

**OWOSSO CITY COUNCIL**

**APRIL 1, 2013**

**7:30 P.M.**

- PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK
- OPENING PRAYER:** REVERAND RAY STRAWSER  
MEMORIAL HEALTHCARE HOSPICE CHAPLAIN
- PLEDGE OF ALLEGIANCE:** DAVID BANDKAU  
PLANNING COMMISSION MEMBER
- 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:** Mayor Pro-Tem Cindy S. Popovitch and Councilperson Loreen F. Bailey.

**APPROVE AGENDA**

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

- Move Consent Items 1-3 to Items of Business 3-5
  - 1. Historical Commission Home Tour Permission.
  - 2. Curwood Festival Permission.
  - 3. Steps for Courage 5K Run and Competitive Walk Permission.
- Add Item of Business 6.
  - 6. Unpaid Utility Charges.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 18, 2013**

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of March 18, 2013 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**PARKINSON'S AWARENESS MONTH**

Mayor Frederick read aloud the following proclamation of the Mayor's Office declaring April 2013 as Parkinson's Awareness Month in the City of Owosso. Karen Prussner of the local Parkinson's Support Group was on hand to receive the proclamation:

**A PROCLAMATION  
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
PROCLAIMING APRIL 2013 AS  
PARKINSON'S AWARENESS MONTH IN THE CITY OF OWOSSO**

- WHEREAS, Parkinson's disease is a chronic, progressive neurological disease that causes motor system disorders; and
- WHEREAS, Parkinson's disease affects nearly 35,000 in the State of Michigan and its prevalence continues to rise significantly with increasing age of the Baby Boom generation; and
- WHEREAS, a local support group, the Owosso Parkinson's Support Group, has been meeting for over twenty-two years in an effort to provide education, support and fellowship to those affected by this frustrating disease.

NOW, THEREFORE, I, Benjamin R. Frederick, Mayor of the City of Owosso, Michigan, do hereby proclaim the month of April 2013 as Parkinson's Awareness Month in the City of Owosso, Michigan and do hereby encourage all citizens of this community to acknowledge and support the Owosso Parkinson's Support Group and their activities to inform and serve the citizens of our community because their services make a difference.

Proclaimed this 1<sup>st</sup> day of April, 2013.

**PUBLIC HEARINGS**

None.

## **CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, business owner at 118 South Washington Street, inquired how many times a councilperson can be absent before they are removed. He also spoke about his feeling that there was a disconnect between City leadership and residents of the City. He mentioned two occasions in which he felt a board/commission overstepped their authority and created oppressive situations for residents. He said Council was responsible for the actions of board/commission members because they approve their appointments.

Greg Remington, Lytle Road resident, noted his concern that local contractors are not being hired for some of the big construction projects in town, specifically the renovation of the 4<sup>th</sup> floor at the Hospital and the reconstruction of the Lebowsky Center. He inquired whether grant money was involved in the Lebowsky project and how he could find information on the project.

Mike Espich, Parks & Recreation Commission Chairperson, said that as a board member he feels he is in tune with the desires of citizens and listens to what they want. He went on to encourage citizens to attend board/commission meetings and participate in the decision making process. He noted that he had come this evening to show his support for the disc golf project saying the citizens that had spearheaded the project were diligent and dedicated to producing a great course that would be an asset to the community. He recommended Council grant final approval and authorize a matching grant of \$1500 for the project. Lastly, he announced a Plunge for Parks event to be held April 13<sup>th</sup> at Hopkins Lake with the proceeds to benefit the disc golf course.

Mayor Frederick announced the City's Arbor Day festivities saying the City was partnering with the Owosso Public Schools and others to help refurbish the oak grove at Emerson School. Active fund raising for the project is ongoing. A planting event will be Saturday, April 27<sup>th</sup> at 9:30 am at the school and all were encouraged to participate.

There was discussion regarding whether local contractors would be involved in the Lebowsky Center rebuild. Concerned parties were encouraged to obtain the facts prior to making any claims.

Councilperson Eveleth extended his appreciation to the many boards and commissions members in the City, saying they serve without pay and face difficult decisions that are many times predicated by an outside authority.

Mayor Frederick echoed those sentiments and added his own saying boards and commissions members are not chosen because their philosophy is in line with that of Council but because they are thoughtful and care about the community. He went on to say that he was pleased with the variation in ideas that had been brought forth and debated noting there was give and take and public vetting throughout.

Councilperson Erfourth echoed Councilperson Eveleth's and Mayor Frederick's comments saying the job of boards and commissions members is rather thankless. He said he felt they did their best to do right by the City and they were a great example of democracy in action. He said that all too often public comment is missing in boards and commissions discussions and he encouraged everyone to participate in meetings.

Councilperson Fox noted that the Council takes a lot of abuse on Facebook from information that isn't even factual. He said the Council listens to people when they address the meeting and that airing complaints on Facebook is not the best way to resolve a problem. He encouraged people to attend meetings and participate in the discussion saying that some Facebook posters probably have some great ideas but they would never come to light unless they were communicated to their elected leaders.

## **CITY MANAGER REPORT**

City Manager Crawford gave a brief overview of the Project Status Report for March and proposed an agenda item for the 5<sup>th</sup> Monday meeting to discuss revamping the South Washington Street corridor.

City Manager Crawford presented the Council with the 2013-2014 Proposed Budget. He indicated it had been a challenging document to prepare as property tax revenues continue to fall and state and federal grant funding has dried up. He indicated a desire to examine the following ideas as a part of the budget process: establishing a tax to fund the City's payment to the SEDP, examining funding mechanisms to support the City's historic properties like the Gould House and Curwood Castle, reworking the City's fee structure, considering another bond to support future street reconstruction, and a close examination of storm water issues around town. He proposed possible budget workshop dates for April 22<sup>nd</sup> and 29<sup>th</sup>.

## **CONSENT AGENDA**

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

Historical Commission Home Tour Permission. This item was moved to Item of Business 3.

Curwood Festival Permission. This item was moved to Item of Business 4.

Steps for Courage 5K Run and Competitive Walk Permission. This item was moved to Item of Business 5.

Warrant No. 461. Accepted Warrant No. 461 as follows:

Vendor	Description	Fund	Amount
Logicalis, Inc.	Network Engineering Support – February 2013	General	\$ 9,996.00

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Eveleth, Fox, Cook, Erfourth, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Bailey.

**ITEMS OF BUSINESS**

**LOT SPLIT AUTHORIZATION – 1310 WEST OLIVER STREET**

While he had no objection to the proposed split Councilperson Cook inquired whether the Council could legally deny a lot split and if not why the Council was addressing the item. City Manager Crawford noted that he was of the opinion the Council could not legally deny a lot split that met all the necessary requirements. He said he thought the current process for approval was a hold-over from a local requirement that no longer was relevant.

Motion by Councilperson Eveleth to authorize the division of a City lot under the Michigan Subdivision Control Act for platted lot commonly known as 1310 West Oliver Street, parcel # 050-537-000-017-00 as follows:

**RESOLUTION NO. 24-2013**

**LOT SPLIT  
1310 WEST OLIVER STREET  
PARCEL #78-050-537-000-017-00**

WHEREAS, the City of Owosso received a petition from Neil Kraay, on behalf of the Oliver Woods Retirement Village, for a lot split for their property at 1310 West Oliver Street, parcel number 78-050-537-000-017-00, complete with a professional survey and application; and

WHEREAS, Sec. 30-5. Article I, Chapter 30 of the Code of the City of Owosso requires such applications to be approved by the city council; and

WHEREAS, the city building official, assessor, community development director, utilities director, and engineer have all approved the application.

NOW THEREFORE BE IT RESOLVED that the City of Owosso City Council hereby approves the split as illustrated and described by the city assessor in the application dated March 15, 2013, resulting in the creation of a new 2.634 acre vacant parcel having street access on North Chipman Street.

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Erfourth, Fox, Cook, Eveleth, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Bailey.

**DISC GOLF COURSE ACCEPTANCE**

Council noted they were in receipt of new specific details for the park.

Councilperson Erfourth indicated he had walked around the site a while back and from what he observed the group was doing a great job to date.

Motion by Councilperson Erfourth to approve acceptance of the donation of a disc golf course as proposed, to be located in part in Rosevear Park, and further approve the commitment of \$1,500 in City funds for the project as follows:

**RESOLUTION NO. 25-2013**

**ROSEVEAR DISC GOLF COURSE DONATION**

WHEREAS, the City of Owosso Parks and Recreation Commission has been approached by a group of citizens that desire to place a disc golf course partially within Rosevear Park; and

WHEREAS, the citizen group is responsible for securing any other property access and political approvals from the appropriate interests; and

WHEREAS, previous action by the parks and recreation commission and city council found that such a use would be a valuable asset to the park, the neighborhood, and the community; and

WHEREAS, the citizen group seeks to raise funds to purchase and install the disc golf course; and

WHEREAS, a specific proposal has been put together for this course in Rosevear Park; and

WHEREAS, such a feature would become property of the city to own, operate, and maintain after installed.

NOW, THEREFORE BE IT RESOLVED THAT the Owosso City Council hereby approves the disc golf course donation and installation as proposed.

BE IT FURTHER RESOLVED that the city council hereby accepts the donation of all assets and permits the parks and recreation commission and/or its partners to solicit funds for this project in accordance with city ordinance and policy.

BE IT FURTHER RESOLVED that the city council hereby affirms the commitment of \$1,500 to this project, to be appropriated from the general fund and accounted for by city staff.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilpersons Fox, Eveleth, Erfourth, Cook, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Bailey.

**HISTORICAL COMMISSION HOME TOUR PERMISSION** (This item was moved from Consent Agenda.)

Councilperson Cook inquired whether the applications for permission to use City streets and parking lots noted the prohibition on damage of any kind, including prohibiting stakes in the asphalt and painting the asphalt. It was noted that no such language exists on the applications but the change could be made.

Motion by Councilperson Cook to approve waiving the insurance requirement, further approve the application from the Owosso Historical Commission for use of the parking lot on the corner of Curwood Castle Drive and Bradley Street (across from the Shiawassee Arts Council) on September 21<sup>st</sup> and 22<sup>nd</sup> from 9:00 am until 6:00 pm for conduct of the 2013 Home Tour, and authorize Traffic Control Order No. 1284 formalizing the action on the contingent that staff notify the applicant of the prohibition on damage to City property.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilpersons Fox, Erfourth, Cook, Eveleth, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Bailey.

**CURWOOD FESTIVAL PERMISSION** (This item was moved from the Consent Agenda.)

Motion by Councilperson Eveleth to approve the application from the Curwood Festival for use of various parking lots and streets from June 5, 2013 through 6:00 pm June 10, 2013 for conduct of

the annual Curwood Festival and authorize Traffic Control Order No. 1285 formalizing the action on the contingent that staff notify the applicant of the prohibition on damage to City property.

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Erfourth, Cook, Eveleth, Fox, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Bailey.

**STEPS FOR COURAGE 5K RUN AND COMPETITIVE WALK PERMISSION** (This item was moved from the Consent Agenda.)

Motion by Councilperson Eveleth to approve the application of the Memorial Healthcare Auxiliary for use of portions of West King Street, 7<sup>th</sup> Street, Oliver Street, Chipman Street, Center Street, Alturas Drive and Alta Vista Drive from 9:00am to 10:30am on Saturday, April 27, 2013 for the 6<sup>th</sup> Annual Steps for Courage Run and Competitive Walk and authorize Traffic Control Order No. 1286 formalizing the request on the contingent that staff notify the applicant of the prohibition on damage to City property.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Fox, Cook, Eveleth, Erfourth, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Bailey.

**UNPAID UTILITY CHARGES** (This item was added to the agenda.)

Charter provisions require the Council to authorize the publication of a notice in the newspaper notifying residents with unpaid water and sewer bills that charges left unpaid after April 30<sup>th</sup> will be added to taxes for the parcel that received the service. Authorization for the said notice must be made at the first meeting in April, per the Charter.

Motion by Councilperson Eveleth to authorize the annual notice for the collection of unpaid utility charges and the intent to lien therefore in compliance with Chapter 15, Section 15.4(c) of the Owosso City Charter.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Fox, Erfourth, Cook, Eveleth, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch and Councilperson Bailey.

It was asked whether the City had an obligation to continue to provide water and sewer service to tenants that continually skip out on their utility bills leaving them to the landlord. City Manager Crawford indicated he believed the City had an obligation to continue to provide service.

**COMMUNICATIONS**

Historical Commission. Minutes of March 11, 2013.

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

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, business owner at 118 South Washington Street, asked why the City spent significant money demolishing the house at 1064 Tracy Street if someone had expressed interest in purchasing it. He went on to say that Council is responsible for the membership of boards and commissions because they approve the appointments. He said that the membership of the Planning Commission wasn't representative of the community because only one member of the Commission lived south of M-21. Lastly he thanked all those that serve on boards and commissions for the right reasons.

Mike Tillotson, 1299 South Shiawassee Street, commented that anyone that wants a position on Council could run and get elected, saying those that have a problem with local government

should put their hat in the ring. He also spoke briefly about bid awards saying that bids are awarded to the firm submitting the lowest bid not necessarily the firm utilizing the most local contractors.

David Bandkau, Planning Commission Member, invited everyone to attend the next meeting of the Commission as they would be discussing the ordinance amendments that Council had remanded for reworking. He went on to say that when he accepted his post on the Commission he pledged to represent all the people in Owosso, to work for the betterment of the City and not necessarily to fulfill his own agenda. He said serving has been a great learning experience. He switched topics and asked what efforts local contractors were making to advertise themselves. He said that his church is taking on a large project and would like to work with local contractors but didn't know any. He encouraged local contractors to try and reach out to make themselves known.

Councilperson Fox inquired whether there had been any changes on the dog license issue with the County. It was noted there was no change.

Mayor Frederick said he liked the City-wide model used to elect Council members and appoint board members as he didn't want to move toward dividing the City into neighborhoods but hoped that the City would continue to function as a whole. He went on to say that he didn't feel it appropriate to vet the individual ideologies of potential board members as all points of view are valuable and he didn't feel it was healthy for only one viewpoint to be represented. He said that it was sometimes a struggle to find residents willing to take on the responsibilities of board membership because of the stresses of everyday life. He said he was simply looking for people that were willing to make the time commitment and contribute to the discussion.

City Manager Crawford introduced intern Susan Montenegro. Ms. Montenegro is a student at the U of M Flint pursuing a master's degree in public administration with hopes of one day becoming a City Manager.

#### **NEXT MEETING**

Monday, April 15, 2013

#### **BOARDS AND COMMISSIONS OPENINGS**

Building Board of Appeals – 2 Alternates, terms expire 06-30-2015 (candidates must possess construction knowledge)

#### **ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 8:44 p.m.

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

---

Benjamin R. Frederick, Mayor

---

Amy K. Kirkland, City Clerk