

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF MARCH 18, 2019
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: TOM MANKE
EDITOR, FACEBOOK.COM/FRIENDSANDNEIGHBORSOWOSSO

PLEDGE OF ALLEGIANCE: COUNCILMEMBER JANA L. FEAR

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika, Councilmembers Loreen F. Bailey, Janae L. Fear, Jerome C. Haber, Daniel A. Law, and Nicholas L. Pidek.

ABSENT: None.

APPROVE AGENDA

Motion by Mayor Pro-Tem Osika to approve the agenda, postponing the presentation on the jail until the April 1st meeting.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 4, 2019

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of March 4, 2019 as presented.

Motion supported by Councilmember Pidek and concurred in by unanimous vote.

PROCLAMATIONS / SPECIAL PRESENTATIONS

Proposal for New Jail (This item was postponed until April 1, 2019.)

PUBLIC HEARINGS

Ordinance Amendment – Chapter 38, Zoning – Medical Marihuana Buffer Zone Requirements

The proposed amendment would set buffer zone requirements for medical marihuana businesses. City Manager Nathan R. Henne listed the proposed buffer zones for schools, residential properties, and other medical marihuana facilities.

A public hearing was conducted to receive citizen comment on the proposed amendments to sections: Section 38-197, 38-217, 38-242, 38-267, and 38-292 of Chapter 38, Zoning.

The following people commented regarding the proposed amendment:

Kasey Hadd, 639 Woodlawn Avenue, said she is a chronic pain patient and has to drive a minimum of 45 minutes to get her medication. She said that not only would local provisioning facilities help her but they may also help with the opioid problem by providing a safer alternative for pain treatment.

Councilmember Fear, a Planning Commission member, noted that the proposed amendment tightened up the existing language and better represents what the Commission intended in the first place.

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

ORDINANCE NO. 795

**AMENDING VARIOUS SECTIONS OF CHAPTER 38, ZONING,
OF THE CODE OF THE CITY OF OWOSSO
ESTABLISHING BUFFER ZONE REQUIREMENTS
FOR MEDICAL MARIHUANA RELATED FACILITIES**

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that “[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility”; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that “[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations...”; and

WHEREAS, City Council adopted Ordinance No. 793 to add Chapter 16.5, Medical Marihuana Facilities Licensing-police Power Ordinance, and amend various sections of Chapter 38, Zoning, of the Code of the City of Owosso to authorize and regulate medical marihuana related facilities on July 2, 2018;

WHEREAS, the Owosso Planning Commission has met, discussed and authored amendments to the buffer zone requirements for medical marihuana facilities; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2019 at its regularly scheduled meeting regarding the proposal to amend various sections of Chapter 38, Zoning, in which one citizen comment was received; and

WHEREAS, the Planning Commission and City Staff recommend adoption of the following amendments to the Zoning Ordinance for medical marihuana related facilities; and

WHEREAS, the City Council held a public hearing on March 18, 2019, heard all interested persons, and deliberated on the request.

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

SECTION 1. AMENDMENT. That Section 38-197, Principal uses permitted, of Chapter 38, Zoning, Article IX, *B-1 Local Business District* of the Code of Ordinances is hereby amended to read:

Sec. 38-197. - Principal uses permitted. (B-1, Local Business District)

In a B-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (11) A marihuana provisioning center as authorized by the city of Owosso’s Medical Marihuana Facilities Licensing - Police Power Ordinance, Chapter 16.5.
 - a. Provisioning centers shall be subject to the following standards:
 6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act.
 - i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.
 - ii. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 - iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
 - iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.

SECTION 2. AMENDMENT. That Section 38-217, Principal uses permitted, of Chapter 38, Zoning, Article X, *B-2 Planned Shopping Center District*, of the Code of Ordinances is hereby amended to read:

Sec. 38-217. - Principal uses permitted. (B-2, Planned Shopping Center District)

In a B-2 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (4) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act.
 - i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.
 - ii. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 - iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
 - iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.

SECTION 3. AMENDMENT. That Section 38-242, Principal uses permitted, of Chapter 38, Zoning, Article IX, *B-3 Central Business District* of the Code of Ordinances is hereby amended to read:

Sec. 38-242. - Principal uses permitted. (B-3, Central Business District)

In a B-3 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (9) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act.
 - i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the

center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.

- ii. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
- iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
- iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.

SECTION 4. AMENDMENT. That Section 38-267, Principal uses permitted, of Chapter 38, Zoning, Article XII, B-4 General Business District of the Code of Ordinances is hereby amended to read:

Sec. 38-267. - Principal uses permitted. (B-4, General Business District)

In a B-4 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (10) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 - 6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act.
 - i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.
 - ii. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 - iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement

nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

- iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.

SECTION 5. AMENDMENT. That Section 38-292, Principal uses permitted, of Chapter 38, Zoning, Article XIII, *I-1 Light Industrial District*, of the Code of Ordinances is hereby amended to read:

Sec. 38-292. - Principal uses permitted. (I-1, Light Industrial District)

In an I-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter and subject further to the review and approval of the site plan by the planning commission in accordance with section 38-390:

- (11) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 1. Hours. A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 9:00 p.m.
 2. Indoor Activities. All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
 3. Other Activities. Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
 4. Nonconforming Uses. A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
 5. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
 6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:
 - i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.
 - ii. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 - iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines,

at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

- iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.
7. Odor. As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
- i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - iv. Negative air pressure shall be maintained inside the building.
 - v. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - vi. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- (12) Marihuana growers, processor, safety compliance facility or secure transporter as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance shall be subject to the following standards:
- a. Minimum Yard Depth/Distance from Lot Lines. Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in Article XVI. –Schedule of Regulations for each zoning designation as listed.
 - b. Indoor Growing and Processing. In the I-1 light industrial district, marihuana growing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors. Marihuana processing shall be located entirely within one or more completely enclosed buildings.
 - c. Maximum Building Floor Space. The following maximum building floor space shall apply in the I-1 light industrial district:
 - 1. If only a portion of a building is authorized for use in marihuana growing or processing, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana growing or processing space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marihuana growing or processing space and the remainder of the building.
 - d. Lighting. Lighting shall be regulated as follows:
 - 1. Light cast by light fixtures inside any building used for marihuana growing or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 - 2. Outdoor marihuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
 - e. Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.

1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 4. Negative air pressure shall be maintained inside the building.
 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 6. An alternative odor control system is permitted if the applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- f. Security Cameras. Security cameras must be used and shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan. Recordings shall be kept for 90 days.
- g. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:
1. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.
 2. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residentially zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 3. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
 4. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning centers to the other provisioning center.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The city hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 7. 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 8. EFFECTIVE DATE. This amendment shall become effective April 7, 2018.

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmember Haber, Mayor Pro-Tem Osika, Councilmembers Bailey, Law, Pidek, Fear, and Mayor Eveleth.

NAYS: None.

Ordinance Amendment – Chapter 38, Zoning – Industrial Outdoor Storage Screening

The proposed amendment would set buffer zone requirements for industrial outdoor storage screening. City Manager Henne noted the amendment deals specifically with walls and fences, saying they must be one foot higher than what is being stored.

A public hearing was conducted to receive citizen comment on the proposed amendments to sections: Section 38-292, 38-312, 38-393 and 38-389 of Chapter 38, Zoning.

The following person commented regarding the proposed amendment:

Tom Manke, editor of Facebook.com/FriendsAndNeighborsOwosso, inquired whether certain properties would be grandfathered in and not have to abide by the new rules. City Manager Henne indicated that the maximum height for a fence remains 8 feet and the City does not plan on grandfathering in any properties.

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

ORDINANCE NO. 796

**AMENDING VARIOUS SECTIONS OF CHAPTER 38, ZONING,
OF THE CODE OF THE CITY OF OWOSSO
ESTABLISHING REGULATIONS FOR INDUSTRIAL ZONING DISTRICT
SCREENING REQUIREMENTS**

WHEREAS, Sec. 38-292, Sec. 38-312, Sec. 38-389, and Sec. 38-393 provide screening requirements for industrial zoning properties and uses; and

WHEREAS, the Owosso Planning Commission has met, discussed and authored amendments to the screening requirements for industrial zoning districts and uses; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2019 at its regularly scheduled meeting regarding the proposal to amend various sections of Chapter 38, Zoning, in which no public comments was received; and

WHEREAS, the Planning Commission and City Staff recommend adoption of the following amendments to the Zoning Ordinance screening requirements for industrial zoning districts and uses; and

WHEREAS, the City Council held a public hearing on March 18, 2019, heard all interested persons, and deliberated on the request.

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

SECTION 1. AMENDMENT. That Section 38-292, Principal uses permitted, of Chapter 38, Zoning, Article XIII, I-1, Light Industrial Districts of the Code of Ordinances is hereby amended to read:

Sec. 38-292. - Principal uses permitted.

In an I-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter and subject further to the review and approval of the site plan by the planning commission in accordance with [section 38-390](#):

- (1) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building;
- (2) Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment shall meet the requirements of section 38-389 or section 38-393.

- a. Warehousing and wholesale establishments, and trucking facilities;
 - b. The manufacture, compounding, processing, packaging or treatment of such products such as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops;
 - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre [fiber], fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns;
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
 - e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products;
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs;
 - g. Laboratories—Experimental, film or testing;
 - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like;
 - i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail;
 - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
- (3) Warehouses, storage and transfer and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks; railroad rights-of-way; freight terminals;
- (4) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within a solid wall or fence that meets the requirements of section 38-389 or section 38-393.
- (5) Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage;
- (6) Commercial kennels;
- (7) Greenhouses;
- (8) Other uses of a similar and no more objectionable character to the above uses;
- (9) Accessory buildings and uses customarily incident to any of the above permitted uses;
- (10) Residential structures existing as of January 1, 2012.
- (11) A marihuana provisioning center, grower, processor, safety compliance facility or secure transporter as authorized by the city's medical marihuana facilities licensing — police power authorizing ordinance.
- a. Any uses or activities found by the state or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the city. In the event that a court with jurisdiction declares some or this entire article invalid, then the city may suspend the acceptance of applications for medical marihuana facilities licenses pending the resolution of the legal issue in question.
 - b. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the city and state.
 - c. The city may suspend or revoke a medical marihuana facilities license based on the finding that the provisions of the Medical Marihuana Facilities Licensing Act, all other applicable provisions of this zoning ordinance, the city's police power authorizing ordinance, or the approved site plan are not met.
 - d. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this chapter.
 - e. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in [chapter 26](#) — signs.

- (12) Marihuana growers and marihuana processors shall be subject to the following standards:
- a. *Minimum yard depth/distance from lot lines.* Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in article XVI — schedule of regulations for each zoning designation as listed.
 - b. *Indoor growing and processing.* In the I-1 light industrial district, marihuana growing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors. Marihuana processing shall be located entirely within one (1) or more completely enclosed buildings.
 - c. *Maximum building floor space.* The following maximum building floor space shall apply in the I-1 light industrial district:
 1. If only a portion of a building is authorized for use in marihuana growing or processing, a partition wall at least seven (7) feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana growing or processing space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marihuana growing or processing space and the remainder of the building.
 - d. *Lighting.* Lighting shall be regulated as follows:
 1. Light cast by light fixtures inside any building used for marihuana growing or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 2. Outdoor marihuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
 - e. *Odor.* As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 2. The filtration system shall consist of one (1) or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three (3). The filter(s) shall be rated for the applicable CFM.
 3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.
 4. Negative air pressure shall be maintained inside the building.
 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 6. An alternative odor control system is permitted if the applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - f. *Security cameras.* Security cameras must be used and shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state. Recordings shall be kept for ninety (90) days.

SECTION 2. AMENDMENT. That Section 38-312, Principal uses permitted, of Chapter 38, Zoning, Article XIV, I-2, General Industrial Districts of the Code of Ordinances is hereby amended to read:

Sec. 38-312. - Principal uses permitted.

In an I-2 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any principal use first permitted in an I-1 district;
- (2) Onsite heating and electric power generating plants using conventional fuels or renewable resources;
- (3) Gasoline or petroleum storage;
- (4) Railroad yards;

- (5) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
 - a. Junkyards, provided such are entirely enclosed within a building or the site meets Sec. 38-389 wall requirements and provided further that one property line abuts a railroad right-of-way.
- (6) Foundry operations within a closed building;
- (7) Any other use which shall be determined by the council after recommendation from the planning commission, to be of the same general character as the above permitted uses in this section. The council may impose any required setbacks and/or performance standards so as to ensure public health, safety and general welfare;
- (8) Accessory buildings and uses customarily incident to any of the above permitted uses.

Additional uses allowed by special use permit:

- (1) Grain elevators;
- (2) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
 - a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant;
 - b. Blast furnace, steel furnace, blooming or rolling mill;
 - c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris;
 - d. Petroleum or other inflammable liquids, production or refining;
 - e. Smelting of copper, iron or zinc ore.

SECTION 3. AMENDMENT. That Section 38-389, Principal uses permitted, of Chapter 38, Zoning, Article XVII, General Provisions of the Code of Ordinances is hereby amended to read:

Sec. 38-389. - Walls.

- (a) For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, or a single-family detached residential use, an obscuring wall as required below, except otherwise required in subsection (d):

Use Requirements

- (1) P-1 Vehicular parking district—Four (4) foot six (6) inch high wall. Off-street parking area (other than P-1 districts) four (4) foot six (6) inch high wall.
 - (2) B-1, B-2, B-3, B-4, and OS-1 districts—Four (4) foot, six (6) inch high wall.
 - (3) I-1 and I-2 districts—Open storage areas, loading or unloading areas, service areas—Four (4) foot, six (6) inch to eight (8) foot high wall. Wall height shall be one (1) foot above the height of the open storage items, piles, etc. See subsection (d) of this section.
 - (4) Auto wash. Drive-in restaurants—Six (6) foot high wall.
 - (5) Utility buildings, stations and/or substations—Six (6) foot high wall.
- (b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the board of appeals or planning commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the area effectively. Required walls may, upon approval of the board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the board of appeals in reviewing such request.
 - (c) Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the police chief and the building inspector. All walls herein required shall be constructed of materials approved by the building inspector to be durable, weather resistant, rust proof and easily maintained.

- (d) The planning commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four (4) feet six (6) inches in height, except where [section 38-388](#) applies. In certain consideration of request to waive wall requirements between nonresidential and residential districts, or single-family detached residential use, the planning commission shall determine whether or not the residential district or single-family detached residential use, is considered to be an area in transition and will become nonresidential in the future. In such cases as the planning commission determines the residential district or single-family detached residential use, to be a future nonresidential area, commission may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the planning commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver.

SECTION 4. AMENDMENT. That Section 38-393, Principal uses permitted, of Chapter 38, Zoning, Article XVII, General Provisions of the Code of Ordinances is hereby amended to read:

Sec. 38-393. - Fences and hedges.

- (a) A fence is defined as any partition, structure or gate that is erected as a dividing marker, barrier or enclosure (excluding hedges as defined below).
- (b) A hedge is defined as any bush, shrub or any living green screen of any nature that serves as a dividing marker, barrier or enclosure.
- (c) Regulations applicable to R-1, R-2, RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1.
- (1) A fence shall not exceed six (6) feet in height in the rear or side lot of any parcel;
- (2) Front yard fences or hedges must be less than fifty (50) percent solid, impervious, or of an obscuring nature above a height of thirty (30) inches above the curb or centerline of the street, and not exceed four (4) feet in total height;
- (3) Fences and hedges in front yards that function as exterior side yards must follow front yard restrictions unless the fence or hedge is installed or planted at least nineteen (19) feet back from the right-of-way line or follows the building line of the nearest legal structure. All such fences and hedges must meet clear vision requirements for streets, driveways, and sidewalks.
- (4) No fence or hedge shall extend across property lines;
- (5) The finished side of any fence shall face away from the property on which the fence is located;
- (6) No portion of any fence shall be constructed with or contain barbed wire, electric current or charge of electricity, glass, spikes or other sharp protruding objects;
- (7) Fences must be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction which will obstruct vision so to create a hazard to vehicular traffic or pedestrians upon the public streets and/or sidewalks shall be deemed a nuisance;
- (8) Fences shall not be constructed, in whole or in part, with any of the following materials:
- Junk or other debris.
 - Scrap building materials or metals.
 - Organic materials known to be poisonous or hazardous to human or animal life.
 - Other materials which may be deemed unsafe to person or property by the zoning administrator or building official.
- (9) No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.
- (10) Screening walls are required as prescribed in [section 38-389](#).
- (d) Regulations applicable to industrial districts.
- (1) Fences are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space and aesthetic character in the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet and all front yard fences must be black vinyl chain link or decorative in nature.
- (2) Industrial district uses with open storage areas, loading or unloading areas, service areas shall provide and maintain on those sides abutting or adjacent to a residential district, or a single-family detached residential use, a solid fence not to exceed eight (8) foot high. The fence height shall be one (1) foot above the

height of the open storage items, piles, etc. A solid gate shall also be provided to screen the open storage from the right of way.

- (3) Except as provided below, barbed wire strands and noncoated or decorative chain link are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard except for those located on McMillan Ave, Industrial Drive, South Street, and Aiken Road.
- (4) On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement, or within twenty-five (25) feet of the intersection of the two (2) right-of-way lines, so as to interfere with motorists' vision across the corner.
- (5) Screening walls are required as prescribed in [section 38-389](#).
- (e) The zoning administrator or building official may require removal, reconstruction, or repair of any fence or wall which, in their judgment is dilapidated, unsafe, or a threat to the health, safety and welfare of the residents of the City of Owosso.
- (f) A permit shall be required for new fence construction, with a fee to be prescribed by resolution of the council.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The city hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 6. 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 7. EFFECTIVE DATE. This amendment shall become effective April 7, 2018.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmember Law, Mayor Pro-Tem Osika, Councilmembers Bailey, Fear, Pidek, Haber, and Mayor Eveleth.

NAYS: None.

Special Assessment District No. 2019-01 – Abrey Street

Prior to the opening of the floor for citizen comments City Manager Nathan R. Henne gave a presentation detailing the special assessment process, including how street conditions are rated and how assessments are calculated. He also provided a breakdown of the assessments for the Abrey Street project.

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2019-01 for Abrey Street, from Melinda Avenue to Allendale Avenue for resurfacing.

The following person commented in regard to the proposed special assessment roll:

Tom Manke, editor of Facebook.com/FriendsAndNeighborsOwosso, inquired whether Abrey Street is a border street. It was noted it is not, the City border is farther to the east.

Motion by Councilmember Bailey to approve the following resolution:

RESOLUTION NO. 41-2019

**DISTRICT NO. 2019-01
ABREY STREET FROM MELINDA AVENUE TO ALLENDALE AVENUE
SPECIAL ASSESSMENT RESOLUTION NO. 5**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement:

**ABREY STREET FROM MELINDA AVENUE TO ALLENDALE AVENUE
STREET RESURFACING**

and

WHEREAS, all interested parties were heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$17,817.06 is hereby confirmed and shall be known as Special Assessment Roll No. 2019-01.
2. Said special assessment roll shall be divided into ten installments, the first of which shall be due and payable on September 1, 2019, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by November 1, 2019.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2019 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her 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 Councilmember Pidek.

Roll Call Vote.

AYES: Councilmembers Fear, Bailey, Law, Haber, Mayor Pro-Tem Osika, Councilmember Pidek, and Mayor Eveleth.

NAYS: None.

Special Assessment District No. 2019-02 – Allendale Avenue

City Manager Henne provided a breakdown of the assessments for the Allendale Avenue project.

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2019-02 for Allendale Avenue, from Gould Street to the east City limits for resurfacing.

The following person commented in regard to the proposed special assessment roll:

Tom Manke, editor of Facebook.com/FriendsAndNeighborsOwosso, inquired whether the project would include new curb and gutter. It was indicated it would not.

Motion by Mayor Pro-Tem Osika to approve the following resolution:

RESOLUTION NO. 42-2019

DISTRICT NO. 2019-02 ALLENDALE AVENUE FROM GOULD STREET TO EAST CITY LIMITS SPECIAL ASSESSMENT RESOLUTION NO. 5

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement:

ALLENDALE AVENUE FROM GOULD STREET TO EAST CITY LIMITS
STREET RESURFACING

and

WHEREAS, all interested parties were heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$39,585.31 is hereby confirmed and shall be known as Special Assessment Roll No. 2019-02.

2. Said special assessment roll shall be divided into ten installments, the first of which shall be due and payable on September 1, 2019, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by November 1, 2019.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2019 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her 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 Councilmember Fear.

Roll Call Vote.

AYES: Councilmembers Pidek, Bailey, Law, Mayor Pro-Tem Osika, Councilmembers Fear, Haber, and Mayor Eveleth.

NAYS: None.

Special Assessment District No. 2019-07 – Monroe Street

City Manager Henne provided a breakdown of the assessments for the Monroe Street project.

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2019-07 for Monroe Street, from McMillan Avenue to the east City limits for resurfacing.

There were no citizen comments made prior to, or during the hearing.

Motion by Councilmember Bailey to approve the following resolution:

RESOLUTION NO. 43-2019

**DISTRICT NO. 2019-07
MONROE STREET FROM MCMILLAN AVENUE TO EAST CITY LIMITS
SPECIAL ASSESSMENT RESOLUTION NO. 5**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement:

MONROE STREET FROM MCMILLAN AVENUE TO EAST CITY LIMITS
STREET RESURFACING

and

WHEREAS, there being no interest parties and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$36,165.90 is hereby confirmed and shall be known as Special Assessment Roll No. 2019-07.
2. Said special assessment roll shall be divided into ten installments, the first of which shall be due and payable on September 1, 2019, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by November 1, 2019.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2019 and shall be paid annually on each installment due date.

4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her 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 Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Bailey, Haber, Mayor Pro-Tem Osika, Councilmembers Pidek, Fear, Law, and Mayor Eveleth.

NAYS: None.

Special Assessment District No. 2019-08 – North Street

City Manager Henne provided a breakdown of the assessments for the North Street project.

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2019-08 for North Street, from the west City limits to Chipman Street for resurfacing.

The following people commented in regard to the proposed special assessment roll:

Tom Manke, editor of Facebook.com/FriendsAndNeighborsOwosso, inquired whether the township would be paying for a portion of the project.

Gordon Parkinson, representative for Covenant Eyes, asked if the township would be sharing in the cost of the project, how special assessments are handled for tax-exempt properties, and if there was a difference in the front foot rate for commercial and residential properties.

City Manager Henne responded to the questions posed saying the commercial rate for this project was \$17.04 and the residential rate \$14.59, and churches and schools are zoned residential and specially assessed as such. Mayor Eveleth jumped in to indicate that Owosso Charter Township had just recently sent formal notice that it had agreed to pay approximately \$33,000 toward the project, and remarked their action was very positive.

Motion by Councilmember Pidek to approve the following resolution:

RESOLUTION NO. 44-2019

**DISTRICT NO. 2019-08
NORTH STREET FROM WEST CITY LIMITS TO CHIPMAN STREET
SPECIAL ASSESSMENT RESOLUTION NO. 5**

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement:

NORTH STREET FROM WEST CITY LIMITS TO CHIPMAN STREET
STREET RESURFACING

and

WHEREAS, all interested parties were heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

- \$29,643.93
1. Said special assessment roll as prepared by the City Assessor in the amount of ~~\$62,319.69~~ is hereby confirmed and shall be known as Special Assessment Roll No. 2019-08.
 2. Said special assessment roll shall be divided into ten installments, the first of which shall be due and payable on September 1, 2019, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by November 1, 2019.
 3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2019 and shall be paid annually on each installment due date.

Corrected via
Resolution No.
44.1-2019,
08-19-2019

4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her 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 Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Law, Fear, Pidek, Bailey, Haber, and Mayor Eveleth.

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Shiawassee County District 2 Commissioner John Horvath stepped to the podium and said he was happy to be back representing the people. He asked for patience should he need to take a break in his responsibilities due to his health, but said he wants to be part of the process going forward.

Tom Manke, editor of Facebook.com/FriendsAndNeighborsOwosso, said he was proud of the Shiawassee County community for coming together so quickly to assist those in the Vernon/Durand area that suffered damage from Thursday's tornado. He also encouraged everyone to tour the jail to get an idea of what the conditions are really like before going to the polls in May.

CONSENT AGENDA

Motion by Councilmember Bailey to approve the Consent Agenda as follows:

Special Assessment District No. 2019-13 – S. Washington Street. Authorize Resolution No. 4 setting a public hearing for Monday, April 1, 2019 to receive citizen comment regarding Special Assessment District No. 2019-13 for Washington Street, from Gute to Corunna Avenue for reconstruction as follows:

RESOLUTION NO. 45-2019

WASHINGTON STREET FROM GUTE STREET TO M-71 (CORUNNA AVENUE) SPECIAL ASSESSMENT RESOLUTION NO. 4

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, April 1, 2019 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW SPECIAL ASSESSMENT ROLL CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

WASHINGTON STREET, A PUBLIC STREET, FROM GUTE STREET TO M-71
(CORUNNA AVENUE)

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

STREET RECONSTRUCTION

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

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

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, April 1, 2019 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Boards and Commissions Appointments. Approve the following Mayoral Boards and Commissions appointments:

Name	Board/Commission	Term Expires
Bobbi Fuller	Downtown Development Authority/Main Street Board filling unexpired term of K. Wiles	06-30-2021
Jed Dingens	Owosso Historical Commission Filling unexpired term of A. Ludington	12-31-2020

Curwood Festival Permission. Authorize application from the Curwood Festival for use of various parking lots and streets from June 4, 2019 at 8:00 a.m. through June 10, 2019 at 6:00 a.m. for the annual Curwood Festival and further authorize Traffic Control Order No. 1412 formalizing the action.

Change Order – 2018 Sidewalk Replacement Program Contract.* Waive competitive bidding requirements, approve Change Order No. 1 to the 2018 Sidewalk Replacement Program Contract with Seifert Construction LLC adding \$100,000.00 for performance of the 2019 Sidewalk Replacement Program at unit prices 5% below that of the 2018 contract, further approve a contingency of \$30,000.00, and authorize payment up to \$130,000.00 to the contractor upon satisfactory completion of the work or portion thereof as detailed below:

RESOLUTION NO. 46-2019

**AUTHORIZING CHANGE ORDER NO.1 TO
THE 2018 SIDEWALK REPLACEMENT PROGRAM CONTRACT
WITH SEIFERT CONSTRUCTION, LLC OF ASHLEY, MICHIGAN
ADDING THE 2019 SIDEWALK REPLACEMENT PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined sections of the sidewalk on various streets in the City have become misaligned, deteriorated, or damaged and that replacement is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso desires to extend the restoration services contract with Seifert Construction LLC for the 2019 Sidewalk Replacement Program, at a 5% reduction from 2018 bid prices, for an amount not to exceed \$100,000.00; and

WHEREAS, Seifert Construction LLC is hereby determined to be qualified to provide such services, and has performed the same type services for the city of Owosso from 2008 through 2018.

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 waive competitive bidding requirements and employ Seifert Construction LLC for replacement of sections of damaged or misaligned sidewalk as part of the 2019 Sidewalk Replacement Program.

- SECOND: The mayor and city clerk are instructed and authorized to sign the necessary documents to execute the services contract with Seifert Concrete in the amount of \$100,000.00, plus additional restoration and replacement services required as contingency during the calendar year in the amount of \$30,000.00, for a total of \$130,000.00.
- THIRD: The accounts payable department is authorized to pay Seifert Construction LLC for work satisfactorily completed on the project up to the initial contact amount of \$100,000.00 plus the contingency amount of \$30,000.00 for a total of \$130,000.00.
- FOURTH: The above expenses shall be paid from the Major and Local Street Maintenance Funds accounts 203-463-728-000 and 202-463-728-000.

Contract Amendment - 2017 Tall Grass Mowing Program Contract.* Authorize Addendum No. 2 to the 2017 Tall Grass Mowing Program Contract with J&M Tree Service a.k.a. Forrest M. Spitzer for mowing of private properties in violation of the weed ordinance and for certain city-owned properties extending the contract through the 2019 mowing season in the amount of \$12,420.00, approving a contingency of \$4,000.00 to be utilized only upon written approval, and further authorizing payment up to the addendum amount plus the contingency as detailed below:

RESOLUTION NO. 47-2019

**AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2
TO THE 2017 TALL GRASS MOWING PROGRAM CONTRACT
WITH J&M TREE SERVICE AKA FORREST M. SPITZER
EXTENDING THE CONTRACT THROUGH THE 2019 MOWING SEASON**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that maintenance of city owned grounds, and private property not in compliance with city ordinances is required, necessary, and in the public interest; and

WHEREAS, the city of Owosso sought bids to perform mowing and noxious weed removal services in 2017 and J&M Tree Service was the low responsible and responsive bidder for the 2017 season; and

WHEREAS, J&M Tree service offered to perform these same services for the 2018 season as Amendment No. 1 at the 2017 bid price, and

WHEREAS, J&M Tree Service has offered to provide these same services for the 2019 season at the 2017 unit prices as Amendment No. 2 to the services contract in the amount of \$12,420.00.

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

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to extend the 2017 Tall Grass Mowing Contract with J&M Tree Service a.k.a. Forrest M. Spitzer for the 2019 mowing season.
- SECOND: The mayor and city clerk are instructed and authorized to sign the contract document/s for services between the city of Owosso, Michigan and J&M Tree Service a.k.a. Forrest M. Spitzer in the amount of \$12,420.00, plus contingency work with prior written approval, in the amount of \$4,000.00 for a total of \$16,420.00.
- THIRD: The accounts payable department is authorized to pay J&M Tree Service a.k.a. Forrest M. Spitzer for work satisfactorily completed in the amount of \$12,420.00, plus contingency work in the amount of \$4,000.00 with prior written approval, for a total of \$16,420.00.
- FOURTH: The above expenses shall be paid from account 101-265-818.000.

Bid Award – 2019 Street Resurfacing Program – Contract No. 2.* Approve the low bid of Crawford Contracting for the 2019 Street Resurfacing Program – Contract No. 2 in the amount of \$396,532.87, authorize a contingency amount of \$50,000.00, and further authorize payment up to the bid amount plus the contingency (with prior written approval) upon satisfactory completion of the work or portion thereof as follows:

RESOLUTION NO. 48-2019

**AUTHORIZING THE EXECUTION OF A CONTRACT WITH
CRAWFORD CONTRACTING, INC. FOR
THE 2019 STREET RESURFACING PROGRAM - CONTRACT NO. 2**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to perform pavement improvements along portions of Abrey Street, Allendale Avenue, Monroe Street, and North Street as set forth in the contract documents; and

WHEREAS, the city has sufficient funds to perform said improvements from its 2016 Unlimited Obligation Bond Proceeds funds to facilitate undertaking of the project; and

WHEREAS, the city of Owosso sought bids for the 2019 Street Resurfacing Program-Contract No. 2, and a bid was received from Crawford Contracting, Inc. and it is hereby determined that Crawford Contracting, Inc. 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 Crawford Contracting, Inc. for the 2019 Street Resurfacing Program-Contract No. 2.

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 Crawford Contracting, Inc. in the amount of \$396,532.87.

THIRD: The accounts payable department is authorized to pay Crawford Contracting Inc. for work satisfactorily completed on the project up to the bid Contract amount of \$396,532.87, plus a contingency amount not to exceed \$50,000.00 for field adjustments authorized by city staff, for a total of \$446,532.71.

FOURTH: The above expenses shall be paid from the 2016 Unlimited Obligation Bond Proceeds Account Nos. 203-451-818.000ABREYAVE19 (\$57,236.62); 203-451-818.000ALLENDALEA (\$116,744.74); 202-451-818.000MONROEST19 (\$45,292.99); and 203-451-818.000NORTHWCITY (\$177,258.52).

Check Register – February 2019.* Affirm check disbursements totaling \$1,711,179.26 for February 2019.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Pidek, Haber, Bailey, Mayor Pro-Tem Osika, Councilmembers Fear, Law, and Mayor Eveleth.

NAYS: None.

ITEMS OF BUSINESS

Steam Railroading Institute / MDOT Grant Application*

City Manager Henne indicated that the SRI had acquired a lighter engine, opening up more miles of tracks to railroad tourism. He went on to say that the SRI is not eligible to apply for the grant funding in question but can partner with a certified local government to do so. In this situation the City will serve as the certified local government for the project, the SRI will put up the money, and MDOT will handle grant administration. Tonight's action will formalize the noted partnership.

Motion by Councilmember Pidek to authorize a letter of support for the establishment of a partnership with the Steam Railroading Institute and the Michigan Department of Transportation for the purpose of rebuilding the Chicago & North Western 175 locomotive and agreed to serve as the certified local government unit for the project as it relates to the application for TAP funds as detailed below:

RESOLUTION NO. 49-2019

RESOLUTION AUTHORIZING A LETTER OF SUPPORT FOR STEAM RAILROADING INSTITUTE MDOT GRANT APPLICATION

WHEREAS, the City of Owosso, Shiawassee County, Michigan, wishes to support the efforts of the Owosso Steam Railroading Institute (SRI); and

WHEREAS, the City of Owosso seeks to partner with the Michigan Department of Transportation to apply for a Transportation Alternatives Program (TAP) grant on behalf of the SRI for the purpose of rebuilding the Chicago and North Western 175 steam locomotive; and

WHEREAS, the Michigan Department of Transportation's TAP requires that a Certified Local Government apply for the grant funding; and

WHEREAS, the City of Owosso is a Certified Local Government; and

WHEREAS, the match for this grant will be provided by the SRI.

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 partner with the Steam Railroading Institute and the Michigan Department of Transportation to apply for TAP grant funding for the 175 locomotive rebuild project, and to serve as the certified local government for said project.

SECOND: The mayor is authorized to sign the document substantially in the form attached, Letter of Support for the SRI grant application and partnership with MDOT.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Pidek, Fear, Haber, Bailey, Law, Mayor Pro-Tem Osika, and Mayor Eveleth.

NAYS: None.

Recreation Passport Grant Application

City Manager Henne detailed the proposed project for Grove Holman Park involving rehabilitation of the former Holman Pool building to provide public restrooms and a concession stand for park goers and improvements to the parking lot at the park. The total project is estimated at \$200,000 with approximately \$50,000 coming from the Parks Millage.

Motion by Councilmember Fear to approve application for a Recreation Passport Grant seeking funding for the rehabilitation of the parking lot and former pool house in Grove Holman Park as follows:

RESOLUTION NO. 50-2019

SEEKING A RECREATION PASSPORT GRANT THROUGH MICHIGAN DEPARTMENT OF NATURAL RESOURCES

WHEREAS, Holman Grove Park is noted as a destination point within the city of Owosso that is being revitalized with the construction of a new skate park; and

WHEREAS, the current building in the park is no longer functioning, and regular maintenance cannot effectively address the reactivation of the structure; and

WHEREAS, the city of Owosso and its partners intend to rehabilitate the park's parking-lot, driveway, and existing building, using it for public restrooms, concessions, and a warming station for activities involving the skate park and winter sledding hill; and

WHEREAS, the city of Owosso and the Parks and Recreation Commission are publicly and financially committed to carrying out the improvements to the building and parking areas in Holman Grove Park; and

WHEREAS, the State of Michigan Department of Natural Resources is accepting Recreation Passport Grant applications for up to \$150,000 towards new or rehabilitated facilities for the purpose of "providing public outdoor recreation opportunities and infrastructure to support public outdoor recreation activity";

NOW, THEREFORE, BE IT RESOLVED that the city of Owosso city council commits to funding the capital rehabilitation funding proposal below and directs staff to complete and submit an application for the Recreation Passport Grant Program through the Michigan Department of Natural Resources (MDNR).

Grove Holman Building & Parking Lot Revitalization	
Contributor	Contribution
Parks and Recreation Millage	\$50,000

Contributor (cont.)	Contribution (cont.)
Total Local Match	\$50,000
Grant Request	\$150,000
Total Grant Project	\$200,000

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Bailey, Haber, Law, Mayor Pro-Tem Osika, Councilmembers Fear, Pidek, and Mayor Eveleth.

NAYS: None.

COMMUNICATIONS

N. Bradley Hissong, Building Official. February 2019 Building Department Report.
N. Bradley Hissong Building Official. February 2019 Code Violations Report.
N. Bradley Hissong Building Official. February 2019 Certificates Issued Report.
N. Bradley Hissong Building Official. February 2019 Inspections Report.
Kevin D. Lenkart, Public Safety Director. February 2019 Police Report.
Kevin D. Lenkart, Public Safety Director. February 2019 Fire Report.
Historical Commission. Minutes of February 11, 2019.
Planning Commission. Minutes of February 25, 2019.
Downtown Development Authority/Main Street. Minutes of March 6, 2019.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

Councilmember Bailey inquired about the timing of the recent tax assessment notices noting that she had recently received her assessment along with a letter inviting her to the Board of Review. The letter indicated that appointments to come before the board were strongly suggested but left very little time to schedule as the Board of Review meetings were just days from the time she received the notice. City Manager Henne indicated he would discuss the matter with staff tomorrow.

Councilmember Pidek asked if the information in the City Manager's presentation was being given to citizens. He said it was great information presented in an easy to read manner and suggested it be placed on the website so it could be a resource for citizens.

Mayor Eveleth thanked County Commissioner Horvath for coming this evening saying he was a great example of a public servant, always ready whenever needed.

NEXT MEETING

Monday, April 01, 2019

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate - term expires June 30, 2019
 Building Board of Appeals – Alternate - term expires June 30, 2021
 Brownfield Redevelopment Authority – term expires June 30, 2022
 Historical Commission – 2 terms expire December 31, 2021
 Parks & Recreation Commission – term expires June 30, 2019
 Zoning Board of Appeals - Alternate – term expires June 30, 2021

ADJOURNMENT

Motion by Councilmember Bailey for adjournment at 8:23 p.m.

Motion supported by Councilmember Pidek and concurred in by unanimous vote.

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk