

OWOSSO CITY COUNCIL

MAY 7, 2012

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK
OPENING PRAYER: MAYOR BENJAMIN R. FREDERICK
PLEDGE OF ALLEGIANCE: 2012 BUDDY POPPY QUEEN MONICA TAYLOR
PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.
ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda with the addition of the following item:

PROCLAMATIONS/SPECIAL PRESENTATIONS

1. Buddy Poppy Queen Introduction.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 16, 2012

Motion by Councilperson Cook to approve the Minutes of the Regular Meeting of April 16, 2012 as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 30, 2012

Motion by Councilperson Erfourth to approve the Minutes of the Regular Meeting of April 30, 2012 as presented.

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

SPECIAL PRESENTATIONS

BUDDY POPPY QUEEN INTRODUCTION

Monica Taylor was introduced as the 2012 Buddy Poppy Queen. Mayor Frederick purchased the ceremonial first poppy for their annual campaign.

He went on to invite everyone to the annual Memorial Day Parade starting at Fayette Square.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

William Pearsall, 2500 Lyons Road, expressed his serious concerns with people biking on the sidewalks downtown saying it was highly dangerous for pedestrians. He asked for stepped up enforcement of the ordinance prohibiting cycling on downtown sidewalks.

Sheila Ralph, local salon owner, asked about rumors that Owosso would be capping its water wells and purchasing water from the City of Corunna. It was noted this was simply rumor as the City of Corunna purchases its water from the City of Owosso and there were no plans in place to cap the City's wells.

County Commissioner Ronald Elder was on hand to present an update of county issues. He indicated things were quiet at the moment and offered to answer any questions Council had.

Mark Hanna, president of M.A. Hanna Corp., spoke about the letter he sent to Council detailing his proposal to turn the parcel at 220 Gute Street into a park. He envisioned a partnership between Baker College, the City and the private sector that would demolish the home on the location and install a monument to Chief Wasso, after whom Owosso is named. He asked that Council consider the proposition.

Eddie Urban, 601 Glenwood Avenue, announced various activities going on around town this week including the police auction and the mail carriers food drive.

There was discussion regarding cycling on downtown sidewalks, enforcement of the ordinance, noting cyclists can ride on the streets in the downtown, and orienting the "No bicycles" signs in the downtown toward the sidewalk as opposed to the street.

Councilperson Fox presented the Mayor with two framed historical items he had been given, one being a photo of the City Commission from 1918 the other being a listing of water bills from around the same time.

Mayor Pro-Tem Popovitch noted it was Hospital Week and she encouraged everyone to express their appreciation for their local hospital. She also noted there was a group of 5th graders from Bryant School that would be traveling to Knoxville, Tennessee for the Destination Imagination Global Finals Competition. She noted the group will be holding a number of fund raisers in the coming weeks to raise the necessary funds for the trip.

Councilperson Erfourth asked about an update on the registration of vacant homes. It was noted the City was listed on a national database and efforts were being made to ensure local realtors were aware of the ordinance.

Councilperson Fox indicated he had received a complaint from a person on South State Street regarding trash in a neighbor's yard. He asked if the issue had been followed up on already. Public Safety Director Compeau indicated he would check.

Councilperson Bailey thanked everyone that attended the Child Advocacy Center fund raiser over the weekend.

Mayor Frederick thanked everyone that participated in Green Up Clean Up on Saturday. He went on to say that volunteers were needed to staff Comstock Cabin during the Curwood Festival and the contents of the American Legion Post time capsule had been recorded and would be on display during the Curwood Festival.

CITY MANAGER REPORT

City Manager Crawford noted the proposed budget that was presented to Council this evening saying revenues continue to fall. This year alone the City expects a 40% reduction in state highway funding along with further reductions in property tax revenues. He anticipated water and sewer rate increases this year to ensure those funds remain balanced. Planned expenditures for the current fiscal year will be

reduced to help with the anticipated shortfall for next year. On a positive note he mentioned the City was able to meet each of the three mandates put forward by the State as requirements for state shared revenue.

He went on to note discussions in the legislature regarding proposals to eliminate the personal property tax. The City would lose approximately \$220,000 in revenue if the tax is eliminated entirely. Due to the differing proposals currently circulating it was impossible to foresee exactly how the tax would end up being changed.

CONSENT AGENDA

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

Set Public Hearing - 2012-2013 City Budget. Set required Public Hearing pursuant to Chapter 8 of the City Charter for May 21, 2012 to receive citizen comment regarding proposed 2012-2013 City Budget.

Set Public Hearing – New Personal Property Tax Abatement. Set a Public Hearing for May 21, 2012 to receive citizen comment regarding the application of Owosso Composite, LLC, 403 South State Street, for a New Personal Property Tax Exemption as follows:

RESOLUTION NO. 32-2012

SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE OWOSSO COMPOSITE, LLC 403 STATE STREET

WHEREAS, application for Industrial Facilities Tax Exemption for New Personal Property was received April 9, 2012 from Owosso Composite, LLC and Application for Tax Abatement per the City of Owosso Tax Abatement Policy of June 7, 2010, was received April 25, 2012 for property at 403 State Street described as:

LOTS 8 & 9 AND EAST 9 FEET OF LOT 7, BLOCK 2. ALSO, OUTLOT 1 & NORTH 61 FEET OF OUTLOT 2. GEORGE THOMAS ADDITION TO CITY OF OWOSSO (EXCEPT ROALROAD RIGHT OF WAY); and

WHEREAS, the applicants property is part of an Industrial Development District established April 30, 2012 described as:

LOTS 8 & 9 AND EAST 9 FEET OF LOT 7, BLOCK 2. ALSO, OUTLOT 1 & NORTH 61 FEET OF OUTLOT 2. GEORGE THOMAS ADDITION TO CITY OF OWOSSO (EXCEPT ROALROAD RIGHT OF WAY); and

WHEREAS, the Industrial Facilities Tax Exemption certificate, being part of Act 198 of 1974, is available to the city of Owosso; and

WHEREAS, city of Owosso is a qualified local governmental unit and permits the city of Owosso to grant an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, it was determined by city staff that the Industrial Facilities Exemption Certificate is within the guidelines of the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, notification was sent to all taxing jurisdictions per the City of Owosso Tax Abatement Policy of June 7, 2010; and

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

FIRST: the Owosso City Council sets a public hearing for May 21, 2012 on or about 7:30 p.m. in the council chambers for the purpose hearing comments for those within the proposed district, governmental taxing jurisdictions and any other resident or taxpayer of the city of Owosso; and

SECOND: the city clerk gives the notifications as required by law.

Set Public Hearing – Ordinance Amendment. Conduct first reading and set a public hearing for Monday, May 21, 2012 to receive citizen comment regarding the proposed amendment to Chapter 38, Zoning, Sections 38-551 through 38-557, of the Code of Ordinances of the City of Owosso, Michigan to streamline the rezoning process as follows:

AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO SIMPLIFY THE ZONING AMENDMENT PROCESS

AN ORDINANCE to amend Chapter 38, Zoning, Article XXIII, Changes and Amendments, Sections 38-551 through 38-557 of the Code of the City of Owosso, to simplify the zoning amendment process and bring the current procedure into compliance with the State of Michigan Zoning Enabling Act.

Whereas, the current process for amending the zoning of a parcel is cumbersome and involves unnecessary steps; and

Whereas, it is the desire of the Planning Commission to amend the zoning ordinance to simplify this procedure and to bring it into compliance with the Michigan Zoning Enabling Act;

Now, Therefore, Be It Resolved, by the Council of the City of Owosso, Michigan that the following amendments to Chapter 38, Zoning, of the Code of the City of Owosso be recommended to simplify the zoning amendment process and bring it into compliance with the Michigan Zoning Enabling Act as follows:

THE CITY OF OWOSSO ORDAINS:

Section 1. That The Code of Ordinances of the City of Owosso, Michigan is hereby amended by deleting current Sections 38-551 through 38-555, Chapter 38, Zoning, Article XXIII, *Changes and Amendments*.

~~Sec. 38-551. Authorized.~~

~~The city council may from time to time, on recommendation from the planning commission or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended.~~

~~Sec. 38-552. Notice and hearing.~~

~~Notice and hearing for any proposed change or amendment of this chapter shall be provided in accordance with Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended.~~

~~Sec. 38-553. Protest petitions.~~

~~Protest petitions may be submitted in accordance with Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended.~~

Sec. 38-554. Petition for change; fees.

(a) — Any person desiring a change in zoning classification of property shall initiate said change by one (1) of the following methods:

- (1) — Submit a petition to the council containing the names and addresses of the owners of all property proposed to be changed. The petition shall indicate whether the owners are for or against the proposed zoning change. No petition shall be eligible for consideration by the council until at least seventy five (75) percent of the property owners have signed it.
- (2) — The person or persons desiring a zoning classification shall submit a letter to the council requesting the change, accompanied by a certification that the owners of all properties located within two hundred (200) feet of any part of the property proposed to be changed have been notified by the city, by registered letter with return receipt requested of the proposed zoning change.

(b) — All costs of initiating a zoning change by either of the above methods shall be borne by the person or persons requesting the change.

Sec. 38-555. Findings of fact required.

In reviewing any petition for a zoning amendment, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full along with its resulting recommendations for the proper disposition of the petition to the city council. The facts to be expressly considered by the planning commission shall include, but shall not be limited to the following:

- (1) — What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning?
- (2) — What, if any, error in judgment procedure or administration was made in the original ordinance which justifies the petitioned change in zoning?
- (3) — What are the precedents and the possible effects of a precedent which might result from the approval or denial of the petition?
- (4) — What is the impact of the amendment on the ability of the city to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved?
- (5) — Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
- (6) — Does the petitioned zoning change generally comply with the adopted future land use plan of the city?
- (7) — Does the petitioned zoning change adversely affect the historic resources of the city?

Section 2. That the Code of Ordinance of the City of Owosso, Michigan, is hereby amended by adding Sections 38-551 through 38-557, Chapter 38, Zoning, Article XXIII, *Changes and Amendments*, to read as follows:

Sec. 38-551. Initiation of amendments.

The city council may, from time to time, amend, modify, supplement, or revise the zoning district boundaries shown on the official zoning map or the provisions of this ordinance. Amendments to the

provisions of this ordinance may be initiated by the city council, the planning commission, the zoning board of appeals, the zoning administrator or by petition of one or more residents or land owners. Amendments to the official zoning map may be initiated by the city council, the planning commission, or by the owner or owners of the subject site. All proposed amendments to the provisions of this ordinance or the official zoning map shall be referred to the planning commission for public hearing and recommendation to the city council before to action by the city council.

Sec. 38-552. Application procedure.

An amendment to this ordinance or the official zoning map, except those initiated by the city, shall be initiated by submission of a completed application form and fee. The following information shall accompany the application form:

- (1) A legal description and street address of the subject property, with a map identifying the subject property in relation to surrounding properties.
- (2) The name and address of the owner of the subject site, and a statement of the applicant's interest in the subject site if not the owner in fee simple title.
- (3) The existing and proposed zoning district designation of the subject property.
- (4) The land use classification for the subject site as illustrated on the city's master plan.
- (5) For of an amendment to this ordinance, other than an amendment to the official zoning map, a general description of the proposed amendment and rationale for the change shall accompany the application form.
- (6) A written description of how the requested rezoning meets the amendment criteria of this article.

Sec. 38-553. Amendment procedure; public hearing and notice.

- (1) *Public hearing:* Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the planning commission. If an individual property or ten or fewer adjacent properties are proposed for rezoning, written notice of the public hearing shall be made as follows:
 - a. The notice shall do all of the following:
 1. Describe the nature of the request.
 2. Identify the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. Individual addresses are not required for an amendment to the zoning ordinance, or the zoning map that affects eleven (11) or more properties.
 3. State when and where the request will be considered.
 4. State when and where written comments will be received concerning the request.
 - b. The notice shall be published and delivered not less than 15 days before the date of the public hearing as follows:
 1. Notice of the request shall be published in a newspaper of general circulation in the city. This shall be the only notice required for an amendment to the zoning ordinance, or the zoning map that affects 11 or more properties or an interpretation by the zoning board of appeals.

2. Where approval is being sought under this ordinance for an individual property or a rezoning affecting ten or fewer properties, notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.
 3. In addition to paragraph 2 above, notice shall be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- c. If 11 or more properties are proposed for rezoning, or if an amendment is proposed to the text of the ordinance, the city shall give a notice of the proposed rezoning in the same manner as required under section 38-553 (1), except for the individual property notices required by subsections (b)(2), and (b)(3) and except that no individual addresses of properties are required to be listed under section (a)(2).
- (2) *Planning commission findings and recommendation:* Following the public hearing, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the city council. The planning commission shall consider the criteria listed in section 38-555 for a requested amendment to the official zoning map, and the criteria listed in section 38-556 for requested amendments to the standards and regulations in the text.
 - (3) *City council findings and action:* Following receipt of the findings and recommendation of the planning commission, the city council shall act on the proposed amendment. For a text amendment to this ordinance, the city council may modify or revise the proposed amendment recommended by the planning commission before enactment. For an amendment to the official zoning map, the city council shall approve or deny the amendment, based on the criteria in section 38-355 or 38-356 as applicable.

Sec. 38-554. Required amendments to comply with a court decree.

Any amendment complying with a decree of a court of competent jurisdiction shall be adopted by the city council and published, without necessity of a public hearing or referral hereof to any other board or agency.

Sec. 38-555. Criteria for amendment of the official zoning map.

In considering any petition for an amendment to the official zoning map, the planning commission and city council shall consider the following criteria in making its findings, recommendations and decision:

- (1) Consistency with the goals, policies, and future land use map of the City of Owosso Master Plan. If conditions upon which the master plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the master plan was adopted, as determined by the city, the planning commission and council shall consider the consistency with recent development trends in the area.
- (2) Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district.
- (3) Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one use permitted under the current zoning.

- (4) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- (5) The capacity of the city's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety, and welfare."
- (6) The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land currently zoned and available to accommodate the demand.
- (7) The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.
- (8) Other factors deemed appropriate by the planning commission and city council.

Sec. 38-556. Criteria for amendment to the zoning ordinance text.

The planning commission and city council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the zoning ordinance:

- (1) Documentation has been provided from city staff, or the zoning board of appeals indicating problems and conflicts in implementation of specific sections of the ordinance.
- (2) Reference materials, planning and zoning publication, information gained at seminars or experiences of other communities that demonstrate improved techniques to deal with certain zoning issues, or that the city's standards are outdated.
- (3) The city attorney recommends an amendment to respond to significant case law.
- (4) The amendment would promote implementation of the goals and objectives of the city's master plan.
- (5) Other factors deemed appropriate by the planning commission and city council.

Sec. 38-557. Restrictions on resubmitting a rezoning request.

An application for an amendment to the official zoning that has been denied shall not be reconsidered for one year, unless the applicant demonstrates that conditions have changed.

Section 3. This amendment shall become effective twenty days after passage by the city council.

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

Boards and Commissions Appointment. Approve the Mayoral appointment of Dawn Gonyou to the Downtown Development Authority/Main Street Board to fill the unexpired term of Debra Johnson expiring June 30, 2015.

Voice and Data Service Contract. Approve contract with Daystarr, LLC for the installation and provision of voice and data services for various City locations via a fiber optic network as follows:

RESOLUTION NO. 33-2012

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PROVISION OF VOICE AND DATA SERVICE TO CITY FACILITIES

WHEREAS, the city of Owosso, Shiawassee County, Michigan, is in need of a high-speed network to provide voice and data services to City Hall, the Public Works Garage, the Water Treatment Plant and the Mid-County Waste Water Treatment Plant; and

WHEREAS, city staff contacted local service providers to obtain quotes on service levels and pricing; and

WHEREAS, the quotes have been analyzed and it is hereby determined that Daystarr, LLC d/b/a Daystarr Communications is qualified to provide such services and has submitted the lowest responsible and responsive quote;

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 award a one year contract, with two one year extensions, for voice and data services to Daystarr, LLC d/b/a Daystarr Communications.
- SECOND: The mayor, city clerk and any other city officials as may be required are instructed and authorized to sign the document substantially in the form attached as Exhibit A, between the city of Owosso, Michigan and Daystarr, LLC d/b/a Daystarr Communications, with a base amount of \$99.00/month per location, plus one-time added costs for installation and activation.
- THIRD: The above expenses are to be paid from various appropriate funds contingent upon the receipt of services as defined in the contract.

Extended Warranty Contract. Approve a three year contract with Zoll Medical Corporation for extended warranties for the three heart monitor/defibrillators in use by the Fire Department in the amount of \$9,045.00 as follows:

RESOLUTION NO. 34-2012

**RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR AN
EXTENDED WARRANTY BETWEEN THE CITY OF OWOSSO, MICHIGAN
AND ZOLL MEDICAL CORPORATION**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, was awarded a grant during the 2011-12 budget year for the purchase of (3) three heart monitor / defibrillators from Zoll Medical Corporation, and;

WHEREAS the defibrillators where purchased and are currently in use at Owosso Fire Department, and;

WHEREAS the current one year factory warrant is due to expire on August 31, 2012, and;

WHEREAS, Zoll Medical Corporation will extend the warranty for a (3) three year period for a total cost of \$9,045.00, payable annually on July 1st in the amount of \$3,015.00.

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

- FIRST: The city of Owosso has heretofore determined that it is beneficial and in the public interest to accept this extended warranty with Zoll Medical Corporation.
- SECOND: The mayor and city clerk of the city of Owosso are instructed and authorized to sign the document substantially in the form attached, Extended Warranty Contract between the city of Owosso, Michigan and Zoll Medical Corporation, at a total cost of \$9,045.00.

THIRD: Authorize annual payments of this extended contract to Zoll Medical Corporation from line item 101-335-818.000.

Warrant No. 441. Accepted Warrant No. 441 as follows:

Vendor	Description	Fund	Amount
Kennedy Industries Inc.	Pump for Bentley Park	General	\$ 5,748.00
Logicalis Inc	Network Engineering Support March 2012	General	\$ 8,330.000
BS&A Software	Annual Service/Support- Internet/Del Personal Prop/Building-5/1/12-5/1/13	General	\$ 5,670.00

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

EMPLOYMENT HEARING – M. BRADLEY

City Attorney William C. Brown started the discussion by explaining the Charter provides that a terminated employee can request a hearing before Council to appeal their termination. He had serious doubts as to whether an employee that was laid off for financial reasons was entitled to such a hearing, but felt there was no harm in proceeding with the hearing to allow Council to vet the decision.

He continued, explaining the parameters governing the hearing and recommended the employee start the proceedings by stating his case followed by a rebuttal by the City Manager. City Council will render a decision at the May 21st meeting.

A hearing was conducted pursuant to Charter Section 4.12(c) reviewing the termination of employment for Michael R. Bradley.

Mr. Bradley presented his case saying he felt the position was arbitrarily eliminated and some duties will not get done that may cost the City down the road.

City Manager Crawford read aloud the written rebuttal he filed as a formal part of the process. In effect the rebuttal stated the layoff was not for poor performance but because the City could no longer financially support the position in question due to reductions in revenue.

The hearing was closed.

EMPLOYMENT HEARING – M. RAU

A hearing was conducted pursuant to Charter Section 4.12(c) reviewing the termination of employment for Michael S. Rau.

Mr. Rau presented his case saying he felt he brought numerous efficiencies to his department and was responsible for day to day management of the department. He expressed his concern that the loss of his

position would have a negative effect on the way the department was managed and further its perception by the public. He asked that his position be reinstated.

City Manager Crawford read aloud the written rebuttal he filed as a formal part of the process. In effect the rebuttal stated the layoff was not for poor performance but because the City could no longer financially support the position in question due to reductions in revenue.

The hearing was closed.

HOPKINS LAKE TRAIL SIGNAGE PROJECT

Eagle Scout candidate Ryan Comrie described his proposed project as the construction and installation of 40-80 signs along the trail system surrounding Hopkins Lake, with a larger sign near the trail head showing an overview of the system. He indicated that Kiwanis had offered to donate \$500 toward the project but he was still looking for sponsors.

City Manager Crawford indicated Mr. Comrie had already met with his office and the Fire Department to discuss concerns and the scope of the work that needs to be done.

There was some question as to whether the trails would be revamped during the project to simplify the layout. It was noted that traffic patterns would be noted to see if simplification of the trails would be permissible.

Motion by Councilperson Fox to grant preliminary approval of a project to donate and construct signage for the trails in Collamer Park by Eagle Scout candidate Ryan Comrie as follows:

RESOLUTION NO. 35-2012

SIGNAGE DONATION FOR COLLAMER PARK

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

WHEREAS, the parks and recreation commission has reviewed this request at its regular meeting on April 23, 2012; and

WHEREAS, the parks and recreation commission believes that such a project would be a valuable asset to the park, the neighborhood, and the community; and

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

NOW THEREFORE BE IT RESOLVED THAT Owosso City Council hereby approves the proposed signage project, subject to further review on sign locations, compositions, and numbers by the department of public services.

BE IT FURTHER RESOLVED THAT the city council hereby accepts the donation of such a feature and permits the parks and recreation commission and/or its partners to solicit funds for this project in accordance with city ordinance and policy.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

DEMOLITION AUTHORIZATION – 827 GLENWOOD AVENUE

Motion by Councilperson Eveleth to authorize the demolition of the structures at 827 Glenwood Avenue, approve bid award to TJ Smith Sand and Gravel, Inc. for the demolition in the amount of \$4,975.00, and establish a lien on the property for the costs incurred as follows:

RESOLUTION NO. 36-2012

**RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR SERVICES
BETWEEN THE CITY OF OWOSSO, MICHIGAN AND TJ SMITH SAND AND GRAVEL,
INC. FOR 827 GLENWOOD AVENUE DEMOLITION**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that a home located at 827 Glenwood Avenue has deteriorated to a condition that it is unusable and has a blighting effect upon the neighborhood and community at large and has been determined to be a public nuisance; and

WHEREAS, proposals for the demolition of the structure were sought and received; and

WHEREAS, TJ Smith Sand and Gravel, Inc. submitted the low bid in the amount of \$4,975.00.

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

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ TJ Smith Sand and Gravel, Inc. to demolish a structure at 827 Glenwood Avenue.
- SECOND: The mayor and city clerk of the city of Owosso are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the city of Owosso, Michigan and TJ Smith Sand and Gravel, Inc. at a total cost of \$4,975.00.
- THIRD: The city manager is authorized to execute any required permits to proceed with the demolition.

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2012-02 – HAZARDS AND NUISANCES

Motion by Councilperson Erfourth to authorize Resolution No. 1 setting a public hearing for May 21, 2012 to receive citizen comment regarding Special Assessment District No. 2012-02, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating and removing of hazards and nuisances at 827 Glenwood Avenue as follows:

RESOLUTION NO. 37-2012

**SPECIAL ASSESSMENT DISTRICT NO. 2012-02
HAZARDS AND NUISANCES**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on May 21, 2012 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in *The Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.

The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL – HAZARDS AND NUISANCES
CITY OF OWOSSO
COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

PARCEL NUMBER	ADDRESS	BALANCE
050-010-004-004-00	827 Glenwood Avenue	\$5,320.00

TAKE NOTICE that a Special Assessment Roll-Hazards and Nuisances has been prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the above described property.

TAKE NOTICE THAT ANY HAZARDS/NUISANCES INVOICES OR CHARGES REMAINING UNPAID AS OF THEIR DUE DATE WILL BE INCLUDED ON THIS ROLL.

The said Special Assessment Roll-Hazards and Nuisances is on file for public examination with the City Clerk and any objections to said Special Assessment Roll-Hazards and Nuisances must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment Roll-Hazards and Nuisances.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal

within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on May 21, 2012 for the purpose of reviewing said Special Assessment Roll-Hazards and Nuisances and for the purpose of considering all objections to said roll submitted in writing. If you have questions regarding this notice, please contact the City Treasurer's Office at 725-0599.

Motion supported by Councilperson Fox..

Roll Call Vote.

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

NAYS: None.

SATA BALLOT LANGUAGE AMENDMENT

Motion by Councilperson Eveleth to amend the ballot language for the August SATA millage request, originally approved March 5, 2012, to include reference to the fact the millage request is millage renewal with an increase as follows:

RESOLUTION NO. 38-2012

**AMENDING THE PUBLIC TRANSIT MILLAGE QUESTION
ON THE AUGUST 7, 2012 BALLOT**

WHEREAS, the Owosso City Council authorized a millage question for public transit be placed on the August 7, 2012 ballot; and

WHEREAS, an omission in the language of the question has since been discovered and must be remedied; and

WHEREAS, the proper wording has been determined and presented for authorization.

NOW THEREFORE BE IT RESOLVED THAT:

1. The city clerk is hereby authorized and directed to file an amendment with the Shiawassee County Clerk's office correcting the millage proposal previously submitted for the August 7, 2012 election ballot.
2. The proposition placed on the ballot for consideration by the registered voters in the city of Owosso be printed as follows:

**PUBLIC TRANSPORTATION MILLAGE
FOR FUNDING PUBLIC TRANSIT SYSTEM IN THE CITY OF OWOSSO**

This proposal requests the reauthorization and increase of the levy of a millage upon real and tangible personal property for supporting the provision of a public transit system in the city of Owosso. The millage proceeds would be used according to Section 3.2(6) of the Owosso City Charter and dedicated to the operation of the Shiawassee Area Transportation Agency. It is estimated that the levy of the entire millage would generate \$83,398 in the first year.

Shall the previously authorized millage for a public transit system be renewed and increased 0.08 mills (\$0.08 per \$1,000 of taxable value), for a total levy of up to 0.3333 mills (\$0.33 per \$1,000 of taxable value), annually for five (5) years beginning in 2013 and ending in 2017?

Motion supported by Councilperson Cook.

Roll Call Vote.

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

NAYS: None.

CHARTER QUESTIONS

(This item was scheduled at the behest of Councilperson Fox.)

Councilperson Fox started the discussion by saying he was concerned that Council had violated Charter sections 4.10 – 4.12 and 6.9 dealing with removals from office and initiatory and referendory petitions. He said he was concerned that there was not a separate fire chief and police chief and he questioned how one person could cover both positions. He further expressed concern regarding the handling of the 2009 petition to remove the public safety director position, saying the position should have been eliminated then. He suggested putting a question to that effect on the August ballot.

Mayor Frederick indicated he was a member of the Council that dealt with the petition in 2009. He said while he was in the minority on the topic of the petition the Council voted and the current Council should stand by the decision that was made. The issue was extensively debated and vetted at the time. He said he appreciated Councilperson Fox's passion on the issue but disagreed with his interpretation of the Charter.

Numerous Council members pointed out the Charter gives the City Manager the authority to manage and hire/fire employees. It was also pointed out the Charter allows the combination of offices so one employee may hold more than one title.

There was further discussion regarding trusting the legal counsel received throughout the examination of the petition in 2009 and the layoff of employees in 2012, using the questions presented as an opportunity to closely examine how to most effectively spend the budget especially in regard to the public safety department, and misconstruing personnel matters as Charter issues.

COMMUNICATIONS

D. Johnson, Downtown Development Authority. Letter of Resignation.
Richard C. Williams, Finance Director. 3rd Quarter 2012 Cash Position Report.
Richard C. Williams, Finance Director. 2012-13 Proposed Budget.
Michael T. Compeau, Public Safety Director. March 2012 Police Report.
Michael T. Compeau, Public Safety Director. March 2012 Fire Report.
Planning Commission. Minutes of April 9, 2012.
Historical Commission. Minutes of April 9, 2012.
Historical Commission. Minutes of April 17, 2012.
Downtown Historic District Commission. Minutes of April 18, 2012.
Parks & Recreation Commission. Minutes of April 23, 2012.

CITIZEN COMMENTS AND QUESTIONS

Jeff Hetfield, Owosso Fire Department Lieutenant, expressed his concern that he is now supervised by three different people now that the Deputy Fire Chief has been laid off. He asked that Council reinstate the Deputy Fire Chief position.

William Pearsall, 2500 Lyons Road, thanked Council for listening to his concerns with bicyclists on the downtown sidewalks. He stressed the importance of looking into the matter especially as the weather gets warmer and bike traffic picks up.

Tom Manke, owner of 118 South Washington Street, announced the Westtown clean-up will be held May 16th at 6:00 pm and invited everyone to participate.

John Greenway, 115 Curwood Castle Drive, said he would have to watch for bikes on the sidewalks when he had on office downtown and that it was an ongoing problem.

Mike Tillotson, 1299 South Shiawassee Street, said he was pleased someone was tackling the signage issue at Hopkins Lake because the current signs are confusing. He also relayed a story about a firefighter collecting signatures for a petition to remove the public safety director position. Lastly, he asked that Council remember what it is like to be in the shoes of those that were laid off.

Eddie Urban, 601 Glenwood Avenue, commented on the signage project for Hopkins Lake and supporting the Destination Imagination group, and he encouraged motorcyclists to wear helmets as they save lives even though they are no longer required.

The Council set a budget workshop for Wednesday, May 16th at 7:00 p.m.

They also discussed the possibility of holding another meeting after May 21st.

NEXT MEETING

Wednesday, May 16, 2012

Monday, May 21, 2012

BOARDS AND COMMISSIONS OPENINGS

Zoning Board of Appeals – Alternate, term expiring June 30, 2013

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 9:10 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk