

OWOSSO CITY COUNCIL

MAY 5, 2014

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND BRAD STOCKTON
FIRST CHURCH OF THE NAZARENE

PLEDGE OF ALLEGIANCE: MAYOR BENJAMIN R. FREDERICK

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, David B. Bandkau, Burton D. Fox, Elaine M. Greenway, and Robert J. Teich, Jr.

ABSENT: None.

A moment of silence was held in honor of local industrialist and philanthropist William F. Mitchell on the occasion of his passing.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 21, 2014

Motion by Councilperson Bailey to approve the Minutes of the Regular Meeting of April 21, 2014 as presented.

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

STUDENT REPRESENTATIVE REPORT

None.

PROCLAMATIONS / SPECIAL PRESENTATIONS

BUDDY POPPY SALE KICKOFF

Poppy Queen Samantha Taylor was on hand to sell the ceremonial first Buddy Poppy to Mayor Benjamin Frederick marking the start of the annual Buddy Poppy Sale in Owosso.

DANDY WALKER AWARENESS MONTH

Mayor Frederick read aloud the following proclamation of the Mayor's Office declaring May 2014 as Dandy Walker Syndrome and Hydrocephalus Awareness Month in the City of Owosso. The Scrimger family was on hand again this year to receive the proclamation.

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
DESIGNATING MAY 2014 AS
DANDY-WALKER SYNDROME AND HYDROCEPHALUS AWARENESS MONTH
IN THE CITY OF OWOSSO**

WHEREAS, Dandy-Walker Syndrome is the most common congenital malformation of the cerebellum. Between 10,000 and 40,000 people have Dandy-Walker Syndrome in the United States; and

WHEREAS Dandy-Walker Syndrome affects at least one child in every 25,000 live births. However, this is likely a significant underestimate because of the difficulties in diagnosing the syndrome. Patients with Dandy-Walker Syndrome may present with developmental delays, enlarged head circumference, and signs or symptoms of hydrocephalus – the excessive accumulation of fluid in the brain; and

WHEREAS, the Dandy-Walker Alliance, Inc. is the only national organization focusing on promoting the public good and supporting education, informational activities and non-partisan research that increases public awareness of this congenital birth defect; and

WHEREAS, Dandy-Walker Syndrome and Hydrocephalus Awareness Month provides an opportunity to raise awareness of this disability and to focus on efforts to improve the lives of those living with Dandy-Walker, as well as to find a cause and better treatment options.

WHEREAS, Dandy-Walker is largely unknown to the general public; therefore, it is the desire of this office and of the Owosso City Council to educate and inform this community to assure that families facing this diagnosis can receive support. In particular, we join with the Scrimger family and celebrate that their son Bennett has received the care he needed and is a happy and healthy little boy. We also applaud Dr. Kurt Aurand and his team at Memorial Healthcare for their attention to this syndrome and the outstanding level of care they are providing for the Scrimger family and so many others in Owosso.

NOW, THEREFORE, I, Benjamin R. Frederick, Mayor of the City of Owosso, do hereby proclaim May 2014, as Dandy Walker Syndrome and Hydrocephalus Awareness Month in the City of Owosso and encourage all citizens to join me in this worthy observance.

Proclaimed this 5th day of May, 2014.

PUBLIC HEARINGS

2014-15 PROPOSED CITY BUDGET

The Public Hearing was conducted pursuant to Chapter 8 of the City Charter to receive citizen comment regarding proposed 2013-2014 City Budget.

There were no citizen comments.

Mayor Frederick noted the Council will continue to deliberate on the proposed budget in the coming weeks. It is anticipated the proposed budget will be considered for adoption at the May 19th meeting.

CITIZEN COMMENTS AND QUESTIONS

Ryan Bladzick, Executive Director of the Owosso Community Players, thanked the Council and the City for their support during the rebuilding process. He said he was thrilled to be able to say the theater would be reopening this Friday after 7 years of effort.

Shiawassee County Prosecutor Deana Finnegan as on hand to present an update of happenings in the Prosecutor's Office. She also announced that she is running for Circuit Court Judge and hoped to receive the support of people in the community.

Tom Manke, business owner at 118 South Washington Street, said he disagrees with the two-hour time limit on parking in the downtown saying it discourages people from coming downtown. He said his readers disagree with it as well and would like to see the ordinance repealed.

Mike Tillotson, 1299 South Shiawassee Street, noted that the U.S. Supreme Court today held that the conduct of a prayer at the beginning of a public meeting did not violate the Fourth Amendment to the Constitution.

Eddie Urban, 601 Glenwood Avenue, wondered if anyone had contacted the Governor's Office regarding the 100% property tax exemption for disabled veterans.

Mayor Frederick invited everyone to participate in the Arbor Day/Green Up Clean Up events starting at 10:00 a.m. this Saturday at Emerson School. He asked people to volunteer to lead a team or adopt a park to clean up. Food would be available for volunteers at 2:30 p.m. in Harmon Patridge Park.

Councilperson Fox heard a report the POW/MIA flag at Fayette Square needed to be replaced and wondered how to go about doing so. It was noted the DPW will look into it. He also had questions about exactly what is prohibited by the City's 2-hour parking limit, saying people should not get a ticket if they move a few blocks away to shop at a different store.

Mayor Frederick noted that the limitation is designed to discourage employees from parking in areas intended for customers. He said the DDA has been trying to figure out how to address the issue.

Councilperson Bailey thanked the City Manager, Mayor Frederick, and Public Services Director Sedlak for their help answering the water billing questions she had.

CITY MANAGER REPORT

City Manager Crawford distributed and briefly detailed the Project Status Report.

Mayor Frederick noted the downtown area had officially been named to the National Register of Historic Places and thanked the individuals that worked so hard on the project.

Councilperson Greenway inquired whether bicycle safety was being taught to area school children in light of recent citizen comments regarding biking on the sidewalk. It was noted that all 3rd grade students are instructed on the rules of the road for bicycles. Ms. Greenway sought clarification on the HVAC contract that was put forward in the proposed budget. It was noted the contract proposed would set the terms for HVAC maintenance at each of the City's facilities.

Councilperson Fox asked if the City would put the word out that brush pick up continues as people are getting irritated thinking that no one will pick up their brush. He also noted that the reconstruction of M21 seems to be moving along nicely.

Councilperson Teich inquired about the timeline for the establishment of off-street parking in Westtown. City Manager Crawford noted that he was not sure if it would take place this year as agreements would have to be negotiated with several adjoining property owners and the house on the property would need to be moved before any construction can take place.

Councilperson Bailey inquired whether a brochure for renters was being developed. City Manager Crawford noted the City already has a brochure for renters that he would forward to her.

Mayor Frederick thanked the Public Safety Department for their work on the Red Barrel Project saying the public response to the program continues to be very strong.

CONSENT AGENDA

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

Boards and Commissions Appointment. Approve the appointment of Erin Powell to the Historical Commission for a term expiring December 31, 2014 (filling the unexpired term of Elaine Greenway).

Girls on the Run 5K Permission. Consider application of Girls on the Run Mid-Michigan for use of Gould Street from Jackson Drive to Mallard Circle and Jackson Drive from 9:00am to 10:30am on Sunday, May 18, 2014 for a 5k run and authorize Traffic Control Order No. 1312 formalizing the request.

Lebowsky Center Parking Reservation Permission. Approve application of the Owosso Community Players for use of the four parking spaces on Main Street in front of their building to serve as a drop off zone during performances to be held May 9-11 and May 16-18, with additional parking reservation of the first space in the Park/Main parking lot on May 9th and authorize Traffic Control Order No. 1313 formalizing the request.

Train Expo 2014 Permission. Approve application of the Steam Railroading Institute for use of South Washington Street from Water Street to Corunna Avenue from June 19th – 23rd and Jerome Avenue from Washington Street to Owosso Bolt and Brass from June 16th – 23rd for the Train Expo 2014 and authorize Traffic Control Order No. 1314 formalizing the request.

Cost Agreement Amendment – Rehabilitation of Gould Street Bridge. Approve Amendatory Cost Agreement No. 14-5162 with the Michigan Department of Transportation to reflect the revised total estimated cost for the project and the estimated costs to be borne by all parties involved as follows:

RESOLUTION NO. 54-2014

AUTHORIZING AMENDMENT OF MDOT COST AGREEMENT FOR REHABILITATION OF GOULD STREET BRIDGE OVER THE SHIAWASSEE RIVER

WHEREAS, within the City of Owosso there is a bridge over the Shiawassee River carrying traffic on Gould Street; and

WHEREAS, this bridge must be regularly maintained for the safety and expediency of users of the bridge; and

WHEREAS, this maintenance is costly and complex, requiring expertise outside that of City staff; and

WHEREAS, the City has applied for, and received, Federal Critical Bridge Funds to assist in the rehabilitation of the bridge and the Michigan Department of Transportation has agreed to oversee the project; and

WHEREAS, the City approved Cost Agreement No. 14-5000 assigning the responsibilities and obligations of the parties involved; and

WHEREAS, after letting bids MDOT determined Agreement No. 14-5000 should be amended to reflect higher than anticipated costs revealed by the letting; and

WHEREAS, after review, city staff recommends approval of MDOT Amendatory Cost Agreement No. 14-5162 for Rehabilitation of Gould Street Bridge over the Shiawassee River.

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 approve MDOT Amendatory Contract No. 14-5162 for the rehabilitation of the Gould Street Bridge over the Shiawassee River.
- SECOND: That the City of Owosso is willing to participate in the project cost as illustrated within said contract.
- THIRD: That the Mayor and City Clerk are hereby authorized to sign the Amendment as attached.
- FOURTH: The City Council hereby directs staff to allocate \$30,400.00 from the major street fund and approves payment for services upon completion, or as otherwise requested by the State, in accordance with the contract and amendment.

Warrant No. 481. Authorize Warrant No. 481 as follows:

Vendor	Description	Fund	Amount
B S & A Software	Annual service/support fees- Building Department/ Delinquent Personal Property/Internet Services- May 1, 2014 – May 1, 2015	General	\$7,950.00
ATI Group	Lighting upgrades payment per Consumers Energy Small Business Solutions Program	General	\$19,077.11

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilperson Greenway, Mayor Pro-Tem Eveleth, Councilpersons Bandkau, Bailey, Teich, Fox, and Mayor Frederick.

NAYS: None.

ITEMS OF BUSINESS

SPECIAL USE PERMIT – ALLEN PAPER COMPANY

City Manager Crawford noted that the zoning code allows for loft apartments in industrial buildings, this particular application has been vetted by the Planning Commission, a public hearing was held, and the Planning Commission recommended approval of the permit. He did point out that the off-street parking requirement would be fulfilled through the conversion of a warehouse area into a garage.

Councilperson Fox inquired about the requirements for a sprinkler system or other fire barrier. It was noted the building plans would be examined by the Building Official and proper fire protection would be required as a part of the building permit process.

Motion by Mayor Pro-Tem Eveleth to authorize the issuance of a Special Use Permit for a loft apartment in the Allen Paper Company building located at 601 Clinton Street as follows:

RESOLUTION NO. 55-2014

AUTHORIZING A SPECIAL USE PERMIT FOR 601 CLINTON STREET

WHEREAS, a petition for a special use permit has been filed by Paula Alexander with the City of Owosso requesting permission to place a loft apartment in an older industrial building located above the Allen Paper Company pursuant to the provisions of Section 38-454 (e) of the City Code of the City of Owosso, on the premises described as follows:

N 56' OF LOT 1 BLK 22 A L & B O WILLIAMS ADD

and

WHEREAS, after due and legal notice as required by law, the City of Owosso Planning Commission heard as an item of business on April 28, 2014 the above request, considering same.

NOW, THEREFORE BE IT RESOLVED BY THE OWOSSO CITY COUNCIL that after consideration of the request, the following use subject to special conditions is hereby approved:

“Special Use Permit - Loft Apartment”

I. GOVERNMENTAL REGULATIONS

The Owner shall comply with all state, city and other governmental regulations relative to the operation of a Conversion of One-Family Dwelling. The specific standards by which this permit must continue to meet eligibility are attached as Exhibit A.

II. INSPECTION DATE OF THE PERMIT

May 5, 2015

The land use shall be inspected by the building inspector on or about May 5, 2015 (on the first anniversary) from the date of approval by the City Council to assure compliance with the permit. Inspections may be more frequent if complaints about the land use are registered.

The Planning Commission may introduce site plan controls where it is found that the action of the permit has caused an adverse impact based on any one or more of the general standards of Section 38-453 of the Owosso City Code.

III. HOURS OF OPERATION -- N/A

IV. BUFFER ZONE -- N/A

V. PERMIT COMPLIANCE, CONDITIONS THEREOF

- A. Approval given by the City Council, under which premises are not used or work is not started within one (1) year or when such use or work has been abandoned for a period of one (1) year, shall lapse and cease to be in effect. The building inspector shall notify the applicant in writing, mailed to the address listed on the application, that such land use permit has expired.
- B. Violations - Article XXIV of Chapter 38, Zoning, of the City of Owosso Ordinance Code outlines provisions for non-compliance in terms of fines, imprisonment, and costs of prosecution.

VI. MODIFICATION OF THE SITE PLAN -- N/A

VII. PERMITS

Uses subject to special conditions may require one or more permits as specified in Article XIX, Section 38-454 of the City of Owosso Ordinance Code. No other permit will be issued until a site plan has been approved by the Planning Commission and use permit has been approved by the City of Owosso City Council.

VIII. SPECIAL CONDITIONS

The following conditions are required in conjunction with the provisions of the Ordinance Code and for approval of the land use:

1. The permit shall be reviewed upon sale of the property to a new owner.
2. The permit shall be recorded in the Office of the Register of Deeds.
3. Dedicated residential parking of two (2) spaces shall be located in the garage attached to the southeast corner of the Allen Paper Company building.

Exhibit A

(e) Loft apartments in older industrial buildings: The development of an apartment or apartments in the upper stories of older industrial buildings, hereinafter entitled "loft apartments," may be permitted subject to the following specific standards and conditions:

- (1) *Need:* It can be demonstrated that the building is an architectural landmark at least fifty (50) years old and an example of a period of style or method of construction significant to the region. Also the building's upper floors are considered functionally obsolete for industrial purposes and would clearly benefit from the development of a loft apartment dwelling or group of dwellings, the benefit being the justification for continued investment and rehabilitation of a historically significant structure. The development of residential living units shall not impair existing, routine legal conforming operations of industrial activity onsite or existing and future uses on neighboring properties. The planning commission and city council shall place a critical emphasis on the evaluation of the short term and long term influence of mixing

residential living with industrial district uses. A finding of potential interference or residential complaints or legal standing against industrial uses, such as hours of operation, activity in shipping areas, noise, and the like-referenced areas of conflict specified in the Uniform Building Code shall result in the denial of a special use permit for loft apartments.

- (2) *Location:* The structure is located on the boundary of a residential district, said boundary including any residential districts on the opposite side of a street.
- (3) *Square footage:* Each apartment shall contain at least one thousand (1,000) square feet of floor area, the purpose of said area being the control of lower residential densities in industrial areas and the provision of adequate residential storage area within the unit. The apartment shall contain at least one hundred (100) square feet of floor space dedicated to storage. Each unit shall contain a functional laundry area with hookups for a washer and dryer.
- (4) *Parking:* Parking shall comply with [section 38-380](#), off-street parking requirements, and shall be in addition to the loading zone and parking space requirements for the balance of the structure's zoning specifications for parking.
- (5) *Open space:* Compliance with [section 38-123](#) is required.
- (6) *Floor area ratio:* The provisions of [section 38-352\(e\)](#) shall apply.

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Mayor Pro-Tem Eveleth, Councilpersons Teich, Bailey, Greenway, Bandkau, Fox, and Mayor Frederick.

NAYS: None.

COUNCIL ELECTION DATE CHANGE

City Clerk Amy K. Kirkland explained the advantages and disadvantages of moving the City Council election from November odd-years to November even-years.

Motion by Mayor Pro-Tem Eveleth to approve setting a public hearing for Monday, May 19, 2014 to receive citizen comment regarding the proposal to change the date of City Council elections from odd year November elections to even year November elections as follows:

RESOLUTION NO. 56-2014

ESTABLISHING REGULAR ELECTIONS IN NOVEMBER OF EACH EVEN YEAR COMMENCING WITH THE CITY ELECTION OF NOVEMBER 2016

WHEREAS, the City of Owosso currently holds elections for City Council members in November of odd years; and

WHEREAS, participation in odd year November elections has waned significantly in recent times; and

WHEREAS, the cost of holding elections continues to grow in spite of decreasing voter turnout; and

WHEREAS, Michigan Election Code MCL § 168.642(a)(4), as amended by PA 523 of 2012, authorizes the governing body of a city that holds elections for city officers at odd-year November elections to change its regular election schedule for future years to even-year November elections by the adoption of a resolution in compliance with the requirements of section 642 of the Michigan Election Code (MCL § 168.642); and

WHEREAS, it should be noted the aforesaid law provides that the terms of the City's current elected and appointed Council members not be shortened and that the terms for elected city offices continue until successors are elected and qualified starting with the November 2016 election; and

WHEREAS, the aforesaid law requires a public hearing prior to the consideration of a resolution moving City Council elections to even year November elections.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL THAT:

FIRST: A public hearing is set for Monday, May 19, 2014 at 7:30 p.m. to hear citizen comment regarding the proposal to move City Council elections to even-year November elections.

SECOND: The Clerk is directed to publish notice of said hearing at least once in the Argus Press, post notification at City Hall and the Owosso Public Library, as well as posting notice on the City's website.

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilpersons Fox, Bandkau, Greenway, Bailey, Mayor Pro-Tem Eveleth, Councilperson Teich, and Mayor Frederick.

NAYS: None.

STREET BOND PROPOSAL BALLOT LANGUAGE

City Manager Crawford distributed a handout listing three options for the term and size of the street bond. He also detailed a number of ballot proposals that may be on the November ballot and expressed his concern that voters may vote "No" on the City proposal if they are voting "No" on the State proposals.

There was significant discussion regarding the desire not to rush the planning process, the need to publicize the proposal, and making sure voters realize just how critical this funding is to the overall condition of the streets. There was further discussion regarding the amount of money needed each year to maintain the streets at the current level, the desire not to overlap bond terms, using short bond terms and smaller bond amounts vs. using longer bond terms and larger bond amounts, and the desire to take advantage of current lower interest rates. The Council expressed no desire to place the issue on the August 2014 ballot, but instead opted to target the November 2014 to allow more time to plan.

Motion by Mayor Pro-Tem Eveleth to set a special meeting for June 30, 2014 at 7:30 p.m. for the purpose of discussing the street bond issue.

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Councilperson Teich, Mayor Pro-Tem Eveleth, Councilpersons Bandkau, Fox, Greenway, Bailey, and Mayor Frederick.

NAYS: None.

COMMUNICATIONS

Historical Commission. Minutes of April 14, 2014.

Downtown Historic District Commission. Minutes of April 16, 2014

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, business owner at 118 South Washington Street, thanked the Council for their diligence on the street bond issue. He said that he felt that local media outlets will need to saturate the area with information on the proposal in order for it to succeed. He also said he would like the City to require warranties from companies when they reconstruct a street.

Eddie Urban, 601 Glenwood Avenue, said he felt that a 100% property tax exemption for disabled veterans was too much and should be lowered. He also extended his appreciation to County Prosecutor Deana Finnegan for coming to share her experiences with the group.

Mike Tillotson, 1299 South Shiawassee Street, said he sees many people riding their bikes on the sidewalks and has video tape to prove it. He said he thought the Public Safety Department needed to start issuing tickets and taking away the bikes of offenders in an effort to change behaviors.

Councilperson Fox asked media members to be careful about what they say about the street bond proposal now because nothing definite has been determined and he would hate to see misinformation out there.

NEXT MEETING

Tuesday, May 6, 2014 at 6:00 p.m. – Budget Work Session

Wednesday, May 14, 2014 at 6:00 p.m. – Budget Work Session

Monday, May 19, 2014 at 7:30 p.m. – Regular Meeting

BOARDS AND COMMISSIONS OPENINGS

None.

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:55 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk