

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF AUGUST 17, 2015
7:30 P.M.**

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: MAYOR BENJAMIN R. FREDERICK

PLEDGE OF ALLEGIANCE: MARTHA STINSON, CITY RETIREE

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Burton D. Fox, Elaine M. Greenway, Michael J. O'Leary, and Robert J. Teich, Jr.

ABSENT: Councilperson Loreen F. Bailey.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 3, 2015

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of August 3, 2015 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Proclamation - Martha Stinson

Mayor Frederick read aloud the following Mayoral Proclamation recognizing Building Department Executive Secretary Martha Stinson for her years of service to the City of Owosso on the occasion of her retirement:

**A Proclamation of the Mayor's Office of the City of Owosso, Michigan
Recognizing the Distinguished Public Service of**

Martha M. Stinson

WHEREAS, Martha "Marty" Stinson began her service to the City of Owosso as an account clerk in the Water Department on July 16, 1990; and

WHEREAS, Marty transferred to the Secretary position in the Community Development/Building Department in 1993 and began a steady progression of education and promotion, culminating in the receipt of her associate degree in Business and her promotion to Executive Secretary; and

WHEREAS, Marty was a conscientious, knowledgeable, and organized employee, simultaneously juggling responsibilities for multiple supervisors, departments, customers, and boards; and

WHEREAS, Marty was a sincere, dedicated employee that truly enjoyed helping people; she displayed great patience and grace as the employee responsible for receiving and routing code enforcement complaints and she assisted countless contractors and homeowners navigate the building permit process; and

WHEREAS, Marty was reliable and consistent, her work in the Building/ Community Development Office becoming a cornerstone in the operation of City Hall; and

WHEREAS, the nature of Marty's position with the City offered little in public accolades as much of her work was done behind the scenes but her presence will be sorely missed; and

WHEREAS, it is fitting that such service be honored and it is the intent of this Office that Marty's Dedicated and Distinguished Public Service be recognized.

NOW, THEREFORE, BE IT PROCLAIMED that I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of the citizens of Owosso, hereby recognize and thank Marty for over 25 years of dedicated service to the Owosso community and further express our sincere wishes to Marty for a long, healthy and happy retirement.

Proclaimed this 17th day of August, 2015.

PUBLIC HEARINGS

Ordinance Amendment - Numbering of Buildings

The proposed amendment would bring the code regarding the numbering of buildings in line with the International Property Maintenance Code (2009).

A public hearing was conducted to receive citizen comment regarding the proposed ordinance amendment to Chapter 8, Buildings and Building Regulations, Article IX, *Numbering of Buildings*.

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

Councilperson Fox mentioned the importance of having clear easy to read house numbers for emergency responders.

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. 769

AN ORDINANCE AMENDING CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, NUMBERING OF BUILDINGS OF THE CITY OF OWOSSO CODE

WHEREAS, the City of Owosso adopted the International Property Maintenance Code (IPMC) as the standard for property maintenance in the City limits; and

WHEREAS, a discrepancy regarding the numbering of buildings exists between the City of Owosso Code and the IPMC and must be resolved.

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

SECTION 1. AMENDMENT. That existing Article IX, *Numbering of Buildings*, of Chapter 8, Buildings and Building Regulations, be amended to read:

ARTICLE IX. - NUMBERING OF BUILDINGS

Sec. 8-190. - Required.

All buildings in the city shall bear a distinctive street number in accordance with and as designated upon the street plan map on file in the office of the city engineer.

Sec. 8-191. - Specifications.

The owners and occupants of all buildings in the city shall cause the correct numbers to be placed thereon in accordance with the street plan map. Such numbers and letters shall comply with the specifications of the International Property Maintenance Code as to size and placement.

Secs. 8-192—8-199. - Reserved.

SECTION 2. AVAILABILITY. This ordinance may be purchased or inspected in the City Clerk's Office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective September 7, 2015.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

AYES: Councilpersons O'Leary, Greenway, Fox, Mayor Pro-Tem Eveleth, Councilperson Teich, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Bailey.

Rezoning - Corunna Avenue Corridor

A public hearing was conducted to receive citizen comment regarding the proposal to rezone several properties along the Corunna Avenue corridor to reduce spot zoning and bring the land use in line with the 2012 Master Plan.

The following people commented regarding the proposed rezoning:

Amy Gray, 405 Huron Street, said Selleck has a mess directly behind her house and she did not understand how the City could suggest rezoning the property for someone that does not comply with local laws.

Yvonne McCarrick, 405 Corunna Avenue, agreed that Mr. Selleck has created a mess of the entire area. She noted that she has had repeated trouble leaving her own driveway because semis affiliated with Mr. Selleck's business are continually blocking the road. She said the whole situation was sad.

Alberta Phillips, 401 Corunna Avenue, said the view from her back yard consists of Mr. Selleck's racks. She asked that the City not reward him for his failure to comply by rezoning his parcels, especially because the neighbors do not support the rezoning. She said that she too had been trapped in her home because semis were double parked on the street. She said she did not see how the proposed rezoning would do anything to improve the City.

There was significant discussion among Council members regarding the absolute mess that has plagued the neighborhood, the lack of enforcement to get the area cleaned up, property owners taking advantage of the City, removing the offending parcel from the list of properties to be rezoned, and the idea that Council would like to see some progress toward compliance before rezoning any of Mr. Selleck's parcels.

Motion by Mayor Pro-Tem Eveleth to approve the rezoning of all listed properties as proposed, with the removal of the Division Street property from the list.

City Manager Crawford noted that he thought there would have been significant progress on the situation within 90 days, that the overflow of racks was temporary. He took the approach that assisting Mr. Selleck to secure another property to accommodate the racks would be less likely to cause him to cease business all-together while resolving the code enforcement issues. He said that Mr. Selleck is currently in the process of preparing the property he purchased for occupancy.

Council made it clear they desired action on Mr. Selleck's part before they would consider rezoning his properties.

The motion by Mayor Pro-Tem Eveleth was withdrawn.

Motion by Councilperson Teich to direct City staff to re-start the code enforcement process for the properties owned by Robert Selleck that are not in compliance with the code.

Motion supported by Councilperson Fox.

Motion by Councilperson O'Leary to amend the motion to further direct the City Attorney to prepare a Circuit Court action to enforce compliance for said properties. (City Attorney William C. Brown advised that he has a conflict of interest with the parties involved and would need to recuse himself from handling the issue on behalf of the City.)

Motion to amend supported by Councilperson Teich.

Roll Call Vote on motion to amend.

AYES: Councilpersons Teich, Greenway, Fox, Mayor Pro-Tem Eveleth, Councilperson O'Leary, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Bailey.

Roll Call Vote on main motion, including the amendment.

AYES: Councilpersons Teich, Fox, Mayor Pro-Tem Eveleth, Councilpersons Greenway, O'Leary, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Bailey.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 West M21, spoke of the perceived notion that the City does not treat all residents equally, as evidenced by the enforcement issue in the Howard Street area.

Mayor Frederick noted that poverty exists in all corners of the City and is not limited to one area or another. He encouraged residents to unite and work together as a city instead of enforcing the perceived division.

Councilperson Fox noted that when Council recently asked for a millage for street repairs they took deliberate steps to ensure any revenue received from the new tax would be spread out equally among all quadrants of the City.

CITY MANAGER REPORT

The City Manager had nothing to report at the current time.

CONSENT AGENDA

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

Boards and Commissions Appointments. Approve the following mayoral boards and commissions appointments:

Name	Board/Commission	Term Expires
William Wascher*	Planning Commission	06-30-2018
Ed Van Strate*	Building Board of Appeals	06-30-2018

* Indicates reappointment

Bid Award – 2015 Street Patches Program. Authorize bid award to Bibi, Inc. aka Black Jack Asphalt for the 2015 Street Patches Program in the amount of \$32,264.80 and further authorize payment up to the contract amount upon satisfactory completion of the work or a portion thereof as follows:

RESOLUTION NO. 77-2015

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2015 STREET PATCHES PROGRAM
WITH BIBI, INC. AKA BLACK JACK ASPHALT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the street patches in many of the streets in the city need to be permanently repaired with a hot mixed asphalt to prevent water from getting into the sub base of the street, accelerating the deterioration of the street pavement, and that this pavement maintenance is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso sought bids to permanently patch said areas; a bid was received from Bibi, Inc. aka Black Jack Asphalt; and it is hereby determined that Bibi, Inc. aka Black Jack Asphalt is qualified to provide such services and that it has submitted the lowest responsible and responsive bid;

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 Bibi, Inc. aka Black Jack Asphalt for pavement patching as part of the 2015 Street Patches Program.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A*, Contract for Services Between the city of Owosso, Michigan and Bibi, Inc. aka Black Jack Asphalt in the amount of \$32,264.80.
- THIRD: The accounts payable department is authorized to pay Bibi, Inc. aka Black Jack Asphalt for work satisfactorily completed on the project up to the bid amount.
- FOURTH: The above expenses shall be paid from account 591-552-833.300 and 591-552-833.200 Water Maintenance Fund.

Warrant No. 507. Authorize Warrant No. 507 as follows:

Vendor	Description	Fund	Amount
B S & A Software	Annual service/support fees 8/1/15 - 8/1/16	General Water Sewer	\$ 11,672.00
Dickinson Wright PLLC	Fifth Shiawassee landfill PLP group assessment payment	General	\$ 89,715.55
Logicalis, Inc.	Network engineering support- July 2015	General Water Wastewater	\$ 7,056.00
William C. Brown PC	Professional services – July 14, 2015 – August 10, 2015	General	\$ 8,091.20

Check Register - July 2015. * Affirm check disbursements totaling \$ 832,733.15 for the month of July 2015.

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Councilperson Greenway, Mayor Pro-Tem Eveleth, Councilpersons O'Leary, Teich, Fox, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Bailey.

ITEMS OF BUSINESS

Lot Split Authorization – 535 Harrison Avenue

Motion by Mayor Pro-Tem Eveleth to authorize the division of City lot under the Michigan Subdivision Control Act for platted lot commonly known as 535 Harrison Avenue, parcel # 050-010-025-024-00 as follows:

LOT SPLIT & COMBINATION OF PLATTED LOTS

Current Description:

Address	Status	Parcel #	Description
535 Harrison	To be split	050-010-025-024-00	LOT 28, BLOCK 25, GEORGE T. ABREY'S WOODLAWN PARK ADDITION, INCL 1/2 CLSD ALLEY

New Descriptions After Split:

Address	Status	Parcel #	Description
535 Harrison - A	Split parcel	TBD	N 1/2 LOT 28, BLOCK 25, GEORGE T. ABREY'S WOODLAWN PARK ADDITION, INCL 1/2 CLSD ALLEY
535 Harrison - B	Split parcel	050-010-025-024-00	S 1/2 LOT 28, BLOCK 25, GEORGE T. ABREY'S WOODLAWN PARK ADDITION, INCL 1/2 CLSD ALLEY

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Councilperson Greenway, Mayor Pro-Tem Eveleth, Councilpersons Teich, Fox, O'Leary, and Mayor Frederick.

NAYS: None.

ABSENT: Councilperson Bailey.

Appeal of Property Return/Refund – 1281 Holly Court

Consider appeal filed by Jack and Judith Rappuhn for reconsideration of the return/refund for their property at 1281 Holly Court, originally addressed by Council July 20, 2015.

The Council acknowledged receipt of additional information regarding this item from the realtor for the development Kori Shook.

Mayor Frederick acknowledged the presence of the City's realtor Ms. Shook, the Rappuhn's realtor Michael Rhode, and members of the Osburn Lakes HOA.

Councilperson Fox said he had requested reconsideration of this item because he felt the City was responsible for flagging the wetlands on each property and since this was not done the City should take the property back and refund Mr. and Mrs. Rappuhn's money.

Motion by Councilperson Fox to rescind the action to deny the return/refund of the property at 1281 Holly Court, originally made July 20, 2015.

There was significant discussion regarding whether the City, as the developer, had fulfilled its duty in disclosing the wetlands on the property in question, when personal responsibility and due diligence come into play in a transaction, and whether all other options for the current property owners had been explored, including trading lots, securing a variance, or trading wetlands.

Councilperson Teich summed up the conversation saying that while he felt the Master Deed was poorly worded regarding the installation of wetlands markers the purchasers of the property signed numerous documents indicating it was the buyer's responsibility to have the property inspected prior to purchase and the purchaser was afforded significant opportunity to do so.

The motion to rescind dies for lack of support.

COMMUNICATIONS

Charles P. Rau, Building Official. July 2015 Building Department Report.

Charles P. Rau, Building Official. July 2015 Code Violations Report.

Kevin D. Lenkart, Public Safety Director. July 2015 Police Report.

Kevin D. Lenkart, Public Safety Director. July 2015 Fire Report.

Historical Commission. Minutes of April 24, 2015.

Historical Commission. Minutes of June 8, 2015.

Parks & Recreation Commission. Minutes of July 27, 2015.

Planning Commission. Minutes of July 27, 2015.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 West M21, noted that everyone currently on Council lives on the north side of town and was further evidence that those living on the south side were being treated differently. He said he thought the City should go back to a ward system where each physical area was directly represented on the Council.

Mayor Frederick noted that each community needs to decide between a city-wide system of election or a ward system, based on what is best for them. He further noted that people are free to run for City Council no matter where they live in the City and it should be recognized that those seated on the Council now had received the vote of citizens from all precincts in order to be seated at the table.

Councilperson Fox noted that he was part of an initiative to bring back the ward system many years ago but it failed. He encouraged interested parties to take up the initiative again if they felt it was the best thing for the City. He went on to note that residents in all precincts can make their feelings known at the ballot box and he personally tries his best to follow-up on all issues reported to him regardless of where they are in town.

NEXT MEETING

Tuesday, September 08, 2015

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate (2), both terms expire June 30, 2018

Historical Commission, term expires December 31, 2017

Planning Commission (2), both terms expire June 30, 2016

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:46 p.m.

Motion supported by Councilperson O'Leary and concurred in by unanimous vote.

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

*Due to their length marked items are not included in the minutes. Complete copies of these items are on file in the Clerk's Office.