

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF FEBRUARY 16, 2021
7:30 P.M.
VIRTUAL MEETING**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER NICHOLAS L. PIDEK

PLEDGE OF ALLEGIANCE: COUNCILMEMBER DANIEL A. LAW

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

ABSENT: None.

APPROVE AGENDA

Motion by Councilmember Fear to approve the agenda with the following corrections:

Add **CITIZEN COMMENTS AND QUESTIONS** period after the **PUBLIC HEARING**.

CONSENT AGENDA

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

Name	Board/Commission	Term Expires
Dean Smith Ebert*	Shiawassee Airport Board	12-31-2023

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF FEBRUARY 1, 2021

Motion by Councilmember Pidek to approve the Minutes of the Regular Meeting of February 1, 2021 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Special Assessment District No. 2021-01 – Gould Street, from Oliver Street to Moore Street

City Manager Nathan R. Henne gave a PowerPoint presentation explaining how the special assessment amounts were determined.

A public hearing public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2021-01 for Gould Street, from Oliver Street to Moore Street for street rehabilitation.

Prior to the meeting the following people commented in writing in regard to the proposed special assessment roll:

Terry Weeden, on behalf of Mary Janes, 909 N. Gould Street, said it was unfair to assess the residents of Gould Street for the work being done because everyone in the City uses Gould Street.

Michael Martin, 915 E. King Street, objected to the assessment saying it brings little value to his property.

John Ervin, 915 Queen Street, objected to the amount of his assessment saying the special assessment district should encompass more homes as the residents of Gould Street are not the only residents using Gould Street on a regular basis.

During the meeting there were no further citizen comments.

Mayor Eveleth reminded everyone that payments can be spread out over a period of 10 years and those to whom this will be a hardship can apply for a hardship deferment.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Councilmember Pidek that the following resolution be adopted:

RESOLUTION NO. 32-2021
DISTRICT NO. 2021-01
GOULD STREET
FROM OLIVER STREET TO MOORE 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:

**Gould Street from Oliver Street to Moore Street
Street Rehabilitation**

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 \$140,595.50 is hereby confirmed and shall be known as Special Assessment Roll No. 2021-01.
2. Said special assessment roll shall be divided into ten installments, the first of which shall be due and payable on September 1, 2021, 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, 2021.
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, 2021 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 Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Tom Kurtz, 721 Lee Street, inquired whether there were going to be changes to the plans for parking enforcement around Central School. Public Safety Director Lenkart indicated that officers will be assigned to the area and will be conducting enforcement as emergency calls permit. He said that at first officers will be concentrating on compliance as opposed to ticketing.

Mayor Eveleth asked Mr. Kurtz to give an update on the hospital's new building project. Mr. Kurtz indicated that construction to add a 110 square foot addition to the hospital is well underway. He hopes the building will open in 2022 with exercise facilities such as an indoor track and resistance swimming available to the public for a membership fee.

Mayor Eveleth thanked the DPW for their hard work in clearing the snow from the streets after last night's storm. He also thanked the police department for pitching in to help residents clear their driveways. He went on to thank Caledonia Charter Township for agreeing to contribute to

the Gould Street rehabilitation project. Lastly, he asked if the water main break on W. Williams Street involved new water lines.

Councilmember Pidek announced that the Match on Main grant program is restarting for any downtown business that would like to take advantage.

Mayor Pro-Tem Osika reminded everyone of the Chocolate Walk next Friday. Tickets are available now. DDA/Main Street Director Adams chimed in saying there were only 83 tickets left for the event. Proceeds will go toward onboarding downtown businesses to the downtown Owosso website so that all downtown businesses have the opportunity to have a web presence.

City Manager Henne noted that the water main was not replaced on W. Williams Street as a part of the resurfacing project last year. Mayor Eveleth indicated that situations like this are the reason why Council raises rates, so that the City can afford to replace water mains when a street is resurfaced.

CONSENT AGENDA

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

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

Name	Board/Commission	Term Expires
Dean Smith Ebert*	Shiawassee Airport Board	12-31-2023
Carl Ludington*	Building Board of Appeals	06-30-2023
Sam McLaren*	Building Board of Appeals	06-30-2023
Barbara Baker Omerod*	Council on Aging	06-30-2023
Bill Gilbert*	Downtown Development Authority/ Main Street Board	06-30-2024
Name	Board/Commission	Term Expires
Jon Moore*	Downtown Development Authority/ Main Street Board	06-30-2024
Scott Newman*	Downtown Historic District Commission	06-30-2023
Matthew VanEpps*	Downtown Historic District Commission	06-30-2023
Deb Adams	Historical Commission	12-31-2022
Julie Omer*	LDFA/Brownfield Authority	06-30-2024
Gregory Brodeur	LDFA/Brownfield Authority	06-30-2024
Jerome Haber	LDFA/Brownfield Authority To fill unexpired term of L. Bailey	06-30-2022
Randy Horton*	Zoning Board of Appeals	06-30-2023

* Indicates reappointment

Traffic Control Order No. 1442. Approve Traffic Control Order No. 1442 for no parking on the west side of Ada Street between Oliver and Lee Streets between 12:30pm and 1:30pm on school days.

Warrant No. 597. Authorize Warrant No. 597 as follows:

Vendor	Description	Fund	Amount
Logicalis	Cisco smart net renewal	General	\$11,180.07

Check Register – January 2021. Affirm check disbursements totaling \$3,439,621.25 for January 2021.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Property Exemption Policy Adoption

City Manager Henne noted that the following two items are housekeeping for the Assessing Department's AMAR review.

Motion by Mayor Pro-Tem Osika authorize adoption of the Property Exemption Policy & Procedures to comply with State Tax Commission Guideline 2020-1 as follows:

**City of Owosso Assessing Department
Property Exemption Policy & Procedures**

The Michigan Constitution of 1963 (as amended) and the General Property Tax Act (PA 206 of 1893, as amended) set forth that all real and personal property located within the State of Michigan is subject to ad valorem property taxation, unless expressly exempt.

Real and personal property exemptions are identified and authorized within specific sections and subsections of Section 211.7 and Section 211.9 of the Michigan Compiled laws. Further, Michigan Courts have set that the burden of proof of exemption entitlement rests with the claimant/applicant. A claimant/applicant's 501(c)(3) status is not a determining factor for exemption [American Concrete Institute v State Tax Commission, 12 Mich AppS9S;163 NW2d 508 (1968)].

In order for an exemption of ad valorem property to be approved and added to the assessment roll, the following procedures will be followed:

1. A completed "Ad Valorem Property Tax Exemption Application" must be filed with the City's assessing office. (filed on or before December 31st)
2. All attachments/documents must be submitted with the application
 - Copy of instrument by which property was acquired (proof of ownership)
 - Copy of Articles of Incorporation
 - Copy of By-Laws
 - Copy of any pamphlet, other information, or literature describing the functions of the organization
 - Copies of all leases including sub-leases in effect at the subject property during the previous calendar year
3. A file will be created for the review and approval process
4. A field inspection of the property will be completed
5. If necessary, the City's attorney will be asked to review the file and give an opinion
6. The official notification of the taxable status will be the annual assessment change notice
7. Taxpayers may appeal the assessor's determination at the March Board of Review

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

Mayor Eveleth suspended the rules of order to allow Eddie Urban to make a citizen comment.

Eddie Urban, 601 Glenwood Avenue, apologized for being late. He thanked the Clerk's Office for their assistance when he needs it. He also mentioned that he is still working on certificates.

Personal Property Canvass Policy Adoption

Motion by Councilmember Pidek authorizing adoption of the Personal Property Canvass Policy & Procedures to comply with State Tax Commission Guideline 2020-1 as follows:

**City of Owosso Assessing Department
Personal Property Canvass Policy & Procedures**

REQUIREMENTS

State Tax Commission Supervising Preparation of the Assessment Roll Requirements

The assessor or the assessor's assistant(s) must perform the following specific duties annually:
(h) Conduct personal property canvasses.

Pursuant to MCL 211.10e, the assessor or the assessor's assistant(s) must use and maintain the following assessment records: (b) Personal property record card system.

PROCEDURES

The following procedures will be followed annually to meet the requirements of conducting a personal property canvass and maintaining a personal property record card system.

- A Personal Property file will be started to collect personal property leads from any source
- While performing fieldwork, appraisers will note businesses (new and existing) that they come across
- Building permits will be reviewed for any new commercial/industrial business or change of use to commercial/industrial
- Beginning December 1st, the business district(s) will be desk reviewed and visited to note changes and add new accounts/parcel numbers
- All personal property accounts/parcel numbers will have a related real property number entered in the database
- A property identification number will be assigned to every 5076 form that is filed
- Personal Property accounts/parcel numbers will NOT be inactivated until either written verification from owner or confirmed by a sight visit
- Personal Property Statements will be sent to every account/parcel number in the database

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

Grant Acceptance – Coronavirus Emergency Supplemental Funding Grant

Motion by Mayor Pro-Tem Osika to authorize acceptance of the Coronavirus Emergency Supplemental Funding Grant to help pay for supplies and services necessary to fight the Coronavirus pandemic as follows:

RESOLUTION NO. 33-2021

RESOLUTION AUTHORIZING SIGNATURE OF CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING GRANT AGREEMENT

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has been awarded \$11,220 through a U.S. Department of Justice Coronavirus Emergency Supplemental Funding (CESF) grant; and

WHEREAS, the City of Owosso applied for this grant funding to help pay for necessary supplies and services to better respond to the Coronavirus pandemic; and

WHEREAS, The City of Owosso has documented all eligible supplies in the amount of \$11,220.

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

FIRST: The mayor is instructed and authorized to sign the document substantially in the form attached, Coronavirus Emergency Supplemental Funding Grant Contract between the Michigan State Police and the Owosso Police Department.

SECOND: The above expenses shall be paid into the General Fund, 101-000-501.505.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

Downtown Social District Approval

City Manager Henne explained that the resolution creates an outdoor social district and commons area which can be used by downtown restaurants that are prohibited from using indoor space due to COVID-19 restrictions.

DDA/Main Street Director Joshua D. Adams said it is his hope that this offer will be extended into the future so that some neglected areas of the downtown can become reactivated once again.

Mayor Pro-Tem Osika noted that the DDA had vetted the request and were in support of it.

Councilmember Fear asked why the public area in front of the Chamber of Commerce was not included in either the social district or the common area. It was noted that the land in question is on private property, and thus not included.

Motion by Councilmember Teich approving the formation and implementation of a Social District and Commons area within Downtown Owosso to allow outdoor service of alcohol in select predetermined locations as follows:

RESOLUTION NO. 34-2021

RESOLUTION DESIGNATING A SOCIAL DISTRICT CONTAINING A COMMONS AREA AND ADOPTING A MANAGEMENT PLAN IN ORDER TO ALLOW CERTAIN ON PREMISES LIQUOR LICENSES EXPANDED USE OF SHARED AREAS FOR CONSUMPTION OF ALCOHOL PURSUANT TO PUBLIC ACT 124 OF 2020

WHEREAS, the Michigan Liquor Control Code was recently amended by 2020 Public Act 124 (the Act) to allow the governing body of a local governmental unit to designate social districts and commons areas which may be used by qualified licensees to obtain a social district permit from the Michigan Liquor Control Commission (MLCC) to utilize expanded areas for the consumption of alcohol; and

WHEREAS, if the governing body of a local governmental unit designates a social district that contains a commons areas, the governing body must define and clearly mark the commons area with signs, establish local management and maintenance plans including, but not limited to, hours of operation for submittal to the MLCC, and maintain the commons areas in a manner that protects the health and safety of the community; and

WHEREAS, the City continues to recognize that the recent public health emergency caused by the COVID-19 global pandemic has caused the shutdown of certain businesses for varying amounts of time, and when open, other social distancing recommendations and requirements have resulted in reduced occupancies that have impacted City businesses and the people employed by them; and

WHEREAS, the City Council finds that designating social districts and commons areas pursuant to the Act is in the best interests of the citizens of the City of Owosso, especially in light of COVID-19 restrictions on indoor gatherings and social distancing recommendations; and

WHEREAS, Social District and the Commons Area boundaries are indicated by the Downtown Social District Map with the exception of the premises of the qualified licensees; and

WHEREAS, the City Council directs Owosso Downtown Development Authority (DDA), to create a logo which bears the name of the Downtown Social District and Downtown Commons area, and cause that logo to be printed on signs that clearly mark and define the Downtown Commons area; and

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

FIRST: The City of Owosso designates the social district and commons area as provided on the attached maps, establishes the attached management and maintenance plan, and authorizes the DDA to take all such actions necessary in order to implement this Resolution and comply with the Act.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

OMS/DDA Loan & Grant Manual Revisions

DDA/Main Street Director Adams explained that the proposed changes add to the deferment policy already in place by allowing deferments to be vetted on a case by case basis.

Mayor Pro-Tem Osika noted that any requested deferments would be reviewed by the DDA prior to their submission to City Council.

Councilmember Pidek went on the record as supporting the proposed changes.

Motion by Councilmember Pidek to add a deferment framework to the OMS/DDA Loan & Grant Manual governing the use of downtown revolving loan funds as follows:

RESOLUTION NO. 35-2021

**RESOLUTION AUTHORIZING
THE APPROVAL OF OMS/DDA REVOLVING LOAN FUND MANUAL REVISIONS**

WHEREAS, in 1994 the city of Owosso established the Downtown Owosso Revolving (formerly UDAG/CDBG) Loan Program for projects within the Owosso Downtown Development Authority district; and

WHEREAS, on June 17, 2019 City Council approved the new OMS/DDA Revolving Loan & Grant Program, giving stewardship of the loan and grant process to the Owosso Main Street/DDA Board.

WHEREAS, on Wednesday, February 3, 2021 during the Regular Board Meeting, the OMS/DDA Board of Directors approved a deferment framework for existing revolving loan holders that allows deferment flexibility during economic hardship.

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

FIRST: The City of Owosso approves the revisions to the OMS/DDA Loan & Grant Manual.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

- Sara Adams, Owosso Historical Commission. Letter of Resignation.
- Cheryl A. Grice, Finance Director. January 2021 Revenue & Expenditure Report.
- N. Bradley Hissong, Building Official. January 2021 Building Department Report.
- N. Bradley Hissong Building Official. January 2021 Code Violations Report.
- N. Bradley Hissong Building Official. January 2021 Inspections Report.
- N. Bradley Hissong Building Official. January 2021 Certificates Issued Report.
- Kevin D. Lenkart, Public Safety Director. July 2016 Police Report.
- Kevin D. Lenkart, Public Safety Director. January 2021 Fire & EMS Report.
- Planning Commission. Minutes of January 25, 2021.
- WWTP Review Board. Minutes of January 26, 2021.
- Parks & Recreation. Minutes of January 27, 2021.
- Downtown Development Authority. Minutes of February 3, 2021.
- Owosso Historical Commission. Minutes of February 8, 2021.

NEXT MEETING

Monday, March 01, 2021

BOARDS AND COMMISSIONS OPENINGS

- Brownfield Redevelopment Authority – County Representative – term expires June 30, 2024
- Brownfield Redevelopment Authority – terms expire June 30, 2022
- Brownfield Redevelopment Authority – term expires June 30, 2026
- Building Board of Appeals – Alternate - term expires June 30, 2022
- Building Board of Appeals – Alternate - term expires June 30, 2021

Building Board of Appeals – term expires June 30, 2022
Downtown Development Authority – 2 terms expire June 30, 2021
Downtown Historic District Commission—term expires June 30, 2022
Owosso Historical Commission – 2 terms expire December 31, 2021
Owosso Historical Commission – term expires December 31, 2022
Owosso Historical Commission – 2 terms expire December 31, 2023
Shiawassee District Library - term expires June 30, 2024
Zoning Board of Appeals – Alternate – term expires June 30, 2021
Zoning Board of Appeals – term expires June 30, 2023

ADJOURNMENT

Motion by Councilmember Fear for adjournment at 8:13 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk