

CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MONDAY, DECEMBER 03, 2012
7:30 P.M.

Meeting to be held at City Hall
301 West Main Street

AGENDA

OPENING PRAYER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 19, 2012:

ADDRESSING THE CITY COUNCIL

1. Your comments shall be made during times set aside for that purpose.
2. Stand or raise a hand to indicate that you wish to speak.
3. When recognized, give your name and address and direct your comments and/or questions to any City official in attendance.
4. Each person wishing to address the City Council and/or attending officials shall be afforded one opportunity of up to four (4) minutes duration during the first occasion for citizen comments and questions. Each person shall also be afforded one opportunity of up to three (3) minutes duration during the last occasion provided for citizen comments and questions and one opportunity of up to three (3) minutes duration during each public hearing. Comments made during public hearings shall be relevant to the subject for which the public hearings are held.
5. In addition to the opportunities described above, a citizen may respond to questions posed to him or her by the Mayor or members of the Council, provided members have been granted the floor to pose such questions.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

CITY MANAGER REPORT

1. Rental housing registration and inspection program report.
2. Property maintenance and community oriented public safety program report.
3. Report on vacant property registration program, including abandoned properties.
4. Project status report.

CONSENT AGENDA

1. Special Assessment District No. 2012-03 – Hazards and Nuisances. Authorize Resolution No. 1 setting a public hearing for Monday, December 17, 2012 to receive citizen comment regarding Special Assessment District No. 2012-03, Hazards and Nuisances, as it relates to unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances.

2. Conduct First Reading and Set Public Hearing - Rezoning Request. Conduct first reading and set a public hearing for January 7, 2012 to receive citizen comment regarding request to rezone the parcel commonly known as the former Lincoln School, 120 Michigan Avenue, from RM-2, Multiple-Family Residential District - High Rise, to PUD, Planned Unit Development.
3. 2013 Schedule of Meetings. Adopt the 2013 Boards and Commissions Meeting Schedule.
4. Bid Award – Fire Truck Maintenance. Waive competitive bidding requirements and authorize bid award to Front Line Services, Inc. for annual maintenance service of the City's three fire engines in the amount of \$4,504.00.
5. Bid Award – Library Building Plaster & Cornice Repair. Waive competitive bidding requirements, authorize bid award to JCP Plaster & Drywall for repair of damaged plaster and cornices in the Shiawassee District Library Building in the amount of \$11,800, and further authorize payment up to the bid amount.
6. Warrant No. 453. Authorize Warrant No. 453 as detailed:
Total: \$ 62,506.00 For: Building & Property Insurance.

ITEMS OF BUSINESS

1. Parks Rules and Regulations-Proposed Revisions. Consider proposed revisions to the Parks Rules and Regulations.
2. Bonding Resolution. Consider a resolution authorizing the issuance and sale of the second series of General Obligation Unlimited Tax Bonds for capital improvements in an amount not to exceed \$990,000.

COMMUNICATIONS

1. Donald D. Crawford, City Manager. Annual Liquor License Inspection Report.
2. Adam Zettel, Assistant City Manager. 2012 Parks & Recreation Report and 2013 Action Plan.
3. Zoning Board of Appeals. Minutes of November 20, 2012.
4. Downtown Historic District Commission. Minutes of November 21, 2012.
5. Parks & Recreation Commission. Minutes of November 26, 2012.
6. Planning Commission. Minutes of November 26, 2012.

CITIZEN COMMENTS AND QUESTIONS

NEXT MEETING

Monday, December 17, 2012

BOARDS AND COMMISSIONS OPENINGS

Zoning Board of Appeals – Alternate, term expiring June 30, 2013

ADJOURNMENT

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy K. Kirkland, City Clerk, 301 West Main Street, Owosso, MI 48867 or at (989) 725-0500. The City of Owosso Website address is www.ci.owosso.mi.us.

OWOSSO CITY COUNCIL

NOVEMBER 19, 2012

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR CALEMERSON
RETIRED PASTOR AT NORTHGATE WESLEYAN CHURCH

PLEDGE OF ALLEGIANCE: AUBREY MORGAN
3rd GRADE STUDENT AT ELSA MYER ELEMENTARY

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch,
Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth,
Christopher T. Eveleth and Burton D. Fox.

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 5, 2012

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of November 5, 2012 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

PANCREATIC CANCER AWARENESS MONTH

Della Scoot, Pancreatic Cancer Action Network member and mother of 27 year old pancreatic cancer patient Ashley Scott, was on hand to accept the proclamation.

Mayor Frederick read aloud the following Mayoral proclamation declaring November 2012 as Pancreatic Cancer Awareness month in the City of Owosso:

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
PROCLAIMING NOVEMBER 2012 AS
PANCREATIC CANCER AWARENESS MONTH IN THE CITY OF OWOSSO**

WHEREAS in 2012, an estimated 43,920 people will be diagnosed with pancreatic cancer in the United States and 37,390 will die from the disease; and

WHEREAS pancreatic cancer is one of the deadliest cancers, currently the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and

WHEREAS when symptoms of pancreatic cancer present themselves, it is typically late stage, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis, while 94 percent of pancreatic cancer patients die within five years; and

WHEREAS the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the U.S. by 2020, and possibly as early 2015; and

WHEREAS the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in the city of Owosso and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, the *Recalcitrant Cancer Research Act*, formerly the *Pancreatic Cancer Research & Education Act*, requires that the National Cancer Institute develop a scientific framework for combating pancreatic cancer and other recalcitrant cancers, and the Network feels passage of the Act is essential to boosting research efforts and potentially finding a cure.

NOW, THEREFORE, I, Benjamin R. Frederick, Mayor of the City of Owosso, Michigan, do hereby proclaim the month of November 2012 as Pancreatic Cancer Awareness Month in the City of Owosso, Michigan and do hereby encourage all citizens of this community to acknowledge and support the Pancreatic Cancer Action Network and their activities to inform and serve the citizens of our community because their services make a difference.

Proclaimed this 19th day of November, 2012.

Mrs. Scott relayed some of the challenges her daughter has experienced since being diagnosed with pancreatic cancer. She encouraged everyone to write their Senators to express support for the Recalcitrant Cancer Research Act or visit www.pancam.com for more information.

PUBLIC HEARINGS

PROPOSED MASTER PLAN

Assistant City Manager Adam H. Zettel gave an overview on the history and contents of the proposed Master Plan saying a significant amount of work and citizen input has gone into the creation of Owosso's first Master Plan.

A public hearing was conducted to receive citizen comment regarding the draft master plan in accordance with state statute.

There were no citizen comments.

Council expressed their thanks to Mr. Zettel, the Planning Commission and the members of the community that worked on and gave input on the plan, saying they were very pleased to have a comprehensive plan to help guide their decisions. They specifically asked that the document be referred to when addressing items before the Council.

Motion by Councilperson Eveleth to authorize the following resolution approving the Master Plan as presented:

RESOLUTION NO. 139-2012

A RESOLUTION TO APPROVE

THE 2012 CITY OF OWOSSO MASTER PLAN

WHEREAS, the City of Owosso Planning Commission has been engaged in the drafting of the city's first master plan since late 2010; and

WHEREAS, a plan was drafted that contains community profile data, a community vision, future land use data, implementation strategies, and other information as required by state law and encouraged by best practices; and

WHEREAS, the planning commission has finished such a draft and has submitted the document to the city council for review and distribution in accordance to the Planning Enabling Act (PEA); and

WHEREAS, the city council approved the distribution the plan in accordance with the PEA for a review period of no less than 63 days; and

WHEREAS, a subsequent public hearing was held by the planning commission to deliberate on any and all comments related to the plan; and

WHEREAS, the Owosso Planning Commission found that the plan, with the inclusion of changes resulting from public comments, is reflective of the community and satisfies the legal and best-practice needs of prudent planning; and

WHEREAS, a public hearing and subsequent deliberation was held by the city council on November 19, 2012.

NOW, BE IT RESOLVED THAT City of Owosso City Council, County of Shiawassee, State of Michigan, finding the 2012 City of Owosso Master Plan to meet all statutory obligations and practical intentions of a community plan, hereby approves said plan.

BE IT FURTHER RESOLVED THAT the same council hereby directs staff to supply an electronic copy of the master plan to all entities as required by Michigan law.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Bailey, Mayor Pro-Tem Popovitch, Councilpersons Erfourth, Eveleth, Fox, Cook, and Mayor Frederick.

NAYS: None.

Due to its length full text of the Master Plan is not included in the minutes. The Master Plan is on file in its entirety in the Clerk's Office.

ORDINANCE AMENDMENT – REZONING WESTOWN TO B-3

Assistant City Manager Zettel explained the rezoning was recommended by the Master Plan and as such it would assist property owners in the area in question to accomplish planned improvements. He went on to say that the B-3 zoning designation would not be a perfect fit for every part of every parcel but the intent was to keep the current downtown flavor of the area.

A public hearing was conducted to receive citizen comment regarding proposed ordinance amendment to amend Chapter 38, Zoning, Section 38-27 of the Code of Ordinances of the City of Owosso, Michigan to zone specific properties along Main Street in the area commonly referred to as Westown to B-3 Central Business District.

There were no citizen comments.

Motion by Councilperson Fox to approve the rezoning of named parcels in the Westown Business District to B-3 Central Business District as follows:

ORDINANCE NO. 737

**AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO REZONE
SPECIFIC PARCELS OF REAL PROPERTY
AND AMEND THE ZONING MAP**

WHEREAS, the City of Owosso submitted a petition to rezone the real property along Main Street in the Westown area, as identified in the attached map, from B-4 General Business District to B-3 Central Business District; and

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

WHEREAS, the planning commission finds that the proposed ordinance meets the intent and criteria for a zoning amendment; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of the Westown parcels and Main Street, as mapped, to B-3, Central Business District; and

WHEREAS, the city council finds that the zoning petition meets the intent and criteria for a zoning map amendment.

THEREFORE, BE IT RESOLVED, that Chapter 38, Zoning Code of the City of Owosso be amended as follows:

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 38, Zoning Code of the City of Owosso Sec. 38-27 Zoning Districts and Map reflect the changes as illustrated and attached to the record hereto as Exhibit A and filed with the city clerk.

Section 2. This amendment shall become effective December 9, 2012.

Section 3. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

EXHIBIT A

Parcel Number	Parcel Address	Current Zoning	Proposed Zoning
050-050-000-048-00	1005 W MAIN ST	B4	B3
050-660-017-001-00	100 N CHIPMAN ST	I1	B3
050-660-016-001-00	1008 W MAIN ST	B4	B3
050-660-015-009-00	916 W MAIN ST	B4	B3
050-660-015-007-00	910 W MAIN ST	B4	B3
050-660-015-006-00	908 W MAIN ST	B4	B3
050-660-015-005-00	904 W MAIN ST	B4	B3
050-660-015-004-00	902 W MAIN ST	B4	B3
050-660-015-003-00	900 W MAIN ST	B4	B3

050-660-014-010-00	820 W MAIN ST	B4	B3
050-660-014-009-00	818 W MAIN ST	B4	B3
050-660-014-008-00	816 W MAIN ST	B4	B3
050-660-014-007-00	814 W MAIN ST	B4	B3
050-660-014-006-00	810 W MAIN ST	B4	B3
050-660-014-005-00	802 W MAIN ST	B4	B3
050-660-014-004-00	800 W MAIN ST	B4	B3
050-660-014-011-00	822 W MAIN ST	B4	B3
050-100-001-001-00	1107 W MAIN ST	B4	B3
050-050-000-021-00	1017 W MAIN ST	B4	B3
050-050-000-020-00	1015 W MAIN ST	B4	B3
050-050-000-019-00	1013 W MAIN ST	B4	B3
050-050-000-018-00	1011 W MAIN ST	B4	B3
050-050-000-017-00	1009 W MAIN ST	B4	B3
050-050-000-013-00	919 W MAIN ST	B4	B3
050-050-000-012-00	911 W MAIN ST	B4	B3
050-050-000-011-00	907 W MAIN ST	B4	B3
050-050-000-010-00	905 W MAIN ST	B4	B3
050-050-000-009-00	901 W MAIN ST	B4	B3
050-050-000-008-00	819 W MAIN ST	B4	B3
050-050-000-007-00	817 W MAIN ST	B4	B3
050-050-000-006-00	815 W MAIN ST	B4	B3
050-050-000-004-00	811 W MAIN ST	B4	B3
050-050-000-003-00	809 W MAIN ST	B4	B3
050-050-000-002-00	807 W MAIN ST	B4	B3
050-050-000-001-00	801 W MAIN ST	B4	B3
050-050-000-005-00	813 W MAIN ST	B4	B3
050-660-017-004-00	1110 W MAIN ST	B4	B3
050-660-017-003-00	1108 W MAIN ST	B4	B3
050-660-017-002-00	1106 W MAIN ST	B4	B3
050-660-014-012-00	104 N LANSING ST	B4	B3
050-660-007-021-00	R/R R/W TRACKAGE	I1	B3
050-660-015-008-00	912 W MAIN ST	B4	B3
050-050-000-046-00	R/R R/W TRACKAGE	I1	B3

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilperson Cook, Mayor Pro-Tem Popovitch, Councilpersons Fox, Erfourth, Eveleth, Bailey, and Mayor Frederick.

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Joseph Nowacki, 710 Ament Street, relayed an experience he had this past weekend involving finding a loose dog. After an unsuccessful search for an owner he called 911 to have Animal Control pick up the dog but was told Animal Control would not service the City. He then contacted the Owosso Police

Department and was told his only option was to inquire with the Humane Society. While he was successful in taking the animal to the Humane Society he was displeased with the fact that he pays for a dog license each year but received no services in return.

Gregory Morgan, 1145 North Chipman Street, expressed an interest in purchasing the house at 1064 Tracy Street. The home is abandoned and no owner has come forward. As the result of a neighbor complaint regarding the home the City is currently in the process of applying to receive permission from the court to demolish the home. Mr. Morgan relayed his frustration saying the home itself was in good shape and could easily be rehabbed. He said was very interested in purchasing the property if only an owner could be determined. He asked that the City hold off on the demolition process to allow the home to be put up for tax sale in June of 2013.

Tom Manke, business owner at 118 South Washington Street, asked about the contents of the warrant and further requested all items on the warrant be listed on the agenda in the future. Mayor Frederick pointed out that all information distributed to Council prior to a meeting is available for the public on the City's website and at City Hall. He further indicated he would be open to some changes in how the warrant is listed on the agenda.

Eddie Urban, 601 Glenwood Avenue, said he found a model truck identical to the truck that is being restored for the future Fireman's Memorial. He thought it would be helpful to have the model so donors could see what the finished truck would look like.

Mayor Frederick said he was very pleased to see so many great Veterans' Day events in the City and County over the weekend.

Councilperson Fox inquired whether the former House of Mok building would be receiving a new façade soon. It was noted the owner of the building had submitted renderings and was planning on putting on a new façade but it was not known exactly when the improvements would take place.

Councilperson Cook noted the City of Linden's focus on the Shiawassee River and its local trail system holding the municipality up as an example for Owosso.

Councilperson Bailey noted that while the street program has taken longer than expected the new streets look very nice.

Councilperson Erfourth inquired whether a title search had been done on the Tracy Street house. There was discussion regarding efforts to find the true owner of the property as there was disagreement as to whether it had been foreclosed upon by the bank or whether it still belonged to the listed homeowner. City Attorney Bill Brown indicated title work had been done and he would share his findings with Mr. Morgan. He indicated he felt it would be prudent for the City to continue to pursue permission for demolition while at the same time encouraging Mr. Morgan in his efforts to find the proper owner from which to purchase the home noting that should Mr. Morgan be unsuccessful in purchasing the home the City would be prepared to demolish the structure. There was further discussion regarding the condition of the property, safety concerns, its effects on the neighborhood, and potentially filling in the pool but leaving the home standing.

City Manager Crawford addressed the current issue with the County Animal Control refusing to pick up stray animals in the City saying he has discussed this with the County Administrator to no avail. The County continues to service townships but has recently refused to service cities with animal control ordinances. He said he felt the City's treatment by the County regarding this issue was uncalled for and he was not sure how to solve the problem at this point. He suggested the City may want to look into keeping license fees since the County will not provide the City with animal control services.

CITY MANAGER REPORT

City Manager Crawford reported on the County's response to the City's request for 911 information, saying that while the response was extensive it still left a few questions unanswered. He then distributed and detailed a draft letter to the County seeking clarification. The letter summarized the questions remaining and indicated the City would not be paying the County invoice for mic fees unless the County was able to produce evidence the City was responsible for the fees.

CONSENT AGENDA

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

Boards and Commissions Appointments. Approve the following Mayoral appointments:

Name	Board/Commission	Term Expires
Bradley Kirkland	Downtown Loan Committee To fill the unexpired term of G. Salander	06-30-2013
Rosemary Schultz	Shiawassee District Library Board	06-30-2016

Progress Payment #2 – 2012 Street Paving Program. Authorize Progress Payment No. 2 to Michigan Paving and Materials Company for work completed to October 12, 2012 on the 2012 Street Paving Program in the amount of \$87,460.95 as follows:

RESOLUTION NO. 140-2012

AUTHORIZING PAYMENT #2 TO MICHIGAN PAVING AND MATERIALS COMPANY FOR WORK RELATED TO THE 2012 STREET PAVING PROGRAM

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has entered into an agreement with Michigan Paving and Materials Company for the 2012 Street Paving Program; and

WHEREAS, the contractor has completed a portion of the project and is now eligible for payment; and

WHEREAS, the city project manager recommends Pay Estimate #2 in the amount of \$87,760.95 for work completed through October 12, 2012, with said unit quantities and amounts having been agreed to by Michigan Paving and Materials Company.

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 pay Michigan Paving and Materials Company for work completed on the 2012 Street Paving Program.

SECOND: The accounts payable department is authorized to submit payment to the Michigan Paving and Materials Company in the amount of \$87,760.95 as detailed on the attached Payment Estimate #2.

THIRD: The above expenses shall be paid from the proceeds of the 2010 General Obligation Unlimited Tax Bonds.

Progress Payment #3 – 2012 Street Paving Program. Authorize Progress Payment No. 3 to Michigan Paving and Materials Company for work completed to November 3, 2012 on the 2012 Street Paving Program in the amount of \$96,722.01 as follows:

RESOLUTION NO. 141-2012

**AUTHORIZING PAYMENT #3 TO
MICHIGAN PAVING AND MATERIALS COMPANY
FOR WORK RELATED TO
THE 2012 STREET PAVING PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has entered into an agreement with Michigan Paving and Materials Company for the 2012 Street Paving Program; and

WHEREAS, the contractor has completed a portion of the project and is now eligible for payment; and

WHEREAS, the city project manager recommends Pay Estimate #3 in the amount of \$96,722.01 for work completed through November 3, 2012, with said unit quantities and amounts having been agreed to by Michigan Paving and Materials Company.

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 pay Michigan Paving and Materials Company for work completed on the 2012 Street Paving Program.

SECOND: The accounts payable department is authorized to submit payment to the Michigan Paving and Materials Company in the amount of \$96,722.01 as detailed on the attached Payment Estimate #3 as authorized by Council on November 19, 2012.

THIRD: The above expenses shall be paid from the proceeds of the 2010 General Obligation Unlimited Tax Bonds.

Warrant No. 452. Authorize Warrant No. 452 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional Services- October 9, 2012 – November 12, 2012	General	\$11,460.52
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$23,197.00
State of Michigan-Michigan Department of Environmental Quality	Annual MDEQ Fee for Public Water Supplies	Water	\$ 5,381.20
Logicalis, Inc	Network Engineering Support - October 2012	General	\$ 7,616.00
Total			\$47,654.72

*Check Register – October 2012. Affirmation of check disbursements totaling \$605,946.55 for the month of October 2012.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Eveleth, vi, Fox, Mayor Pro-Tem Popovitch, Councilpersons Erfourth, Cook, and Mayor Frederick.

NAYS: None.

*Full text of the October 2012 Check Register is available in the Clerk's Office.

ITEMS OF BUSINESS

PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION

Council briefly discussed options for the 2013 calendar year regarding the limits on public employer funding of health benefits as dictated by PA 152 of 2011.

Motion by Councilperson Eveleth to authorize the following resolution establishing a hard cap limit on the City's contributions toward employee healthcare.

RESOLUTION NO. 142-2012

ESTABLISHING LIMITS ON CONTRIBUTIONS TO EMPLOYEES' MEDICAL BENEFIT PLAN PURSUANT TO THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT, ACT 152 OF 2011

WHEREAS, the State of Michigan has enacted the Publicly Funded Health Insurance Contribution Act, Act 152 of 2011, (the "Act"); and

WHEREAS, the Act provides for limits on the amount that a local unit of government may pay or contribute to a medical benefit plan for its employees; and

WHEREAS, the City desires to comply with the provisions of the Act and avoid penalties for non-compliance.

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 comply with the contribution limits contained in Section 3 ("hard cap") of the Act, subject to the limitations contained in Section 5 pertaining to collective bargaining agreements.

SECOND: Pertinent city staff members are directed to implement the directive above beginning January 1, 2013.

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Erfourth, Fox, Mayor Pro-Tem Popovitch, Councilpersons Eveleth, Cook, Bailey, and Mayor Frederick.

NAYS: None.

CDBG LOAN – 122 NORTH WASHINGTON STREET

Councilperson Erfourth expressed concern that he did not have the pro-forma for the proposed project and did not feel comfortable making a decision without it. It was noted the Downtown Loan Committee had fully vetted the application and found it to be sound according to their requirements. It was felt no harm would come from delaying approval to allow Council members a chance to review any related

documents in detail prior to rendering a decision, though some expressed their feeling a delay for such reason would yield little actual benefit as they had limited loan experience.

Motion by Councilperson Eveleth to authorize the following resolution entering into an agreement with James Civile, owner of 122 N. Washington Street, for the purpose of the lending of \$48,957.00 from the CDBG fund in order to provide gap financing to refurbish three upper floor residential units in accordance with the CDBG revolving loan fund program guidelines.

RESOLUTION NO. 143-2012

AUTHORIZING THE EXECUTION OF LOAN DOCUMENTS RELATED TO A CDBG REVOLVING LOAN FUND LOAN TO JAMES CIVILLE FOR THE REHABILITATION OF THREE RESIDENTIAL UNITS AT 122 N. WASHINGTON STREET

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that occupation and reoccupation of residential units in the downtown serves an economic and public benefit to the community; and

WHEREAS, the city of Owosso operates a Community Development Block Grant loan program, with program guidelines, to fund such activities; and

WHEREAS, the loan review committee has recommended approval of this loan under specific conditions that the city council finds fulfilled.

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 support upper floor residential rehabilitation in the downtown.
- SECOND: The mayor and city clerk are instructed and authorized to sign the loan documents substantially in the form attached to loan Mr. Civile \$50,000.
- THIRD: The accounts payable department, under the direction of the finance director, is authorized to release funds in the above amount immediately following the execution of all necessary loan documents.
- FOURTH: The above expenses shall be paid from the Community Development Block Grant Fund.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Cook, Fox, Bailey, Eveleth, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: Councilperson Erfourth.

COMMUNICATIONS

Charles P. Rau, Building Official. October 2012 Building Department Report.
Charles P. Rau, Building Official. October 2012 Code Violations Report.
Michael T. Compeau, Public Safety Director. October 2012 Police Report.
Michael T. Compeau, Public Safety Director. October 2012 Fire Report.
Downtown Development Authority/Main Street. Minutes of October 3, 2012.

Downtown Development Authority/Main Street. Minutes of November 7, 2012.
Historical Commission. Minutes of November 12, 2012.

CITIZEN COMMENTS AND QUESTIONS

Kevin M. Brown, 205 East Oliver Street, noted the anniversary of former City Building Official John Archer's passing and remarked on the beautiful dais he had built for just such City meetings.

Eddie Urban, 601 Glenwood Avenue, remarked that he felt all City staff members should be identified with a name placard when present at a Council meeting.

Tom Manke, business owner at 118 South Washington Street, inquired what the public should do if they come across a stray dog. It was noted there is no clear directive at this point but the City would continue to work on the problem. It was further noted residents may want to consider calling the County to relay their frustration with the new policy.

Mayor Frederick noted that with the closing of the County Animal Control Shelter the Humane Society has tried to pick up the slack but is in need of volunteers, money and supplies.

Councilperson Fox asked for increased traffic enforcement along north M-52 in an effort to reduce the risk of accidents.

Mayor Pro-Tem Popovitch stated she was concerned about pedestrians crossing Main Street at Michigan Avenue. In light of the fact the old Lincoln School will be converted to senior housing she thought a formal crossing at that intersection may be appropriate. Staff indicated they would contact MDOT to see if it was a possibility.

NEXT MEETING

Monday, December 03, 2012

BOARDS AND COMMISSIONS OPENINGS

Zoning Board of Appeals – Alternate, term expiring June 30, 2013

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 9:16 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: For December 03, 2012 City Council Agenda

TO: Owosso City Council

FROM: Ronald J. Tobey, City Treasurer

RE: Hazards and Nuisances Special Assessment Roll

Over the course of the year, the City takes action to alleviate nuisances and hazards to the public that exist on private property. The charges for these actions are invoiced to the owner of record for the property. Once a year, per section 28-10.5 of the Code, any charges left unpaid shall be established as liens to the affected property. Once the lien is established I would be authorized to add the amount to the delinquent tax roll that will be prepared for the county on March 1, 2013. Even though these invoices will be established as liens, property owners are again notified of the outstanding charges and may make payment to the City of Owosso through February of 2013 without the charge being added to the delinquent tax roll.

The associated document to this memo details the outstanding nuisance and hazard invoices since this process last took place in December of 2011. It lists the invoice numbers, the date of the invoice, the parcel number and address, the type of nuisance or hazard and the amount of the invoice.

The process for establishing a lien is handled via special assessment. Initially, the list of outstanding invoices is presented to Council with a request to set a public hearing. Upon this action letters are sent to the affected property owners informing them of the City's intent to lien their property. They then have the opportunity to protest the proposed action at the public hearing. At the conclusion of the public hearing the Council can accept the roll as presented, make amendments to the roll, or hold off on action all together (though this is not recommended).

Please note that some of the invoices listed are less than 30 days old. Because the Code stipulates this process be taken up once per year unless there are extraordinary circumstances we have included these invoices on the list on the chance that if they are not paid we will not be forced to wait until December of 2013 to seek remedy. As stated above, if any of these invoices are paid before March 1, 2013 the invoice will be closed and no lien will be filed with the county.

Tonight, I recommend that you take action to start this process in motion by setting a public hearing for December 17, 2012, to receive citizen comment regarding this roll. An updated list of unpaid nuisance and hazard invoices will be provided to you for that meeting.

To: Owosso City Council
 From: Ronald J. Tobey, City Treasurer
 Date: November 26, 2012



The following special assessment roll consists of unpaid nuisances and hazards.

<u>INVOICE #</u>	<u>DATE</u>	<u>PARCEL NUMBER</u>	<u>ADDRESS</u>	<u>TYPE OF NUISANCE</u>	<u>BALANCE</u>
2935/3045	5/29/2012	050-391-000-013-00	313 N Oak	MOW TALL GRASS/WEEDS	240.00
2936/2991/3075	5/29/2012	050-602-007-005-00	1803 W Stewart	MOW TALL GRASS/WEEDS	420.00
2937/3066/3111	5/29/2012	050-450-000-021-00	804 Center	MOW TALL GRASS/WEEDS	440.00
2938	5/29/2012	050-115-003-012-00	328 Prindle	MOW TALL GRASS/WEEDS	160.00
2939	5/29/2012	050-196-000-012-00	917 N Gould	MOW TALL GRASS/WEEDS	120.00
2940	5/29/2012	050-197-000-022-00	808 E North	MOW TALL GRASS/WEEDS	120.00
2953/3090	6/19/2012	050-220-000-044-00	1420 Young	MOW TALL GRASS/WEEDS	240.00
2954	6/19/2012	050-391-000-030-00	315 N Oak	MOW TALL GRASS/WEEDS	120.00
2955/2993/3067	6/19/2012	050-602-014-008-00	1064 Tracy	MOW TALL GRASS/WEEDS	480.00
2956	6/19/2012	050-114-006-009-00	1021 S Lyon	MOW TALL GRASS/WEEDS	140.00
2958/3064	6/19/2012	050-010-023-002-00	516 Garfield	MOW TALL GRASS/WEEDS	240.00
2960	6/19/2012	050-420-007-009-00	719 Lingle	MOW TALL GRASS/WEEDS	120.00
2961/3069	6/19/2012	050-113-009-003-00	1314 W Stewart	MOW TALL GRASS/WEEDS	240.00
2962	6/19/2012	050-010-033-010-00	710 Frazer	MOW TALL GRASS/WEEDS	140.00
2964	6/19/2012	050-060-001-004-00	502 Jennett	MOW TALL GRASS/WEEDS	120.00
2965/3068	6/19/2012	050-602-037-002-00	1600 W South	MOW TALL GRASS/WEEDS	320.00
2967	6/19/2012	050-580-000-030-00	215 S Dewey	MOW TALL GRASS/WEEDS	120.00
2969/3078	6/19/2012	050-010-017-034-00	624 Alger	MOW TALL GRASS/WEEDS	240.00
2980	7/9/2012	050-180-003-014-00	529 Grover	MOW TALL GRASS/WEEDS	120.00
2981	7/9/2012	050-113-006-005-00	1108 Ryan	MOW TALL GRASS/WEEDS	140.00
2982	7/9/2012	050-113-006-008-00	1415 Young	MOW TALL GRASS/WEEDS	120.00
2984	7/11/2012	050-010-003-015-00	702 Glenwood	MOW TALL GRASS/WEEDS	140.00
2985	7/11/2012	050-197-000-022-00	808 E North	MOW TALL GRASS/WEEDS	120.00
2987/3063	7/11/2012	050-390-004-012-00	1260 Adams	MOW TALL GRASS/WEEDS	240.00
2988	7/11/2012	050-170-003-008-00	420 Curwood	MOW TALL GRASS/WEEDS	140.00
2989	7/11/2012	050-010-017-032-00	618 Alger	MOW TALL GRASS/WEEDS	120.00
2992	7/20/2012	050-690-006-002-00	912 N Chipman	MOW TALL GRASS/WEEDS	120.00
2994	7/20/2012	050-536-000-034-00	1230 N Shiawassee	MOW TALL GRASS/WEEDS	160.00
3006	8/1/2012	050-660-011-001-00	219 N Cedar	MOW TALL GRASS/WEEDS	120.00
3046	8/31/2012	050-601-000-037-00	221 W Stewart	MOW TALL GRASS/WEEDS	140.00
3062	9/13/2012	050-060-006-003-00	810 Pine	MOW TALL GRASS/WEEDS	120.00
3065	9/13/2012	050-660-019-012-00	120 S Elm	MOW TALL GRASS/WEEDS	120.00
3070	9/13/2012	050-010-023-004-00	528 Garfield	MOW TALL GRASS/WEEDS	160.00
3071	9/13/2012	050-601-000-001-00	409 Grace	MOW TALL GRASS/WEEDS	120.00
3076	9/19/2012	050-090-001-003-00	1408 W Main	MOW TALL GRASS/WEEDS	120.00
3077	9/19/2012	050-602-008-011-00	937 Kenwood	MOW TALL GRASS/WEEDS	120.00
3087	9/27/2012	050-470-007-015-00	211 E Williams	MOW TALL GRASS/WEEDS	120.00
3088	9/27/2012	050-320-011-003-00	119 Elizabeth	MOW TALL GRASS/WEEDS	120.00
3115	10/29/2012	050-602-001-004-00	820 S Chipman	MOW TALL GRASS/WEEDS	140.00
3116	10/29/2012	050-320-000-100-00	115 Stratford	MOW TALL GRASS/WEEDS	140.00
3117	10/29/2012	050-601-000-037-00	221 W Stewart	MOW TALL GRASS/WEEDS	140.00
2895	3/23/2012	050-601-000-037-00	221 W Stewart	PROPERTY CLEAN UP	351.45
2911	4/11/2012	050-010-017-034-00	624 Alger	PROPERTY CLEAN UP	221.91
2915	4/18/2012	050-010-023-001-00	990 Corunna	PROPERTY CLEAN UP	160.53
2919	4/30/2012	050-580-000-069-00	824 E Main	PROPERTY CLEAN UP	543.05
2932	5/24/2012	050-602-037-002-00	1600 W South	PROPERTY CLEAN UP	428.88
2933	5/24/2012	050-196-000-012-00	917 N Gould	PROPERTY CLEAN UP	334.36
3056	9/6/2012	050-090-002-016-00	1419 Cleveland	PROPERTY CLEAN UP	153.22
3060	9/12/2012	050-602-003-011-00	830 Wilkinson	PROPERTY CLEAN UP	487.38
3100	10/8/2012	050-450-000-021-00	804 Center	PROPERTY CLEAN UP	143.95
3105	10/18/2012	050-602-001-004-00	820 S Chipman	PROPERTY CLEAN UP	394.95
3125	11/5/2012	050-113-003-007-00	919 Milwaukee	PROPERTY CLEAN UP	394.87
2881	2/28/2012	050-700-001-013-00	117 S Shiawassee	DEMOLITION	7,759.60
2889	3/5/2012	050-115-003-012-00	328 Prindle	DEMOLITION	10,576.50
2996/3126	7/24/2012	050-602-014-008-00	1064 Tracy	SECURE HOUSE/POOL	521.62
3031	8/22/2012	050-115-002-014-00	1131 S Shiawassee	SECURE HOUSE	79.65
					<u>29,671.92</u>

The foregoing special assessment roll for nuisances and hazards for the year 2012 is acknowledged by the Assessing Officer

The foregoing special assessment roll for nuisances and hazards for the year 2012 is acknowledged by the City Clerk

RESOLUTION NO.____

**SPECIAL ASSESSMENT DISTRICT NO. 2012-03
HAZARDS AND NUISANCES**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances 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, December 17, 2012 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.

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 – HAZARDS AND NUISANCES
CITY OF OWOSSO
COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

PARCEL NUMBER	ADDRESS	BALANCE
050-391-000-013-00	313 N Oak St	240.00
050-602-007-005-00	1803 W Stewart St	420.00
050-450-000-021-00	804 Center St	440.00
050-115-003-012-00	328 Prindle St	160.00
050-196-000-012-00	917 N Gould St	120.00
050-197-000-022-00	808 E North St	120.00
050-220-000-044-00	1420 Young St	240.00
050-391-000-030-00	315 N Oak St	120.00
050-602-014-008-00	1064 Tracy St	480.00
050-114-006-009-00	1021 S Lyon St	140.00
050-010-023-002-00	516 Garfield Ave	240.00
050-420-007-009-00	719 Lingle Ave	120.00
050-113-009-003-00	1314 W Stewart St	240.00
050-010-033-010-00	710 Frazer Ave	140.00
050-060-001-004-00	502 Jennett St	120.00
050-602-037-002-00	1600 W South St	320.00
050-580-000-030-00	215 S Dewey St	120.00

050-010-017-034-00	624 Alger Ave	240.00
050-240-002-022-00	650 N Saginaw St	120.00
050-180-003-014-00	529 Grover St	120.00
050-113-006-005-00	1108 Ryan St	140.00
050-113-006-008-00	1415 Young St	120.00
050-010-003-015-00	702 Glenwood Ave	140.00
050-197-000-022-00	808 E North St	120.00
050-390-004-012-00	1260 Adams St	240.00
050-170-003-008-00	420 Curwood St	140.00
050-010-017-032-00	618 Alger Ave	120.00
050-690-006-002-00	912 N Chipman St	120.00
050-536-000-034-00	1230 N Shiawassee St	160.00
050-660-011-001-00	219 N Cedar St	120.00
050-601-000-037-00	221 W Stewart St	140.00
050-060-006-003-00	810 Pine St	120.00
050-660-019-012-00	120 S Elm St	120.00
050-010-023-004-00	528 Garfield Ave	160.00
050-601-000-001-00	409 Grace St	120.00
050-090-001-003-00	1408 W Main St	120.00
050-602-008-011-00	937 Kenwood Dr	120.00
050-470-007-015-00	211 E Williams St	120.00
050-320-011-003-00	119 Elizabeth St	120.00
050-602-001-004-00	820 S Chipman St	140.00
050-320-000-100-00	115 Stratford Dr	140.00
050-601-000-037-00	221 W Stewart St	140.00
050-240-002-022-00	650 N Saginaw St	169.60
050-601-000-037-00	221 W Stewart St	351.45
050-010-017-034-00	624 Alger Ave	221.91
050-010-023-001-00	990 Corunna Ave	160.53
050-580-000-069-00	824 E Main St	543.05
050-602-037-002-00	1600 W South St	428.88
050-196-000-012-00	917 N Gould St	334.36
050-090-002-016-00	1419 Cleveland Ave	153.22
050-602-003-011-00	830 Wilkinson St	487.38
050-450-000-021-00	804 Center St	143.95
050-602-001-004-00	820 S Chipman St	394.95
050-113-003-007-00	919 Milwaukee St	394.87
050-700-001-013-00	117 S Shiawassee St	7,759.60
050-115-003-012-00	328 Prindle St	10,576.50
050-602-014-008-00	1064 Tracy St	521.62
050-115-002-014-00	1131 S Shiawassee St	79.65

29,961.52

TAKE NOTICE that a Special Assessment Roll-Hazards and Nuisances has been prepared for the purpose of defraying the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of the above described property.

TAKE NOTICE THAT ANY HAZARDS/NUISANCES INVOICES OR CHARGES REMAINING UNPAID AS OF THEIR DUE DATE WILL BE INCLUDED ON THIS ROLL.

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

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, December 17, 2012 for the purpose of reviewing said Special Assessment Roll-Hazards and Nuisances and for the purpose of considering all objections to said roll submitted in writing. If you have questions regarding this notice, please contact the City Treasurer's Office at 725-0599.



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: November 27, 2012

TO: OWOSSO CITY COUNCIL

FROM: Adam Zettel, AICP

RE: Zoning Map Amendment – 120 Michigan Avenue

The city has been approached by a private developer to develop the Lincoln School property in downtown Owosso for senior housing. To do so, they are requesting rezoning of the Lincoln School to a Planned Unit Development (PUD).

The company that redeveloped the Sycamore House in Durand for senior housing is looking to do the same thing here in Owosso. Because they want to construct a substantial building expansion, they will need a slew of variances or a rezoning to make this happen. The big problem is that they cannot achieve setbacks that are required in the multiple family residential districts if they are to build a building that achieves the goals of the master plan and allows for a reasonable density. (They are proposing setbacks to match the existing school, instead of the 30 foot setbacks required by ordinance for front yards).

The rezoning process for the PUD is complicated. I have included the ordinance section in the accompanying documentation. In essence, the property can only be rezoned for a specific use and construction plan as attached to the rezoning approval in the form of a development program and supplemental regulations. More simply stated, a developer is allowed to get a flexible zoning classification as long as they commit and are bound to build the site out as conditioned in the site plan. This is similar to contract zoning.

The developer has included the development program, supplemental regulations, and concept proposal in their application. Note that a final site plan will still be required if the zoning is approved. This set of documentation is expected to be made a part of the official zoning change, but it is conceptual in nature and does not vest the petitioners with the right to build on or use the site in any way till the final site plan is approved.

I believe this is a fantastic project and a great proposal. The petitioner desires to renovate the site to include 28 senior housing units. Some of these will be built in the existing structure and some will be built in a complimentary addition that will front Clinton Street. In order to achieve building layout and density, as well as to create a 'street wall' appearance that compliments the Michigan Avenue building, the PUD has been mutually agreed to be the ideal way to proceed.

To that end, the petitioners have applied and have worked with staff on the delivery of required materials and required staff meetings to make the project eligible for rezoning at the commission and city council level. The renderings and other materials are included in your packet. Please compare these to the highlighted requirements in section 38-395 of the zoning ordinance. Again, note that these are for conceptual purposes only! A separate site plan review based upon these renderings and the attached assumptions will be presented to the planning commission at a later date (assuming a successful rezoning).

The planning commission deliberated and held a public hearing on this petition on November 26, 2012. The application, with the accompanying development plan, conceptual renderings, and supplemental regulations were found to meet or exceed the provisions of Section 38-395 as required for PUD zoning. The commission subsequently recommended approval of the zoning request as submitted.

The only comment received so far was a verbal comment to staff that consisted of a concern for the continued integrity of Clinton Street throughout the construction process. This is something we anticipate mitigating through any subsequent permitting process.

I therefore recommend that the city council set a public hearing to move this process forward. I will be available to explain this ordinance in more detail at the meeting if necessary.

RESOLUTION NO. ____

**AN ORDINANCE AMENDING CHAPTER 38 ZONING
OF THE CODE OF ORDINANCES
TO REZONE A SPECIFIC PARCEL OF REAL PROPERTY
AND AMEND THE ZONING MAP**

WHEREAS, an owner of interest in 120 Michigan Avenue, parcel number 050-700-001-008-00, petitioned to rezone the parcel from Multiple Family Residential (RM-2) to Planned Unit Development (PUD) for the purpose of constructing a building addition and using the site for senior housing; and

WHEREAS, the petition includes a development program, supplemental regulations, and a set of conceptual renderings that are officially made a part of the zoning amendment as required by ordinance; and

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

WHEREAS, the planning commission finds that the proposed ordinance meets the intent and criteria for a zoning amendment as it relates to the master plan and the zoning ordinance; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of 120 Michigan Avenue to PUD; and

WHEREAS, the city council finds that the zoning petition meets the intent and criteria for a zoning map amendment, specifically as it relates to the requirements of Section 38-395; and

WHEREAS, a public hearing by the city council is required before any such ordinance amendment can be approved.

NOW THEREFORE BE IT RESOLVED THAT a proposed amendment to Chapter 38, Zoning, of the Code of the City of Owosso be considered as follows:

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 38, Zoning Code of the City of Owosso Sec. 38-27 Zoning Districts and Map reflect the following change to be noted on the official map and filed with the city clerk:

Indicate a zoning classification of PUD, Planned Unit Development for 120 Michigan Avenue, parcel 050-700-001-008-00.

Section 2. A public hearing to receive citizen comment regarding the proposed rezoning will be held Monday, January 7, 2013 in the city council chambers within city hall, 301 West Main Street, Owosso, MI 48867 to hear all persons interested in the proposed amendment to the official zoning map of the City of Owosso.

Section 3. Council hereby directs staff to supply a public notice concerning the rezoning to a newspaper of general circulation within the city.

Section 4. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

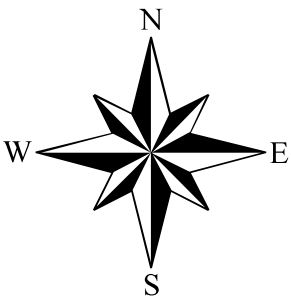
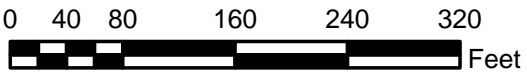
Section 5. This amendment shall become effective 20 days after passage.



City of Owosso

120 Michigan Avenue

November 27, 2012



Sec. 38-395. - PUD planned unit development regulations and standards for approval.

The provisions of this section shall apply to all PUD zoning districts:

(1) Definitions.

- a. *Conceptual PUD plan*: A graphic depiction in plan form of the elements of a planned unit development district, which illustrates the PUD development program and the district's supplemental regulations.
- b. *PUD development program*: A written document describing the objectives, purposes, and beneficial effect for the city proposed to be achieved by the PUD zoning district.
- c. *Supplemental regulations*: A written document which contains the zoning and site development requirements which, once approved, become part of the ordinance establishing the PUD zoning district, and, in addition to current city regulations and ordinances, will be in effect for the district.

(2) *Modifications permitted*. In order to achieve a beneficial effect for the city, the planning commission may recommend and city council may approve, as part of the supplemental regulations, modifications that increase, decrease, or eliminate the requirements listed below for equivalent land uses and intensities:

- a. Use regulations, and area, height and placement regulations as provided in [section 38-351](#)
- b. Off-street parking requirements as provided in this chapter, [section 38-380](#)
- c. Landscaping, screening, and buffer requirements as provided in this chapter, [section 38-384](#) and [section 38-389](#)

(3) *The PUD process*. The PUD process shall involve three (3) consecutive steps: pre-application conference, PUD zoning district review, and PUD site plan review. The pre-application conference occurs before the applicant has submitted a formal application; zoning district and site plan reviews occur after the applicant has submitted a formal petition. The PUD site plan review may occur only if the PUD zoning district has been approved as required by this chapter.

- a. *Pre-application conference*. Before submitting an application, the applicant shall contact the community development director (hereinafter "director") to schedule a pre-application conference with city staff that shall include the city manager, the building official, the city engineer, the director and other city personnel and consultants as deemed appropriate. At the conference, the applicant shall present the proposed conceptual PUD plan and PUD development program with emphasis on

timing, open space and residential density. The staff will take no official action, but may provide the applicant with their comments regarding the appropriateness of the proposed land uses, the proposal's conformance with adopted master plan and policies, the necessity of a traffic impact study, the beneficial effects to be achieved, whether or not a model may be required and whether applicant's requests for zoning district approval and PUD site plan approval should be presented together at the same meeting or independently at separate meetings. No fees will be charged for the preliminary review.

b. *PUD zoning district review.* PUD zoning district review involves departmental and commission review of the conceptual PUD plan, the PUD development program, and supplemental regulations to determine consistency with or the appropriateness for deviating from the city's adopted plans and policies and its suitability for inclusion in the land use and zoning plans of the city and adoption by city council as part of the zoning ordinance. Once approved by the city council, the property shall be zoned to a PUD zoning district, and use of the property shall be regulated by the supplemental regulations and all other applicable code requirements.

c. *PUD site plan review.* Review and approval of a PUD site plan consistent with the requirements of this chapter is required prior to the issuance of permits. If the PUD zoning district provides that a PUD may be developed in phases, as shown on the conceptual PUD plan, approval of a PUD site plan for each phase is required prior to the issuance of permits for that phase.

(4) *PUD zoning district review submittal requirements.* The applicant for any PUD zoning district shall submit a complete application together with the following materials:

a. Information that indicates the entire parcel or parcels for which application is made is under one (1) ownership, or the application shall be made with the written authorization of all property owners who have a legal or equitable ownership interest in the property or properties. Application for a PUD zoning district may be made only by or with the written authorization of the owner(s) of the parcel(s) involved. All property that is proposed to be part of the development shall be included in the PUD zoning.

b. The planning commission may request that the applicant provide a market study demonstrating the market demand and feasibility of a proposed PUD project.

c. Sheet size of conceptual drawings shall be at least 24 inches by 36 inches, with graphics at an engineer's scale. The applicant shall also submit a set of plans on 11" × 17" sheets, with at least one (1) sheet in color, highlighting landscaped and open space areas.

d. A conceptual PUD plan containing the information required in this chapter for site plan reviews. In addition such plan shall include, but not be limited to: criteria of area, height, and placement standards; the location and relationships of permitted land

uses; parking and circulation systems; landscape features; preserved natural features; architectural design components and use of building materials, proposed phasing, and any other unique physical characteristics which warrant the PUD zoning.

e. A boundary survey and legal description of the parcel(s) to be zoned.

f. A PUD development program describing the objectives, purposes, and beneficial effect for the city proposed to be achieved by the PUD zoning district; why this beneficial effect cannot be achieved under any other zoning designation; and its conformity to the adopted master plan and policies of the city or detailed compelling justification for departures from the plan and policies.

g. Proposed supplemental regulations for the PUD zoning district which shall include, but not be limited to permitted land uses; accessory uses; minimum and maximum standards of lot area and lot area per dwelling unit, if applicable; minimum usable open space in percentage of lot area; minimum required front, side and rear setbacks; maximum height and number of stories. The supplemental regulations shall include sufficient analysis and justification for the beneficial effect and detailed performance standards by which the development will be evaluated and the beneficial effect achieved. Such analysis and justification may include, but are not limited to:

1. A comprehensive analysis of the surrounding neighborhood, providing such details as scale of structures, minimum and maximum height and number of stories, minimum and maximum setbacks, historic or architectural styles or features, building materials and colors, and other unique features and a detailed analysis of how the PUD site plan and design contribute to the neighborhood.
2. A comprehensive analysis of the unique features of the site, including such components as topography, site orientation, circulation, or special condition and a detailed analysis of how the PUD site plan and design contribute to the preservation, protection, utilization, and enhancement of the site's unique features.

h. A study model, indicating the three-dimensional character of the proposal, unless determined by the planning commission during its preliminary review that one is unnecessary. With the approval of the director, other visual representations such as computer-enhanced photography or video may be substituted.

i. Any additional graphics, photographs, traffic impact studies, or written materials requested by the director, commission or city council to assist the city in visualizing and understanding the proposal and assessing the possible benefits and impacts.

(5) *Procedure for PUD zoning district review.* A PUD zoning district is established as follows:

a. All required materials with sufficient number of copies, together with appropriate fees as established by city council, shall be filed with the community development

director. Copies of the materials will be distributed by the director to the appropriate city departments and other reviewing agencies for review to determine the following:

1. If the development can be accommodated by the existing public utility, street, and general city service facilities, or if any additions to, or extension of facilities are necessary for the project.
 2. If the proposal meets the standards for PUD zoning district approval listed below.
 3. If the development will comply with all applicable local, state, or federal laws, ordinances, standards, and regulations or provides sufficient compelling justification for modifications of those local ordinances, standards or regulations as permitted for PUDs, and
 4. If the proposal conforms to the adopted master plan and policies, or provides sufficient compelling justification for departure from the adopted plan and policies.
- b. The director will notify the applicant of any questions raised by the city departments and other reviewing agencies and shall submit a report to the commission for its consideration including an evaluation of the planning aspects of the project and its impact on the present and future development of the city.
- c. The commission shall hold a public hearing with notification as required by this chapter for zoning ordinance amendments.
- d. The commission shall recommend to city council an action as it deems proper and shall transmit its recommendation together with any recommended conditions of approval and all related reports and minutes to city council.
- e. Before taking final action on the petition, the city council shall hold a public hearing with notification as required by this chapter for zoning ordinance amendments.
- f. A protest of a proposed PUD zoning district may be presented as provided in this chapter for zoning ordinance amendments.
- g. The director shall keep a record of all approved PUD zoning districts and supplemental regulations. Notice of approvals shall be published as required by this chapter for zoning ordinance amendments.

(6) *Standards for PUD zoning district review.* The commission shall recommend approval, approval with conditions, or denial, and city council shall approve, approve with conditions, or deny the proposed PUD zoning district based on the following standards:

a. The use or uses, physical characteristics, design features, or amenities proposed shall have a beneficial effect for the city, in terms of public health, safety, welfare, aesthetics, or convenience, or any combination thereof, on present and potential surrounding land uses. The beneficial effects for the city, which warrant the zoning, include, but are not limited to, features such as:

1. Innovation in land use and variety in design, layout and type of structures that furthers the stated design goals and physical character of adopted land use plans and policies;

2. Economy and efficiency of land use, natural resources, energy, and provision of public services and utilities;

3. Provision of usable open space;

4. Preservation and protection of natural features that exceeds ordinance requirements, especially for those features prioritized in the land development regulations as being of highest concern, or that preserves existing conditions instead of merely providing mitigation;

5. Employment and shopping opportunities particularly suited to the needs of the residents of the city;

6. Expansion of the supply of affordable housing; and

7. The use and reuse of existing sites and buildings that contributes to the desired character and form of an established neighborhood.

8. The reduction, to a significant extent, the nonconformity of a nonconforming use or structure so that the site is rendered nonconforming or less offensive to the character of the neighborhood and the health, safety and general welfare of the vicinity.

b. This beneficial effect for the city shall be one which could not be achieved under any other zoning classification and shall be one which is not required to be provided under any existing standard, regulation or ordinance of any local, state or federal agency.

c. The use or uses proposed shall not have a detrimental effect on public utilities or surrounding properties.

d. The use or uses proposed shall be consistent with the master plan and policies adopted by the city or the applicant shall provide adequate justification for departures from the approved plans and policies.

e. If the proposed district allows residential uses, the residential density proposed shall be consistent with the plans and policies adopted by the city.

f. The supplemental regulations shall include analysis and justification sufficient to determine what the purported benefit is, how the special benefit will be provided, and performance standards by which the special benefit will be evaluated.

g. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district shall be provided and, where feasible, the proposal shall encourage and support the use of alternative methods of transportation.

h. Disturbance of existing natural features, historical features and historically significant architectural features of the district shall be limited to the minimum necessary to allow a reasonable use of the land and the benefit to the community shall be substantially greater than any negative impacts.

(7) Effect of PUD zoning district approval.

a. Approval of the PUD zoning district by city council shall rezone the property to a "PUD" zoning classification for the land uses, the area, height, and placement standards, and the objectives, purposes, beneficial effects, and special conditions provided in the PUD development program, the conceptual PUD plan, and supplemental regulations for the zoning district. In the case of differences between plans and written documents, written documents shall govern.

b. The approval shall confer upon the owner or subsequent owners the right to seek PUD site plan approval for the proposal or for any of its approved phases in accordance with the site plan, the approved PUD zoning district and supplemental regulations and city regulations and ordinances.

c. A PUD zoning district and its supplemental regulations shall remain in effect as approved until a change to the PUD zoning district has been approved.

(8) *Changes to a PUD zoning district.* A change to a PUD zoning district may be accomplished by amending the PUD zoning district by the process provided for establishment of a PUD zoning district or by rezoning to a different zoning district pursuant to the procedures of this chapter for zoning ordinance amendments.

(9) Any deviation from the approved PUD zoning district or PUD site plan, except as authorized in this chapter, shall be considered a violation of this chapter and subject to the penalties stated herein.

(Ord. No. 662, § 1, 10-18-04)

3.8 EDUCATIONAL SERVICES

Education plays one of the most important roles in the new economy. As the economy in the United States continues to shift from one of production to one of service, a knowledgeable and talented workforce is replacing traditional infrastructure as the most important resources for business. Owosso offers quality education at all levels to meet this need.

Owosso Public Schools

The Owosso Public School (OPS) system is the only public school provider for K-12 education in the city. The district educates about 3,200 students in three elementary schools (Central, Bryant, and Emerson), the Middle School, and the High School. The district also offers an alternative education program at the Washington Campus, which is a former elementary school.

All of these facilities play an important role in the community. In addition to providing education, these facilities play critical roles in neighborhoods by providing play facilities for children, offering open space, creating a sense of identity, and providing locations for community gatherings and events. The active facilities are located as follows and as illustrated in Map 3.

Owosso High School	765 E. North St.
Owosso Middle School	219 N. Water St.
Central School	600 W. Oliver St.
Washington Campus	645 W. Alger St.
Bryant School	942 Hampton St.
Emerson School	151 E. Oliver St.

Lincoln School, which formerly housed the alternative education, is currently sitting vacant, with this program and the administration offices moving to the Washington school. The current administration building has the potential to be used as a daycare facility, and the future of the Lincoln school remains unclear. This building, which is located immediately west of downtown on the corner of Main Street and Michigan Avenue, may be a good candidate for senior housing.

While all of the building locations function as assets in their respective neighborhoods, there is a recognized potential to reuse the Owosso Middle School and the Lincoln School for senior housing, office, or some other mixed use space.



Lincoln House PUD Zoning District Review

11-26-2012

Legal Description: 050-700-001-008-00 050-850-700-001-08

CL 701 SCH 110

4690 4690 4691 4692

LOTS 8 9 10 & 11 WOODARD SUBDIV BLK 1 A L WILLIAMS ADD

PUD development program:

The Lincoln House project aims to utilize an existing historical building to fulfill the need of affordable housing for local residents. Through preserving the Lincoln School building, the project will be a visible piece of local history that will be maintained and enjoyed by the community.

The Owosso City Masterplan has a strategic goal of increasing the residential density in the walkable downtown area. The former Lincoln School is ideal for an adaptive reuse for senior housing and the site is an easy walk to many downtown businesses. The WODA Group, LLC plans to develop the existing building per SHPO standards plus add a new addition to the building for a proposed density of 28 units with a 1 and 2 bedroom mix.

Proposed supplemental regulations

The Lincoln School site, 120 S. Michigan Avenue, is currently zoned RM-2. By changing the site zoning to PUD, a greater density is possible and a slightly more efficient housing configuration is possible. The planned use of the site for primary and any accessory structures shall conform to the use provisions of RM-2. The addition will not extend past the existing building in the front and the sides. The distance from the rear of the site to the building will remain a minimum of 40'. The maximum height of all structures shall be 35', and the lot area per unit will be about 1200 square feet / unit. The new development shall meet or exceed the ordinance parking requirements as described in Section 38-380, which requires one space for each two units. The Lincoln House shall provide one space per unit plus two additional spaces for a total of 30 spaces. The development proposal shall also meet or exceed all other general conditions of the ordinance, including landscaping, lighting, waste enclosure requirements, etc.

The existing Lincoln School is integral part of the neighborhood by principle-- a former public school house that originally served the neighborhood core and by virtue grew out of that very same context. The scale of the historic building is also reflective of the surrounding community. The proposed renovation and expansion will revitalize this neighborhood icon, with renewed purpose to serve the downtown area for decades to come. The historic rehabilitation will be inherently contextual and neighborhood enhancing. The existing structure has two rather grand stories in height, of about 18 feet each, which are raised further by an elevated foundation platform. The proposed addition is three stories with more average heights from floor to floor of about 12 feet.

The historic tax credits that are part of the project financing require discernible design characteristics between the existing structure and the proposed addition. That is, the Michigan State Historic Preservation Office mandates that the design visibly delineate between the historic building and the modern addition. Thus, the stories of the new wing are appropriately scaled to support these required distinctions, and will also create the critical mass needed to make the restoration economically viable.

The existing unique historic architectural style, features, building materials and colors of the Lincoln School will be restored in accordance with SHPO / NPS standards as required to seek the historic tax credit incentives. As for the style, features, building materials and colors for the proposed addition, these attributes will be best characterized as "complimentary yet distinguishable." Again, the expansion is crafted to fit into the neighborhood context, while augmenting yet distinguishing the design from the adjoining historic structure. Overall, the PUD plan proposes expansion to the southwest corner of the existing building, and extending along the south line parallel to Clinton Street. A new curb cut is proposed at the west end to provide site access.

Parking is situated along the west and north areas of the remaining site and connect to the alley. A portion of the proposed addition is elevated to accommodate open surface parking at ground level, as to meet off-street parking requirements. The elevated portion of the building will also allow for a functional and distinguishable aesthetic in meeting aforementioned SHPO / NPS requirements. Obviously, this development offers economic benefits to the immediate neighborhood. Proposing urban-based housing will also have a positive and lasting impact for continued renewal in downtown Owosso, by offering a vitally rich community where people can live, work and play. As far as the overall design expectations among public stakeholders, please know that the development team is bound by NPS Secretary of Interior design standards as required for the historic tax credit incentives. Meeting these standards will help ensure that the expansion and renovation of Lincoln School will have an outcome that is well-received by neighbors and community members alike.



*Development
Construction
Management*

229 Huber Village Blvd., Suite 100 • Westerville, OH 43081 • Tel: (614) 396-3200 • Fax: (614) 396-3243

October 31, 2012

Mr. Adam Zettel AICP
Assistant City Manager
City of Owosso
301 W. Main
Owosso, MI 48867

RE: Zoning Application-Lincoln School

Mr. Zettel,


Attached are the required items necessary to initiate a zoning change for the Lincoln School property on Michigan Avenue. Included are:

- Application for Rezoning
- Authorization by Owner for Rezoning
- Copy of the Purchase Option Agreement
- Check for \$125.00

The site plan is being overnighted to you from our architect Hooker DeJong.

Please let me know if you need anything else

Sincerely,



P. Craig Patterson
Sr. Vice President

APPLICATION FOR REZONING

CITY OF OWOSSO

301 W. Main Street, Owosso, Michigan 48867, TX 989-725-0540, FX 989-723-8854

Note to Applicants:

1. In order that this application may be processed, the applicant must completely fill in the application and make a non-refundable payment of One Hundred Twenty Five Dollars (\$125) to the Treasurer's Office, to cover costs associated with the processing.
2. The applicant or his/her representative must be present at the Planning Commission and City Council public hearings for action to be taken on this request.

TO THE OWOSSO CITY COUNCIL:

I, (we), the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance and change the Zoning Map as hereinafter requested,

1. PROPERTY TO BE REZONED: Street Address 120 Michigan Avenue
Description: (lot, block or metes and bounds) Lots 8,9, 10 & 11 WOODARD SUBDIV BLK 1 AL
WILLIAMS ADD
Frontage in Feet 124 Depth in Feet 384
2. PROPERTY OWNERSHIP: (Name, Address, and Phone Number)
Cwosso Schools Applicant: The Woda Group; 229 Huber Village Blvd. Westerville Oh 614-396-3200
3. ZONING REQUEST Current Zoning RM-2 Requested Zoning PUD
Proposed Use of the Property Senior Housing; 28 units

Indicate why, in your opinion, the requested change is consistent with the Ordinance in promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City of Owosso:

The Owosso City Masterplan has a strategic goal of increasing the residential density in the walkable downtown area. The former Lincoln School is ideal for an adaptive reuse for senior housing and the site is an easy walk to many downtown businesses. The Woda Group, LLC plans to develop the existing per SHPO standards plus add a new addition to the building for a proposed density of 28 senior units with 1 and 2 bedroom units.

The above information has been submitted in support of the rezoning and is accurate and truthful to the best of our knowledge.


(Signature of Applicant)

See Attached
(Signature of Co-Applicant)

229 Huber Village Blvd; Westerville OH, 43081

(Address)

614-396-3200

(Phone)

☐ Legal Representative

☐ Owner

☒ Option to Purchase

FOR OFFICIAL USE ONLY

Case # _____
Receipt # _____
Date Filed _____
Description Checked _____

Planning Commission Hearing Date _____

Action Taken _____

City Council Hearing Date _____

Action Taken _____



OWOSSO PUBLIC SCHOOLS

Ready for the World

October 29, 2012

Mr. Adam Zettel, AICP
Assistant City Manager
Community Development Director
City of Owosso
301 W. Main Street
Owosso, MI 48867

RE: Rezoning of Lincoln School

Mr. Zettel,

As you know, we have entered an Option Agreement with Alpena Holdings, LLC to purchase the Lincoln School. They plan to convert the building into senior housing.

We are in support of their desire to rezone the property from RM-2 to a PUD. According to Alpena Holdings, the rezoning is essential for them to receive development funding.

We understand the PUD zoning will be contingent on the PUD's site plan being fully executed.

If you have any questions, feel free to contact me at 989-723-8131

Sincerely,

Julie A. Omer
Chief Financial Officer
Owosso Public Schools

cc: Dr. Andrea Tuttle, Superintendent
Craig Patterson, Alpena Holdings, LLC

PURCHASE AGREEMENT

THIS PURCHASE AGREEMENT ("Agreement") is made and entered into this 22 day of October, 2012, by and between Owosso Public Schools whose tax mailing address is 645 Alger Street, Owosso Michigan 48867 (hereinafter referred to as the "Seller"), and Alpena Holdings, LLC, whose address is 124 Northshore Drive, Coldwater, Michigan 49036 (hereinafter referred to as the "Buyer").

WHEREAS, the Seller is the owner of certain real estate consisting of approximately 1.0 +/- acres located at 120 Michigan Avenue, in the City of Owosso, Michigan, 48867 known as Lincoln School and located on a parcel with multiple Tax ID#'s: 050-700-001-008-00 & 050-850-700-001-08, CL 701 SCH 10 and as depicted on Exhibit A attached hereto (the "Property") and

WHEREAS, the Seller desires to sell the Property and the Buyer desires to purchase the Property, upon and subject to the terms and conditions of this Agreement;

NOW THEREFORE, for and in consideration of the sum of Two Thousand Dollars (2,000.00) (the "Initial Earnest Deposit") the receipt and the sufficiency of which are hereby acknowledged, and for the further consideration of the covenants and agreements set forth below, the parties agree as follows:

1. Seller shall sell and Buyer shall purchase the Property upon and subject to the terms and conditions of this Agreement.
2. The purchase price for the Property shall be Two Hundred Thousand Dollars and no/100 (\$200,000.00) (the "Purchase Price").
3. The Buyer shall pay to the Seller the Initial Earnest Deposit within five business days of the full execution of this Agreement. The Initial Earnest Deposit will become non-refundable on January 18, 2013. In addition, provided that Buyer has not previously terminated this Agreement as provided in paragraph 7, Buyer shall pay to Seller non-refundable subsequent Earnest Deposit in the amount of \$5,000.00 (the "Subsequent Earnest Deposit") on or before July 31, 2013. The initial Earnest Deposit and Subsequent Earnest Deposit are sometimes referred to as "Earnest Deposits".
4. At closing, the Purchase Price shall be paid by the Buyer as follows: (1) Buyer shall pay to Seller \$200,000.00 the gross purchase price less the cumulative earnest money deposits at the time of closing in cash. At closing, the Seller shall deliver a transferable, recordable, General Warranty deed to the Buyer, or its assignee. The General Warranty deed shall be prepared by the Seller. Closing shall occur no later than September 17, 2013 unless extended per paragraph 5 below.
5. Buyer may extend this Purchase Agreement until November 29, 2013 at any time prior to September 17, 2013 by notifying Seller and paying the Seller an additional non-

refundable Earnest Deposit of \$15,000.00 (for a total of \$22,000.00 in Earnest Deposits) and this additional Earnest Deposit shall be credited to the Purchase Price.

6. Title to the Property shall be free and clear of all liens and encumbrances other than those that do not unreasonably interfere with Buyer's intended development of the Property, as determined by Buyer in its sole discretion. Buyer shall obtain a title insurance commitment for the Property and if any exception noted therein is unacceptable to Buyer, Buyer shall so notify Seller in writing and Seller shall then have 20 days to cure such unacceptable exception. If Seller fails to cure such exception within such 20 day period and provide evidence to Buyer of such cure, then Buyer shall have the right to terminate this Agreement by written notice to Seller and the Earnest Deposit shall be returned to Buyer.
7. Buyer's obligation to purchase the property shall be subject to and contingent upon satisfaction to Buyer, at Buyer's sole cost and expense and in Buyer's sole discretion, of the following contingencies prior to the date specified below:
 - a. Buyer determining on or before February 15, 2013 that the Property is properly zoned for and the site conditions will allow for 24 multi-family senior housing units.
 - b. Buyer determining on or before July 31, 2013, that it can obtain all governmental approvals necessary or desirable for the construction of the housing units and all related amenities on the Property.
 - c. Buyer determining on or before February 15, 2013, that (i) the Property has access to water, sanitary sewer, storm sewer, electric, telephone, cable, and natural gas services, adequate to service the units, and (ii) the costs to construct utility infrastructure on the Property, including tap fees, are feasible for said housing units.
 - d. Buyer determining on or before February 15, 2013 that the Property is in compliance with the lender and investor environmental requirements.
 - e. Buyer determining on or before February 15, 2013, that development of Property for Buyer's intended use is economically feasible.
 - f. Buyer obtaining a PILOT (Payment in Lieu of Taxes) letter from City of Owosso prior to February 15, 2013.
 - g. Buyer obtaining a Resolution of Support for the project from the City of Owosso prior to February 15, 2013.
 - h. Buyer obtaining on or before July 15, 2013 a reservation of Section 42 tax credits from the Michigan State Housing Development Authority (MSHDA).
8. It is understood and agreed that during the contract period for the Property the Buyer and its designees shall have the right to enter the Property to conduct environmental tests, soils tests, or any other such investigation as deemed necessary by the Buyer, all at Buyer's sole discretion and expense. The Buyer will indemnify and hold harmless the Seller from any claims, damages or causes of action which might occur as a result of the

Buyer's activities on the Property and the Buyer shall restore the Property to the existing condition before said test or investigations were conducted.

9. Notices under this Agreement may be given by fax, mail, overnight mail, or personal delivery. Any notice that is actually received shall be effective regardless of the manner in which it is sent or delivered.
10. Buyer agrees to a deed restriction which prohibits the future sale of the property to a Charter School.
11. At closing, Buyer shall pay the cost of deed preparation. Seller agrees to provide Buyer a General Warranty Deed with no encumbrances upon the real property described herein. The Buyer shall pay the cost of an owner's title insurance policy in the full amount of the Purchase Price. Buyer shall pay the cost of any mortgage title insurance. At closing, the real estate taxes will not be prorated. The Seller will be responsible to pay all real estate transfer taxes. The Seller and Buyer agree that the closing or the purchase of the property and the title insurance for the transaction will be furnished through a title agency of the Buyer's choice.
12. At closing, Seller shall grant to Buyer any easements needed for utility service to the Property. Buyer shall pay all third party costs of surveying, document preparation, legal description preparation, recording, etc. in connection with the creation and recordation of any such easements that are necessary. Any necessary easements in locations determined by Buyer's engineer, subject to Seller's consent, such consent is not to be unreasonably withheld or delayed.
13. If the Michigan State Housing Development Authority (MSHDA) posts their awards for a reservation of Section 42 tax credits and the Buyer is not successful, then Buyer agrees to terminate this Purchase Agreement without delay.
14. This Agreement shall be assignable by Buyer to an affiliate of Buyer with notice to the Seller. Buyer will provide Seller notification of such Assignment ten (10) business days prior to execution of Assignment document.
15. Both Buyer and Seller acknowledge that there are no Real Estate Brokers involved in this transaction. Both Buyer and Seller agree to hold each other harmless and to defend each other against any such claims for commissions by any Broker other than those listed above.

Signatures on the Following Page

[Witness the following signatures]

Seller:

Owosso Public Schools

By: Annika Smith

Its: Superintendent

Clara Pitt
Witness

Buyer:

Alpena Holdings, LLC

By: Joel Prof

Its: Member / General Counsel

Joel Prof
Witness

Exhibit A

Legal: Lots 8, 9, 10 & 11 WOODARD SUBDIV BLK 1 A L WILLIAMS ADD

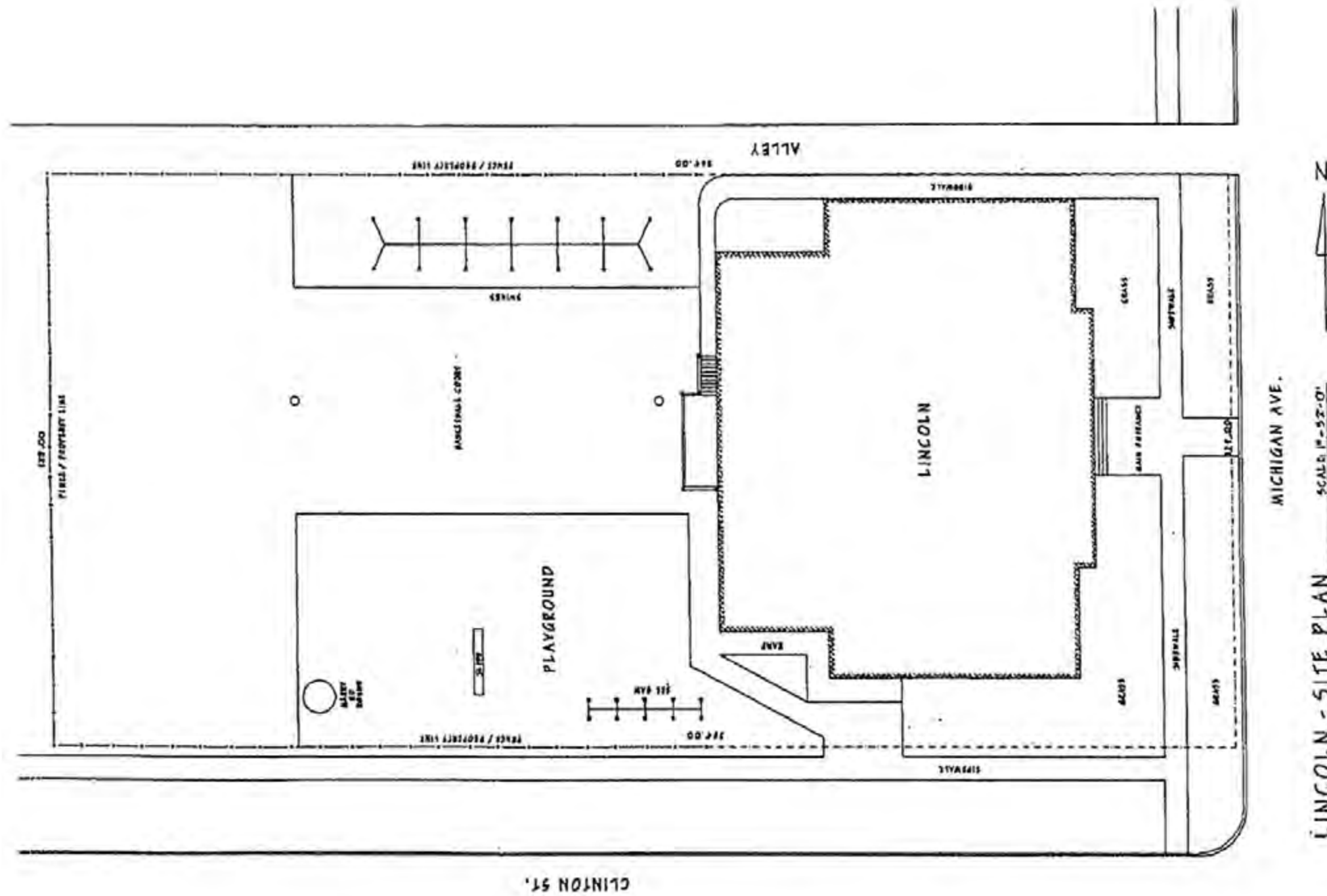


IMAGE OF EXISTING PLOT PLAN



EXISTING AERIAL VIEW - EXISTING BUILDING & SITE LOCATION

WODA - LINCOLN HOUSE
Owosso, Michigan

10.24.2012



EXISTING SITE PROPERTY & BUILDING LOCATION

WODA - LINCOLN HOUSE
Owosso, Michigan

10.24.2012

EXISTING HISTORIC
PRESERVATION BUILDING
2 STORY, 35' HIGH
BRICK MASONRY, 1

NEW
ADDITION

EXISTING
BUILDING

EXISTING ALLEY

PARKING (28 SPACES)

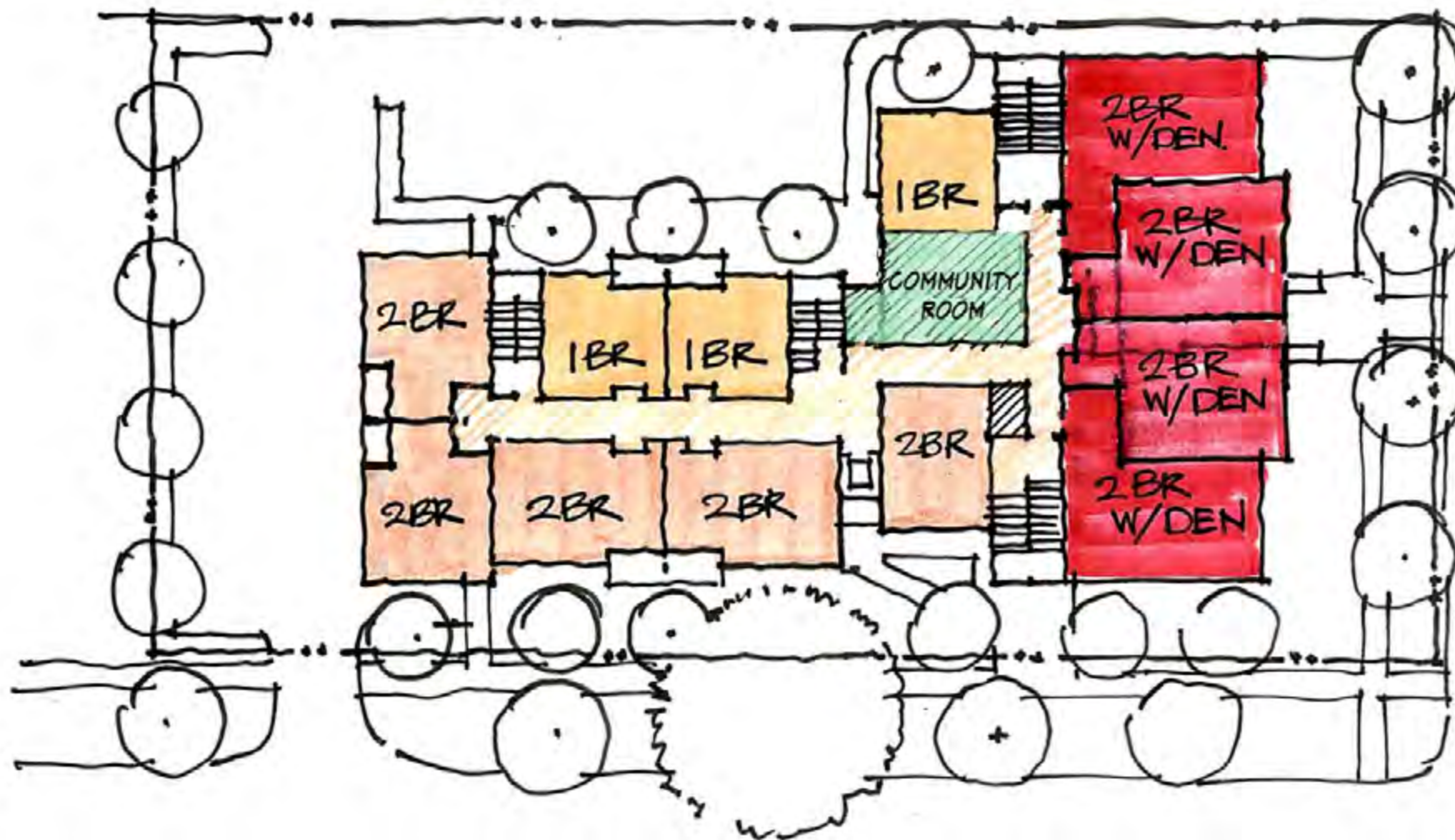
PROPERTY
LINE

COVERED
GARAGE
WITH
APARTMENTS
ABOVE

MICHIGAN AVE.

CLINTON STREET

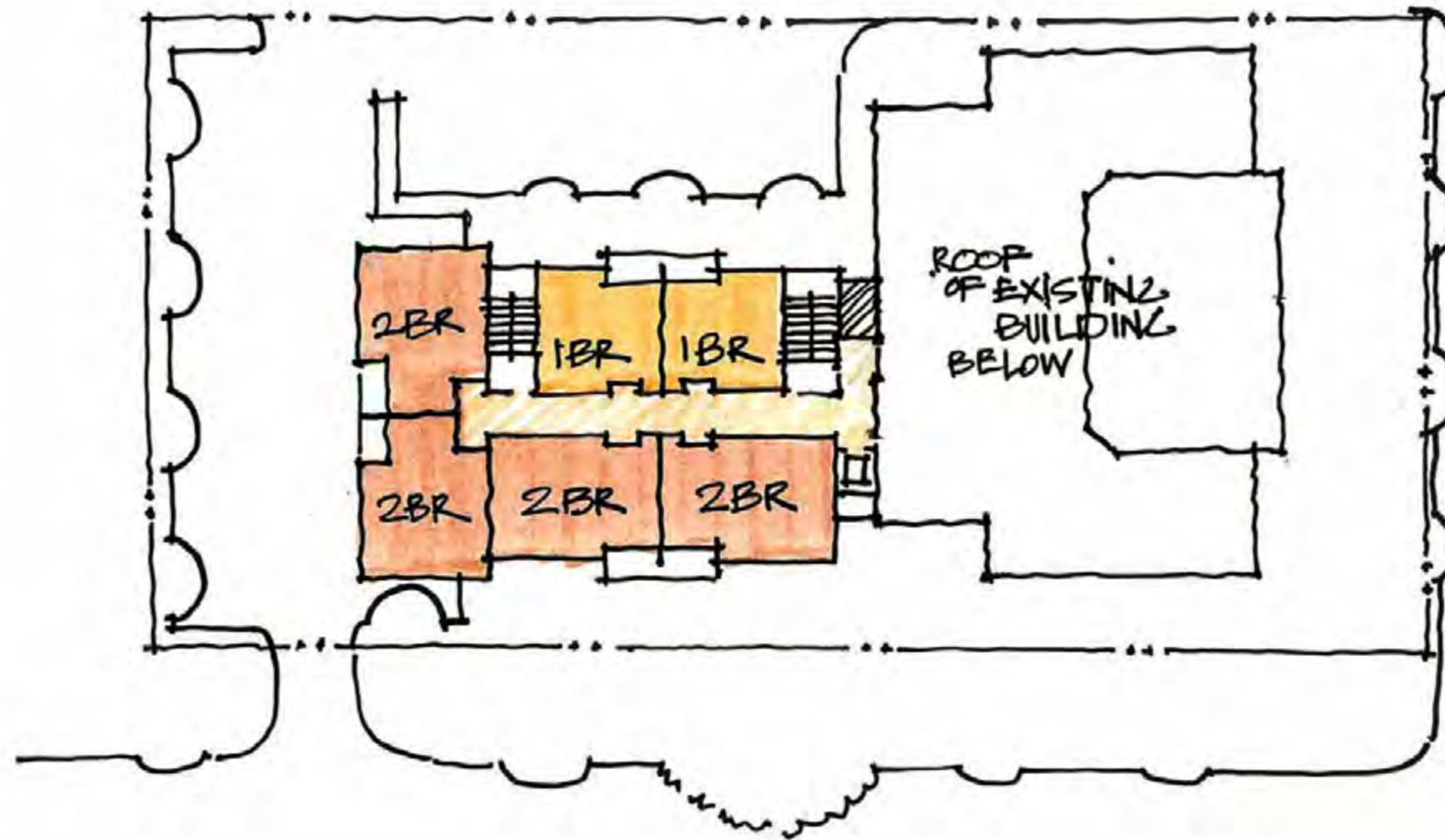
FIRST FLOOR & SITE PLAN



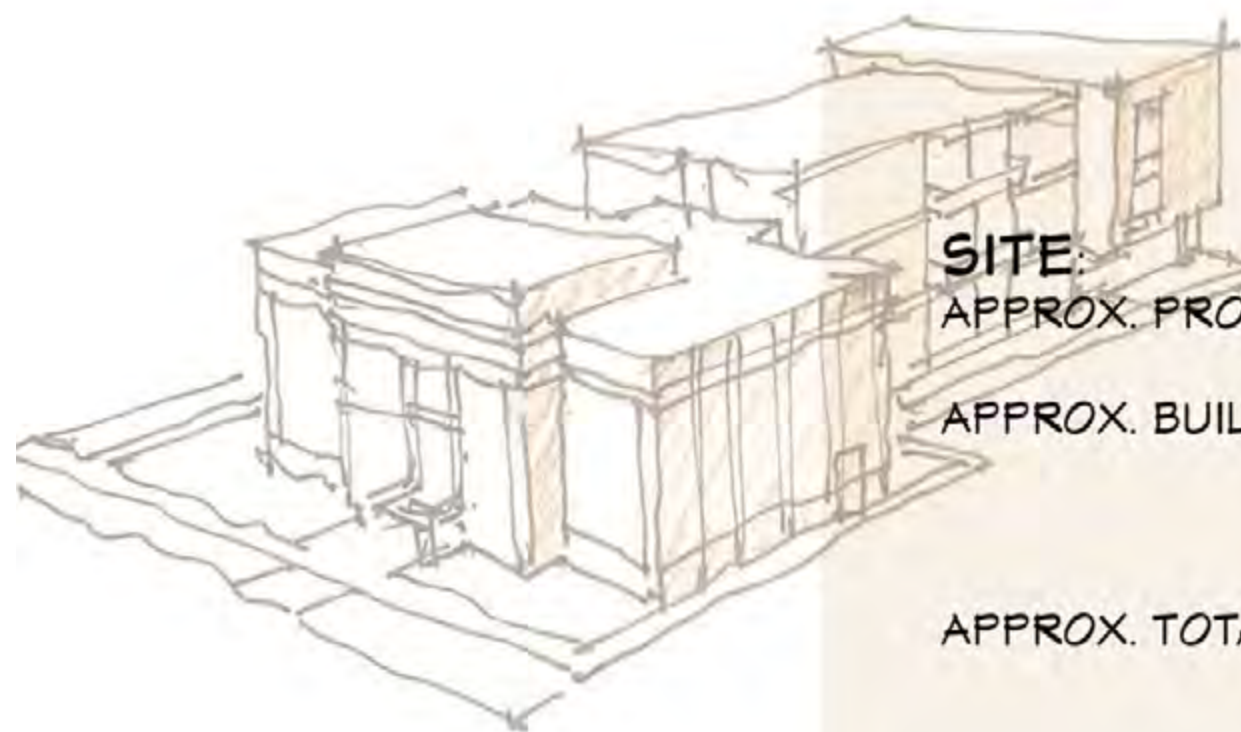
SECOND FLOOR PLAN

WODA - LINCOLN HOUSE
Owosso, Michigan

10.24.2012



THIRD FLOOR PLAN



DEVELOPMENT DATA

SITE:

APPROX. PROPERTY LAND

33,528 SF OR APPROX. 1 ACRE

APPROX. BUILDING FOOTPRINT

EXISTING:

8,400 SF

NEW:

7,068 SF

TOTAL:

15,468 SF

APPROX. TOTAL BUILDING AREA:

EXISTING:

16,800 SF

NEW:

19,800 SF

TOTAL:

36,600 SF

TOTAL NUMBER OF PARKING SPACES:

30 SPACES

BUILDING UNIT TYPES:

	1BR	2BR	2BR W/DEN	TOTAL
1 ST FLOOR				
NEW	2	2		4
EXISTING		4	2	6
2 ND FLOOR				
NEW	2	4		6
EXISTING	1	1	4	6
3 RD FLOOR				
NEW	2	4		6
TOTAL	7	15	6	28 UNITS

RATIO OF DENSITY WITH SITE AREA:

APPROX. 1,200 SF PER UNIT

WODA - LINCOLN HOUSE
Owosso, Michigan

REV. 11.20.2012

**CITY OF OWOSSO
SCHEDULE OF REGULAR MEETINGS
FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2013**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 267, Public Acts of 1976, of the schedule of Regular Meetings of the City of Owosso, County of Shiawassee, State of Michigan for the calendar year beginning January 1, 2013. The Board, dates, time and place of said regular meetings shall be as follows:

CITY COUNCIL					
The 1 st and 3 rd Monday of each month, except as noted – 7:30 p.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 07	MAR 04	MAY 06	JUL 01	SEP 03*	NOV 04
JAN 22*	MAR 18	MAY 20	JUL 15	SEP 16	NOV 18
FEB 04	APR 01	JUN 03	JUL 29	OCT 07	DEC 16
FEB 19*	APR 15	JUN 17	AUG 05	OCT 21	DEC 02
	APR 29		AUG 19		
DOWNTOWN DEVELOPMENT AUTHORITY / OWOSSO MAIN STREET			DOWNTOWN HISTORIC DISTRICT COMMISSION		
The 1 st Wednesday of each month, except as noted – 7:30 a.m., local prevailing time			The 3 rd Wednesday of each month - 6:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		
JAN 02	MAY 01	SEP 04	JAN 16	MAY 15	SEP 18
FEB 06	JUN 05	OCT 02	FEB 20	JUN 19	OCT 16
MAR 06	JUL 03	NOV 06	MAR 20	JUL 17	NOV 20
APR 03	AUG 07	DEC 04	APR 17	AUG 21	DEC 18
EMPLOYEES RETIREMENT SYSTEM BOARD			OWOSSO HISTORICAL COMMISSION		
The 3rd Thursday of even months, except as noted - 7:15 a.m., local prevailing time			The 2 nd Monday of each month, except as noted – 7:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Gould House, 100 West Oliver Street		
FEB 21	JUN 20	OCT 17	JAN 14	MAY 13	SEP 09
APR 18	AUG 15	DEC 19	FEB 11	JUN 10	OCT 15*
			MAR 11	JUL 08	NOV 12*
			APR 08	AUG 12	DEC 09
PARKS & RECREATION COMMISSION			PLANNING COMMISSION		
The 4th Monday of each month, except as noted – 6:00 p.m., local prevailing time			The 4 th Monday of each month, except as noted – 7:00 p.m., local prevailing time		
Owosso City Hall, Council Chambers			Owosso City Hall, Council Chambers		
JAN 28	MAY 28*	SEP 23	JAN 28	MAY 28*	SEP 23
FEB 25	JUN 24	OCT 28	FEB 25	JUN 24	OCT 28
MAR 25	JUL 22	NOV 25	MAR 25	JUL 22	NOV 25
APR 22	AUG 26	DEC 09*	APR 22	AUG 26	DEC 09*
ZONING BOARD OF APPEALS			* = Rescheduled due to legal holiday on regular meeting date		
The 3 rd Tuesday of each month, except as noted – 9:30 a.m., local prevailing time					
Owosso City Hall, Council Chambers					
JAN 15	MAY 21	SEP 17			
FEB 19	JUN 18	OCT 15			
MAR 19	JUL 16	NOV 19			
APR 16	AUG 20	DEC 17			

The City of Owosso will provide necessary auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy K. Kirkland, City Clerk, 301 West Main Street, Owosso, MI 48867 (989) 725-0500.

Amy K. Kirkland, Owosso City Clerk



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: November 28, 2012

TO: City Council

FROM: Michael Compeau
Director of Public Safety

RE: Contract with Front Line Services, Inc.

As the fleet of vehicles in the fire department begins to age the maintenance and repair costs have been rising.

In the past year we have experienced several failures in the internal components of our fire engines, notably pump transmissions, shaft bearings, transfer valves, and gate valves. As of the date of this memo we are working on repairing three additional failures of the internal components.

There is no one on staff that is qualified, licensed or capable of conducting maintenance or repairing the internal components of these fire trucks.

After discussion with senior staff it was decided that the best way to reduce this cost is to contract for annual maintenance as many other departments are doing. Talking with other full time agencies similar to the City Of Owosso we found most have found it is cost effective to out-source this work.

Sealed bids were solicited for this service with only one response being received.

- Front Line Services, Inc., Freeland, Michigan in the amount of \$4,504.00.

Request council approve the bid from Front Line Services, Inc. in the amount of \$4,504.00. I have attached a copy of the Preventative Maintenance to be completed annually for your review.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING A CONTRCT WITH
FRONT LINE SERVICES, INC. FOR ANNUAL MAINENANCE SERVICES
FOR CITY FIRE TRUCKS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a public safety department with multiple fire engines, each of which require annual maintenance; and

WHEREAS, bids were solicited for the performance of annual maintenance service on said vehicles; and

WHEREAS, the City of Owosso recognizes firms providing such services tend to service certain territories which do not overlap, resulting in the low number of proposals received; and

WHEREAS, the City of Owosso received a single bid from Front Line Services, Inc.; and it is hereby determined that Front Line Services, Inc. is qualified to provide such service and that it has submitted a 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 theretofore determined that it is advisable, necessary and in the public interest to enter into a maintenance agreement for they city's fire trucks with Front Line Services, Inc.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Front Line Services, Inc. in the amount of \$4504.00
- THIRD: Authorize payment to Front Line Services, Inc. in the amount of \$4504.00.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THIS 3rd DAY OF DECEMBER, 2012.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

CITY OF OWOSSO

ATTEST:

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

Date: November 29, 2012

To: City Council

From: City Manager

Re: JPC contract for library plaster work

There continues to be a list of issues at the library. I suggested to Steve Flayer that it needs to implode and we build a new state of the art building that meets today's needs. Wednesday the back door fell off. The library district will repair/replace the doors and will paint the interior. The district is also replacing the gutters and addressing a dry rot problem under the eaves.

The roof has now been fixed for nearly a year and there have been no leaks. The plaster has fallen off in places and cornices have been damaged. Finding people who will do plastering anymore is difficult. Steve contacted just about every plaster company in the area and two showed interest. After examining the work needed only JPC Plaster & Drywall submitted a proposal. Molds must be constructed to make the replacement cornice.

I am recommending that a no bid contract be entered with JPC Plaster & Drywall for \$11,780. I have a call into JPC Plaster & Drywall to get some additional information that needs to go into the contract--correct name, insurance, unforeseen issues.

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE
REPAIR OF THE OWOSSO PUBLIC LIBRARY BUILDING DAMAGED
INTERIOR PLASTER

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that roof leakage at the Owosso Public Library Building caused damage to ceiling and wall plaster along with cornice work and that repair is advisable, necessary and in the public interest; and

WHEREAS, it is difficult to find individuals or firms with plastering skills and abilities and proposals were sought through a noncompetitive process and a proposal was received from JCP Plaster & Drywall; and it is hereby determined that JCP Plaster & Drywall is qualified to provide such services and that it has submitted a responsible proposal;

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 JCP Plaster & Drywall for repair of plaster and cornices in the Owosso Public Library Building.
- SECOND: The city of Owosso recognizes the difficulty in finding individuals or firms skilled in restoring the plaster and cornices and therefore waives the bidding requirement in awarding a contract and authorizes proceeding with the quotation from JCP Plaster & Drywall.
- THIRD: 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 JCP Plaster & Drywall in the amount of \$11,880.
- FOURTH: The above expenses shall be paid from the general fund building and grounds maintenance fund.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO,
SHIAWASSEE COUNTY, MICHIGAN THIS __TH DAY OF DECEMBER, 2012.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Amy K. Kirkland, city clerk

JPC Plaster & Drywall,

4380 Mast Rd
Dexter, MI 48130

Estimate

Date	Estimate #
8/2/2012	304

Name / Address
Shiawassee District Library Steven Flayer 502 W. Main St. Owosso, MI 48867

Job Location:

Project

Item	Description	Total
	Plaster Repairs to Main Floor (adult library) Ceiling and Cornices. Points of repair are defined by capital letters A - K as placed on the attached floor plan. Cornice parts to be repaired at each location are defined by numbers 1 - 7 as shown on the attached molding profile.	
Plaster Repairs	Repair Damaged Plaster: A 2-3lf, 3-4lf, 4-4lf, 5-5lf, 6-5lf, 7-5lf. 20sf of flat wall	2,260.00
Plaster Repairs	Repair Damaged Plaster: B 30 sf. flat ceiling (ceiling cracks not to be repaired).	900.00
Plaster Repairs	Repair Damaged Plaster: C 16 sf. flat ceiling around vent area	620.00
Plaster Repairs	Repair Damaged Plaster: D 1-3lf, 2- 4lf, 3-1lf	780.00
Plaster Repairs	Repair Damaged Plaster: E 2sf. flat ceiling	340.00
Plaster Repairs	Repair Damaged Plaster: F 1-7lf, 2-5lf, 3-1lf, 4-1lf, 5-4lf, 6-2lf, 7-2lf, ceiling 10sf, wall 2sf.	3,060.00
Plaster Repairs	Repair Damaged Plaster: G 2-6lf, 3-2lf	600.00
Plaster Repairs	Repair Damaged Plaster: H 48sf flat ceiling	1,260.00

	Total
--	--------------

Phone #
734 904-0016

E-mail
jim@restoremyplaster.com

Web Site
www.restoremyplaster.com

JPC Plaster & Drywall,

**4380 Mast Rd
Dexter, MI 48130**

Estimate

Date	Estimate #
8/2/2012	304

Name / Address
Shiawassee District Library Steven Flayer 502 W. Main St. Owosso, MI 48867

Job Location:

Project

Item	Description	Total
Plaster Repairs	Repair Damaged Plaster: I 5sf flat ceiling	400.00
Plaster Repairs	Repair Damaged Plaster: J 1-2lf, 3-2lf, 5-2lf, 6-2lf	720.00
Plaster Repairs	Repair Damaged Plaster: K 2-2lf, 7-2lf clean up old repairs. 15sf flat wall	840.00
note protection	Floors will be protected with 6 mill plastic and 1/4" plywood, open areas and book shelves will be curtained with 2mil. plastic to control movement of dust into non-work areas. Trim, windows, and walls will be covered and protected from plaster Air filtering in the work zone will be used to keep dust out of other areas.	0.00

	Total
--	--------------

Phone #
734 904-0016

E-mail
jim@restoremyplaster.com

Web Site
www.restoremyplaster.com

JPC Plaster & Drywall,

4380 Mast Rd
Dexter, MI 48130

Estimate

Date	Estimate #
8/2/2012	304

Name / Address
Shiawassee District Library Steven Flayer 502 W. Main St. Owosso, MI 48867

Job Location:

Project

Item	Description	Total
note authorization	<p>Please print and sign one copy of this as authorization to complete work. Thank you for trusting your home to JPC Plaster & Drywall:</p> <p>_____</p> <p>signature date</p>	0.00

	Total	\$11,780.00
--	--------------	--------------------

Phone #
734 904-0016

E-mail
jim@restoremyplaster.com

Web Site
www.restoremyplaster.com



WARRANT 453

November 27, 2012

Vendor	Description	Fund	Amount
Michigan Municipal Risk Management Authority	Building and Property Insurance- Final Installment - July 1, 2012 – June 30, 2013	General	\$62,506.00
Total			\$62,506.00



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: November 27, 2012

TO: City Council

FROM: Adam Zettel, AICP
Assistant City Manager

RE: Parks Rules & Regulations Amendments

Over the course of the last couple of years our parks have seen some big changes, including the demolition of Holman Pool, the addition of the Bark Park, the skate park, the community garden, and a potential splash pad. These changes now necessitate amendments to our Parks Rules and Regulations to incorporate rules for the new facilities and remove rules for facilities that no longer exist.

The parks and recreation commission has been looking at this periodically for the last six months. They approved this set of rules for distribution at their meeting on November 26, 2012. Staff recommends passage of the attached amended version of the Parks Rules and Regulations.

RESOLUTION NO.

**A RESOLUTION TO APPROVE
THE 2012 CITY OF OWOSSO PARK RULES AND REGULATIONS**

WHEREAS, the City of Owosso maintains parks and recreation facilities within the city and within Owosso Township; and

WHEREAS, City of Owosso ordinances apply throughout all parks located in the city and city park rules, as adopted per ordinance Section 21-1, apply to all city parks in all jurisdictions; and

WHEREAS, the Owosso Parks and Recreation Commission has reviewed the current edition of park rules and recommended changes to accommodate new park facilities and uses; and

NOW, BE IT RESOLVED THAT City of Owosso City Council, County of Shiawassee, State of Michigan, approves the 2012 edition of the Owosso Parks Rules and Regulations.

BE IT FURTHER RESOLVED THAT the same council hereby directs staff to print and publish these rules in accordance with local ordinance.

CITY OF OWOSSO
PARK RULES AND REGULATIONS

AUTHORITY. These rules are promulgated pursuant to the provisions of Section 21-1 of the Code of Ordinances of the City of Owosso, Michigan.

APPLICABILITY. These rules apply to City of Owosso parks, play fields, and other public grounds, hereafter called parks.

CLOSING HOURS. Parks shall be closed to public use between dusk and dawn, except as follows: 1) Bentley Park, Grove Holman Park (for sledding only), Bennett Field and Rudy DeMuth Fields shall be closed from 11:00 p.m. to dawn, and 2) Hopkins Lake Park shall be open between dusk and dawn for fishing in Hopkins Lake.

SWIMMING PROHIBITED. Swimming is prohibited except in designated areas.

FIRES. Fires are restricted to barbecue grills and then only for preparing food.

PROPER DISPOSAL OF REFUSE. Refuse generated during park activities shall be properly disposed of in containers provided for that purpose. Disposal of household refuse in park refuse containers is prohibited.

VEHICLE REGULATIONS. 1) Motorcycles, mopeds, snowmobiles, all-terrain vehicles, and the like are prohibited from all park areas except for roadways designated for public travel, 2) The speed limit in all parks shall be ten miles per hour, 3) Parking shall be restricted to areas designated for that purpose, 4) and No person shall operate a motorboat on Hopkins Lake in the city. "Motorboat" is any vessel propelled by any machinery other than an electric motor, whether or not the machinery is the principal source of propulsion.

PAVILION RESERVATION. Picnic pavilions shall be available on a first-come, first-served basis on the day of use except as follows: Advanced reservations will be taken for each calendar year for the pavilion in Bentley Park and Harmon Partridge (Green Meadows) Park. Reservations will be taken beginning January 1.

ALCOHOL USE. Alcoholic beverages shall be prohibited in all parks.

TOBACCO USE. The use of tobacco is strongly discouraged in the city parks, especially smoked forms of tobacco used in close proximity to areas of concentrated use, such as bleacher seats, dugouts, play equipment, and pavilions.

DOGS. Except as described in the Dog Park section below, dogs shall be leashed and kept under reasonable control at all times.

FIREARMS AND WEAPONS. It shall be unlawful for any person to carry on his or her person or in the passenger compartment of any motor vehicle any dangerous weapon, including but not limited to, segments of chain, hunting knives, jackknives having one (1) or more blades which exceed three (3) inches in length, club, metal pipe, or any other dangerous weapon, unless carried in the normal course of a business or profession, excluding firearms. It shall be unlawful for any person to discharge any firearm, air rifle, air pistol, bow and arrow, sling shot or wrist rocket within the city unless part of an exposition, tournament or range under adult supervision after issuance of a permit by the police department.

USE BY ORGANIZATIONS. Shiawassee County-based organizations shall be permitted the exclusive control of designated areas of city parks, including control during hours the parks are closed to the public, subject to the following conditions:

- 1) Approved by the city manager or his/her designee;
- 2) Areas used shall be those not regularly frequented by the public or the areas occupied shall be open to the public; although a fee may be charged for such access;
- 3) The organizations' use of the park area shall not violate any local or state law nor unreasonably interfere with the use and enjoyment of adjacent park areas by others;
- 4) The organizations shall hold the City harmless from liability for incidents arising out of the organizations' use of the park area and shall provide evidence of insurance coverage;
- 5) The City reserves the right to direct where organizations' structures are installed and activities conducted to minimize damage to park property and facilities and to limit interference with the use of adjacent areas of the park.

SCHEDULING AND USE OF ATHLETIC FIELDS.

- 1) Priority in the use of ball fields, soccer fields and similar athletic facilities in City parks shall be given to organizations scheduling regular games or matches. When the city manager determines that coordination of organizations' use of such facilities is necessary to avoid scheduling conflicts, he or she shall provide for the development of schedules for such facilities. The city manager shall have the authority to designate organizations to provide for scheduling and oversight of use of athletic fields. Such organizations shall schedule use of the fields in a way that accommodates use by all interested organizations to the greatest extent feasible and to provide for compliance by these rules and regulations by all organizations using the athletic facilities.
- 2) The city manager shall have the authority to restrict use of athletic fields to avoid excessive wear and tear on facilities.
- 3) The city manager may authorize organizations to sell concessions at athletic fields and to use City facilities designated for that purpose. Preference in selling concessions may be given to organizations designated to provide scheduling and oversight of the use of athletic fields. Organizations selling concessions at athletic fields shall be responsible for the cleaning of restroom facilities at such fields.
- 4) Organizations providing for the scheduling and oversight of athletic fields may be permitted to provide for the installation of signs recognizing program sponsors. Such signs shall not advertise specific products or services but shall be limited to the names and logos of sponsors and brief descriptions of the nature of the sponsor's business. All sponsor signs shall be constructed of material that will withstand customary weather conditions and shall be maintained by the organizations installing them. Signs shall be installed on existing fences so that the message content of the signs is visible from within the athletic fields only. Signs shall be installed only during the usual seasons during which organizations schedule games and matches on the fields.
- 5) Organizations using athletic fields for scheduled games, matches and practices shall be responsible for removing litter from the areas used for their activities. In addition, organizations shall be responsible for removing and storing any equipment used in their activities. Installation of bleachers or similar facilities must be authorized by the city manager or his/her designee.
- 6) The city will provide utilities (except for telephone service), refuse disposal and the maintenance of athletic fields in coordination with the needs and schedules of organizations using the fields. Organizations using athletic fields that undertake specific activities uniquely required for their particular use of the fields such as the installation of bases or nets, the painting of lines on fields, etc. require prior approval.

DOG PARK REGULATIONS. Within the designated dog park area in Collamer Park, dogs are permitted under the following regulations. Elsewhere in the city, the city code applies.

- 1) All dogs must be leashed in the dog exercise area parking lot.
- 2) Any person bringing a dog or dogs to the dog exercise area must have one leash per dog.
- 3) There shall be no more than three dogs per person allowed in the dog exercise area. Any

person bringing a dog or dogs to the dog exercise area must have at least one dog feces waste bag per dog in his or her possession and must remove any feces deposited by the dog(s) in their care.

- 4) Persons under sixteen years of age visiting the dog exercise area must be accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.
- 5) No persons under sixteen years of age are allowed in the dog agility area unless accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.
- 6) Each dog shall always be under visual and voice control of the owner or other responsible person at least 16 years of age.
- 7) All dogs must have current vaccinations and licenses and shall wear a collar with tags as proof thereof.
- 8) Aggressive dogs, as defined below, are not permitted in or around the dog exercise area, including but not limited to, the parking lot. Owners or other responsible persons will be held legally responsible for any injury caused by a dog that they bring in or around the dog exercise area.
 - An aggressive dog means:
 - a. A dog that bites a person. However, a dog shall not be considered aggressive if the dog bites a person wrongfully assaulting the dog or the dog's owner, or if the dog bites a person after being provoked by that person.
 - b. A dog that injures or kills another domestic animal without provocation while at the dog exercise area.
- 9) Female dogs in heat are not permitted in or around the dog exercise area including, but not limited to, the parking lot.
- 10) Dog owners or other responsible persons shall provide dogs with drinking water while visiting the dog exercise area when weather conditions require.
- 11) Dog owners or other responsible persons shall not keep dogs enclosed in a vehicle during hot weather which may cause injury to the dog.
- 12) Any person having knowledge of a dog having bitten, scratched, or injured a person or other animal within the dog exercise area, including but not limited to the parking lot, shall report the incident to the police department.

COMMUNITY GARDENS. Community gardens, as designated on public lands, whether leased or available to the public, shall operate with the following regulations.

- 1) Garden users must complete the community garden individual waiver as provided by the city.
- 2) Work on plots must begin within 10 days after the garden has been tilled, if applicable.
- 3) No synthetic fertilizers, herbicides, pesticides or insecticides are to be used.
- 4) Work on gardens may only occur between dawn and dusk.
- 5) No mechanized equipment may be used before 9:00 A.M.
- 6) Gardens must be kept free from weeds, rotten produce, and plant debris.
- 7) Stakes, plastics, and garbage must be disposed of in a timely manner.
- 8) Shared paths between garden plots must be maintained without digging into the main paths; such paths must be kept free of toxic materials and rocks.
- 9) Children must be supervised.
- 10) Headphones must be used to listen to the radio or other portable sound equipment.
- 11) All crops must be legal, non-toxic, and non-hazardous.
- 12) Other plots and gardens are not to be damaged or harvested by other users.
- 13) Sales of produce and other products at the garden or in the park is strictly prohibited.
- 14) No tires are allowed at the garden site.
- 15) No pets are allowed at the garden site.

SKATE PARK RULES. This is a use-at-your-own risk facility. This facility is non-supervised. Skating, blading and biking are high risk/hazardous activities. By participating you accept that risk

and agree to not hold the City of Owosso or its employees responsible for any injuries incurred as a result of use.

- 1) The use of motorized equipment or other wheeled vehicles is not permitted.
- 2) The use of proper protective equipment, including helmets and knee, elbow and wrist pads is strongly recommended.
- 3) Use of the facility is prohibited when wet, rainwater is present or park maintenance is being performed.
- 4) Graffiti and tagging are strictly prohibited and may result in the removal of offenders from the park and police action.
- 5) Additional obstacles and/or materials are not allowed at this facility, such as (but not limited to) homemade ramps, boxes, picnic tables, etc.
- 6) Spectators are not permitted on the ramps.
- 7) Glass containers are prohibited.

SPLASH PARK RULES. The City of Owosso intends to provide seasonal access to a splash park, to be used at-your-own risk. "Splash Park" is defined as the area upon the concrete pad or access sidewalks.

- 1) All persons using the splash park do so at their own risk.
- 2) Children under 12 years of age must be accompanied by an adult (18 years or older), and must be supervised by that adult at all times.
- 3) Running, undue roughness, horseplay, and other undue disturbances are strictly prohibited.
- 4) Splash Park is designed for recreation purposes and not for bathing. Soaps, detergents, shampoos, and other chemicals or cleansers are prohibited.
- 5) Climbing or playing on components is not permitted.
- 6) The City of Owosso is not responsible for lost or stolen articles.
- 7) Infants must wear swim diapers or rubber pants without diapers. Cutoffs and street shoes are prohibited.
- 8) Wheeled vehicles, except strollers, walkers and wheelchairs, are not permitted in the splash park area.
- 9) No animals, except for service animals, are permitted in the splash park area.
- 10) Radios and other acoustical devices are only permitted when used in conjunction with personal headsets.
- 11) Pool toys and floats are prohibited.
- 12) No glass containers of any kind are permitted. No drinks, gum, or food of any kind are permitted.
- 13) The use of profane language will not be tolerated.
- 14) Persons with sore or inflamed eyes, colds, nasal or ear discharges, boils or other acute or obvious skin or body infections, or cuts shall be excluded from the splash park.

INJURY TO PARK PROPERTY. No person shall injure, mar or damage in any manner, any monument, ornament, fence, bridge, seat, tree, fountain, shrub, flower, playground equipment, fireplaces, or other public property within or pertaining to the public parks or playgrounds. Any person convicted of damage or injury to public property shall reimburse the city for up to three (3) times the amount of the damage as determined by the court.

VENDING. Vending is permitted on a limited basis after application to the city manager and under the administrative rules set by the city. Applications are available at city hall.

PUBLIC NOTICE. The public shall be deemed to have been properly notified of the provisions of these rules and regulations upon their publication in a newspaper of general circulation in the city at least annually before April 1. Signs may be posted to insure substantial compliance with the provisions of these rules and regulations.



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0570 • FAX (989) 723-8854

MEMORANDUM

DATE: 29 November 2012

TO: Owosso City Council

FROM: Rick Williams, Finance Director

SUBJECT: Issuance of Unlimited Tax General Obligation Bonds – \$990,000

The accompanying resolution authorizes the issuance of general obligations street bonds in the amount of \$990,000 for a twenty year term. This will be the second and final series of bonds approved by voters in 2008 for \$1,950,000 to make street improvements.

As voter approved bonds the City is authorized to levy millage to pay the principal and interest on unlimited tax bonds. The estimated average millage required over the life of both series is six-tenths of a mill assuming no increase or decrease in property values at a net interest rate of 4.5% for this offering.

The spend out schedule and future bonding proposals will be the subject of a future meeting on street improvements after the engineering firm, E.R.I., compiles data from the ground penetrating radar and deflectometer field work.

The resolution authorizes the Finance Director to handle all matters necessary to effectuate the sale and issuance of the bonds with Mayor and City Clerk authenticating the bonds. Sale is scheduled for January by competitive offer. Based on the interest expressed by a number of financial institutions the net interest cost should be lower than by negotiated sale or private placement.

**City of Owosso
County of Shiawassee, State of Michigan**

**RESOLUTION AUTHORIZING ISSUANCE AND SALE OF
UNLIMITED TAX GENERAL OBLIGATION BONDS**

A RESOLUTION TO:

- Issue up to \$990,000 of Bonds as the second series approved by the voters in 2008 for street improvements;
- Delegate Sale of Bonds to Finance Director without further approval of City Council;
- Authorize other matters necessary to prepare for sale and delivery of Bonds.

PREAMBLE

WHEREAS, the qualified electors of the City of Owosso, County of Shiawassee, Michigan (the "City") at the general election held on November 4, 2008, did by more than the required majority of those voting approve the following proposal:

**CITY OF OWOSSO
BOND PROPOSAL FOR STREET IMPROVEMENTS**

Shall the City of Owosso, Shiawassee County, Michigan, borrow the principal sum of not to exceed One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000) and issue its general obligation unlimited tax bonds therefor in one or more series, payable in not to exceed twenty-five (25) years from the date of issue of each series, for the purpose of paying the costs to the City of acquiring and constructing local and major street improvements throughout the City consisting of paving, repaving, reconstructing and improving streets and sidewalks, including necessary rights-of-way, proper drainage facilities and all necessary appurtenances and attachments thereto for the use of the City? The estimated millage to be levied in 2010 is .2996 mills (\$.2996 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is .3104 mills (\$.3104 per \$1,000 of taxable value).

AND WHEREAS, the City issued the 2010 Unlimited Tax General Obligation Bonds dated September 29, 2010 as the first series of the unlimited tax general obligation bonds described in the proposal in the principal amount of \$960,000; and

WHEREAS, in pursuance of the authority granted by Act 279, Public Acts of Michigan, 1909, as amended, the City Charter, and the approving vote of the electors of the City, it is the determination of the City Council that at this time the second and final series of the unlimited tax

general obligation bonds described in the proposal shall be issued in the principal amount of not-to-exceed Nine Hundred Ninety Thousand Dollars (\$990,000) (the "Bonds") in order to pay costs of Street Improvements as described in the proposal (the "Street Improvements"); and

WHEREAS, under the provisions of the Revised Municipal Finance Act, Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") the City Council can authorize, within limitations which shall be contained in the authorization resolution, an officer to sell and deliver and receive payment for obligations, approve interest rates, prices, discounts, maturities, principal amounts, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters and procedures necessary to complete the transactions authorized; and

WHEREAS, the City Council wishes to authorize the Finance Director to select a date for sale of the Bonds, to prepare the Bonds for sale, and to sell and deliver and receive payment for the Bonds without the necessity of the City Council taking further action prior to sale and delivery of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Bonds are authorized to be issued for the purpose of paying costs of acquiring and constructing Street Improvements, including the costs incidental to the issuance, sale and delivery of the Bonds and, at the discretion of the Finance Director, capitalized interest in an amount sufficient to pay the interest due on the Bonds for a period of time to be determined by the Finance Director not exceeding the maximum period permitted by law. The Finance Director is hereby authorized to determine the aggregate principal sum of the Bonds to be issued, provided that the principal amount issued shall not exceed Nine Hundred Ninety Thousand Dollars (\$990,000).

The Bonds shall be designated as the 2012 UNLIMITED TAX GENERAL OBLIGATION BONDS, provided that if the Bonds are sold or delivered after December 31, 2012 then the Finance Director may change the series designation of the Bonds to reflect the year in which the Bonds will be delivered. The Bonds shall consist of bonds in fully-registered form of the denomination of \$5,000, or integral multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered as determined by the Transfer Agent (as hereinafter defined). The Bonds shall bear interest at the rates determined upon sale of the Bonds but in any event not to exceed 5.00% per annum. The Bonds shall bear interest, mature serially or as term bonds, and be payable at the times and in the manner as shall be determined by the Finance Director at the time of sale of the Bonds, provided that the date of the first maturity shall not be earlier than 2013 and the date of the final maturity shall not be later than twenty-five (25) years from the date of delivery of the Bonds. The Bonds shall be dated as of the date of delivery thereof or such other date as shall be determined by the Finance Director at the time of sale of the Bonds.

The Bonds shall be subject to optional or mandatory redemption prior to maturity at the times and prices and in the manner as may be determined by the Finance Director at the time of sale of the Bonds.

At the option of the purchaser of the Bonds, the Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC") and the Finance Director is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry only form, and to make such changes in the form of the Bonds within the parameters of this Resolution as may be required to accomplish the foregoing.

Interest on the Bonds shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Interest shall be payable by check or draft drawn on the Transfer Agent mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. The principal of the Bonds shall be payable upon presentation and surrender of such Bonds to the Transfer Agent. Notwithstanding the foregoing, if the Bonds are held in book-entry form by DTC, payment shall be made in the manner prescribed by DTC.

The principal of the Bonds shall be payable at the designated office of a bank or trust company to be designated by the Finance Director as bond registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds, provided, however, in consultation with the initial purchaser of the Bonds the Finance Director may appoint the City Treasurer as Transfer Agent. The Finance Director is hereby authorized to execute the necessary agreements with the Transfer Agent on behalf of the City. The City reserves the right to replace the Transfer Agent at any time, provided written notice of such replacement is given to the registered owners of record of the Bonds not less than sixty (60) days prior to an interest payment date.

The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

If in the future the City calls bonds for redemption prior to maturity then official notice of redemption shall be given by the Transfer Agent on behalf of the City unless receipt of notice is waived by any registered owner of Bonds to be redeemed. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date. In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give

all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

2. The Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, and the corporate seal of the City shall be manually impressed or a facsimile thereof shall be printed on the Bonds. No Bond authorized under this resolution shall be valid until authenticated by an authorized representative of the Transfer Agent unless the purchaser thereof does not require the Bonds to be authenticated. If the Bonds are not authenticated, then at least one signature on the Bonds shall be a manual signature. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the Finance Director.

3. The Finance Director or Treasurer is authorized and directed to create a separate fund to be designated as the 2012 (or 2013) UNLIMITED TAX GENERAL OBLIGATION BOND DEBT RETIREMENT FUND (the "Debt Retirement Fund"). The City hereby pledges its unlimited tax full faith and credit for the prompt payment of the Bonds. All proceeds from taxes levied for the Debt Retirement Fund shall be credited to the Debt Retirement Fund as collected. Commencing with the year 2013 there shall be levied upon the tax rolls of the City for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 34, Public Acts of Michigan, 2001, as amended, an amount sufficient so that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bonds becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other funds available or surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bonds, then credit therefor may be taken against such annual levy for the Debt Retirement Fund. The moneys deposited in the Debt Retirement Fund shall be specifically earmarked and used solely for the purpose of paying the principal of and interest on the Bonds and, as may be necessary, to rebate arbitrage earnings, if any, to the United States Department of Treasury as required by the Internal Revenue Code of 1986, as amended. The accrued interest and premium, if any, received upon delivery of the Bonds shall also be credited in the Debt Retirement Fund. The Debt Retirement Fund may be pooled or combined with other debt retirement funds for issues of bonds of like character as provided by Act 34 or other state law.

The City may provide for the payment of principal of any of the Bonds issued as term bonds through the purchase of municipal securities in the open market at a price not greater than that payable on the next redemption date in order to satisfy all or part of the next succeeding scheduled mandatory redemption.

In the event a deposit of trust is made of cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of, premium, if any, and interest on the Bonds, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest of the

Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

4. The Finance Director or Treasurer is authorized and directed to open a separate depository account designated as the 2012 (or 2013) UNLIMITED TAX GENERAL OBLIGATION BOND CONSTRUCTION FUND (the "Construction Fund") with a bank or trust company (the "Depository Bank"). The Finance Director or Treasurer shall deposit the proceeds of the Bonds into the Construction Fund, less (a) any accrued interest and premium and any capitalized interest which shall be deposited into the Debt Retirement Fund, and (b) costs of issuance of the Bonds, including but not limited to fees payable to the Municipal Advisory Council of Michigan, transfer agent fees, bond counsel fees, publication of the Notice of Sale, State Treasury filing fees, and any other costs necessary to accomplish sale and delivery of the Bonds which may be wired by the purchaser of the bonds or the Depository Bank directly to the provider of services as authorized by the Finance Director. The moneys in the Construction Fund shall be used solely to pay the costs of the Street Improvements and to pay costs of issuance of the Bonds.

5. The Bonds shall be in substantially the following form with such revisions, additions and deletions as may be advisable or necessary to comply with the final terms of the Bonds established upon sale thereof:

[FORM OF BOND TO BE COMPLETED AFTER BOND SALE]

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF SHIAWASSEE

CITY OF OWOSSO
2012 UNLIMITED TAX GENERAL OBLIGATION BOND

<u>Interest Rate</u>	<u>Date of Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
----------------------	-------------------------	-----------------------------------	--------------

Registered Owner:

Principal Amount:

The CITY OF OWOSSO, County of Shiawassee, State of Michigan (the "City"), acknowledges itself to owe and for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on November 1, 2013 and semiannually thereafter. Principal of this bond is payable at the corporate trust office of [Transfer Agent], or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner hereof not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who or which is as of the fifteenth (15th) day of the month prior to each interest payment date, the registered owner, at the registered address.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of \$990,000, issued for the purpose of paying costs of acquiring and constructing local and major street improvements throughout the City as the second and final series of bonds issued in pursuance of a vote of the qualified electors of the City voting thereon at the general election duly called and held on November 4, 2008.

For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged. This bond is payable out of the City's Debt Retirement Fund for this issue, and in order to make such payment, the City is required each year to levy taxes on all taxable property within the boundaries of the City for such payment, without limitation as to either rate or amount.

Bonds of this issue maturing on or prior to [date] are not subject to redemption prior to maturity.

Bonds or portions of bonds of this issue in multiples of \$5,000 maturing or subject to mandatory redemption on or after [date] shall be subject to redemption prior to maturity at the option of the City, in such order as the City shall determine and within any maturity by lot, on any date on or after [date] at par plus accrued interest to the date fixed for redemption.

MANDATORY REDEMPTION

Bonds of this issue maturing [date] and [date] (the “Term Bonds”) are subject to mandatory sinking fund redemption by lot prior to maturity on November 1, in the years and amounts set forth below, at a price equal to 100% of the principal amount to be redeemed, plus accrued interest to the date of redemption.

<u>Term Bonds due [date] _____</u>		<u>Term Bonds due [date] _____</u>	
<u>Redemption Dates</u>	<u>Principal Amounts</u>	<u>Redemption Dates</u>	<u>Principal Amounts</u>
[date]	[amount]	[date]	[amount]
[date]	[amount]	[date]	[amount]
[date] (maturity)	[amount]	[date] (maturity)	[amount]

The principal amount of Term Bonds to be redeemed on the dates set forth above shall be reduced, in the order determined by the City, by the principal amount of Term Bonds of the same maturity which have been previously redeemed (other than as a result of a previous mandatory redemption requirement), or purchased or acquired by the City and delivered to the Transfer Agent for cancellation; provided, that each such Term Bond has not previously been applied as a credit against any mandatory redemption obligation.

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner of record a new bond of the same maturity and in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given by the Transfer Agent to each registered owner of bonds or portions thereof to be redeemed by mailing such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner of record at the address of the registered owner as shown on the registration books of the City kept by the Transfer Agent. Bonds shall be called for redemption in multiples of \$5,000, and bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bonds by \$5,000, and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in the same aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof with the same interest rate and maturity. No further interest on bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether the bonds have been presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bonds or portion thereof.

Any bond may be transferred by the person in whose name it is registered, in person or by the registered owner's attorney or legal representative duly authorized in writing, upon surrender of the bond to the Transfer Agent for cancellation, together with a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any bond is surrendered for transfer, the Transfer Agent shall authenticate and deliver a new bond or bonds, in like aggregate principal amount, interest rate and maturity. The Transfer Agent shall require the bondholder requesting the transfer to pay any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required to issue, register the transfer of, or exchange any bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of bonds selected for redemption and ending at the close of business on the day of that mailing.

It is hereby certified and recited that all acts, conditions and things required by law to be done, exist and happen, precedent to and in the issuance of this bond and the series of bonds of which this is one, in order to make them valid and binding obligations of the City have been done, exist and have happened in regular and due form and time as provided by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City of Owosso, County of Shiawassee, State of Michigan, by its City Council, has caused this bond to be signed in the name of the City by [the facsimile signatures of] its Mayor and Clerk, and a facsimile of its corporate seal to be [manually impressed/printed] hereon, all as of the Date of Original Issue.

CITY OF OWOSSO

County of Shiawassee, State of Michigan

By [Mayor to sign Bond]
Mayor

(City Seal)

Countersigned:

By [Clerk to sign Bond]
City Clerk

[INSERT STANDARD FORM OF
TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION]

[INSERT STANDARD FORM OF ASSIGNMENT]

6. The City hereby requests Miller, Canfield, Paddock and Stone, P.L.C. to continue as bond counsel to the City for the Bonds. The City Council acknowledges that Miller, Canfield, Paddock and Stone, P.L.C. occasionally represents municipal bond underwriters, banks, financial institutions and other potential participants in the bond financing process in connection with matters unrelated to issuance of the Bonds by the City.

7. The City shall not invest, reinvest or accumulate any moneys deemed to be proceeds of the Bonds pursuant to the Internal Revenue Code of 1986, as amended (the "Code"), in such a manner as to cause the Bonds to be "arbitrage bonds" within the meaning of the Code. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control and that it shall not fail to take any action necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes under the Code, including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure of investment of Bond proceeds and moneys deemed to be Bond proceeds, all as more fully set forth in the Non-Arbitrage and Tax Compliance Certificate to be delivered by the City with respect to the Bonds.

8. The City hereby designates the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

9. The estimated period of usefulness of the Street Improvements to be constructed and acquired with proceeds of the Bonds is hereby declared to be not less than 25 years.

10. If the Finance Director determines that it is in the best interests of the City to sell the Bonds by competitive sale, then the Finance Director shall fix a date of sale for the Bonds and publish a Notice of Sale of the Bonds in *The Bond Buyer*, New York, New York, or such other newspaper as may fulfill the requirements of Act 34. If the Bonds are sold by competitive sale, then the Finance Director is hereby authorized on behalf of the City, subject to the provisions and limitations of this Resolution, to award sale of the Bonds to the bidder whose bid produces the lowest interest cost computed in compliance with the terms of the Notice of Sale as published if such bid complies with the limitations contained in this Resolution.

11. If the Finance Director determines that the City will reduce costs of issuance without a significant increase in interest expense if the City negotiates sale of the Bonds to a financial institution, then it is determined to be in the best interests of the City to negotiate the sale of the Bonds, and the Finance Director is hereby authorized and directed on behalf of the City to negotiate sale of the Bonds to a bank or financial institution subject to the provisions and limitations of this Resolution.

12. The Bonds shall bear interest at a rate or rates not exceeding 5.00% per annum. The purchase price for the Bonds, exclusive of any original issue discount or premium, shall not be less than 98.00% of the principal amount of the Bonds plus accrued interest, if any. In making such determinations the Finance Director is authorized to rely upon data and computer runs provided by the Municipal Advisory Council of Michigan.

Approval of the matters delegated to the Finance Director under this Resolution may be evidenced by execution of a bond purchase agreement or certificate of sale for the Bonds.

13. In the event that the Finance Director is not available at the time that it becomes necessary to take actions directed or authorized under this resolution, then a person designated by the Finance Director, or the City Manager, or a person designated by the City Manager is authorized to take the actions delegated to the Finance Director by this Resolution. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate sale and delivery of the Bonds and expenditure of Bond proceeds, and to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient to complete the issuance, sale, and delivery of the Bonds and expenditure of Bond proceeds in accordance with this Resolution including payment of costs of issuance including Municipal Advisory Council fee, State Treasury filing fee, transfer agent fees, bond counsel fees, publication of the Notice of Sale, and any other costs necessary to accomplish sale and delivery of the Bonds.

14. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are hereby rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Owosso, County of Shiawassee, State of Michigan, at a Regular meeting held on _____ at 7:30 p.m., Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting: _____

_____ and that the following Members were absent: _____.

I further certify that Member _____ moved for adoption of said resolution and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said resolution:

_____ and that the following Members voted against adoption of said resolution: _____.

City Clerk

NOTICE OF SALE OF
\$990,000
CITY OF OWOSSO
County of Shiawassee, State of Michigan
2012 UNLIMITED TAX GENERAL OBLIGATION BONDS

The City of Owosso, County of Shiawassee, State of Michigan offers its 2012 Unlimited Tax General Obligation Bonds for sale in the principal amount of \$990,000.

BOND DETAILS: The bonds will be registered bonds of the denomination of \$5,000 or integral multiples thereof up to the amount of that maturity, originally dated as of the date of delivery thereof, and will bear interest from their date payable on November 1, 2013, and semiannually thereafter. The bonds mature on November 1 of each year as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2014	\$30,000	_____%	2024	\$55,000	_____%
2015	35,000	_____%	2025	55,000	_____%
2016	35,000	_____%	2026	60,000	_____%
2017	35,000	_____%	2027	60,000	_____%
2018	40,000	_____%	2028	65,000	_____%
2019	40,000	_____%	2029	70,000	_____%
2020	45,000	_____%	2030	70,000	_____%
2021	45,000	_____%	2031	75,000	_____%
2022	45,000	_____%	2032	80,000	_____%
2023	50,000	_____%			

PURPOSE AND SECURITY: The bonds are the second and final series of bonds authorized by the voters of the City at an election held on November 4, 2008, and are issued for the purpose of paying the costs of street improvements. The bonds will pledge the full faith and credit of the City for payment of the principal and interest thereon and will be payable from ad valorem taxes which may be levied on all taxable property in the City without limitation as to rate or amount. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally, now existing or hereafter enacted, and by the application of general principles of equity including those relating to equitable subordination.

TAX MATTERS: In the opinion of Miller, Canfield, Paddock and Stone, P.L.C., bond counsel, under existing law, assuming compliance with certain covenants by the City, interest on the bonds is excludable from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation by the State of Michigan or by any taxing authority within the State of Michigan except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

QUALIFIED TAX EXEMPT OBLIGATIONS: The City has designated the bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Internal Revenue Code of 1986, as amended.

ISSUE PRICE CERTIFICATE: The purchaser of the bonds will be required to furnish, prior to the delivery of the bonds, a certificate in a form acceptable to bond counsel as to the “issue price” of the bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended.

OPTIONAL PRIOR REDEMPTION: The bonds maturing on or before November 1, 2021 are not subject to optional redemption prior to maturity.

Bonds or portions of bonds in multiples of \$5,000 maturing on or after November 1, 2022 shall be subject to redemption prior to maturity at the option of the City in such order of maturity as the City shall determine and within any maturity by lot, on any date on or after November 1, 2021, at par and accrued interest to the date fixed for redemption.

Notice of redemption of any bond or portion thereof shall be given by the transfer agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the transfer agent. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the transfer agent to redeem the bond or portion thereof. In case less than the full amount of an outstanding bond is called for redemption, the transfer agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

BOOK-ENTRY-ONLY OPTION: At the option of the purchaser of the bonds, the bonds will be issued in book-entry-only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company (“DTC”), New York, New York. An authorized agent of DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry only form, in the denomination of \$5,000 or any integral multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased. It will be the responsibility of the purchaser to obtain DTC eligibility. Failure of the purchaser to obtain DTC eligibility shall not constitute cause for a failure or refusal by the purchaser to accept delivery of and pay for the bonds.

TRANSFER AGENT AND REGISTRATION: Principal and interest shall be payable at a bank or trust company qualified to carry out such duties under the laws of the State of Michigan to be designated as transfer agent by the City by mutual agreement with the bond purchaser. If the purchaser chooses the book-entry-only option, then as long as The Depository Trust Company or its nominee, Cede & Co., is the bondholder, payments will be made directly to DTC. Disbursement of such payments to the DTC Participants is the responsibility of DTC and disbursement of such payments to the beneficial owners of the bonds is the responsibility of the DTC Participants and Indirect Participants. Interest shall be paid by check or draft mailed to the registered owner of record as shown on the registration books kept by the transfer agent as of the 15th day of the month prior to an interest payment date. The bonds will be transferred only upon the registration books of the City kept by the transfer agent.

LEGAL OPINION: The offer to purchase the bonds shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Lansing and Detroit, Michigan. The opinion will be furnished without expense to the purchaser of the bonds at the

delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C., for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to the validity of the bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials. In submitting offer to purchase the bonds, the Bank agrees to the representation of the City by Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel.

DELIVERY OF BONDS: The City will furnish executed bonds at its expense. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. Payment for the bonds shall be made in immediately available funds.

CUSIP NUMBERS: At the request of the purchaser, CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds. The CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser of the Bonds.

FURTHER INFORMATION: Further information with respect to said bonds may be obtained from Richard C. Williams, Finance Director, City of Owosso, phone (989) 725-0570, or from Bill Danhof or Juli Baker at Miller, Canfield, Paddock and Stone, P.L.C., Lansing, Michigan, as bond counsel to the City, phone (888) 487-2070.

NO OFFICIAL STATEMENT OR RATING: Because of the size of the bond issue, the City will not prepare a Preliminary or Final Official Statement. The City did not request a rating on the Bonds.

NO CONTINUING DISCLOSURE: Due to the size of the bond issue, the City will not enter into a continuing disclosure undertaking.

Richard C. Williams, Finance Director
City of Owosso



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

TO: Owosso City Council
FROM: Donald D. Crawford, City Manager
DATE: November 28, 2012
SUBJECT: Annual Liquor License Inspections

The liquor license rules and regulations approved by the City Council provides, in part, as follows:

RENEWAL OF LICENSE AND PERMITS. The City Manager shall implement the provisions of this paragraph in such a manner as to provide for investigating each licensed establishment once every three years. Not less than one hundred twenty days prior to the renewal by the Liquor Control Commission of a liquor license and its permits, the City Manager shall cause to be conducted an investigation in accordance with paragraph 6 below. A written report of the results of the investigation shall be forwarded to the City Council. Following its review of the report, the City Council shall determine whether there is sufficient cause to request that the Liquor Control Commission not renew the license. If so, the City Council shall schedule and conduct a public hearing pursuant to paragraph 7.

When the inspection process was initiated, it was anticipated that approximately one-third of the licensed establishments would be inspected each year. The Public Safety Director and Building Official recently completed inspections for eight licensed establishments. A list of the establishments that were inspected is attached. Full text of the report is available in the Clerk's Office.

In as much as the establishments were found to be in compliance with the rules and regulations, I am recommending no further action regarding the renewal of their licenses.

MEMORANDUM

TO: Michael T. Compeau – Public Safety Director
Charles P. Rau, Building Inspector

FROM: Amy K. Kirkland, City Clerk

DATE: September 18, 2012

RE: Annual Liquor License Inspections

Following is the list of establishments with liquor licenses that need to be inspected as part of the on-going program to inspect each establishment once every three years:

Type of License	License #	Name of Licensee	Address of Establishment	Permits	Date of Inspection	Date for Re-inspection
CLUB	20341-2012	BPO Elks No. 753	524 South Washington Street	Sunday Sales (PM), OD-Serv	09/12	09/15
SDM	215694-2012	Dollar General Dolgencorp, LLC	344 West Main Street		09/12	09/15
SDD SDM	141893-2012 141894-2012	Crossroads Market T.C.M. Inc	800 South Chipman Street	Sunday Sales (AM & PM)	09/12	09/15
SDM	73699-2012	Harrand's Market, Inc.	644 Alger Street		09/12	09/15
SDM	73706-2012	Harrand's, Inc.	620 East Oliver Street		09/12	09/15
CLS C SDM	70483-2012 70484-2012	Jumbo's Bar Merkel, Inc.	204 South Washington Street	Sunday Sales (PM), Dance, Add Bar, OD-Serv, Dir-Con - 1	09/12	09/15
CLS C SDM	4540-2012 3065-2012	Roma's Back Door D.J. Enterprises, Inc.	200 East Comstock Street	Sunday Sales (PM), OD-Serv, Specific Purpose Permit (Food), Danc-Ent	09/12	09/15
CLS C SDM	131167-2012 131168-2012	Capital Bowl Lanes Trecha Enterprises, Inc.	217-219-223 South Washington Street	Sunday Sales (PM), Sunday Sales (AM), Add Bar, Specific Purpose Permit (Bowling), Danc-Ent	09/12	09/15

These inspections are done in accordance with the Liquor Licenses and Permits Rules and Regulations adopted by the Owosso City Council on December 21, 1998. A copy of the Rules and Regulations are on the network under "Virtual Clerk – Policies – Policies Rules and Regulations".

A requirement of the inspection process includes review of County Health Department inspection reports for the prior 12-month period. I have made a written request to that entity and will forward a copy to you when I receive a response.

Another requirement is to have the Police Department review police files or other sources of information to determine whether any activity in connection with the licensed premises is in violation of the law, disturbs the public peace and tranquility or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premises.

I have attached inspection forms for your use. Please complete the inspections and return the completed forms and any related inspection information to me as soon as possible as I'd like to have the inspections completed by the end of October.

If you have any questions feel free to contact me.



City of Owosso

Parks & Recreation Commission 2012 Report & 2013 Action Plan

2012 REPORT

Background

The City of Owosso Parks & Recreation Commission (OPRC) was formally reestablished by the Owosso City Council in 2008. Its purpose is to provide quality park and recreation opportunities based upon cost, efficiency and community need by functioning as a recommendation and planning body for the City Council. To do so, the commission meets monthly, on the fourth Monday, at 6:00PM in the City Council Chambers.

The commission oversees the physical planning of the city's comprehensive park system. The commission also makes recommendations to the City Council and city staff concerning the operation, maintenance, and programming of the city's parks and recreational system. The OPRC makes its recommendations and designs plans based upon the guidance provided in the 2006 and the updated 2011 Owosso Parks and Recreation Plan.

The commission's current membership is as follows:

Michael Espich, Chairperson – Term through June 30, 2015
Jeff Selbig, Vice-Chairperson – Term through June 30, 2015
Tim Alderman – Term through June 30, 2013
Sherri Chavora – Term through June 30, 2013
Jerry Hebekeuser – Term through December 31, 2012
Adam Zettel, Ex Officio Member & Recording Secretary

The City of Owosso park system consists of over 250 acres spread throughout the following thirteen parks:

	<i>Park Name</i>	<i>Acreage</i>
1.	Collamer Park	164
2.	High Parker Field	15
3.	James Miner River Walkway	13
4.	Rudy DeMuth Field	10.2
5.	Bennett Field	10
6.	Bentley Park	8.2

7.	Rosevear Park	7.8
8.	Curwood Castle Park	7
9.	Grove Holman Park	6
10.	Harmon Patridge Park	5.2
11	Memorial Park	1.3
12.	Grand Avenue Park	1.3
13.	Fayette Square	1.1

2011 Activities

- **Playscape Construction**
 - Status: Complete
 - This project consisted building a large scale playscape at Bentley Park. Originally, a three phase approach was chosen. This consisted of a tower structure, swings and similar apparatus, and a future phase three to be determined. The design was refined to combine the tower and other apparatus, with a phase two in the form of a rock feature or splash pad. The work was completed in July thanks to tremendous community financial and other support
- **Collamer Park trail signage**
 - Status: Complete
 - This was an opportunistic project that satisfied an element from year II of the park plan implementation strategy. The project consisted of trail signage, maps, new signs, and benches that were put in place by an Eagle Scout candidate. The work was done during mid-summer.
- **Rudy DeMuth concession stand**
 - Status: Under construction
 - This project was approved in a prior year, but was commenced only this fall after much volunteer support, financial and otherwise was obtained.
- **Recreation Passport Grant**
 - Status: Complete
 - This project has been planned for many years and was constructed during the spring and summer of 2012. It is in full operation.
- **Holman pool demolition**
 - Status: Complete
 - The Holman pool was declared unsalvageable. Efforts to clear the site of the pool structure itself are complete. The adjoining building is still present. The future of the site is unclear, but opportunity exists for a winter warming house for skating and sledding.
- **Planned ice skating**
 - Status: Planned
 - City staff, at the recommendation of citizens and the OPRC, is going to attempt to create areas for ice skating in the city by freezing water in traditional low spots. There are also some plans to make one of the three tennis courts at Bentley Park into a seasonal ice skating rink. This will depend

upon the MDNR permissions on the use of grant funds and other pricing elements.

- Disk golf
 - Status: Fundraising stageResidents from the community presented to the OPRC and demonstrated their interest in developing a disk golf course on city land. After walking sites, Rosevear (including cemetery land to the west) was a highly preferred option. This group spent much time in the park and adjacent lands clearing areas for use. Fundraising in the amount of \$6,500 is needed to begin installation of the targets.
- Splash park investigation
 - Status: Pending state approvalA splash pad is planned and funded for Bentley Park. Construction is awaiting approvals by the MDEQ. These are expected anytime.

2013 ACTION PLAN

Per the bylaws of the Owosso Parks and Recreation Commission, the commission is to adopt an action plan each year to focus planning efforts and objectives for the next calendar year. These objectives represent a focused effort to deliver recommendations and actions in accordance with the intent and word of Owosso Parks and Recreation Plan.

The following represents the OPRC's 2013 project list:

- Bentley Park maintenance improvement
 - Execute the Recreation Passport Grant rehabilitation plan
 - Attempt to include an ice skating component
- Bentley Park splash pad
 - Acquire MDEQ approval and install the splash pad
 - Consider walkway improvements from the pavilion to the pad
- Trails
 - Work on wayfinding and signage for the James Minor trail
 - Support maintenance on the existing trail system
 - Continue with the west end trail connector study and implementation
 - Create a trail/bike route map and plan for the city to integrate with rail trail and consider connections between Rosevear and Collamer Park/Baker
 - Consider trail loops to the skate park and to Gould from Oakwood bridge
- Finish improvements to the amphitheater
 - Install a steel roof
- Disc Golf (pending community interest/effort)
 - Secure private funding
 - Assist group with installation
- Seek funding for landscaping at Hugh Parker Park
- Seek to re-plumb bathrooms at Bennet Field

- Accessibility
 - Continue accessibility work on the entire park system
- Seek funding for a fishing pier and launch at Hopkins Lake
- Consider options for a trailhead in the city
- Opportunistic Improvements
 - Add low-cost, low-maintenance equipment (such as small hills, large drain pipe, or used equipment) to neighborhood parks if such equipment becomes available

The above projects are anticipated to be completed or otherwise worked on as outlined during the 2013 calendar year. Additional projects may be introduced by the council or OPRC as necessary.

Respectfully submitted to the Owosso City Council by the Parks and Recreation Commission on November 26, 2012.

Michael Espich, Chairperson

**MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
November 20, 2012**

The meeting was called to order by Chairman Randy Horton at 9:35 a.m.

Roll call was taken by Adam Zettel.

MEMBERS PRESENT: Chairperson Randy Horton, Vice-Chairperson Christopher Eveleth, Commissioner William Wascher.

MEMBERS ABSENT: Secretary Daniel Jozwiak, Commissioner Kent Telesz, and Alternate Matt Grubb. Vacancy remains for second alternate.

OTHERS PRESENT: Adam Zettel, Assistant City Manager and Director of Community Development; Charles Rau, Building Official; Petitioners Mr. David Wakeland and his design team (Chris Grzenkowicz & Ken Jones); Julianne Skrbec, and Irene Graff.

AGENDA: IT WAS MOVED BY BOARD MEMBER EVELETH AND SUPPORTED BY BOARD MEMBER WASCHER TO APPROVE THE AGENDA, AMENDED TO REFLECT THE REMOVAL OF THE TRAINING PROGRAM, FOR NOVEMBER 20, 2012

AYES: ALL. MOTION CARRIED.

MINUTES: IT WAS MOVED BY BOARD MEMBER WASCHER AND SUPPORTED BY BOARD MEMBER EVELETH TO APPROVE THE MINUTES OF THE MEETING OF AUGUST 21, 2012.

AYES: ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from August 21, 2012
3. Variance request materials – 109 Corunna Avenue
4. Training Materials

COMMISSIONER/PUBLIC COMMENTS: None.

PUBLIC HEARINGS:

1. Variance Request – 109 Corunna Avenue #2012-03

Chairman Horton opened the Public Hearing at approximately 9:40 am.

Mr. Grzenkowicz introduced Mr. Wakeland. Mr. Wakeland explained that they were seeking a major modification of their business to align their structure and business plan to the new market. This is due to fuel sales losing their profitability and convenience sales gaining popularity. He said that the ~400 square foot expansion is to meet these ends and should make the property an attractive gateway to the community while making the property more viable as well.

Mr. Grzenkowicz stated the expansion is needed on the east side because there is a canopy and fuel stalls to the south, storage tanks to the west, and no property at all to the north. He explained how the site has two front yards, but the distinction of a side and rear yard is unclear. Because the ordinance requires one rear yard, one such side is to have a 10 foot setback. The petition seeks to have both non-front yards have a setback of zero, a condition only allowable for a side yard.

He detailed how the petition met all basic conditions for a variance, largely predicated upon the smallness of the site as it relates to the existing building configuration and the unique shape. He then explained how these elements also contributed to the merit for a variance as it met special condition two of the ordinance. Specifically, he said the presence of an existing retaining wall at the lot line made this site unique in that a new structure at grade is not even necessary and would have no impact on the use of the alley or the properties in the vicinity.

Mr. Zettel said he concurred with the basic and special condition findings that the petitioner laid out in their application letter. He specifically noted the retaining wall as being a unique feature on the site. He

recommended approval as proposed. Mr. Zettel also noted that there were no written, verbal, or other comments made to city staff on this matter.

Mr. Wascher asked if the retaining wall condition was suitable for building and if the expansion would eliminate needed storage space. Mr. Jones stated that the wall would be engineered to meet all codes, and Mr. Wakeland said that a bottle/can compactor would eliminate their need for storage in this area.

There being no public comments, Chairman Horton closed the public hearing and brought it back to the board at 9:55 am.

Motion by Board Member Eveleth, supported by Board Member Wascher:
The Owosso Zoning Board of Appeals, after reviewing the case for 109 Corunna Avenue, parcel number 050-651-200-014-00, case number 2012-03, hereby makes the following findings:

- 1. The use and property in question is found to be a Class A non-conforming use/structure.**
- 2. The petition meets all basic conditions for a variance.**
- 3. The petition meets a special condition, specifically condition number two, by virtue of the unique shape and layout of the site, specifically the retaining wall on the east lot line.**

AYES: ALL. MOTION CARRIED.

Motion by Board Member Eveleth, supported by Board Member Wascher:
Based upon the findings for variance request 2012-03, the Owosso Zoning Board of Appeals hereby approves the petition to permit the building expansion with a zero (0) foot setback on the east (rear) property line as illustrated in the petition and accompanying renderings dated November 8, 2012.

AYES: ALL. MOTION CARRIED.

COMMISSIONER/PUBLIC COMMENTS:

Irene Graff stated that she felt the added second floor was a waste of money if there was not to be any sort of occupancy of it.

ADJOURNMENT:
MOTION BY BOARD MEMBER EVELETH, SUPPORTED BY BOARD MEMBER WASCHER TO
ADJOURN AT 10:07 A.M.
AYES: ALL. MOTION CARRIED.

Dan Jozwiak, Secretary

a.h.z.

MINUTES FOR THE REGULAR MEETING
OWOSSO HISTORIC DISTRICT COMMISSION
NOVEMBER 14, 2012 at 6:00 p.m.
COUNCIL CHAMBERS / CITY HALL

MEETING WAS CALLED TO ORDER at 6:05 p.m. by Chairperson Newman.

ROLL CALL was taken by Recording Secretary Marty Stinson

MEMBERS PRESENT: Chairperson Scott Newman, Secretary Phil Hathaway; Commissioners Matthew Van Epps and Gary Wilson.

MEMBERS ABSENT: Vice Chairperson Vincent Gonyou; Commissioners James Eaton and Lance Omer.

OTHERS PRESENT: Sarah Warren-Riley, Housing Program Manager; Don Crawford, City Manager; and Rhetta Parsons, Shiawassee United Way.

AGENDA APPROVAL: Motion by Commissioner Hathaway, supported by Commissioner Van Epps to approve the agenda for November 14, 2012 as presented.
Yeas: All. Motion was passed.

MINUTES APPROVAL: Motion by Commissioner Hathaway, supported by Commissioner Wilson to approve the minutes for the meeting of October 17, 2012.
Commissioner Van Epps abstained from voting.
Yeas: All. Motion was passed.

COMMUNICATIONS:

- 1) Staff Memorandum
- 2) Meeting minutes of October 17, 2012

PUBLIC COMMENTS: None.

PUBLIC HEARINGS: None.

ITEMS OF BUSINESS:

1) 123 - 125 S. Washington St – Sign Application

Rhetta Parsons from the Shiawassee United Way stated they were soon moving there and requested a 24' x 18' sign placed under the Indian Trail sign on the side of the building facing Comstock Street. She asked for it to be placed under the Indian Trail sign to the left to leave room for an expected sign by another business in the building.

Motion by Commissioner Hathaway, supported by Commissioner Van Epps find that the exterior sign proposed at 123 S. Washington Street does not meet all the Secretary of the Interiors Standards, and is inappropriate for the district, but recognizing that the following condition prevails:

1. The sign placement proposed is in anticipation of a future sign that will be installed to the right.

Hereby directs staff to issue a Notice to Proceed for the sign and building permit application as applied for and detailed by the applicant.

Yeas: All. Motion was passed.

2) 301 W. Main Street – Door Replacement Application

City Manager Don Crawford stated that the biggest heat loss for the city hall building was the doors at the two entrances. Mr. Crawford had the original blue prints from the 1920's showing the original door plans. He is seeking wood door replacements.

Discussion followed regarding the manufacturer that was found – Daiitk Woodwork in Sterling Heights making the custom made doors; 36" x 84" with a side panel on the east entrance.

Motion by Commissioner Wilson, supported by Commissioner Hathaway that the Owosso Downtown Historic District Commission, finding that the exterior improvements proposed for 301 W. Main Street meet all the Secretary of the Interiors Standards, as well as local standards, hereby directs staff to issue a Certificate of Appropriateness for the work and building permit application as applied for and illustrated.

Yeas: All. Motion was passed.

3) 202 S. Water Street – Changeable Copy Sign.

An offer was made to donate a sign in front of the Public Safety building at this location. Then it was suggested that a different sign be used which is what was brought before the board that had a white, interior lit area.

Motion by Commissioner Hathaway, supported by Commissioner Van Epps to deny the proposed replacement sign as presented because it does not meet the Secretary of the Interiors Standards and is inappropriate to the historic district.

Yeas: All. Motion was passed.

4) 113 S. Washington Street – Window Replacement Application

Ms. Sarah Warren-Riley stated the replacement windows at this address will match the window next door which was the nearest example available as to what should be installed.

Motion by Commissioner Hathaway, supported by Commissioner Wilson, finding that the exterior improvements proposed for 113 S. Washington meets all the Secretary of the Interiors Standards, as well as local standards, hereby directs staff to issue a Certificate of Appropriateness for the work and building permit application as applied for and illustrated.

Yeas: All. Motion was passed.

Items of Discussion:

1) Outreach plan for NRHP

Ms. Warren-Riley stated the Ms. Kelly Larson contacted her and asked about the outreach plan for the NRHP. Commissioner Hathaway suggested that a letter be distributed in the Main Street newsletter. Ms Warren Riley will contact the Main Street Director about that dissemination.

ADJOURNMENT:

Chairman Newman adjourned the meeting at 7:04 p.m.

Phil Hathaway, Secretary

**Minutes
Regular Meeting of the Parks & Recreation Commission
Council Chambers, City Hall
November 26, 2012 – 6 p.m.**

The meeting was called to order at 6:08 p.m. by Chairman Hebekeuser.

Roll call was taken by Recording Secretary Marty Stinson.

Members Present: Chairman Jerry Hebekeuser; Commissioners Tim Alderman, Sherri Chavora, and Michael Espich.

Members Absent: Commissioner Jeff Selbig.

Others Present: Adam Zettel, Assistant City Manager and Director of Community Development; Robert Flynn.

Approve Agenda for November 26, 2012:

A motion to approve the agenda as presented was made by Commissioner Chavora and supported by Commissioner Espich.

Ayes: all. Motion carried.

Approve Minutes from October 22, 2012 meeting:

A motion to approve the minutes from the October 22, 2012 meeting was made by Commissioner Chavora and supported by Commissioner Alderman.

Ayes: all. Motion carried.

Public / Board Comments:

Commissioner Espich stated that if he was elected chairman that he would need to leave or conclude the meetings at 6:50 because he has another obligation at 7:00. It was noted the vice-chairman could take over the meeting if he needed to leave.

Communications:

1. Staff memorandum
2. October 22, 2012 minutes
3. Park Rules
4. 2013 Action Plan

Business:

1. Officer Selection

Motion by Commissioner Alderman, supported by Commissioner Chavora to nominate Commissioner Espich for Chairman of the Parks and Recreation Commission.

Ayes: all. Motion carried.

Motion by Commissioner Espich, supported by Commissioner Alderman to nominate Commissioner Selbig for Vice-Chairman of the Parks and Recreation Commission.

Ayes: all. Motion carried.

Adam Zettel is Secretary per commission by-laws.

2. Disc Golf, Trail Connector, and Splash Pad Updates

Disc Golf - Mr. Adam Zettel, Assistant City Manager and Director of Community Development stated the disc golf project is stalled for now. Commissioner Alderman is acquainted with Dorsey Crank and they are still enthused about the project. They need people and machinery to clear the area.

Trail Connector – Mr. Zettel stated there is a call for professionals to do a study for the CIS trail from the township to the River Walk Apartments. Various options were discussed.

Splash Pad – Mr. Zettel stated this has obviously been moved to the spring. Because this is designed to be modular, the DEQ is requesting more engineering information from the city. Chairman Hebekeuser advised starting to work on this again in January to expedite the process.

3. Park Rules Update

Mr. Zettel reviewed some changes. Discussion regarding vendors found that the intent is to check out their background; to have proper permits issued; and to maintain performance standards.

Motion by Commissioner Chavora, supported by Commissioner Alderman to accept the Park Rules as discussed.

Ayes: all. Motion carried.

4. 2013 Action Plan

Motion to by Commissioner Espich, supported by Commissioner Alderman to accept the 2013 Action Plan as proposed.

Ayes: all. Motion carried.

Public Comments / Board Comments

Mr. Bob Flynn said he still wanted to be able to volunteer at Hopkins Lake and had no problem with the Park Rules. He has had a couple instances with aggressive dogs on the trails around the lake. People let their dogs off the leash and he has been nearly assaulted by a couple of dogs. Mr. Zettel suggested some more signage may be needed regarding keeping dogs on leashes.

Mr. Flynn also noted there is a lot of interest in the connector trail. When it's completed it would be a great asset and groups will be invited to use it.

Commissioner Espich thanked Chairman Hebekeuser for his hard work on this board, and he looks forward to seeing him in other avenues around the city.

Adjournment:

A motion to adjourn the meeting was made by Commissioner Espich and was supported by Commissioner Chavora. The meeting adjourned at 6:55 p.m.

Ayes: all. Motion carried.

Adam Zettel, Secretary

mms

**MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Council Chambers, City Hall
November 26, 2012 – 7:00 pm**

CALL TO ORDER: Meeting was called to order at 7:01 p.m. by Chairman William Wascher.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited by all in attendance.

ROLL CALL: Roll Call was taken by Recording Secretary Marty Stinson.

MEMBERS PRESENT: Chairman William Wascher; Commissioners David Bandkau, Tom Kurtz (left 8:50 p.m.), Frank Livingston Cindy Popovitch (arrived 7:10 p.m.), Ron Schlaack, Brent Smith, and Thomas Taylor.

MEMBERS ABSENT: Secretary Melvin Renfrow

OTHERS PRESENT: Adam Zettel, Assistant City Manager and Director of Community Development; Mr. P. Craig Patterson, WODA; Mr. Justin Horvath, Shiawassee County Economic Development; Mr. Gary Burk, resident of Michigan Avenue near Lincoln School and Director of Public Works for the City of Owosso; Council Members Chris Eveleth and Burton Fox.

AGENDA APPROVAL:

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER SCHLAACK TO APPROVE THE AGENDA FOR NOVEMBER 26, 2012.

YEAS ALL. MOTION CARRIED.

MINUTES APPROVAL:

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER SMITH TO APPROVE THE MINUTES OF THE MEETING OF OCTOBER 22, 2012

YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes from October 22, 2012
3. Lincoln School Rezoning Materials
4. PUD Approval Requirements
5. Design Guidelines Text
6. Assembly Use Research Materials
7. Outdoor sales and storage; temporary use text

COMMISSIONER / PUBLIC COMMENTS: None

PUBLIC HEARING:

1. Zoning Map Change: Lincoln School, 120 Michigan Avenue, from RM-2 to PUD
Mr. Adam Zettel, Assistant City Manager and Director of Community Development, stated this is a great project for the community. It is similar to the Sycamore House in Durand which the same company built. The Lincoln School will have 28 housing units using the school and a building addition. The use is ideal for this location. We need to correct the zoning and then proceed with the site plan review. Only one resident commented that Clinton Street was recently paved and the construction truck traffic might be detrimental to the new street. This will have to be discussed during the plan review.

Mr. Craig Patterson, WODA stated that Justin Horvath of the Shiawassee County Economic Development has been very instrumental in getting his company in Shiawassee County.

7:10 p.m. Commissioner Popovitch arrived.

Mr. Patterson stated that the Lincoln House (as the project would be called) is in a great location. It is near Main Street; near the river; and near Tim Horton's. Many people aged 55 and older are still active and enjoy walking. The school will be built to SHPO standards. The classrooms cannot be divided up, so the addition must be built to make the project profitable. SHPO requires that the addition look different on the exterior from

the original building. The second floor stage / lunchroom area can be split. The community space has ample room for social or visitation. No space will be for commercial or retail. There will be an atrium between the two buildings.

7:31 p.m. – Chairman Wascher opened the public hearing.

Gary Burk, 214 Michigan Avenue, is in favor of the project. He thinks it will be less intrusive than the school was. Parking was previously on the streets and will now be located on the property per the preliminary diagrams. He asked where the dumpsters were to be located.

Mr. Justin Horvath, 818 S. Washington Street, Shiawassee County Economic Developer, is also in favor of this project. The Sycamore House in Durand is very successful and was done by the same company. The residents love it and they have no problem filling the units. The market is there.

City Council Members Eveleth and Burton, both gave the project thumbs up.

7:37 p.m. – Chairman Wascher closed the public hearing and brought it back to the Planning Commission.

The criteria for PUD zoning district was reviewed by the board.

**MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER SCHLAAK:
THE OWOSSO PLANNING COMMISSION, FINDING THE PROPOSED ZONING OF THE PARCEL IN
QUESTION TO MEET THE STANDARDS OF THE ZONING CODE HEREBY RECOMMENDS TO THE CITY
COUNCIL APPROVAL OF THE REZONING OF 120 MICHIGAN AVENUE, PARCEL NUMBER 050-700-001-
008-00 TO PLANNED UNIT DEVELOPMENT ZONING.
ROLL CALL VOTE:
YEAS ALL. MOTION CARRIED.**

SITE PLAN REVIEW: NONE REQUESTED

BUSINESS ITEMS:

1. Draft Design Guidelines Ordinance Discussion

Mr. Zettel may separate residential and industrial zones. Discussion of fence regulations, mechanical equipment, and metal carports.

House of Mok – Per Mr. Zettel, after the red siding was taken off, the overhead doors were discovered. Now there is more work to do than originally thought, so there is a delay in the plans.

Stevens Law Building – Per Mr. Zettel, there may be a new buyer for this structure.

8:53 p.m. Commissioner Kurtz left the meeting.

2. Assembly Uses in Downtown Zoning Discussion

Mr. Zettel commented that if we have the theater, we have to allow a church. We could try an overlay district of restaurants, retail and entertainment. If we get a church in the downtown, it's a dead space six days a week and then it limits what can be near it.

ITEMS OF DISCUSSION: None

COMMISSIONER / PUBLIC COMMENTS: None

ADJOURNMENT:

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER SCHLAAK, TO
ADJOURN AT 9:00 P.M. UNTIL DECEMBER 10, 2012.
YEAS ALL. MOTION CARRIED.**

mms

Melvin Renfrow, Secretary