

**OWOSSO CITY COUNCIL
REGULAR MEETING**

FEBRUARY 2, 2015

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR MARLENE WEBSTER
OWOSSO CITY CHURCH

PLEDGE OF ALLEGIANCE: LEADERSHIP SHIAWASSEE ATTENDEES

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

ABSENT: Councilperson Loreen F. Bailey.

APPROVE AGENDA

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

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 20, 2015

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of January 20, 2015 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

ORDINANCE AMENDMENT – CHAPTER 26, SIGNS

The proposed amendment would allow signs up to forty (40) square feet in size when advertising lots for sale in residential developments.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 26, Signs, Section 26-17(6)a, *Signs not requiring a permit*.

There were no citizen comments made at, or prior to, the meeting.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Mayor Pro-Tem Eveleth that the following ordinance be adopted:

ORDINANCE NO. 760

**AN ORDINANCE AMENDING CHAPTER 26, SIGNS, SECTION 26-17(6)a
OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN**

WHEREAS, the *Code of Ordinances of the City of Owosso, Michigan* regulates signs within the city; and

WHEREAS, the *Code of Ordinances of the City of Owosso, Michigan* establishes requirements for many signs it fails to address development signs within residential zoning districts.

NOW THEREFORE BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS:

Section 1. AMEND. Section 26-17 (6) a. - Signs not requiring a permit. be amended to add the following:

- (6) Temporary real estate signs advertising the premises for rent, sale, or lease, under the following conditions:
- a. One (1) sign not more than six (6) square feet in area for a single-dwelling or building or vacant land for residentially zoned premises less than one (1) acre. For vacant residential parcels larger than one (1) acre, one sign not more than fifteen (15) square feet in area.

Development signs advertising the availability of lots or living units within a subdivision, a planned development or complex may be placed at an entrance to the subdivision,

planned unit development or complex, with a maximum height of seven feet and a maximum area of forty (40) square feet. The sign shall be permitted for three (3) years or until eighty (80) percent of the development is sold-out or leased, whichever comes first.

Section 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. SAVINGS. All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. SEVERABILITY CLAUSE. Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

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

SECTION 6. EFFECTIVE DATE. This amendment shall become effective February 23, 2015.

Motion supported by Councilperson Bandkau.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, indicated that his own personal groundhog saw his shadow this morning confirming the forecast for 6 more weeks of winter.

Councilperson Fox commended the DPW for their efforts in cleaning up after the record Super Bowl Sunday storm.

CITY MANAGER REPORT

Assistant City Manager Montenegro briefly detailed the latest Project Status Report.*

CONSENT AGENDA

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

First Reading and Set Public Hearing – Rezoning of Westtown. Conduct first reading and set a public hearing for Tuesday, February 17, 2015 to receive citizen comment regarding the proposal to rezone various parcels in Westtown to comply with the Master Plan, reduce spot zoning, and ease future development of the area as follows:

RESOLUTION NO. 10-2015

AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO REZONE VARIOUS PARCELS OF REAL PROPERTY ON EAST MAIN STREET AND AMEND THE ZONING MAP

WHEREAS, the City of Owosso adopted a Master Plan in 2012 which includes a future land use plan; and

WHEREAS, the Planning Commission desires to carefully implement prudent changes suggested by the Master Plan; and

WHEREAS, the Planning Commission recommends the rezoning of select parcels in the area to reduce spot zoning and create an area with effective zoning for potential development and economic growth while allowing land owners to maintain the current use of their property if they so desire; and

WHEREAS, the Planning Commission published and mailed notices for the amendment, held a public hearing on the amendment, and deliberated on the amendment; and

WHEREAS, the Planning Commission finds that the proposed rezonings meet 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 the following parcels:

Parcel or Area	Current Zoning	Potential Zoning
108 State	B4	R1
111 S Lansing	I1	R1
115 S Lansing	I1	RM-1
125 S Lansing	I1	R1
203 S Lansing	I1	R1
209 S Lansing	I1	R1
213 S Lansing	I1	R1
219 S Lansing	I1	R1
814 Lynn	I1	R1
401 S State	I1	R1
919 Beehler	I1	R2
921 Beehler	I1	R2
123 N Lansing	B4	OS1
202 S Shiawassee	I1	OS1
206 S Shiawassee	I1	OS1
210 S Shiawassee	I1	OS1
214 S Shiawassee	I1	OS1
302 S Shiawassee	I1	OS1
308 S Shiawassee	I1	OS1
508 Genesee	I1	OS1
509 Genesee	I1	OS1
511 Clinton	I1	OS1
615 Clinton	I1	R1
312 State	R2	R1
520 Milwaukee	I2	I1

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 38-555; 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 THE CITY OF OWOSSO ORDAINS:

SECTION 1. OFFICIAL ZONING MAP AMENDMENT. That Chapter 38, Zoning, Sec. 38-27, *Zoning Districts and Map*, reflect the following changes, to be noted on the official map and filed with the city clerk:

Parcel or Area	Parcel Number	Current Zoning	Potential Zoning
108 State	050-100-001-002-00	B4	R1
111 S Lansing	050-050-000-037-00	I1	R1
115 S Lansing	050-050-000-036-00	I1	RM-1
125 S Lansing	050-050-000-035-00	I1	R1
203 S Lansing	050-050-000-034-00	I1	R1
209 S Lansing	050-050-000-033-00	I1	R1
213 S Lansing	050-050-000-032-00	I1	R1
219 S Lansing	050-050-000-030-00	I1	R1
814 Lynn	050-050-000-031-00	I1	R1
401 S State	050-621-002-008-00	I1	R1
919 Beehler	050-660-009-016-00	I1	R2
921 Beehler	050-660-009-015-00	I1	R2
123 N Lansing	050-660-015-001-00	B4	OS1
202 S Shiawassee	050-660-021-001-00	I1	OS1
206 S Shiawassee	050-660-021-003-00	I1	OS1
210 S Shiawassee	050-660-021-004-00	I1	OS1

Parcel or Area	Parcel Number	Current Zoning	Potential Zoning
214 S Shiawassee	050-660-021-005-00	I1	OS1
302 S Shiawassee	050-660-025-001-00	I1	OS1
308 S Shiawassee	050-660-025-003-00	I1	OS1
508 Genesee	050-660-021-007-00	I1	OS1
509 Genesee	050-660-025-002-00	I1	OS1
511 Clinton	050-660-021-002-00	I1	OS1
615 Clinton	050-660-002-003-00	I1	R1
312 State	050-100-002-006-00	R2	R1
520 Milwaukee	050-660-029-005-00	I2	I1

SECTION 2. PUBLIC HEARING. A public hearing is set for Tuesday, February 17, 2015 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

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

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

SECTION 5. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

Cross Connection Control Program Contract Amendment. Approve amendment to the contract with H₂O Compliance Services, Inc. for the provision of administrative services for the Cross Connection Control Program, extending the contract for an additional 36 months in the amount of \$698.75 per month as follows:

RESOLUTION NO. 11-2015

**AUTHORIZING ADDENDUM NO. 2 TO THE
SEPTEMBER 16, 2013 PROFESSIONAL SERVICES AGREEMENT WITH
H2O COMPLIANCE SERVICES, INC.**

**FOR A THREE YEAR EXTENSION OF CROSS CONNECTION CONTROL PROGRAM SERVICES
FOR THE OWOSSO DRINKING WATER SYSTEM**

WHEREAS, the City of Owosso entered a September 16, 2013 agreement with H2O Compliance Services, Inc. for Cross Connection Control Program inspections and management services for a 16 month term ending January 2015; and

WHEREAS, the City of Owosso staff has determined that the H2O Compliance Services, Inc. is qualified to perform this service and their rate of \$698.75 per month, for a total contract amount of \$25,155.00, is reasonable and the most cost-effective means for the City to carry out the Cross Connection Control Program requirements as required by state rules.

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 extend the agreement with H2O Compliance Services, Inc. for professional services to manage and implement its water supply system cross connection control program for an additional three (3) year term beginning February 2015.

SECOND: The extension shall be in the form of the attached Addendum No. 2* to the September 16, 2013 agreement accepting the January 5, 2015 Proposal from H2O Compliance Services, which details the services to be performed at a rate of \$698.75 per month, for a total amount of \$25,155.00 over the three year extension beginning February 2015.

THIRD: The accounts payable department is authorized to make the monthly payments to H2O Compliance Services, Inc. in the amount of \$698.75 for a 36 month term not to exceed \$25,155.00 with those expenses to be paid from the Water Fund.

Warrant No. 497. Approve Warrant No. 497 as follows:

Vendor	Description	Fund	Amount
Huron & Eastern Railway Company Inc	Annual maintenance of active traffic control devices	Major Streets	\$ 8,254.00

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

ITEMS OF BUSINESS

EMERGENCY OPERATIONS SUPPORT PLAN

Motion by Mayor Pro-Tem Eveleth to approve the City of Owosso Emergency Operations Plan supporting the Shiawassee County Emergency Operations Plan as follows:

RESOLUTION NO. 12-2015

**RESOLUTION AUTHORIZING THE APPROVAL OF
THE UPDATED EMERGENCY OPERATIONS SUPPORT PLAN**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a Public Safety Department; and

WHEREAS, the City of Owosso Public Safety Department has opted to participate in the Shiawassee County Emergency Management Program; and

WHEREAS, State law requires municipalities with a population of 10,000 or more to maintain and file with the County a plan of support that is in accordance with the County's Emergency Action Guidelines at least every four years.

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

- FIRST: The City of Owosso has elected to participate in the Shiawassee County Emergency Management Program.
- SECOND: The attached City of Owosso Emergency Operations Plan* provides a framework for the City to use in performing emergency functions before, during, and after emergent situations and is hereby approved.
- THIRD: The mayor and city clerk are instructed and authorized to sign the attached document in support of the Shiawassee County Emergency Operations Plan.

Motion supported by Councilperson Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

RESCIND MEDICAL MARIJUANA DISPENSARY MORATORIUM

Motion by Mayor Pro-Tem Eveleth to rescind Resolution No. 178-2014 which authorized a temporary moratorium on the establishment of medical marijuana dispensaries within the City as follows:

RESOLUTION NO. 13-2015

**A RESOLUTION RESCINDING THE TEMPORARY MORATORIUM ON THE
PERMITTING OF DISPENSARIES IN THE CITY OF OWOSSO**

WHEREAS, the People of the state of Michigan have adopted, by initiative, the Michigan Medical Marihuana Act (the "Act"); and

WHEREAS, the Act does not regulate or even necessarily allow for dispensaries and many significant aspects of the operation of a dispensary could affect the health, safety and welfare of the citizens of the city of Owosso; and

WHEREAS, on December 15, 2014 the Owosso City Council voted to institute a temporary moratorium on the establishment of medical marijuana dispensaries within the City to allow for

consideration and study of how to effectively regulate dispensaries to meet the intent of the Michigan Medical Marihuana Act while preserving the health, safety and welfare of its citizens; and

WHEREAS, House Bill 4271, which would have amended the use or placement of dispensaries at the state level, failed in the Senate; and

WHEREAS, after the study requested by Council the City of Owosso Planning Commission believes medical marihuana dispensaries are sufficiently regulated through its *Code of Ordinances* to ensure the health, safety and welfare of its citizens; and

WHEREAS, the Planning Commission recommends that City Council rescind Resolution No. 178-2014, the temporary moratorium placed on dispensaries, and that they be permitted to open in the city of Owosso as stated in the *Code of Ordinances* Section 38-217 (2)(g) as follows:

Medical marihuana dispensary or clinic provided that the medical marihuana dispensary or clinic is operated in full compliance with the Medical Marihuana Act, MCL 333.26421, and no medical marihuana dispensary or clinic shall be located within one thousand (1,000) feet of another dispensary, any park identified and so signed by the city, or any public or private school, college, or university property, nor shall any dispensary be located within five hundred (500) feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:

1. Any house of worship;
2. Any parcel zoned and used for residential purposes;
3. Any licensed day care facility;
4. Any public library;

NOW, THEREFORE, BE IT RESOLVED that:

1. Resolution No. 178-2014 is rescinded and the limited moratorium for permitting dispensaries is hereby lifted as recommended by the Planning Commission.
2. This resolution shall be effective as of February 2, 2015.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Bailey.

COMMUNICATIONS

Richard C. Williams, Finance Director. Revenue & Expenditure Report – December 2014.
Downtown Development Authority/Main Street. Minutes of January 7, 2015.
Downtown Development Authority/Main Street. Minutes of January 8, 2015.

Councilperson Bandkau extended his thanks for receipt of the December 2014 Revenue & Expenditure Report.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, indicated he had some extra snow around his home that was free to a good home.

Councilperson Fox noted that the new audio system for the Council Chambers should be installed in time for the next Council meeting.

Assistant City Manager Montenegro reminded everyone of the upcoming Plunge for Parks event February 28th at 2:00 p.m. at Hopkins Lake. She encouraged all to attend and noted that all proceeds will go toward replacing the asphalt at the skate park with concrete.

Mayor Frederick noted the Kiwanis Club dedication event for the ice rink in Bentley Park to be held this Saturday at 11:00 a.m. He also noted that the Walk for Warmth will take place February 28th prior to the Plunge for Parks event.

NEXT MEETING

Tuesday, February 17, 2015

BOARDS AND COMMISSIONS OPENINGS

Parks & Recreation Commission, expires June 30, 2015

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 7:44 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

*Due to their length, full text of marked items are not included in the minutes. These documents are on file in the City Clerk's Office.