

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF JULY 5, 2016
7:30 P.M.**

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR CAL EMERSON, RETIRED

PLEDGE OF ALLEGIANCE: MAYOR PRO-TEM CHRISTOPHER T. EVELETH

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

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Bailey to approve the agenda as presented.

Motion supported by Councilperson Teich.

Councilperson Fox asked that Consent Agenda Items 2 & 3 be moved to Items of Business 3 & 4.

Motion by Councilperson Bailey to approve the agenda with the following changes:

- Move Consent 2. Contract Authorization-Ambulance Services... to Item of Business 3.
- Move Consent 3. Bid Award – Ambulance to Item of Business 4.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 20, 2016

Motion by Mayor Pro-Tem Eveleth to approve the Minutes of the Regular Meeting of June 20, 2016 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Rezoning Request – 970 South Park Street

A public hearing was conducted to receive citizen comment regarding the request from Troy Crowe to rezone the property at 970 S. Park Street from R-1, Single Family Residential District, to B-4, General Business District.

The following people commented regarding the proposed amendment:

Troy Crowe, owner of 970 S. Park Street, explained that he thought the property in question was part of the parcel commonly known as 1007 S. Washington Street and was rezoned in May. He said his operations would cease at that location if the rezoning was not approved. He said there is no access to Park Street from the property in question and other than the construction of a 40' x 100' storage building (approximate size) there would be little difference in how the property is looks and is used.

Jim Bower, 1018 S. Park Street, said he lives directly south of the property in question and welcomes the proposed changes and is encouraged that Mr. Crowe's business is growing.

Justin Horvath, president of the SEDP, indicated that Sheridan Realty & Auction Co. is a great business that is bringing money into the local economy. He said the area currently houses other businesses and he feels this project will fit the area well.

Tom Manke, 2910 W M-21, said he doesn't feel anyone has a problem with what Mr. Crowe is proposing for the site. The concern lies in what business activities will be taking place on the property in the distant future. He said he felt he could support the rezoning if Council restricted access to the property from Park Street.

Councilperson Fox said Mr. Manke makes a good point, rezoning of a parcel is not undertaken for one particular business and the Planning Commission recommendation to deny the request was unanimous. That being said he said restriction could be placed on the property to require screening and some means of security for the surrounding residential property.

Councilperson Teich indicated he was supportive of restricting access to the property from Park Street. He went on to inquire about different restrictions the Council could put in place to ensure the business at that location does not disrupt the peace of the neighborhood, including restricting the hours of operation. Caution was expressed regarding the difficulty in enforcing highly restrictive conditions and interfering with the operations of a private business.

Baker College of Owosso president Aaron Maike noted that before the college sold the property to Mr. Crowe it housed a 24/7 operation for the school.

There was general discussion about maintaining the green space on the Park Street side of the lot, requiring privacy fencing in some spots, whether construction of the pole barn could be required as a part of the rezoning, maintaining as much accessible space on the property as possible if there is no access to Park Street, and different methods for recording any restrictions the Council imposes.

Motion by Mayor Pro-Tem Eveleth to approve the rezoning of the parcel with the following restrictions: no ingress/egress to Park Street. (The motion was amended several times in an effort to work through all of the complexities involved with this particular parcel.)

The amended motion was restated as follows:

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Mayor Pro-Tem Eveleth that the following ordinance be adopted:

ORDINANCE NO. 779

**AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES
TO REZONE A PARCEL OF REAL PROPERTY
AT 970 SOUTH PARK STREET
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from a land owner of real property identified as 970 South Park Street and described as: LOTS 8 THRU 13 BLK 11 A L WILLIAMS 2ND ADD INCLDG ½ CLSD ALLEY, to rezone the parcel from R-1 Single Family Residential 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 planning commission recommended denial of the rezoning of parcel commonly known as 970 South Park Street from R-1 Single Family Residential District to B-4 General Business District, based in large part of negative feedback from several neighborhood residents and property owners; and

WHEREAS, the City Council held a public hearing on the request July 5, 2016, heard all interested persons, and deliberated on the request; and

WHEREAS, the City Council finds 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; and

WHEREAS, the City Council finds that certain restrictions and requirements should be placed on the property to ensure the adjoining residential neighborhood is not negatively affected by the requested change in zoning.

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
970 S. Park St.	050-652-011-006-00	R-1 Single Family Residential	B-4 General Business

SECTION 2. RESTRICTIONS & REQUIREMENTS. That the following restrictions and requirements are hereby mandated as conditions of the rezoning:

- a. There will be no vehicular access from the property to South Park Street.

- b. A 6' privacy fence shall be erected and maintained in perpetuity along the north and south ends of the property, the exact location and length of which shall be determined by the Planning Commission.
- c. An earthen berm and vegetative screening along the property's border with South Park Street be maintained in perpetuity.

SECTION 3. COVENANT. A covenant listing the restrictions and requirements will be recorded with the Register of Deeds.

SECTION 4. 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 5. EFFECTIVE DATE. This amendment shall become effective July 26, 2016.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 W. M-21, said he felt that the Council approved the rezoning request because it only affected "south side" residents. He said he recalled another rezoning request on the north side of town that was denied because residential areas would be detrimentally affected.

Dan Jozwiak, 1504 Shady Lane, introduced himself as a candidate for City Council, saying he's been an Owosso resident since 1992 and a member of the ZBA for 18 years. He said he would like to help see the City continue growing.

Mike Cline, 621 Wright Avenue, indicated he would like to fill one of the Planning Commission's current vacancies.

Eddie Urban, 601 Glenwood Avenue, thanked the Council for the new assisted listening equipment in the Council Chambers. He went on to note his concern with people placing political information on his front door, saying that doing so was a red flag to burglars that no one is home.

Justin Horvath, president of the SEDP, reported that Lincoln House is finally moving ahead. He also indicated that the developer is looking for local subcontractors for the project. Interested parties can contact him.

Jason McDonald, MMR Director of Operations - West, informed the Council that MMR had sent a letter to the County indicating that 911 must dispatch the closest ambulance to an emergency regardless of any contracts that might be in place between municipalities. MMR operates in Owosso Charter Township and would generally be the closest service provider to Middlebury Township. He said he will be pushing hard on the County to ignore any agreement the City of Owosso may authorize with the Ovid Middlebury Emergency Services Authority (OMESA).

Mike Herendeen, OMESA attorney and Middlebury Township supervisor, noted that the contract between the City of Owosso and OMESA would not be exclusive and all parties involved recognize that the agreement is not binding on central dispatch. He went on to say that he has no objections to the services provided by MMR, the decision simply came down to cost.

Mayor Frederick noted the decision in the rezoning case Mr. Manke mentioned was 7 or 8 years ago. He said he really wanted to see the project work, the council initially approved the rezoning, but later complications overturned the decision. Further he said he does not subscribe to the north side/south side argument.

Councilperson Fox also addressed Mr. Manke's comments saying that he was chairman of the Planning Commission at the time the rezoning request was considered. He said there was significant effort to make the project feasible, but after much discussion they reached the conclusion the project wasn't the right fit for the location. He said the overlay district in place at the time made development of the property next to impossible. He also expressed his dislike for the north side/south side argument and said he was encouraged that the Lincoln House project is moving forward.

CITY MANAGER REPORT

City Manager Crawford detailed the latest Project Status Report.

Mayor Frederick noted the positive feedback he had received from residents affected by last year's sidewalk replacement project, which saw the contractor fired for breach of contract. Residents reported that the new contractor completing the work did so well and was fast as well.

CONSENT AGENDA

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

Ada Street Block Party Permission. Approve application of Laura Burroughs, on behalf of the Ada Street Block Party Planning Committee, to close Ada Street between King Street and Lee Street on Friday, July 29, 2016 from 4:00 p.m. until 12:00 a.m. for a block party for neighborhood residents, waive the insurance requirement, and authorize Traffic Control Order No. 1354 formalizing the action.

Contract Authorization – Ambulance Services to Middlebury Township. (This item was moved to Item of Business 3.)

Bid Award – Ambulance. (This item was moved to Item of Business 4.)

Purchase Authorization – Police Utility Vehicle. Waive competitive bidding requirements, authorize the purchase of one 2017 Ford Police Utility in the amount of \$28,581.00 from Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso via Macomb County Contract No. 71-15, and authorize payment up to the quoted amount upon satisfactory delivery of said vehicle as detailed:

RESOLUTION NO. 75-2016

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF A POLICE VEHICLE WITH SIGNATURE AUTO GROUP OF OWOSSO

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a police department requiring the use of police vehicles; and

WHEREAS, these vehicles must be periodically replaced to ensure a mechanically sound and reliable fleet is available at all times; and

WHEREAS, the City of Owosso may waive competitive bidding requirements when purchasing equipment in coordination with another municipality; and

WHEREAS, the City of Owosso desires to purchase one new 2017 Ford Interceptor Police Utility vehicle from Owosso Motors, Inc. d/b/a Signature Auto Group of Owosso, holder of the contract for police vehicles with Macomb County.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to purchase one 2017 Ford Interceptor Police Utility vehicle from Signature Auto Group of Owosso, utilizing the Macomb County Cooperative Contract No. 71-15.
- SECOND: City staff are instructed and authorized to carry out the purchase of the above named vehicle from Signature Auto Group of Owosso in the amount of \$28,581.00.
- THIRD: The accounts payable department is authorized to pay Signature Auto Group of Owosso up to the quoted amount upon satisfactory delivery of the vehicle.
- FOURTH: The above expenses shall be paid from the Police Division Capital Outlay fund 101-300-978.000.

Warrant No. 524. Authorize Warrant No. 524 as follows:

Vendor	Description	Fund	Amount
Orchard Hiltz & McCliment Inc.	Engineering services payment for Cargill project	OBRA #8	\$21,349.00
Orchard Hiltz & McCliment Inc.	Water reliability study payment	Water	\$ 2,440.50

Motion supported by Councilperson O'Leary.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

City Treasurer Appointment Confirmation

Motion by Mayor Pro-Tem Eveleth to confirm the appointment of Andrea K. Smith to the position of City Treasurer.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

Brownfield Redevelopment District #8 Plan - Amendment No. 1

Mayor Frederick noted that the Brownfield Authority had unanimously approved the amended plan and the most significant change was an extension of the time frame.

Motion by Mayor Pro-Tem Eveleth to approve Amendment No. 1 to District #8 Brownfield Plan – “Sugar Beet/Tuscarora Inc.” as detailed below:

RESOLUTION NO. 76-2016

**A RESOLUTION TO AMEND BROWNFIELD PLAN #8 “SUGAR BEET/TUSCARORA, INC.”,
FOR THE CITY OF OWOSSO PURSUANT TO AND IN ACCORDANCE WITH THE
PROVISIONS OF
ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

WHEREAS, the Brownfield Redevelopment Authority (the “Authority”) of the City of Owosso, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the “Act”), has prepared and recommended for approval by the Authority a Brownfield Plan Amendment entitled “District #8, Sugar Beet/Tuscarora, Inc.” (the “Plan”), pursuant to and in accordance with Section 13 of the Act; and

WHEREAS, the Owosso Brownfield Authority has, at least ten (10) days but not more than forty (40) days before the meeting of the Authority at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the Financing Plan (the “Taxing Jurisdictions”) about the fiscal and economic implications of the proposed Financing Plan, and the Authority has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Sections 13 (10) and 14 (1) of the Act; and

WHEREAS, the Authority has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
- C. The proposed method of financing the costs of the eligible activities, as described in the Plan is feasible and the Authority has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
- E. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and
- F. The square footage of the building is approximately 78,000 square feet for the proposed Cargill site.
- G. Line item cost details are eligible expenses that serve a public good.
- H. Local redevelopment area details are accurate.

WHEREAS, as a result of its review of the plan and upon consideration of views and recommendations of the public, OBRA, and taxing jurisdictions, the city council desires to proceed with approval of District #8 Brownfield Plan – “Sugar Beet/Tuscarora Inc.” Amendment No. 1 and distribute accordingly.

NOW THEREFORE, BE IT RESOLVED THAT:

1. Plan Approved. Pursuant to the authority vested in the Authority by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Amended Plan is hereby approved in the form considered by the city council on July 5, 2016, and maintained on file in the office of the City Clerk.
2. Severability. Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Motion supported by Councilperson O'Leary.

Roll Call Vote.

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

NAYS: None.

Contract Authorization – Ambulance Services to Middlebury Township

(Moved from the Consent Agenda.)

Councilperson Fox indicated he had pulled this item from the Consent Agenda to discuss potential staffing issues and the expansion of services to neighboring communities. He noted his desire to see more fire fighters hired and ambulance services expanded to bring in more revenue.

Fire Lieutenant Steve Chapko indicated the volume of calls anticipated from the OMESA contract, estimated at 1-2 per week, was well within their current capabilities.

Motion by Mayor Pro-Tem Eveleth to authorize a contract with the Ovid Middlebury Emergency Services Authority (OMESA) to provide ambulance services on their behalf to Middlebury Township in the amount of \$3.00 per resident annually plus charges for services rendered as detailed below:

RESOLUTION NO. 77-2016

**RESOLUTION AUTHORIZING AN AGREEMENT FOR AMBULANCE SERVICES
BETWEEN THE CITY OF OWOSSO AND OMESA**

WHEREAS, the Ovid Middlebury Emergency Services Authority has determined that it is no longer financially feasible to provide ambulance services for its constituents; and

WHEREAS, City of Owosso operates a Fire Department which has the ability to provide ambulance service to Middlebury Township; and

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Public Safety Department and the Ovid Middlebury Emergency Services Authority desire to enter into an agreement to have Owosso provide ambulance coverage to Middlebury Township, Shiawassee County, Michigan.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to enter into an agreement with Ovid Middlebury Emergency Services Authority to provide ambulance services to Middlebury Township.

SECOND: The mayor and city clerk are instructed and authorized to sign the documents substantially in the form attached, Contract for Ambulance Services between the OMESA and the City of Owosso.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

Bid Award – Ambulance

(This item was moved from the Consent Agenda.)

Councilperson Fox said he had pulled this item from the Consent Agenda to seek reassurance that this new ambulance would not sit because necessary equipment was not ordered in a timely fashion.

Fire Captain Todd Follen noted that they had learned a lot from the last ambulance purchase and had developed a plan to mitigate any potential delays.

Motion by Councilperson Fox to authorize a bid award to Kodiak Emergency Equipment, Inc. d/b/a Kodiak Emergency Vehicles for the purchase of one 2017 Osage Type III Ford E-450 ambulance with a Stryker Performance Load and Stryker Performance Pro Cot in the amount of \$161,825.00, and further authorize payment to the vendor upon satisfactory receipt of said vehicle as follows:

RESOLUTION NO. 78-2016

**AUTHORIZING THE PREPARATION AND EXECUTION OF A CONTRACT WITH
KODIAK EMERGENCY VEHICLES
FOR ONE 2017 FORD E-450 AMBULANCE**

WHEREAS, the City of Owosso, Shiawassee County, Michigan operates an emergency medical service requiring the use of ambulances; and

WHEREAS, the replacement schedule calls for the replacement of one unit in 2016; and

WHEREAS, the City of Owosso sought and received two bids on June 14, 2016 for a Type III Ford E-450 ambulance; and

WHEREAS, the two bids have been analyzed to determine which is the most responsible and responsive bid that is in the city’s best interest.

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 purchasing one 2017 Osage Type III Ford E-450 ambulance with a Stryker Performance Load and Stryker Performance Pro Cot from Kodiak Emergency Equipment, Inc. d/b/a Kodiak Emergency Vehicles is advisable, necessary and in the public interest for \$161,825.00.
- SECOND: The city manager and the city attorney shall prepare the contract for purchase for which the mayor and city clerk are instructed and authorized to sign.
- THIRD: The above expense was budgeted for the 2016-2017 fiscal year and shall be paid from the Fire Division Equipment fund 101-335-978.000 through equipment financing or general appropriation at time of delivery in the amount of \$161,825.00.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

- E. Greenway, Historical Commission. Letter of Resignation.
- G. Warren, Planning Commission. Letter of Resignation.
- G. Grant, Brownfield Redevelopment Authority. Letter of Resignation.
- R. McGeehan, Building Board of Appeals. Letter of Resignation.
- Liquor Control Commission. Transfer of Class C license to On Cue Billiards, LLC.
- Planning Commission. Minutes of May 23, 2016.
- Historical Commission. Minutes of May 31, 2016.
- Parks & Recreation Commission. Minutes of June 27, 2016.
- Planning Commission. Minutes of June 27, 2016.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 W. M-21, commented that he remembers when the City considered disbanding its ambulance service and said he really likes the idea of expanding services.

Jason McDonald, MMR Director of Operations – West, expressed his opinion that Council comments about expanding services will only attract more competition to the area, and MMR and the City would be more successful working together rather than separately.

Mayor Frederick clarified Mr. McDonald’s comments saying the comments of one Council member do not represent the feelings of the entire Council. Members are free to express their individual opinions, but this should not be misconstrued to be the official position of the Council as a group.

Mike Herendeen, OMESA attorney and Middlebury Township supervisor, thanked the Council for approving the ambulance service contract.

Heath Smith, 942 South Saginaw Street, indicated he owns a number of properties on South Park Street and he just found out the Council would be considering the rezoning of 970 S. Park Street after it had already been denied by the Planning Commission. He said he felt blind-sided because he hadn’t been notified about tonight’s public hearing. He said he was upset the request was approved and felt many in the neighborhood would be upset as well when they found out. It was noted that at this point in the process individual notices to surrounding property owners were not required under the law. Notification of the public hearing had been published in the Argus Press, posted to the City’s website, and posted within City Hall. Mayor Frederick noted the property still needs to go through the site planning process and the Planning Commission has been directed to require 6’ privacy fencing in the approved plan.

Eddie Urban, 601 Glenwood Avenue, wondered if anyone had caught “Big Mike”, the fish tagged and planted in Hopkins Lake for the Big Mike’s Fishing Tournament held a few years ago.

Councilperson Fox said he would like to have a 5th Monday meeting on July 31st to discuss a street bond proposal. It was noted the next 5th Monday would not be until August 29th.

Councilperson Bailey announced the latest Community Cats spay/neuter event will be held July 14th and they plan on holding events the second Tuesday of each month through October. She also noted that the organization had now spayed/neutered more than 1,000 cats.

NEXT MEETING

Monday, July 18, 2016

BOARDS AND COMMISSIONS OPENINGS

- Board of Review – term expires December 31, 2020
- Building Board of Appeals – term expires June 30, 2019
- Building Board of Appeals – Alternate - term expires June 30, 2018
- Planning Commission – 2 terms expiring June 30, 2019

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 9:00 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk