: If the dog was impounded by any police officer or other authorized employee of the city, the owner shall pay the additional sum to the city to reimburse for said expense as prescribed by resolution of the council.	\$25.00 + Pound Fees

PUBLIC SERVICES

• Construction noise(s) permit	\$25.00
• Copies of building plans/blueprints	per page \$10.00
• Flood plain development permit application	\$100.00
• Mowing	cost + \$100.00
• Replacement line and grade stakes (see ordinance/code)	cost + \$100.00
• Right of way permit	
Inspection fee	\$20.00
Security deposit	\$50.00
• Snow removal	cost + \$100.00
• METRO Act Permit Application Fee	per statute

I hereby certify that the foregoing document is a true and complete copy of action taken by the Owosso City Council at the regular meeting of November 2, 2020.

Amy K. Kirkland, City Clerk



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867

DATE: October 29, 2020

TO: Mayor Eveleth and the Owosso City Council

FROM: Brad Hissong, Building Official

SUBJECT: Annual Liquor License Inspections

INFORMATION:

The Liquor Licenses and Permits - Rules and Regulations approved by the City Council in 1998 provides, in part, as follows:

RENEWAL OF LICENSE AND PERMITS. The City Manager shall implement the provisions of this paragraph in such a manner as to provide for investigating each licensed establishment once every three years. Not less than one hundred twenty days prior to the renewal by the Liquor Control Commission of a liquor license and its permits, the City Manager shall cause to be conducted an investigation in accordance with paragraph 6 below. A written report of the results of the investigation shall be forwarded to the City Council. Following its review of the report, the City Council shall determine whether there is sufficient cause to request that the Liquor Control Commission not renew the license. If so, the City Council shall schedule and conduct a public hearing pursuant to paragraph 7.

When the inspection process was initiated, it was anticipated that approximately one-third of the licensed establishments would be inspected each year.

The Public Safety Director and Building Official recently oversaw inspections for the following listed licensed establishments:

- | | |
|-------------------------------------|-----------------------|
| 1. Shell Food Mart | 109 Corunna Ave. |
| 2. Westown Shell Food Mart | 1119 W. Main St. |
| 3. Freddie's Party Store | 116 S. Washington St. |
| 4. Fortune House Restaurant | 212 W. Main St. |
| 5. Comstock Inn & Conference Center | 300 E. Main St. |
| 6. Wrought Iron Grill | 317 S. Elm St. |
| 7. VFW | 519 S. Chipman St. |
| 8. King's Corner Market | 701 N. Washington St. |
| 9. Chip's Place | 715 S. Chipman St. |

All listed establishments passed the basic requirements of the rules and regulations. Full text of the compiled report is available in the Building Department.

Therefore, the city council should find no reason to file any objections with the Michigan Liquor Control Commission with respect to license renewals.



City Manager's Report: November 2, 2020

Projects, Updates, Community Information, Staffing, General Operations

Project Name	Status
ZONING AMENDMENTS	
210 Monroe St – Rezoning Application - PENDING	City of Owosso owned property at the old Redman's site. City staff are seeking to rezone this from Industrial to two family residential in hopes of attracting a condo development. Will be presented to the planning commission on Nov 23 rd .
ZONING PERMITS	
None	None
SITE PLANS	
Washington Park Residential Development – Wesley/Washington St - PENDING	Planning Commission will review a site plan for this potential development at their meeting on November 23 rd . The site plan has been reviewed by city staff and the city planner. Recommendation for approval is conditional on some required changes.
LAND DIVISIONS/COMBINATIONS	
1000 Center – 1546 Hiawatha Dr PENDING	Due to irregular lot sizes. City has requested a copy of a survey.
111 N Washington - PENDING	City has requested structural details of the buildings
BUILDING PERMITS – COMMERCIAL	
917 E Main Street – APPROVED	New gas station/convenience store project is proceeding with demolition of home on Exchange St and demolition of the existing structure.
300 W Main Street – APPROVED	Demolition permit for the Matthews Building for the collapsed roof and interior. Reconstruction plans have been submitted for a new roof structure pending permit application and review.
1107 W Main Street – APPROVED	New car wash next to the Shell station in Westtown.

OPERATIONS AND COMMUNITY RELATIONS

- **Leaf Pickup - Fall 2020:** DPW is suspending leaf pickup for a few days to conduct the last brush pickup of the year.
- **Matthews Building Code Enforcement:** The collapsed roof is completely removed. Contractors are moving on to guy other portions of the building while engineers will be on site to plan the roof replacement. Staff will be requiring that all boarded up windows get replaced as part of the process.
- **CARES and COVID Grants**
 - **First Responder Payroll Reimbursement Grant:** 50% has been approved and deposited in city's bank account (\$240,000). The fate of the over 50% is TBD. The state received many more applications than expected.
 - **First Responder Hazard Pay Grant:** \$36,000 was paid to eligible employees (\$1000 each) in late August and the City was awarded 100% reimbursement.
 - **CESF COVID Supplies Grant - \$11,200:** The DOJ has requested clarification on what supplies were used for.
 - **Coronavirus Relief Local Government Grant:** The city received \$109,198 in state revenue sharing replacement funds to make up for losses this fiscal year.
 - **Ambulance Service Grant:** We received \$23,571 from the US Health and Human Services for reductions in Medicare revenue related to COVID.
 - **TOTAL COVID-19 GRANTS: \$419,970**

- **Historical Plaque Cleaning:** Cleaning has mostly been completed. Plaques next to the river in Curwood Castle Park will most likely be next. The plexiglass is not in great shape and there is significant buildup of dirt underneath. This is also volunteer based but the city will pay for supplies.
- **Gould House Apartment:** The vacant apartment has been filled and a lease is on file.
- **New State Budget:** The latest draft of the state’s budget does not include a reduction in revenue sharing. The city budgeted a 20% reduction this year but right now it looks like we may only see a 2% reduction mostly from constitutional revenue sharing. Statutory will be held the same as last year. This is good news but until the economy comes back 100% we need to be vigilant with finances.
- **Property Tax Collection During COVID:** The City Treasurer reports that summer collection delinquencies this year are much lower than summer 2019. Some of this may have had to do with the unemployment boost and federal COVID stimulus checks.
- **Michigan State of Emergency:** The state of emergency is over according to the Michigan Supreme Court. The State Health and Human Services Director, Robert Gordon, has issued his own COVID requirements that mostly mirrored the governor’s. This is based on a 1918 law from the State’s Spanish Flu response. There has been some legal challenges but no decision yet at the court level.
- **Virtual Meetings:** State legislation was passed in October allowing virtual meetings to continue until the end of the year. After that, the Mayor will need to declare a state of emergency to allow for the continuation of virtual meetings until Dec 2021. After that, the only allowance for virtual meetings will be if a board member is serving in the military.
- **2020 General Election:** The city clerk’s office has the necessary poll workers. So far almost 3000 absentee ballots have been submitted and there could be more between now and election-day. This is a large increase from the 2018 election when only 1900 absentee ballots were submitted.
- **FEMA Grant to Replace Fire Dept SCBA Packs:** Due to COVID’s effect on the federal budget, we were notified that the city was denied a grant request to fund the replacement of the fire departments breather packs. We will try again next year.
- **MASTER PLAN UPDATE:** The Planning Commission authorized the release of an online survey for the community to review the Master Plan draft. The link to the survey is www.surveymonkey.com/r/M6ZR6QG. A copy of the Master Plan is available in the Clerk’s office or on the city’s website.
- **New City Drop Box:** The new drop box is more secure than the old one and much sturdier. It was installed a few weeks ago in the city hall parking lot.

STAFFING UPDATES

- New Hires/Promotions: DPW Laborer – Zach Ryan. Water Distribution – Noah Woodbury. City Assessor – Mike Dowler. Part Time Code Enforcement Officer – Brad Maybaugh.
- Open Positions: Water Treatment Plant Attendant
- Announced Retirements or Departures: Public Works Director - Jan 2021, Payroll Clerk - Dec 2020.
- Free flu shots for city employees were available on 9.30.2020. 31 employees and dependents participated.

CITY PROJECTS

STREETS AND SIDEWALKS			
2020 Sidewalk Contract	Sidewalk Maintenance Contract	Work continues on the NE quadrant of the city. Specific complaint areas outside work area if funds allow.	Nov 2020
2020 Street Contract #1	North St (Hickory to Gould)	Water main and storm sewer complete. Concrete work complete. HMA top course week of Sept 28 weather permitting.	Complete
	Summit St (Abbot to Rubelman)	Water main and storm sewer complete. Concrete work complete. HMA top course week of Sept 28.	Complete
2020 Street Contract #2	Clark Ave (Oliver to King)	Completed. Closeout and punch list items remaining.	Complete
	S Cedar St (South to Hampton)	Completed. Closeout and punch list items remaining.	Complete
2020 Street Patching Program	Patch and repair streets in various locations city-wide	Additional patches may be added as necessary and if weather allows.	Complete

2021 Street Projects (planned)	Gould St (Oliver to Moore)	Pavement rehab with select curb and gutter repair. ADA sidewalk improvements, select sidewalk repair, and storm sewer. Project currently under design phase. Partially funded through MDOT Small Urban Grant Program. Bid letting target – Jan, 2021.	
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UTILITIES (Water and Sewer)			
Project	Project Name/Description	Status	Completed
Lead Action Level Exceedance	Filter giveaway event	Conducted filter giveaway event in partnership with local and state health department 10.29.20. Remaining filters to be handed out at city hall for those who qualify. See front desk for forms and Engineering for filter hand off.	Yes
	Filter Distribution	Distribute filters at city hall for those who qualify.	Ongoing
	Public Education Mailer	Mail PE piece to every water account in the system.	Nov 3, 2020
	6 month lead/copper re-test	State mandated retesting for lead/copper levels 6 months after initial exceedance	Spring/Summer 2020
Lead/Galvanized Service Line Replacement - 2021	Replace 200 service lines in calendar year 2021	First step is to definitively identify service line as lead or galvanized. This involves either a home inspection or hydro excavation if home access is not possible.	December 2021
Water Billing Customer Portal	ACLARA ACE Portal	Staff continues to meet with ACLARA to implement the water use online customer portal.	
Water Treatment Plant	North Clarifier repair	Clarifier remains out of service. Waiting on new parts to arrive	Dec 2020
	Audit and certification of WTP lab	Will be scheduled soon. Current certification expires 12.19.20	Dec 2020
	SCADA System	Kick-off meeting with Tetra tech will be 10.30.20	June 2021
	Backwash Pump and 16 inch hi service	Kick-off meeting 10.29.20	June 2021
Wastewater Plant	Headworks Project	Bypass pumping is up and running well. Demolition of the headworks has begun. SRF funded.	June 2021
	Screw pump building roof replacement	Replace roof on screw pump building.	Postponed due to cost
	Scum well blower replacement (2)	Might need larger blowers. Reassessing cost for larger capacity blowers.	In Process. Possibly postponed due to cost.
	Influent sampler replacement	Replace 25 year old influent sampler	Postponed
	Bisulfide tank replacement	Replace bisulfide tank	June, 2021
	Confined space entry equipment	Purchased new confined space entry equipment. Worker safety.	June, 2021
	Sludge Truck dump box	Replace corroded dump truck box	June, 2021
	Centrifuge gear box rehab	Rebuild or replace sludge dewatering centrifuge gearbox	June, 2021
	VFD controller rehab (5)	Rebuild/replace old variable frequency drive controllers	June, 2021
	Pipe hanger replacement	Replace corroded plant sewer pipe hangers. As needed. Labor in house. Pay as you go.	June, 2021
Drinking Water Plant	SRF Project	Replace backwash pump (2) and 16 inch hi service water main. Preconstruction meeting	May, 2021

		mid-October, 2020 with completion date late spring, 2021.	
Sewer Collection System – SRF Funded	W Oliver – Fifth to Seventh	Excavate and replace sewer main	Complete
	Meadow Dr – 1000 block	Sewer repair and repaving	Complete
	Shiawassee Street	Sewer repair and repaving	Complete
	Main Street @ Chestnut	Replace 8 feet of sewer main in intersection. Center lane was closed. Other lanes were open to traffic.	Complete
Water Main Replacement	Cleveland Street – Chestnut to Brooks	Replace water main	Complete
	Lafayette Blvd – Main to Cleveland	Final acceptance procedure. Final walk through in Nov, 2020.	Nov 2020
	Morris Street – Mack to north city limits	Replace water main.	Complete
	Robbins Street – Mack to south city limits	Replace water main	Complete

PARKS/ CEMETERY/ FORESTRY/ NONMOTORIZED

Project	Project Name/Description	Status	Completed
	CIS Trail Extension – Extend trail from Priest Rd. to City.	Huron & Eastern Railroad told the city they will not agree to allow the trail to run along RR right of way for liability reasons. Meeting scheduled with state, local and county stakeholders to regroup/strategize.	TBD
	Bennett Field Parking Lot Expansion	DPW expanded the parking lot for the ball fields to accommodate more vehicles during ball tournaments. This will keep cars off the grass. Paid for with parks millage money.	YES
	Bennett Field Drainage Improvements	Improve drainage at Bennett Field. Paid for with parks millage money.	Yes
	Bentley Park Splashpad Conversion	DPW converted the splashpad from a recycling system to a traditional pump-and-dump. This will use more water but will be offset by the amount of annual labor and maintenance on the aging water recycling system. Paid for with parks millage money	YES
	Replace Dock at Hopkins Lake	Current dock is leaking and sagging. Parks Commission wants to replace it with a large, longer dock to improve fishing opportunities. Staff will be soliciting bids in the coming month. Estimated cost: 20 – 30k. To be paid for with parks millage money	
	Canoe/Kayak Launch installation (2)	Parks Commission tentatively approved 2 new launches in city limits. Staff was given locations to negotiate. Non-governmental grants available – deadline Dec 2020.	Spring 2021

MOTOR VEHICLE POOL

DPW	HydroVac Truck	Used for less-invasive excavation and lead service line identification.	Yes
	Valve Turning Machine	Used for valve exercising and proper operation of valves for water system maintenance	Yes
	Snow pusher	14 foot snow pusher attachment	Yes
	Lawn tractor	John Deere tractor for mowing and misc projects	December
	Pavement Saw	New Saw to assist with road cutting for utility and streets projects/maintenance	Yes

	Sign Truck	Mobile sign truck for projects within the street ROW. Improve worker and traffic safety	Yes
	5-yard dump truck	Replace single axle dump truck	Yes
	10 yard dump truck	Replace tandem axle dump truck	Yes
Public Safety	FY 18-19 Police Cruiser	Received May 2020. On the road July, 2020	Yes
	FY 19-20 Police Cruiser	On order. Expected arrival Nov, 2020.	
	Tower 1 repairs	The clutch fan failed and took out some blades and the fan shroud. Repair will cost \$4500.	Yes
	Engine 1 repairs	Main pump failed the week of 10.11.20. Engine was taken to Saginaw for repairs. \$4000. While pump is being replaced, yearly maintenance and DOT inspection will be conducted a month earlier than usual.	November 2020

BUILDING AND GROUNDS

Library	HVAC rehab	Replace aging air conditioning systems.	Postponed - COVID
	Library Improvements – replace kids’ area flooring	Not budgeted or requested from Library in FY 19-20 budget.	
Public Safety	Men’s police locker room shower	Replace missing shower unit in men’s locker room. Waiting for estimate from local plumber.	TBD
	Repair plumbing	Second shower unit in fire men’s locker room clogged. Could not get an estimate from Lampheres. We have called other plumbers.	TBD
City Hall	Replace city computers	Replace 6 computers in city hall	June, 2021
	Finance wing carpet replacement	Postponed due to COVID.	
	Retaining Wall Rebuild	Postponed due to budget constraints. Sidewalk remains closed.	
Main Street Parking Lot	EV Charging Station Installation	A check from the Revolving Loan Fund will be issued to the DDA on 11.4.20. DDA says that shortly after, the installation company will be coming to town to install the station	Spring 2021

CONTRACTS AND AGREEMENTS

Library	Lease Agreement between city and library for building maintenance	Expires December 2020. City Attorney will be issuing notice to the Library board of the City’s intention to negotiate a new agreement. Original agreement from 1996 still in place. Renews automatically every 5 years per case law.	Winter 20/21
Water	Agreement between the city, Corunna, Owosso Twp, and Caledonia Twp for Treatment Plant maintenance/replacement/capacities	Contract expires in 2021. Glenn will provide notes for the next DPW Director to aid in negotiating a new contract by the end of 2021	Dec 2021
Sewer	Agreement between the city, Corunna, Owosso Twp, and Caledonia Twp for WWTP maintenance/replacement/capacities	Glenn will provide notes for the next DPW Director on negotiation of new sewer agreement	TBD