

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF JANUARY 4, 2016  
7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK

**OPENING PRAYER:** PASTORAL ASSOCIATE EDWARD HORSKI  
ST. PAUL AND ST. JOSEPH CATHOLIC CHURCHES

**PLEDGE OF ALLEGIANCE:** OWOSSO RESIDENT MIKE KOVICH

**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.

Mayor Frederick expressed the condolences of the Council to Councilperson Bailey on the occasion of her mother’s passing.

**APPROVE AGENDA**

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the following change:

Move Consent 1. Planning Commission Request... to Items of Business 3.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 21, 2015**

Mayor Frederick asked that his comments regarding the pending State bills related to medical marijuana and the City’s zoning ordinance be clarified by removing the words “rendering them moot”.

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Regular Meeting of December 21, 2015 with the change requested.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

**Rezoning Request - 820 East Main Street**

A public hearing was conducted to receive citizen comment regarding the request to rezone the property at 820 East Main Street from RM-1, Multi-Family Residential District, to B-4, General Business District.

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

Councilperson Fox inquired whether the properties in between this home and the Qdoba development would be up for rezoning consideration in the near future to keep the zoning designation consistent. It was noted they would.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Mayor Pro-Tem Eveleth that the following ordinance be adopted:

**ORDINANCE NO. 776**

**AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES  
TO REZONE A PARCEL OF REAL PROPERTY  
ON 820 E. MAIN STREET  
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from a land owner of real property identified as 820 E. Main Street, parcel 050-580-000-068-00, LOTS 78 & 79 STAFFORD GARDNER & TRANKLES CENTRAL ADD EXC N 5' OF LOT 79, to rezone the parcel from RM-1 Residential-Multiple Family District to B-4 General Business District; and

WHEREAS, the planning commission published the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of parcel 050-580-000-068-00, 820 E. Main Street from RM-1 Residential-Multiple Family District to B-4 General Business District; and

WHEREAS, the City Council held a public hearing January 4, 2016 and there being no one to be heard, they deliberated on the request; and

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

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

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

Parcel Address	Parcel Number	Current Zoning	Amended Zoning
820 E. Main Street	050-580-000-068-00	RM-1 Residential – Multiple Family	B-4 General Business

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 January 25, 2016.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

### **CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, representative of Owosso Community News & Views, warned Council of the negative feedback he has received regarding the proposed amendment to the City's medical marijuana ordinance. He encouraged the Council to do what voters would want.

Benjamin Horner, owner of MI Organic Solutions in Flint, spoke about the confusion regarding dispensaries. He handed out a number of informational sheets and folders backing up his opinion. He said medical marijuana dispensaries provide benefits to the community, such as reducing the demand for illegal marijuana sales. He said he would bring to bear the full force of his allies if the City moved to eliminate dispensaries.

Eddie Urban, 601 Glenwood Avenue, said he had received a visit at his from the City's former Building Official Charles Rau. Mr. Rau explained it was his last day working for the City and he wanted to reach out to Mr. Urban, who was very pleased by the visit.

Chad Morrow, owner of Cloud 45 in Gaylord, indicated that medical marijuana has given his life purpose. He said he works hard to give back to his community and works directly with the local police department. He asked Council to educate themselves on the benefits of medical marijuana, saying it can help with so many different illnesses.

Matthew Abel, legal counsel for Owosso Relief Center, acknowledged that Council could modify the ordinance, but his clients may be grandfathered in. Instead he encouraged Council to look at other options for resolving the situation such as signage and advertising.

Jolene Fowler, Harbor Springs resident, indicated she is a medical marijuana patient. She said residents get concerned when dispensaries open because of the past history of marijuana. She said she has benefitted greatly from medical marijuana and she felt that every patient deserves to be able to select their treatment of choice for their illness.

Roger Snyder, 211 North Washington Street, highlighted how medical marijuana benefitted a friend of his. He also made a distinction between marijuana and medical cannabis.

Alan Witt, owner of Cloud 45 in Gaylord, said he is just trying to help people noting that marijuana does not hurt people, but helps with many types of illness. He asked Council to keep an open mind and allow dispensaries in the City so patients have access to their medication without having to travel.

Mr. Horner noted that the discussion tonight could give the City the opportunity to get ahead of the curve and put together a path that works for everyone.

**CITY MANAGER REPORT**

City Manager Donald D. Crawford detailed the latest Project Status Report.

**CONSENT AGENDA**

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

**Planning Commission Request – Amend Zoning Ordinance Re: Addiction Treatment Centers.**  
(This item was moved to Items of Business.)

**Warrant No. 515.** Authorize Warrant No. 515 as follows:

<b>Vendor</b>	<b>Description</b>	<b>Fund</b>	<b>Amount</b>
Rehmann Robson	Final progress billing for audit	General	\$9,500.00
SunGard Public Sector Inc	Software Maintenance/Licensing fees for Public Safety computer system January 1,2016 -December 31, 2016	General	\$9,690.31

Motion supported by Councilperson O'Leary.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

**ITEMS OF BUSINESS**

**2015 Audit Acceptance**

Motion by Mayor Pro-Tem Eveleth to authorize the following resolution accepting and placing on file the City of Owosso Financial Report with Additional Information for the Fiscal Year Ended June 30, 2015.

**RESOLUTION NO. 01-2016**

**RESOLUTION ACCEPTING AND PLACING ON FILE  
THE CITY OF OWOSSO, MICHIGAN FINANCIAL REPORT  
WITH ADDITIONAL INFORMATION  
FOR THE FISCAL YEAR ENDED JUNE 30, 2015**

WHEREAS, the city of Owosso is required by the laws of the state of Michigan to annually have an independent audit performed in accordance with generally accepted auditing standards; and

WHEREAS, the city of Owosso employed Rehmann Robson LLC, certified public accountants, to audit the financial records of the city of Owosso and such audit has been completed and is presented this date to the city council.

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

FIRST: The *City of Owosso, Michigan Financial Report with Additional Information for the Fiscal Year Ended June 30, 2015*, attached hereto and made a part hereof as Exhibit A, is hereby accepted and placed on file.

SECOND: A copy of the *City of Owosso, Michigan Financial Report with Additional Information for the Fiscal Year Ended June 30, 2015* will be maintained on file in the office of the city clerk for public examination, a copy will be placed in the Shiawassee District Library Owosso Branch for public examination, and copies will be sent to those required by law and agreement.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

**Lot Split Authorization – 300 South Washington Street**

City Manager Crawford indicated that Trust Thermal had approached the City about potentially purchasing a portion of the City-owned property adjacent to theirs to facilitate the movement of large trucks in their parking lot.

Motion by Mayor Pro-Tem Eveleth to authorize the division of City lot under Michigan Subdivision Control Act for platted lot commonly known as 300 South Washington Street as follows:

**SPLIT OF PLATTED LOT**

**Current Description:**

Address	Status	Parcel #	Description
300 S Washington	To be split	050-470-000-011-00	BEG AT THE INT OF W LN WASH ST W/SW'LY LN WATER ST RES NO 3 ORIGINAL PLAT, TH S 155.54' TO BANK OF SHIA RIVER, TH NE'LY ALG RIVER N 84°07'40" W 81.73' TH N 00° 17'20" E 150.14' TH N 47°56'00" E 57.72' TO SW'LY LN OF WATER ST TH S 42°09'00" E 56.17' TO POB .32 A M/L ALSO LAND LYING SLY OF ABOVE DESC TO RIVER .07 A M/L

**New Description After Split:**

Address	Status	Parcel #	Description
300 S Washington	Split Parcel	050-470-000-011-00	BEG AT THE INT OF W LN WASH ST W/SW'LY LN WATER ST RES NO 3 ORIGINAL PLAT, TH S 135.54', TH N 84°07'40" W, 81.73', TH N 00° 17'20" E 130.14' TH N 47°56'00" E 57.72' TO SW'LY LN OF WATER ST TH S 42°09'00" E 56.17' TO POB .28 ACRES M/L
New parcel	New Parcel	TBD	BEG AT A POINT 135.54' S OF THE INT OF W LN WASH ST W/SW'LY LN WATER ST RES NO 3 ORIGINAL PLAT; TH S 20' TO BANK OF SHIA RIVER, TH NE'LY ALG RIVER N 84°07'40" W 81.73' TH N 00° 17'20" E 20', TH S 84°07'40" W 81.73' TO W LN OF WASHINGTON ST, TH S TO POB. .037 A M/L ALSO LAND LYING SLY OF ABOVE DESC TO RIVER .07 ACRES M/L

Motion supported by Councilperson Greenway.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

**Planning Commission Request – Amend Zoning Ordinance Re: Addiction Treatment Centers**

The question before Council this evening is whether to request the Planning Commission consider adding to Chapter 38, Zoning, Article X, *B-2 Planned Shopping Center Districts*, Section 38-217, Principal uses permitted, language that would require medical marijuana dispensaries and clinics to be a specific distance from addiction treatment centers.

City Attorney William C. Brown defined the question for Council indicating he did not feel they had to make a determination tonight as to whether dispensaries are legal. He further indicated that the concerns raised by audience members could be addressed by the Planning Commission if/when they take on the request.

There was discussion regarding: the requirements for an occupancy permit, concerns that the City has already allowed a dispensary to open, ceasing an opportunity to be proactive by taking action now, and whether there was enough concrete information available at this time to make a prudent change to the ordinance.

Motion by Councilperson Fox to authorize the request to the Planning Commission to consider adding to Chapter 38, Zoning, Article X, *B-2 Planned Shopping Center Districts*, Section 38-217, Principal uses permitted, language that would require medical marijuana dispensaries and clinics to be a specific distance from addiction treatment centers.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons Fox, O'Leary, and Mayor Frederick.

NAYS: Councilperson Greenway, Mayor Pro-Tem Eveleth, and Councilperson Teich.

ABSENT: Councilperson Bailey.

The motion failed for lack of a majority.

### **COMMUNICATIONS**

Planning Commission. Minutes of December 14, 2015.

Parks & Recreation Commission. Minutes of December 14, 2015.

Richard C. Williams, Finance Director. Revenue & Expenditure Report – November 2015.

### **CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, Owosso Township resident, indicated he was confused as to whether the City's ordinance was in place or not, he said if it wasn't then he would invite anyone to open a dispensary wherever they wanted.

Mayor Frederick noted that the information distributed to Council stated that dispensaries are illegal.

Benjamin Horner, medical marijuana business owner, said there is a lot of misinformation out there on cannabis. He indicated that dispensaries operate by functioning within the spirit of the law, providing only medical assistance. He then distributed copies of ordinances from other communities and pointed out the City could gain tax revenue from medical marijuana ventures.

Alan Witt, medical marijuana business owner, recommended allowing at least two dispensaries in town so as to avoid a monopoly situation.

Chad Morrow, medical marijuana business owner, thanked the Council for their decision and for being open to the idea.

Eddie Urban, 601 Glenwood Avenue, spoke about the Big Buck Night event he attended in Laingsburg on Sunday.

Roger Snyder, 211 North Washington Street, noted the current zoning ordinance is quite restrictive when it comes to medical marijuana businesses, leaving very few eligible locations in town. He encouraged Council to think about allowing marijuana related businesses to rent some of the vacant buildings in town.

### **NEXT MEETING**

Tuesday, January 19, 2016

### **BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – Alternate (2), both terms expire June 30, 2018  
Board of Review – term expires December 31, 2020

**ADJOURNMENT**

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:49 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk