

OWOSSO CITY COUNCIL

MARCH 4, 2013

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: FATHER LES HARDING
CHRIST EPISCOPAL CHURCH

PLEDGE OF ALLEGIANCE: MAYOR BENJAMIN R. FREDERICK

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

ABSENT: Councilperson Thomas B. Cook.

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 FEBRUARY 19, 2013

Motion by Mayor Pro-Tem Popovitch to approve the Minutes of the Regular Meeting of February 19, 2013 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

FOSTER FAMILIES CERTIFICATE OF APPRECIATION

Mayor Frederick read aloud the following Certificate of Appreciation of the Mayor's Office honoring foster families and foster advocates, presenting the certificate to Tonya Allard and other representatives of the Department of Human Services.

**A CERTIFICATE OF APPRECIATION FROM
THE MAYOR'S OFFICE OF THE CITY OF OWOSSO
RECOGNIZING THE EFFORTS OF FOSTER FAMILIES AND FOSTER ADVOCATES**

WHEREAS, families serve as the primary source of love, identity, self-esteem and support, and are the very foundation of our communities and our State, and

WHEREAS, we are all too often confronted with families that are broken and unable to be that essential source of love, identity, self-esteem and support, and

WHEREAS, foster families step up to provide for the needs of those children that cannot remain with their natural families, and

WHEREAS, in the State of Michigan there are approximately 14,000 children and youth in foster care being provided with safe, secure and stable homes through a foster family, and

WHEREAS, foster, kinship and adoptive families, who open their homes and hearts and support children whose families are in crisis, play a vital role in helping children and families heal and reconnect, and have a direct role in the development of healthy, happy, well-adjusted members of society, and

WHEREAS, in addition to the enduring and invaluable contribution of foster families there are numerous individuals and public and private organizations who work to increase public awareness of the needs of children in and leaving foster care that also deserve recognition for their efforts.

NOW, THEREFORE, I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of City Council and all local residents, do hereby acknowledge and thank foster families and foster advocates everywhere, past and present, for their invaluable contributions to the foster system and the greater community and urge all citizens to come forward and do something positive that will help *change a lifetime* for children and youth in foster care.

Issued this 3rd day of March, 2013.

PUBLIC HEARINGS

ORDINANCE AMENDMENT – CHAPTER 38, ZONING – TEMPORARY STRUCTURES & OUTDOOR DISPLAYS

The proposed amendment would further define and provide clear regulation regarding temporary uses, temporary structures, and outdoor displays. Staff explained the intent of the ordinance was to establish parameters for businesses to conduct business outside of their primary structure as the current code was lacking such parameters.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 38, Zoning, Sections 38-399, Temporary structures and uses, and 38-504(4)(a), Temporary permits, of the Code of the City of Owosso.

The following person commented regarding the proposed amendment:

Tom Manke, business owner at 118 South Washington Street, expressed his feeling the new rules were unnecessary. He asked if the DDA or the Chamber of Commerce had been consulted during the formation of the rules. He said he felt the Council was driving the suggested changes and they were out of touch with the concerns of downtown business owners.

Mr. Manke's comments concluded the citizen comment portion of the hearing.

The City Manager noted some concern with the structure of the proposed ordinance as well as the clarity of some definitions. Planning Commission member Mayor Pro-Tem Popovitch explained this was the Commission's first attempt at amending the zoning ordinance to reflect the newly adopted Master Plan and as such it was a learning process and all the changes proposed were made in good faith. She also noted that while the Planning Commission had discussed the proposed changes and held a public hearing to vet the changes very little comment was received

Council held a lengthy discussion regarding the input they had received from citizens in the last two weeks as well as their own questions and reservations about the proposed ordinance.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Councilperson Eveleth to remand the proposed ordinance back to the Planning Commission for review and restructuring.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

ORDINANCE AMENDMENT – CHAPTER 38, ZONING – FENCES & DESIGN STANDARDS

The proposed amendment would further define regulations pertaining to fences and hedges and to modernize the code through the incorporation of new design standards for commercial properties and new residential properties.

Assistant City Manager Adam H. Zettel introduced the proposed amendment by giving a brief summary of the intent of the ordinance in regard fences, residential design requirements, and commercial design standards. He indicated he had received a number of comments on the proposed ordinance in the past two weeks and in light of those comments he was recommending the ordinance be remanded to the Planning Commission for further review.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 38, Zoning, Sections 38-393 and 38-396 through 38-398 of the Code of the City of Owosso.

The following people commented regarding the proposed amendment:

Tom Manke, business owner at 118 South Washington Street, said he felt the proposed ordinance was far too restrictive and that many people would not be able to afford the things required by the proposed design standards. He went on to say that he felt 85% of the population of the City would be negatively affected by the ordinance should it pass.

Greg Weinert, 530 Martin Street, said he was concerned with the proposed regulations on hedges saying he appreciates the privacy afforded by hedges and doesn't think the City should be able to tell property owners what to do on their private property.

Kathy Knerr, 1423 West King Street, said she was in favor of regulations governing the height of hedges as she has two neighbors with large hedges that caused problems for her when heavy snows caused the hedges to split and fall on her property. She felt that the likelihood of them splitting would be reduced if they were shorter. She also inquired whether the new ordinance would apply to existing hedges or only new hedges.

Kori Shook, 1409 North Gould Street, indicated she had a number of concerns with the proposed ordinance specifically the prohibition on tall grasses. She also had concerns with the design standards saying they were cost prohibitive and could discourage residents, commercial property owners, and potential investors. She said she felt that such standards have a place in restricted developments like Osburn Lakes but not in the City at large.

Mike Espich, 1124 Ada Street, said he was concerned with the proposed regulations for hedges. He felt that should the ordinance pass the standards set would require the removal of shrubs he has surrounding his entire property. He said he appreciated the intent of the proposed standards but they were a bit too heavy handed.

Eddie Urban, 601 Glenwood Avenue, suggested requiring a setback for large shrubs and hedges to avoid blocking the view of vehicles.

Kathy Michalec, 1435 West King Street, said her neighbor's hedges block her view when backing out of her driveway creating a dangerous scenario for pedestrians. She agreed that large shrubs and hedges should have a setback requirement.

This concluded the citizen comment portion of the hearing.

Various Council members shared their concerns with the proposed ordinance, with the Mayor presenting a long list of changes and concerns.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Eveleth that the proposed ordinance be remanded to the Planning Commission for further review and revision.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

Mayor Frederick noted that all meetings of the Planning Commission are open to the public and he encouraged continued participation.

IFT EXEMPTION AMENDMENT – RUESS WINCHESTER, INC.

A public hearing was conducted to gather citizen comment on the application from Ruess Winchester, Inc., 705 McMillan Avenue, to amend the Industrial Facilities Tax Exemption Certificate originally approved in October 2011 to add an additional \$113,512.98 in new eligible personal property.

The following person addressed the Council regarding the proposed amendment:

Justin Horvath, SEDP president/CEO, expressed his support for the request saying RWI is a valuable member of the business community.

Motion by Councilperson Eveleth to approve amendment to Industrial Facilities Tax Exemption Certificate No. 2011-493 to include an additional \$113,512.98 in new personal property as follows:

RESOLUTION NO. 20-2013

**APPROVING AN IFE APPLICATION
TO AMEND CERTIFICATE NO. 2011-493
TO ADD ADDITIONAL PERSONAL PROPERTY TO THE EXISTING ABATEMENT FOR
RUESS WINCHESTER, INCORPORATED
705 MCMILLAN AVENUE**

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on March 19, 1979, the Owosso City Council, by resolution established an Industrial Development District that includes the property located at 705 McMillan Avenue; and

WHEREAS, utilizing the above district Ruess Winchester, Incorporated was approved for an Industrial Facilities Exemption Certificates with respect to real valued property valued at \$1,000,000 and personal property valued at \$388,800 on October 17, 2011; and

WHEREAS, since that time the acquisition of additional personal property, valued at \$113,512.98, was needed due to growth beyond original business projections; and

WHEREAS, acquisition of the additional personal property has created jobs and prevented loss of employment since the issuance of Certificate No. 2011-493; and

WHEREAS, Ruess Winchester, Incorporated wishes to amend their application for tax abatement to include the additional new personal property; and

WHEREAS, the law allows an application for tax abatement to be amended for a period of two years after the Certificate is granted; and

WHEREAS, before acting on said application to amend certificate number 2011-493, the City of Owosso held a hearing on March 4, 2013, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the amended total value of personal property for Certificate No. 2011-493 would be \$502,312.98, and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this amendment to certificate number 2011-493, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Owosso that:

FIRST: The City Council finds and determines that the granting of the amendment to Industrial Facilities Exemption Certificate No. 2011-493, considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended, shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Ruess Winchester, Incorporated for the Industrial Facilities Exemption Certificate amendment, with respect to Real and Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

Real Parcel

PART OF BLKS 8 & 9, GEO T ABREYS WOODLAWN PARK ADD DESC AS BEG AT A POINT N00°42'06"E ALONG THE W LN OF BLK 8 AND E LN OF MCMILLAN 528.55' FROM SW COR OF SAID BLK 8 TO POB, TH CONT N00°42'06"E ALONG SAID W LN OF BLK 8 AND E LN OF MCMILLAN AV 206.85', TH S89°58'12"E 443.36', S01°05'45"W 206.87', N89°58'12"W 441.94' TO W LN BLK 8 AND POB.

District

BLOCKS 8 & 9 ALSO BEG SW COR LOT 1, BLK 11 TH N 03°39', E 366.24', TH S 62°27', E 556.27' TH S 01°05', W 118.70' TH W TO POB INCLUDING VACATED ABREY AVE. & ALLEYS ADJACENT AND WITHIN SAID BLOCKS. GEO. T. ABREY'S WOODLAWN PARK ADDN.; and

is hereby approved.

THIRD: The Industrial Facilities Exemption Certificate Amendment, when issued, shall be and remain in force for the remainder of years approved under Certificate No. 2011-493.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

CITIZEN COMMENTS AND QUESTIONS

Justin Horvath, SEDP president/CEO, distributed copies of the SEDP's Annual Report and gave a brief detail of its contents, including the new strategic plan. He indicated the SEDP has done very well in its efforts to help maintain and attract jobs to the area, so much so that they have plans to move the organization to the next level by adding new services and initiatives. He went on to thank the City for its generous financial support.

Kathy Knerr, 1423 West King Street, expressed her hope that some thought would be given to creating setbacks for large hedges and bushes to prevent them creeping over property lines and/or sidewalks.

Kathy Michalec, 1435 West King Street, inquired whether goats were allowed in the City. She indicated a neighbor had a potbellied pig and she was wondering how this was possible given the City's ordinance regarding animals. She also expressed her support for establishing setbacks for large hedges and shrubs.

Tom Manke, business owner at 118 South Washington Street, thanked the Council for remanding both of the proposed ordinances back to the Planning Commission. He also inquired whether chickens were allowed in town.

Eddie Urban, 601 Glenwood Avenue, said he had attended the Home & Garden show the previous weekend and recorded the event for playback on channel 95. He also spoke about emergency preparedness efforts and said he would leave some information on emergency preparedness for anyone interested.

Greg Weinert, 530 Martin Street, commended the Council for the job they do saying he felt they had the public's best interest at heart.

Mayor Pro-Tem Popovitch relayed a conversation she had with a local tree trimmer saying that as a commercial tree trimmer the man was prohibited from placing brush and trimmings out for pick-up at his rental properties and she felt this was unfair. She also noted that the same man had been turned away from the drop off site when he tried to take the said brush to the dump in his company truck. It was noted he should have no problem requesting brush pick up for his rental properties, the only prohibition applies to commercial companies hired to trim on private property. Councilperson Fox suggested a form be developed that verifies that trimmings came from a property within the City and as such should be able to be dumped at the drop off site. Councilperson Crawford noted that the DEQ regulates commercial vehicle traffic at the drop off site.

Councilperson Bailey asked that the evergreens be taken out of the baskets on the bridge as they were looking bad.

Mayor Pro-Tem Popovitch complemented the Schools on their sponsorship of the Alma College Percussion Ensemble saying it was a great performance.

CITY MANAGER REPORT

City Manager Crawford briefly detailed the project status report.

There was a brief discussion regarding park funding and whether any progress had been made on DEQ approval of the splash pad. (It was noted a meeting with the DEQ was scheduled for the following week.)

CONSENT AGENDA

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

Mid-Michigan Custom Car Show Permission. Consider application of Andy Genovese on behalf of the Mid-Michigan Custom Car Show for use of Washington Street from Main Street to Mason Street and Exchange Street from Water Street to Park Street from 8:00am to 6:00pm on Sunday, May 19, 2013 for the Mid-Michigan Custom Car Show and authorize Traffic Control Order No. 1283 formalizing the request.

Warrant No. 459. Accept Warrant No. 459 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc	Network Engineering Support-January 2013	General	\$8,568.00

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

ITEMS OF BUSINESS

DDA TAX ANTICIPATION LOAN

City Manager Donald D. Crawford noted that the DDA would be experiencing a cash crunch just before taxes are due to be collected. They had considered issuing a tax anticipation note to cover the gap but the cost was prohibitive and there were timing issues as well. It was felt the risk was low in that the funds would be paid back by the upcoming tax collection.

Motion by Councilperson Eveleth to authorize lending \$10,000 to the Downtown Development Authority/Owosso Main Street to fund operations in anticipation of taxes to be received with the 2013 tax collection as follows:

RESOLUTION NO. 21-2013

LENDING THE OWOSSO DOWNTOWN DEVELOPMENT AUTHORITY \$10,000

WHEREAS, the city of Owosso Downtown Development Authority is a quasi-independent entity of the city of Owosso; and

WHEREAS, Owosso Downtown Development Authority according to PA 197 of 1975 levies an ad valorem tax on the real property not exempt by law and as finally equalized in the downtown district. The city of Owosso collects the tax at the same time and in the same manner as it collects its other ad valorem taxes and is credited to the general fund of the Authority for purposes of financing only the operations of the Authority; and

WHEREAS, the City may at the request of the Authority borrow money and issue its notes therefore pursuant to Act 34 of the Public Acts of 2001, as amended, being sections 141.2409 of the *Michigan Compiled Law*, in anticipation of collection of the ad valorem tax; and

WHEREAS, the Owosso Downtown Development Authority has determined that a need exists for \$10,000 in anticipation of collection and payment of the ad valorem tax and that for the Authority borrow money and issue its notes therefore pursuant to Act 34 of the Public Acts of 2001 would be costly and time consuming; and

WHEREAS, a financially prudent measure is for the city of Owosso to lend the Owosso Downtown Development Authority \$10,000 with an annualized interest rate of three percent (3%) until the ad valorem taxes are credited to the general fund of the Authority.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF OWOSSO DIRECTS that the city of Owosso lend the Owosso Downtown Development Authority \$10,000 with an annualized interest rate of three percent (3%) until the ad valorem tax next due is credited to the general fund of the Authority.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: Councilpersons Erfourth and Fox.

ABSENT: Councilperson Cook.

COMMUNICATIONS

Heather Rivard, DDA/OMS Director. Communication detailing new street closure policy for entities wishing to partner with the DDA/OMS for events downtown.

Historical Commission. Minutes of February 11, 2013.

Downtown Historic District Commission. Minutes of February 20, 2013.

Parks & Recreation Commission. Minutes of February 25, 2013.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

Councilperson Fox said he had spoken with the Homebuilders Association recently to inquire about progress on the house at 1409 West Main Street. While the cost to repair the home have

proceeded higher than expected they anticipated work being completed by the end of April. Mr. Fox also went on to commend the DPW for their efforts in keeping the streets clear of snow and ice.

NEXT MEETING

Monday, March 18, 2013

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals, term expires 06-30-2015 (candidate must possess construction knowledge)

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 9:25 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk