

OWOSSO CITY COUNCIL

MAY 21, 2012

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR CAL EMERSON
NORTHGATE WESLEYAN CHURCH

PLEDGE OF ALLEGIANCE: CHARLES KINCAID

PRESENT: Mayor Benjamin R. Frederick, Councilpersons Loreen F. Bailey,
Thomas B. Cook, Michael J. Erfourth, and Burton D. Fox.

ABSENT: Mayor Pro-Tem Cindy S. Popovitch and Councilperson
Christopher T. Eveleth.

APPROVE AGENDA

Motion by Councilperson Bailey to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MAY 7, 2012

Motion by Councilperson Erfourth to approve the Minutes of the Regular Meeting of May 7, 2012 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF MAY 16, 2012

Motion by Councilperson Fox to approve the Minutes of the Special Meeting of May 16, 2012 as presented.

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

SPECIAL PRESENTATIONS

OWOSSO DAM STUDY

Friends of the Shiawassee River president Gary Burk presented the engineer's final report and recommendation for the river dams in the City. The firm recommended dams by the hospital and Main Street be removed and replaced with riffle zones. Further they recommended full removal of the dam by North Chipman Street.

Motion by Councilperson Erfourth to authorize the Friends of the River to proceed looking for grant funding opportunities for the project.

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Fox, Erfourth, Cook, Bailey, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Eveleth.

The Friends of the River will present any plans that result from the search to the Council for review prior to applying for grant funding.

PUBLIC HEARINGS

2012-2013 CITY BUDGET

The Public Hearing was conducted pursuant to Chapter 8 of the City Charter to receive citizen comment regarding proposed 2012-2013 City Budget.

There were no citizen comments.

NEW PERSONAL PROPERTY TAX ABATEMENT – OWOSSO COMPOSITE, LLC

A Public Hearing was conducted to receive citizen comment regarding the application of Owosso Composite, LLC, 403 South State Street, for a New Personal Property Tax Exemption.

The following people commented regarding the requested exemption:

Justin Horvath, president/CEO of the SEDP, indicated the representative from Owosso Composite was not able to be here for the meeting tonight. He reiterated his opinion the firm was a good company that has done a lot to increase their business and they were a great asset to the local manufacturing base. He noted the additional information that staff had requested was not available at the current time, but it appeared there was more than enough information to make a decision.

Motion by Councilperson Cook to approve the following resolution approving the New Personal Property Tax Exemption for Owosso Composite, LLC for a period of 10 years.

RESOLUTION NO. 39-2012

RESOLUTION APPROVING APPLICATION OF OWOSSO COMPOSITE, LLC FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on April 30, 2012, this City Council, by resolution established an Industrial Development District and said District is occupied by 403 S. State Street; and

WHEREAS, Owosso Composite, LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to new personal property within the Industrial Development District; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on May 21, 2012, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, acquisition of and/or construction for the new personal property had not begun earlier than six (6) months before April 9, 2012, date application received for the Industrial Facilities Exemption Certificate and/or before April 30, 2012, date Industrial Development District was established; and

WHEREAS, acquisition of the new personal property is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Owosso that:

1. The City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.
2. The application from Owosso Composite, LLC for an Industrial Facilities Exemption Certificate, with respect to New Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

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

be and the same is hereby approved.
3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of ten years.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Bailey, Fox, Erfourth, Cook, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Eveleth.

ORDINANCE AMENDMENT – CHAPTER 38, ZONING

The proposed amendment would streamline the process for rezoning a parcel by removing the need have Council refer the request to the Planning Commission.

A public hearing was conducted 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.

There were no citizen comments.

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

ORDINANCE NO. 732

**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*.

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 June 10, 2012.

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.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Cook, Bailey, Fox, Erfourth, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Eveleth.

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

The public hearing was conducted to receive citizen comment regarding Resolution No. 2 for 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 located at 827 Glenwood Avenue.

There were no citizen comments.

Motion by Councilperson Cook to adopt Resolution No. 2 as follows:

RESOLUTION NO. 40-2012
RESOLUTION APPROVING
SPECIAL ASSESSMENT DISTRICT NO. 2012-02
HAZARDS AND NUISANCES

WHEREAS, the City Council has met, after due and legal notice, and reviewed the Special Assessment Roll-Hazards and Nuisances prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the following described property:

| PARCEL NUMBER | ADDRESS | TYPE OF NUISANCE | BALANCE |
|--------------------|---------------------|------------------|------------|
| 050-010-004-004-00 | 827 Glenwood Avenue | Demolition | \$5,320.00 |

and

WHEREAS, there being no one to be heard therein and after carefully reviewing said Special Assessment Roll-Hazards and Nuisances the Council deems said Special Assessment Roll-Hazards and Nuisances to be fair, just and equitable and that the assessment 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 \$5,320.00 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2012-02.
2. Said Special Assessment Roll-Hazards and Nuisances No. 2012-02 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Fox, Erfourth, Bailey, Cook, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Eveleth.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, owner of the business at 118 South Washington Street, announced that his business will now be open 24/7. He commented on issues that he has been having with the police because he and his employees have been sleeping at the location. He said State law required staff on hand 24 hours per day when the ovens are in operation. He also commented that he thought the water levels would drop dramatically if the dams along the river were removed.

Michael Espich, Chairman of the Curwood Festival Grand Marshall Committee, announced that local crossing guard Leo Scherer would be the grand marshal for 2012. He welcomed all past patrols that have served with Mr. Scherer to join him in the parade.

Matthew VanEpps, 618 Ada Street, introduced himself as a candidate for Shiawassee County Probate Court Judge. He gave a brief history of his life and career and indicated he has the endorsement of retiring Probate Court Judge James Clatterbaugh.

Justin Horvath, president/CEO of the SEDP, gave an update on the Aerotropolis saying Shiawassee County was well represented in the organization, the collaboration efforts within the group have been tremendous, and the MEDC has agreed to provide the group with some funding for marketing efforts.

Eddie Urban, 601 Glenwood Avenue, indicated he felt the City needed to find out what was proposed for the Shiatown dam and Corunna dam before making a decision on what to do with the dams in town.

Mayor Frederick commended the Main Street Promotions Committee for working with local businesses to come to an agreement on parking issues brought about by planned events in the downtown. He also highlighted the Special Olympics event he attended over the weekend saying it was a great experience and he encouraged interested parties to get involved with the group.

CITY MANAGER REPORT

City Manager Crawford noted a meeting had been set for Tuesday, June 5th at 7:00 p.m. to discuss pavement management within the City.

He went on to discuss the air quality report recently issued by the MDEQ, saying that while the report showed air quality levels were high for a city of similar size there was evidence that large air currents were bringing in pollution from distant locations such as Chicago. He said the report also indicated that levels of the particulates measured in the study did not reach a level considered to be harmful to human health. Lastly, he mentioned that local burning ban advocate Lisa Stechschulte had presented Council with a letter in response to the report.

CONSENT AGENDA

Motion by Councilperson Cook to approve the Consent Agenda as follows:

Special Assessment District No. 2012-01 South Chipman Street from Lynn Street to Main Street

RESOLUTION NO. 41-2012

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**South Chipman Street from Lynn Street to Main Street
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2012-02 Grace Street from Cedar Street to Lyon Street

RESOLUTION NO. 42-2012

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Grace Street from Cedar Street to Lyon Street
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2012-03 Grand Avenue from Auburndale Avenue to Franklin Avenue

RESOLUTION NO. 43-2012

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Grand Avenue from Auburndale Avenue to Franklin Avenue
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2012-04 Hickory Street from Exchange Street to Oliver Street

RESOLUTION NO. 44-2012

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Hickory Street from Exchange Street to Oliver Street
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2012-05 Kenwood Drive from Freeman Street to Frederick Street

RESOLUTION NO. 45-2012

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Kenwood Drive from Freeman Street to Frederick Street
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

Special Assessment District No. 2012-06 Oak Street from Oliver Street to the north end

RESOLUTION NO. 46-2012

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Oak Street from Oliver Street to the north end
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

RESOLUTION NO. 47-2012

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**State Street from Main Street to the south end
Street Reconstruction**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.

The City Manager shall present said report to the City Council when same has been prepared.

RESOLUTION NO. 48-2012

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**South Chipman Street from Lynn Street to Main Street
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$86,054.20 and determines that \$34,421.62 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$51,632.58 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, June 4, 2012 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

South Chipman Street from Lynn Street to Main Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, June 4, 2012 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2012-02 Grace Street from Cedar Street to Lyon Street

RESOLUTION NO. 49-2012

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Grace Street from Cedar Street to Lyon Street
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$100,406.00 and determines that \$40,165.30 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$60,240.70 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, June 4, 2012 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Grace Street from Cedar Street to Lyon Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, June 4, 2012 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2012-03

Grand Avenue from Auburndale Avenue to Franklin Avenue

RESOLUTION NO. 50-2012

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

Grand Avenue from Auburndale Avenue to Franklin Avenue Street Reconstruction

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$90,019.16 and determines that \$36,012.29 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$54,006.88 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, June 4, 2012 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Grand Avenue from Auburndale Avenue to Franklin Avenue

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, June 4, 2012 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2012-04

Hickory Street from Exchange Street to Oliver Street

RESOLUTION NO. 51-2012

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

Hickory Street from Exchange Street to Oliver Street Street Reconstruction

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$156,208.86 and determines that \$62,479.43 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$93,729.43 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, June 4, 2012 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Hickory Street from Exchange Street to Oliver Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, June 4, 2012 for the purpose of hearing any person to be affected by the proposed public improvement.

Special Assessment District No. 2012-05

Kenwood Drive from Freeman Street to
Frederick Street

RESOLUTION NO. 52-2012

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

Kenwood Drive from Freeman Street to Frederick Street Street Reconstruction

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$62,881.12 and determines that \$25,149.96 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$37,731.16 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, June 4, 2012 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Kenwood Drive from Freeman Street to Frederick Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, June 4, 2012 for the purpose of hearing any person to be affected by the proposed public improvement.

RESOLUTION NO. 53-2012

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**Oak Street from Oliver Street to the north end
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$13,671.35 and determines that \$7,899.85 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$5,771.50 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, June 4, 2012 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Oak Street from Oliver Street to the north end

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, June 4, 2012 for the purpose of hearing any person to be affected by the proposed public improvement.

RESOLUTION NO. 54-2012

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

**State Street from Main Street to the south end
Street Reconstruction**

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth is necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$157,775.97 and determines that \$63,101.51 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$94,674.46 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Monday, June 4, 2012 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

State Street from Main Street to the south end

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Reconstruction.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Monday, June 4, 2012 for the purpose of hearing any person to be affected by the proposed public improvement.

Friday Night Car Cruise Permission. Consider waiving the insurance requirement, approving the application of Owosso Main Street and Friday Car Cruise organizer Bill Young for use of Jerome Street from Washington Street to Hickory Street between 4:30 pm and 9:00 pm on the first Friday of each month from June to September 2012 for a cruise-in, and authorizing Traffic Control Order No. 1272 formalizing the request.

Boards and Commissions Appointments. Consider the following Mayoral boards and commissions appointments:

| Name | Board/Commission | Term Expires |
|-----------------|--|--------------|
| William Gilbert | Downtown Development Authority/ Main Street Board | 06-30-2016 |
| Alaina Kraus | Downtown Development Authority/ Main Street Board | 06-30-2016 |

ERES Contract Amendment. Approve amendment to the contract with ERES International, Inc. adjusting the number of lane miles located within the City and the corresponding fee for pavement scanning and analysis as follows:

RESOLUTION NO. 55-2012

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH ERES INTERNATIONAL, INC. D/B/A ENGINEERING AND RESEARCH INTERNATIONAL

WHEREAS, the city of Owosso, Michigan, has determined that it is advisable, necessary and in the public interest to provide professional engineering services in connection with a pavement management evaluation and pavement management system; and

WHEREAS, on January 3, 2012 the city council approved an agreement with ERES International, Inc. d/b/a Engineering and Research International to provide such services;

WHEREAS, the city of Owosso has approximately 150 lane miles of street, rather than approximately 72 miles as included in the original agreement, which increased the cost for the pavement condition survey using automated vehicle and data reduction.

NOW THEREFORE BE IT RESOLVED by the city of Owosso, county of Shiawassee, state of Michigan:

- FIRST: that the city of Owosso has determined that the number of lane miles exceeded the initially estimated 72 lane miles and is approximately 150 lane miles.
- SECOND: that the mayor and city clerk of the city of Owosso is hereby instructed and authorized to sign the document attached as Addendum 2 to Exhibit A.
- THIRD: that the payment for the additional services shall come from the Street Improvement Bond Fund in an amount to not exceed \$17,000.

ADDENDUM 2

TO AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH ERES INTERNATIONAL, INC. D/B/A ENGINEERING AND RESEARCH INTERNATIONAL, INC.

This addendum is attached and made part of the agreement for professional engineering services dated January 3, 2012 between the city of Owosso, Michigan (owner) and ERES International, Inc. d/b/a Engineering and Research International, Inc. (Engineer) providing for professional services.

PAVEMENT EVALUATION AND PAVEMENT MANAGEMENT SYSTEM FOR INCREASING LANE MILEAGE FROM APPROXIMATELY 72 LANE MILES TO APPROXIMATELY 150 LANE MILES

COMPENSATION

The cost proposal of the engineer for the project based on approximately 72 lane miles is increased to approximately 150 lane miles with the added cost of approximately \$15,000.00.

Warrant No. 442. Accept Warrant No. 442 as follows:

| Vendor | Description | Fund | Amount |
|---------------------|---|-------------|---------------|
| Brown & Stewart, PC | Professional Services- April 10, 2012 – May 14, 2012 | General | \$10,798.04 |

*Check Register. Receive and approve the Check Register for April 2012.

*Revenue & Expenditure Report. Accept the April 2012 Revenue & Expenditure Report.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Cook, Bailey, Erfourth, Fox, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Eveleth.

*Full text of these items are on file in the Clerk's Office.

Text in bold face type was added per request and approved by Council 06/04/2012.

ITEMS OF BUSINESS

APPEAL OF TERMINATION – M. BRADLEY (Continued from the meeting of May 7, 2012.)

Mayor Frederick noted a hearing had been held on the issue during the May 7, 2012 meeting in which Mr. Bradley had the opportunity to state his case and City Manager Crawford had the opportunity for rebuttal.

Councilperson Fox noted the email he had sent to Council members detailing the salaries of certain employees and how much money could be saved by laying off those employees and reinstating the two Deputy Public Safety Directors. **In his email he noted that if the City were to lay off the Human Resources Director and the Public Safety Director they could save approximately \$30,000 more than that saved by laying off the two Deputy Public Safety Directors.**

The remaining Council members expressed sincere pain at having to make the decision to lay off employees but said they could see no other option. They also expressed support for the City Manager's judgement, saying his thought process was thorough and sound. Some expressed a personal fondness for the employees in question and said the decision was extremely difficult, but necessary for the financial health of the City.

Motion by Councilperson Cook to affirm the layoff of Michael R. Bradley as follows:

RESOLUTION NO. 56-2012

**RESOLUTION DETERMINING APPEAL PURSUANT TO
OWOSSO CITY CHARTER SECTION 4.12 (c) OF MICHAEL R. BRADLEY**

WHEREAS Michael R. Bradley was laid off from his employment as Deputy Public Safety Director, Fire Division with the City of Owosso; and

WHEREAS Michael R. Bradley appealed that lay-off decision by a letter dated April 11, 2012, pursuant to Owosso City Charter Section 4.12(c); and

WHEREAS the Owosso City Manager presented a written response to the appeal dated May 2, 2012, which stated the lay-off was for financial circumstances; and

WHEREAS the Owosso City Attorney advised that the applicability of Owosso City Charter Section 4.12(c) to this lay-off is questionable but advised this Council the best course of action would be to hold a hearing.

NOW, THEREFORE, BE IT RESOLVED THAT the lay-off of Michael R. Bradley stands because of the financial circumstances described in the Memorandum from the City Manager dated May 2, 2012.

IT IS FURTHER RESOLVED THAT Michael R. Bradley was a good employee.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Erfourth, Bailey, Cook, and Mayor Frederick.

NAYS: Councilperson Fox

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Eveleth.

APPEAL OF TERMINATION – M. RAU (Continued from the meeting of May 7, 2012.)

Consider the appeal of Michael S. Rau regarding the termination of his employment pursuant to Charter Section 4.12(c).

Motion by Councilperson Cook to affirm the lay-off of Michael S. Rau as follows:

RESOLUTION NO. 57-2012

**RESOLUTION DETERMINING APPEAL PURSUANT TO
OWOSSO CITY CHARTER SECTION 4.12 (c) OF MICHAEL S. RAU**

WHEREAS Michael S. Rau was laid off from his employment as Deputy Public Safety Director, Police Division with the City of Owosso; and

WHEREAS Michael S. Rau appealed that lay-off decision by a letter dated April 12, 2012, pursuant to Owosso City Charter Section 4.12(c); and

WHEREAS the Owosso City Manager presented a written response to the appeal dated May 2, 2012, which stated the lay-off was for financial circumstances; and

WHEREAS the Owosso City Attorney advised that the applicability of Owosso City Charter Section 4.12(c) to this lay-off is questionable but advised this Council the best course of action would be to hold a hearing.

NOW, THEREFORE, BE IT RESOLVED THAT the lay-off of Michael S. Rau stands because of the financial circumstances described in the Memorandum from the City Manager dated May 2, 2012.

IT IS FURTHER RESOLVED THAT Michael S. Rau was a good employee.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Erfourth, Cook, Bailey, and Mayor Frederick.

NAYS: Councilperson Fox.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Eveleth.

CITY BUDGET ADOPTION

There was discussion regarding postponing this item until the next meeting to allow all members of Council to be present for the vote. There was further discussion regarding whether or not to hold another budget work session. The members present noted they still had questions about the budget but expected them to be answered during the upcoming meetings on pavement management and utility rates.

Motion by Councilperson Erfourth to postpone the approval of the 2012-13 Proposed Budget until the June 4, 2012 meeting.

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Cook, Fox, Erfourth, Bailey, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Eveleth.

DOWNTOWN DEVELOPMENT AUTHORITY GENERAL APPROPRIATIONS RESOLUTION

The members present indicated they felt there was no reason they could not approve the DDA appropriations as no one had expressed any concerns with it throughout the budget discussions.

Motion by Councilperson Fox to adopt the General Appropriations Resolution authorizing the levy of the Downtown Development Authority millage for the 2012-2013 fiscal year as follows:

RESOLUTION NO. 58-2012

GENERAL APPROPRIATIONS RESOLUTION FOR DOWNTOWN DEVELOPMENT AUTHORITY-2012-13

WHEREAS, the Authority board met to consider a proposed budget for fiscal year 2012-13, and after deliberations and public input approved a budget; and

WHEREAS, the Owosso City Council held a public hearing on the proposed budget on May 21, 2012; and,

WHEREAS, it is the intent of the Downtown Development Authority to levy a tax for general operating purposes pursuant to Public Act 197 of 1975 based on the budget summary attached hereto and made part hereof; and

WHEREAS, the general property tax laws, specifically MCL 211.34(d) provide for an annual compound millage reduction calculation applied to the maximum millage rate of two mills pursuant to MCL 125.1662; and

WHEREAS, the millage reduction commonly known as the "Headlee" rollback results in a maximum operating millage rate of 1.9484 for which the Authority is authorized to levy,

NOW THEREFORE, BE IT RESOLVED, that the tax levy for the fiscal year commencing July 1, 2012 shall be the rate of 1.9484 per \$1,000 of taxable value of the 2012 assessment roll for the district as approved by the Board of Review,

The levy will generate a revenue yield for operating purposes as follows:

| | | |
|-------------------|--------------|----------|
| GENERAL OPERATING | 1.9484 MILLS | \$28,832 |
|-------------------|--------------|----------|

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Erfourth, Fox, Cook, Bailey and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Eveleth.

HOUSE DONATION PILOT PROGRAM

Assistant City Manager Adam Zettel asked Council if they would consider postponing the item until the June 4, 2012 to allow time to explore some information about the home in question that had just come to light.

Motion by Councilperson Erfourth to postpone the House Donation Pilot Program item until the June 4, 2012 meeting.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Fox, Cook, Bailey, Erfourth, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Eveleth.

COMMUNICATIONS

Michigan Department of Environmental Quality. Air Quality Report. (Due to the length of the report you are asked to utilize the copy available on the City's website. Hard copies will be available upon request.)

Charles P. Rau, Building Official. April 2012 Building Department Report.

Charles P. Rau, Building Official. April 2012 Code Violations Report.

Michael T. Compeau, Public Safety Director. April 2012 Police Report.

Michael T. Compeau, Public Safety Director. April 2012 Fire Report.

Councilperson Fox asked about the status of the complaints on the properties at 211 and 215 East Williams Street. The Building Official will contact Mr. Fox with further details on this item.

Councilperson Cook inquired what the rules are for yard sales saying he had witnessed a sale with a large number of used car seats which had triggered concerns about legalities and safety. It was noted yard sales can be held twice per year for a three day period. Caution was expressed in purchasing used car seats because of safety concerns.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, asked that the rules for yard sales be repeated.

Councilperson Fox inquired about progress on turning the No Bikes on the Sidewalk signs in the downtown to face the sidewalk. It was noted alternatives such as stenciling on the sidewalks had been discussed as a potentially more effective method of informing bikers of the prohibition in the downtown. It was also noted that the location of the Middle School in the downtown created an issue when requiring cyclists to ride on the street. Everyone was encouraged to walk their bikes when travelling on downtown sidewalks.

Lastly Councilperson Fox noted great reports from the downtown Farmers Market.

NEXT MEETING

Monday, June 4, 2012 – Regular Meeting

Tuesday, June 5, 2012, 7:00 p.m. – Pavement Management Meeting

BOARDS AND COMMISSIONS OPENINGS

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

ADJOURNMENT

Motion by Councilperson Erfourth for adjournment at 9:11 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk