

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF APRIL 15, 2019
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: PASTOR GARY BEAL
CHURCH OF JUBILEE

PLEDGE OF ALLEGIANCE: TOM MANKE
EDITOR- FACEBOOK.COM/FRIENDSANDNEIGHBORSOWOSSO

PRESENT: Mayor Christopher T. Eveleth, Councilmembers Loreen F. Bailey, Janae L. Fear, Jerome C. Haber, Daniel A. Law, and Nicholas L. Pidek.

ABSENT: Mayor Pro-Tem Susan J. Osika.

APPROVE AGENDA

Motion by Councilmember Bailey to approve the agenda with the following addition:

CONSENT AGENDA

7. Downtown Owosso Farmers' Market. Consider request from Tracy Peltier- Market Master of the Downtown Owosso Farmers' Market to close Exchange Street from Water Street to Washington Street and Water and Ball Streets from Main Street to Mason Street every Saturday from May 4, 2019 to October 26, 2019 from 5:00 a.m. until 2:00 p.m., and approve Traffic Control Order No. 1414 formalizing the request.

Motion supported by Councilmember Law and concurred in by unanimous vote.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 1, 2019

Motion by Councilmember Haber to approve the Minutes of the Regular Meeting of April 1, 2019 as presented.

Motion supported by Councilmember Pidek and concurred in by unanimous vote.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Special Assessment District No. 2019-10 – Ryan Street

Prior to conducting the public hearing City Manager Nathan R. Henne gave a presentation detailing how streets are chosen for maintenance work, how assessments are calculated, and he spoke about the particulars of the Ryan Street project.

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2019-10 for Ryan Street, from Chipman Street to Cedar Street for reconstruction.

The following people commented in regard to the proposed special assessment roll:

Tom Manke, editor- Facebook.com/friendsandneighborsowosso, inquired whether the new street will last as long as the old one.

Brian Suggs, 1012 Ryan Street, asked who is doing the construction and what recourse residents have if the project doesn't hold up.

City Manager Henne indicated that he hoped the street holds up for 40 years, but a more realistic time frame would be 20. He also noted that Crawford Contracting will be doing the work.

Public Services Director Glenn M. Chinavare stepped to the podium to explain that the City usually has one year from the completion of construction to make a claim against a construction firm. This short time frame is the reason why the construction work is conducted under very strict rules that include sampling and testing to verify the quality of the materials and the work being performed. He also reminded folks that any street that lasts for 40 years will have received numerous maintenance treatments over that time period in order to have any chance of holding up.

Mayor Eveleth noted that if the City hears about issues after a project is completed they try to get things fixed as soon as possible.

There were no citizen comments on this subject received prior to the meeting.

Motion by Councilmember Bailey to approve the following resolution:

RESOLUTION NO. 60-2019
RYAN STREET
FROM CHIPMAN STREET TO CEDAR STREET
SPECIAL ASSESSMENT RESOLUTION NO. 5

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement:

RYAN STREET FROM CHIPMAN STREET TO CEDAR STREET
STREET RECONSTRUCTION

WHEREAS, all interested parties were heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$98,247.79 is hereby confirmed and shall be known as Special Assessment Roll No. 2019-10.
2. Said special assessment roll shall be divided into ten (10) installments, the first of which shall be due and payable on September 1, 2019, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by November 1, 2019.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2019 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmembers Pidek, Law, Fear, Bailey, Haber, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

Special Assessment District No. 2019-11 – Seventh Street

Prior to the hearing City Manager Henne briefly detailed the work proposed for Seventh Street.

A public hearing was conducted to receive citizen comment regarding authorization of Resolution No. 5 for Special Assessment District No. 2019-11 for Seventh Street, from Oliver Street to King Street for street resurfacing.

The following people commented in regard to the proposed special assessment roll:

Ellen Rodman, 635 Seventh Street, said she is a new resident to the City and doesn't dispute the fact the road needs to be fixed, but this special assessment will create a hardship for her. She wanted to know if she was eligible for the corner lot discount and why the interest rate was set so high (6%). She said she was unaware of the pending special assessment when she purchased her home and was hoping the City would be willing to work with her. (Ms. Rodman also commented via telephone and email prior to the meeting.)

David Vreibel, 613 Seventh Street, noted that when Oliver Street was repaved the increase in elevation caused storm water to drain all the way down Seventh Street with a good deal of it settling in his yard. He asked that the problem be corrected as a part of this project.

The following comment was received prior to the meeting:

Mary Ann Kitchen, 616 Seventh Street, via telephone, spoke with the Clerk's Office and the Treasurer's Office personnel and was confused as to how long the term of the special assessment will be and is concerned about how she will afford the cost.

Mayor Eveleth indicated that the interest rate is actually 1% over the bond rate, which is currently around 2.4%.

Public Services Director Chinavare indicated he would speak to Ms. Rodman and Mr. Vreibel about their situations.

Councilmember Pidek said he noticed that several people have been surprised by their tax bill right after they purchase a house and wondered if there was something they could do about it. He asked if the City could communicate with local realtors about these types of things.

There was discussion regarding the fact that some realtors note pending special assessments in their advertising while others do not, communicating with realtors about pending street projects, and giving realtors the list of streets proposed for maintenance over the next few years. It was suggested the City reach out to the county realtors' association with the information.

Motion by Councilmember Bailey to approve the following resolution:

RESOLUTION NO. 61-2019
SEVENTH STREET
FROM OLIVER STREET TO KING STREET
SPECIAL ASSESSMENT RESOLUTION NO. 5

WHEREAS, the City Council has met, after due and legal notice, and reviewed the special assessment roll prepared for the purpose of defraying the special assessment district's share of the following described public improvement:

SEVENTH STREET FROM OLIVER STREET TO KING STREET
STREET REHABILITATION

WHEREAS, all interested parties were heard and after carefully reviewing said special assessment roll the Council deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$46,853.01 is hereby confirmed and shall be known as Special Assessment Roll No. 2019-11.
2. Said special assessment roll shall be divided into ten installments, the first of which shall be due and payable on September 1, 2019, and the subsequent installments shall be due on September 1st of each and every year thereafter. Payment of the amount of the special assessment may be made in full without interest or penalty by November 1, 2019.
3. The installments of the special assessment rolls shall bear interest at the rate of 6% per annum; provided, however, if the bonds are issued in anticipation of said special assessments, then such unpaid special assessment shall bear interest at a rate of interest equal to 1% above the average rate of interest borne by said bonds. Such interest shall commence on September 1, 2019 and shall be paid annually on each installment due date.
4. Said special assessment roll shall be placed on file in the office of the City Clerk who shall attach her warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Haber, Law, Fear, Pidek, Bailey, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

MDEQ Drinking Water Revolving Fund Project Submittal

Public Services Director Chinavare indicated that tonight he would be looking for approval of the project plan that will be submitted to the State of Michigan DEQ to try to secure assistance with funding for the projects. The action tonight does not represent approval of the project itself or any actual expenditures, it is simply approval to seek options for low cost funding.

Mr. Chinavare went on to note that a sign-in sheet will be circulated per State regulations and he asked that all those present sign the sheet. Any questions brought forward this evening, and any written questions received by Wednesday, will be answered in writing within a few days.

OHM Engineer Matt Kennedy gave a presentation detailing the funding that could be received, the project plan and how it was derived. The proposed plan is estimated to cost \$15 million and would increase bills approximately \$23 per quarter.

A public hearing was conducted to receive citizen comment regarding the project plan proposed for submission to the MDEQ Drinking Water Revolving Fund for improvements to City's water distribution, storage, & treatment facilities. The following people commented in regard to the proposed project:

Dan McMaster, 522 N. Saginaw Street, sought clarification on the amount by which utility bills would increase.

Tom Manke, editor- Facebook.com/friendsandneighborsowosso, asked if all of the lead in the water system would be removed after the project is completed.

Diane Krajcovic, Owosso Charter Township Trustee, inquired whether the \$23 increase in utility bills would result in a \$46 increase for those in the township.

Gary Burk, retired City Utilities Director, responded to Ms. Krajcovic's question saying that the replacement of watermains within the City is the responsibility of the City. He went on to say that he lent his support for the application, the work is needed and he wants to see the project plan proceed. Many of the needs addressed by the proposed project plan were identified a long time ago but the City does not have the revenues to support a project of this size and scope, making the Drinking Water Revolving Fund a very attractive option for funding.

No other members of the public expressed an interest in commenting and the public hearing was closed.

Public Services Director Chinavare addressed Mr. Manke's question noting that the project would deal with some of the lead in the system but that the work would not be targeting lead specifically.

There was discussion among Councilmembers and staff regarding: the pressure residents will feel with a significant increase in water/sewer rates; the possibility of deferring the cost; making sure the City accomplishes as many watermain replacements as possible in a pay-as-you-go fashion to avoid rate increases; strategically picking and choosing certain parts of the plan to implement; and providing as many options to Council as possible.

There was further discussion regarding: the number of watermain breaks each year; the average cost of a watermain break; making the choice to repave a street without replacing the watermain; the life expectancy of different water system materials; trying to determine how this piece meshes with last years' plans; and securing another funding option to consider when determining how to accomplish these projects.

Motion by Councilmember Bailey to approve the proposed project plan and designate an authorized signer as detailed below:

RESOLUTION NO. 62-2019

**ADOPTING A FINAL PROJECT PLAN
FOR WATER SYSTEM IMPROVEMENTS AND
DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE**

WHEREAS, the City of Owosso recognizes the need to make improvements to its existing water treatment and distribution system; and

WHEREAS, the City of Owosso authorized OHM Advisors to prepare a Project Plan, which recommends the construction of distribution, treatment, and storage upgrades as well as development of a new well field; and

WHEREAS, said Project Plan was presented at a Public Hearing held on April 15, 2019 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Owosso formally adopts said Project Plan and agrees to implement the selected alternative #1.

BE IT FURTHER RESOLVED, that the Director of Public Services, a position currently held by Glenn Chinavare, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Councilmembers Haber, Fear, Law, Pidek, Bailey, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

Ordinance Amendment – Chapter 7, Bed & Breakfast Operations

A public hearing was conducted to receive citizen comment on the proposed amendments to several sections in Chapter 7, Bed and Breakfast Operations, Article I, In General, updating the regulations for the operation of bed and breakfast businesses.

The following person commented in regard to the proposed amendment:

Michelle Tottingham, 1203 N. Hintz Road, said she would like to open a B&B in the old Hoddy house and this amendment will allow her to do that but would not require her to live on the premises. She also said she hopes that she will be allowed to have at least 6 rooms available for rent.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilmember Law that the following ordinance be adopted:

ORDINANCE NO. 797

**AMENDING VARIOUS SECTIONS OF
CHAPTER 7, BED AND BREAKFAST OPERATIONS,
OF THE CODE OF THE CITY OF OWOSSO
UPDATING REGULATIONS FOR BED AND BREAKFAST OPERATIONS**

WHEREAS, Chapter 7, Bed and Breakfast Operations, of the Code of the City of Owosso establishes rules and regulations for the operation of bed & breakfast businesses; and

WHEREAS, the State of Michigan has updated its law regulating Bed and Breakfast Operations in 1996; and

WHEREAS, Chapter 7 was last updated in 1984; and

WHEREAS, City Staff recommends adoption of the following amendments to the Bed and Breakfast Operations ordinance; and

WHEREAS, the City Council held a public hearing on April 15, 2019, heard all interested persons, and deliberated on the requested amendment.

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

SECTION 1. AMENDMENT. That Section 7-5, Minimum specifications, of Chapter 7, Bed and Breakfast Operations, Article I, *In General*, of the Code of Ordinances is hereby amended to read:

Sec. 7-5. - Minimum specifications.

No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size as required by the (MRC) Michigan Residential Building Code, Section R-304 Minimum Room Areas Subsection R-304.1 through R-305.1 of the (MRC) Michigan Residential Building Code. Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast operation.

SECTION 2. AMENDMENT. That Sections 7-8 and 7-9 of Chapter 7, Bed and Breakfast Operations, Article I, *In General*, of the Code of Ordinances are hereby amended to read:

Sec. 7-8. - Residence of innkeeper and/or owner.

The dwelling unit in which the bed and breakfast operation takes place shall be the principle residence of the innkeeper and/or owner. The innkeeper and/or owner shall live on the premises while the bed and breakfast operation is active.

Sec. 7-9. - Residential status of structure.

The structure utilized in a bed and breakfast operation shall remain a residential structure.

SECTION 3. AMENDMENT. That Section 7-13, Maximum space to be used in operation, of Chapter 7, Bed and Breakfast Operations, Article I, *In General*, of the Code of Ordinances is hereby amended to read:

Sec. 7-13. Floor Plan.

The bed and breakfast floor plan shall be in full compliance with the (MRC) Michigan Residential Building current edition.

SECTION 4. EFFECTIVE DATE. This amendment shall become effective May 6, 2019.

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.

Motion supported by Councilmember Pidek.

AYES: Councilmembers Pidek, Fear, Bailey, Haber, Law, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

CITIZEN COMMENTS AND QUESTIONS

Shiawassee County Clerk Caroline Wilson handed out updated County Directories and detailed recent events at the County level including All-Service Saturday and contracting with a new service provider for credit card transactions. She also highlighted the Real ID Act, letting people know of the extra documentation now required when renewing a driver license or personal ID card. Lastly, she spoke as a citizen of the City saying she is tired of being hassled by loose dogs when she is walking and asking that people keep their dogs on a leash as required.

Tom Manke, editor- Facebook.com/friendsandneighborsowosso, inquired why the pavement on South Washington Street had deteriorated so badly within one year of construction and why there wasn't a one-year warranty on the project.

David Loxen, 1118 Palmer Avenue, expressed concern that the boot placed over the end of an unused sewer line in his front yard will be disturbed by the resurfacing of the street. He asked that someone take a look at the situation.

Brian Suggs, 1012 Ryan Street, inquired whether the interest rate for the special assessment on Ryan Street is 6% or 3%. He also noted his surprise that the water mains on his street are not being replaced as a part of the reconstruction project.

Eddie Urban, 601 Glenwood Avenue, said the County will be holding a lawyers day in the coming weeks and he mentioned that the local VA puts out a nice newsletter for veterans.

Utilities Director Chinavare agreed to look into Mr. Loxen's issue.

Mayor Eveleth thanked the County Clerk and the City Clerk for their work. He went on to mention that last weekend he had hosted a delegation from a Chinese company that may choose to produce their product here in Owosso.

In response to Mr. Suggs comments the Mayor noted that the watermain on Ryan Street is not being replaced because there were not enough funds to do it.

The meeting recessed at 9:00 p.m.

The meeting resumed at 9:08 p.m.

CITY MANAGER REPORT

City Manager Henne briefly detailed the latest project status report.

CONSENT AGENDA

Motion by Councilmember Pidek to approve the Consent Agenda as follows:

First Reading & Set Public Hearing – Ordinance Amendment – Chapter 19, Offenses.

Conduct first reading and set a public hearing for Monday, May 6, 2019 for the purpose of receiving citizen comment on the proposed amendment to Chapter 19, Offenses, Article VI, *Offenses against public morals*, Sections 19-110(4) and 19-111 to prohibit the consumption of marijuana in public places and update the ordinance to reflect changes in State law as follows:

RESOLUTION NO. 63-2019

**SETTING A PUBLIC HEARING TO CONSIDER
AMENDMENTS TO SECTIONS 19-110(4) & 19-111
OF CHAPTER 19, NUISANCES, OF THE OWOSSO CITY CODE
REGARDING POSSESSION AND CONSUMPTION OF MARIHUANA
AND POSSESSION OF MARIHUANA RELATED PARAPHERNALIA**

WHEREAS, Chapter 19, Nuisances, of the Code of Ordinances of the City of Owosso prohibits the possession of marihuana and marihuana related paraphernalia; and

WHEREAS, the laws of the State of Michigan have changed as the result of a citizen initiated effort to legalize the use of recreational marihuana; and

WHEREAS, Chapter 19, Nuisances, of the Code of Ordinances of the City of Owosso must be amended to reflect the changes in State law; and

WHEREAS, the City Council must hold a public hearing to hear all interested persons regarding any and all proposed ordinance amendments.

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

SECTION 1. REPEAL. That Section 19-110(4), *Drug paraphernalia – Marijuana or hashish pipe*, shall be repealed as follows:

Sec. 19-110. - Drug paraphernalia.

(a) *Definitions.* The following words and phrases, when used in this section, shall, for the purpose of this section, have the meanings respectively ascribed to them:

- (1) *Cocaine spoon:* A spoon with a bowl so small that the primary use for which it is reasonably adopted or designed, is to hold or administer cocaine, and which is so small as to be unsuited for the typical lawful uses of a spoon.
- (2) *Controlled substance:* Any drug, substance, or immediate precursor designated as a schedule 1-5 substance in Article 7, Controlled Substances, Act 368 of the Public Acts of Michigan of 1978 (MCL 333.7101 et seq., MSA 14.15 (7101) et seq.), as amended, (commonly known as the Public Health Code).
- (3) *Drug paraphernalia:* All equipment, products, and materials of any kind which are used, adapted for use, or designed for use, in planting, manufacturing, compounding, producing, testing, containing, concealing, injecting, or otherwise introducing into the human body a controlled substance in violation of the public health code of the state.
- ~~(4) *Marijuana or hashish pipe:* A pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than lawful smoking tobacco, and which may or may not be equipped with a screen.~~

(b) *Sale, display, possession prohibited.* It shall be unlawful for any person to sell, offer for sale, display, furnish, supply, possess, give away or advertise any drug paraphernalia which is primarily adapted or designed for the administration or use of any controlled substance.

(c) *Licensed persons; exemptions.* This section shall not apply to a person licensed by the state board of pharmacy (administrator) pursuant to the public health code. Such person may possess, manufacture, distribute, prescribe, dispense, or conduct research with controlled substances to the extent authorized by its license. The following persons need not be licensed and may lawfully possess controlled substances under this section:

- (1) An agent or employee of a licensed manufacturer while acting in the ordinary course of employment.
- (2) Common or contract carrier or warehousemen, or employee thereof while possessing in ordinary course of employment.
- (3) Persons suffering from diabetes, asthma, or any other medical condition requiring self injection or pursuant to a lawful order of a practitioner.

- (4) An officer or employee of a federal, state, political subdivision or agency of this state who is engaged in the enforcement of state or local laws relating to controlled substances and who is authorized to possess controlled substances in the course of that person's official duties.

SECTION 2. REPEAL. That Section 19-111, *Possession and use of marijuana*, of Chapter 19, Nuisances, of the Code of Ordinances is hereby repealed in its entirety:

~~Sec. 19-111. - Possession and use of marijuana.~~

- ~~(a) *Definitions.* As used in this section, "marijuana" means all parts of the plant Cannabis Sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound manufacture, sale, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.~~
- ~~(b) *Possession or control.* No person shall possess or control marijuana within the city unless such possession or control is pursuant to a license or prescription, or otherwise allowed under Act 368 of the Public Acts of 1978, as amended.~~
- ~~(c) *Use of marijuana.* No person shall use marijuana within the city unless such use is pursuant to a license or prescription, or otherwise allowed under Act 368 of the Public Acts of 1978, as amended.~~
- ~~(d) *Penalties.* Anyone violating this section or any subsection, paragraph, clause or part hereof, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the county jail for a period of not more than ninety (90) days, or by both such fine and imprisonment in the discretion of a court of competent jurisdiction.~~

SECTION 3. REPLACE. That Section 19-111, *Possession and use of marihuana*, of Chapter 19, Nuisances, of the Code of Ordinances is hereby replaced to read as follows:

Sec. 19-111. - Possession and use of marihuana.

- (a) A person shall not:
- (1) Possess, use, or deliver any controlled substance or a controlled substance analogue listed in Section 7212(d)(1) of the Public Health Code, or a prescription form, except as otherwise permitted by law or this section;
 - (2) Transfer marihuana or marihuana accessories to a person under the age of 21;
 - (3) If under the age of 21, possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;
 - (4) Separate plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;
 - (5) Consume marihuana, marihuana infused products or marihuana concentrates in public places, including but not limited to public streets, alleys, sidewalks, parks, buildings and publicly owned property;
 - (6) Cultivate marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;
 - (7) Consume marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat;
 - (8) Smoke marihuana within the passenger area of a vehicle upon a public way;
 - (9) Smoke marihuana where prohibited by the person who owns, occupies, or manages the property;
 - (10) Possess or consume marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any public or private school athletic event;

For a violation of subsection (10) by a person under the age of 17, the person shall be responsible for a municipal civil infraction punishable by a fine of \$100 and shall complete a drug awareness program approved by the police department.
 - (11) Possess more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

- (b) The following acts by a person 21 years of age or older are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection, and are not grounds to deny any other right or privilege:
- (1) Except as permitted by subsection (2), possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate;
 - (2) Within the person's residence, possessing, storing, and processing not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises and cultivating not more than 12 marihuana plants for personal use, provided that if more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once, the person shall be guilty of a misdemeanor punishable as provided in [Section 1-8](#) of the City Code and by forfeiture of the plants;
 - (3) Assisting another person who is 21 years of age or older in any of the acts described in this subsection; and
 - (4) Giving away or otherwise transferring without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public, provided that a transfer for remuneration of any kind, overt or inferred, and a transfer that exceeds the limits set forth here or which is advertised or promoted to the public shall constitute a misdemeanor punishable as provided in [Section 1-8](#) of the City Code and by forfeiture of the marihuana.
- (c) Except for a person who engaged in conduct described in subsections (a)(2), (3), (4), (7), (8), (10), or as otherwise provided in the Act, a person who possesses, cultivates, delivers without receiving any remuneration to a person who is at least 21 years of age, or possesses with intent to deliver not more than the amount of marihuana allowed by subsection (b) is responsible for a municipal civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.
- (d) Except for a person who engaged in conduct described in subsection (a), or as otherwise provided in the Act, a person who possesses, cultivates, delivers without receiving any remuneration to a person who is at least 21 years of age, or possesses with intent to deliver not more than twice the amount of marihuana allowed by subsection (b):
- (1) For a first violation, is responsible for a municipal civil infraction punishable by a fine of \$100 and forfeiture of the marihuana.
 - (2) For a second violation, is responsible for a municipal civil infraction punishable by a fine of \$250 and forfeiture of the marihuana.
 - (3) For a third or subsequent violation, is guilty of a misdemeanor punishable by a fine of up to \$500 and forfeiture of the marihuana.
- (e) Except for a person who engaged in conduct described by subsections (a)(3), (6), (7), or as otherwise provided in the Act, a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:
- (1) For a first violation, is responsible for a municipal civil infraction punishable as follows:
 - (i) If the person is less than 18 years of age, by a fine of \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling.
 - (ii) If the person is at least 18 years of age, by a fine of \$100 and forfeiture of the marihuana.
 - (2) For a second violation, is responsible for a municipal civil infraction punishable as follows:
 - (i) If the person is less than 18 years of age, by a fine of \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling.
 - (ii) If the person is at least 18 years of age, by a fine of \$500 and forfeiture of the marihuana.
 - (3) For a third or subsequent violation committed by a person less than 18 years of age, is responsible for a municipal civil infraction punishable by a fine of \$1,000 and community service, forfeiture of the marihuana, and completion of 16 hours of drug education or counseling. For a third or subsequent violation committed by a person at least 18 years of age, is guilty of a misdemeanor punishable as set forth in [§ 1-10](#) of the City Code, community service, forfeiture of the marihuana, and completion of drug education or counseling ordered by the court.
- (f) Except for a person who engaged in conduct described by subsection (a), or as otherwise provided in the Act, a person who possesses, cultivates, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by subsection (b) shall be guilty of a misdemeanor punishable as follows:

- (1) A fine up to \$500 if the violation was not habitual, willful, and for a commercial purpose, and the violation did not involve violence.
- (2) A fine up to \$500 and up to 90 days in jail if the violation was habitual, willful, and for a commercial purpose, or if the violation involved violence.

SECTION 4. PUBLIC HEARING. A public hearing is set for Monday, May 6, 2019 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendments.

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

SECTION 6. 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.

Boards and Commissions Appointment. Approve the following Mayoral Boards and Commissions appointment:

Name	Board/Commission	Term Expires
Steven Teich	Downtown Historic District Commission	06-30-2021

Change to Street Lighting Contract – Change-over to LED. Authorize amendment to the Street Light Contract with Consumers Energy to reflect the replacement of burned out high pressure sodium cobrahead streetlights with new LED bulbs, removal of said lights from the current street lighting contract, inclusion of said lights on a new contract solely for LED fixtures, and authorize the Mayor and City Clerk to execute appropriate documents as follows:

RESOLUTION NO. 64-2019

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Owosso, dated 10/1/2013, in accordance with the Authorization for Change in Standard Lighting Contract dated April 15, 2019 heretofore submitted to and considered by this council; and

RESOLVED, further, that the Mayor and Clerk be and are authorized to execute such authorization for change on the behalf of the City.

GENERAL SERVICE UNMETERED LIGHTING RATE GUL, STANDARD HIGH INTENSITY DISCHARGE

Number of Luminaires	Nominal Watts	Luminaire Type	Fixture Type	Fixture Style	Install Remove	Location
1	100	HPS	Cobra head		Remove	1435 Olmstead St,
1	100	HPS	Cobra head		Remove	Farr, Owosso- standing order not attached (light is on the s side of Farr, e/o 705 Lincoln)
1	100	HPS	Cobrahead		Remove	901 E King St, Owosso
1	100	HPS	Cobrahead		Remove	115 Goodhue St, Owosso
1	100	HPS	Cobrahead		Remove	123 Elliot St
1	100	HPS	Cobrahead		Remove	765 Center St, Owosso
1	100	HPS	Cobrahead		Remove	1225 N Washington St,
1	100	HPS	Cobrahead		Remove	1003 Gellatly Ct, Owosso
1	100	HPS	Cobrahead		Remove	1031 S Chipman St,
1	100	HPS	Cobrahead		Remove	329 Lafayette Blvd,
1	100	HPS	Cobrahead		Remove	918 Summit St, Owosso
1	100	HPS	Cobrahead		Remove	E North St, Owosso
1	150	HPS	Cobrahead		Remove	219 Oliver St. Owosso
1	250	HPS	Cobrahead		Remove	508 W. Williams
1	400	HPS	Cobrahead		Remove	219 N Ball St, Owosso

Bid Award – 2019 Street Resurfacing Program – Contract No. 3. Approve the low bid of Crawford Contracting for the 2019 Street Resurfacing Program – Contract No. 3 in the amount of \$648,853.26, authorize a contingency amount of \$50,000.00, and further authorize payment up to the bid amount plus the contingency (with prior written approval) upon satisfactory completion of the work or portion thereof as follows:

RESOLUTION NO. 65-2019

AUTHORIZING THE EXECUTION OF A CONTRACT WITH CRAWFORD CONTRACTING, INC. FOR THE 2019 STREET PROGRAM CONTRACT NO. 3

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to perform pavement improvements along portions of Ryan Street and Seventh Street as set forth in the contract documents; and

WHEREAS, the city has sufficient funds to perform said improvements from its 2016 Unlimited Obligation Bond Proceeds funds to facilitate undertaking of the project; and

WHEREAS, the city of Owosso sought bids for the 2019 Street Program-Contract No. 3, and a bid was received from Crawford Contracting, Inc. and it is hereby determined that Crawford Contracting, Inc. is qualified to provide such services and that it has submitted the lowest 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 heretofore determined that it is advisable, necessary and in the public interest to employ Crawford Contracting, Inc. for the 2019 Street Program-Contract No. 3.
- SECOND: 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 Crawford Contracting, Inc. in the amount of \$648,853.26.
- THIRD: The accounts payable department is authorized to pay Crawford Contracting Inc. for work satisfactorily completed on the project up to the bid Contract amount of \$648,853.26, plus a contingency amount not to exceed \$50,000.00 for city field staff adjustments.
- FOURTH: The above expenses shall be paid from the 2016 Unlimited Obligation Bond Proceeds Account Nos. 203-451-818.000RYAN STREET (\$459,881.67); and 202-451-818.000SEVENTHSTR (\$188,971.59).

Warrant No. 567. Authorize Warrant No. 567 as follows:

Vendor	Description	Fund	Amount
Caledonia Charter Township	Caledonia Utility Fund payment - 1/1/19-3/31/19	Water	\$33,073.14
Owosso Charter Township	Owosso Charter Township 2011 Water Agreement payment-1/1/19 – 3/31/19	Water	\$13,291.62

Check Register – March 2019. Affirm check disbursements totaling \$2,924,387.14 for March 2019.

Downtown Owosso Farmers' Market. (This item was added to the agenda.) Approved request from Tracy Peltier, Market Master of the Downtown Owosso Farmers' Market to close Exchange Street from Water Street to Washington Street and Water and Ball Streets from Main Street to Mason Street every Saturday from May 4, 2019 to October 26, 2019 from 5:00 a.m. until 2:00 p.m., and approve Traffic Control Order No. 1414 formalizing the request.

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmembers Haber, Law, Bailey, Pidek, Fear, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

ITEMS OF BUSINESS

21 Day Posting - Property Lease – Osburn Lakes

City Manager Henne explained that the Osburn Lakes Homeowners Association is seeking an extension of their current contract for a period of 50 years to allow them to apply for grant funding for the park.

Motion by Councilmember Fear to authorize a twenty-one (21) day posting for the lease of City-owned property located in the Osburn Lakes Single Family Condominium Development to Osburn Lakes Homeowners Association for the purposes of a private park as follows:

RESOLUTION NO. 66-2019

**AUTHORIZING 21-DAY POSTING FOR
LEASE AGREEMENT FOR USE OF CITY PROPERTY
WITH OSBURN LAKES HOME OWNERS ASSOCIATION**

WHEREAS, the City of Owosso, Michigan ("City") is a municipal corporation organized under the provisions of the Home Rule City Act, Public Act 279 of 1909, as amended, and is governed by the provisions of the Owosso City Charter adopted April 6, 1964, as amended ("Charter"); and

WHEREAS, the City owns the vacant parcel commonly known as 1180 and 1190 Bluestem Court and described as follows;

UNIT 57, OSBURN LAKES RESIDENTIAL SITE CONDOMINIUM, PHASE 1
UNIT 56, OSBURN LAKES RESIDENTIAL SITE CONDOMINIUM, PHASE 1; and

WHEREAS, these parcels are vacant and serve as a park for the Osburn Lakes Neighborhood; and

WHEREAS, the land is strategically placed and should continue to be used as a recreational resource in the future; and

WHEREAS, the Osburn Lakes Home Owners Association is leasing the property from the city for use as a neighborhood park; and

WHEREAS, the Osburn Lakes Home Owners Association is interested in extending the lease to 2069 in order to be eligible for possible recreation grant funds to further develop the park; and

WHEREAS, Charter Section 14.3 (b)(2) provides for a twenty one day posting period to allow public inspection of the proposed lease and other potential offers.

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

FIRST: the lease agreement for the property described above be posted for a 21-day period to allow for citizen comment and other offers.

SECOND: the proposed agreement be returned to Council at the meeting of Monday, May 20, 2019 for potential final disposition.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Councilmembers Fear, Pidek, Haber, Bailey, Law, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

Emergency Ordinance Amendment – Chapter 38, Zoning

City Manager Henne explained that this emergency ordinance amendment corrects an error in Ordinance No. 795, approved March 18, 2019.

Motion by Councilmember Bailey to approve emergency amendment of Section 38-292 (12) of Chapter 38, Zoning, of the Code of Ordinances of the City of Owosso, Michigan to correct errors related to the location of medical marihuana facilities as follows:

ORDINANCE NO. 798

**AN EMERGENCY ORDINANCE TO AMEND SECTION 38-292 OF CHAPTER 38, ZONING,
OF THE CODE OF THE CITY OF OWOSSO
TO CORRECT ERRORS TO BUFFER ZONE REQUIREMENTS
FOR MEDICAL MARIHUANA RELATED FACILITIES**

WHEREAS, the City Council adopted Ordinance No. 795 on March 18, 2019; and

WHEREAS, Section 38-292 (12) of Ordinance No. 795 was intended to address marihuana growers, processors, safety compliance facilities, and secure transporters but instead make reference to "provisioning centers"; and

WHEREAS, this error must be corrected for the Ordinance to express the intent of the City Council and the Planning Commission; and

WHEREAS, because Ordinance No. 795 became effective April 7, 2019 sufficient time does not exist to amend the ordinance under normal procedures, causing the Council to declare the amendment emergent in nature.

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

SECTION 1. AMENDMENT. That Section 38-292 (12), Principal uses permitted, of Chapter 38, Zoning, Article XIII, *I-1 Light Industrial District*, of the Code of Ordinances is hereby amended to read:

Sec. 38-292. - Principal uses permitted. (I-1, Light Industrial District)

In an I-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter and subject further to the review and approval of the site plan by the planning commission in accordance with section 38-390:

- (12) Marihuana growers, processors, safety compliance facilities or secure transporters as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance shall be subject to the following standards:
 - a. Minimum Yard Depth/Distance from Lot Lines. Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in Article XVI. –Schedule of Regulations for each zoning designation as listed.
 - b. Indoor Growing and Processing. In the I-1 light industrial district, marihuana growing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors. Marihuana processing shall be located entirely within one or more completely enclosed buildings.
 - c. Maximum Building Floor Space. The following maximum building floor space shall apply in the I-1 light industrial district:
 1. If only a portion of a building is authorized for use in marihuana growing or processing, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana growing or processing space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marihuana growing or processing space and the remainder of the building.
 - d. Lighting. Lighting shall be regulated as follows:
 1. Light cast by light fixtures inside any building used for marihuana growing or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 2. Outdoor marihuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
 - e. Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 4. Negative air pressure shall be maintained inside the building.
 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 6. An alternative odor control system is permitted if the applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - f. Security Cameras. Security cameras must be used and shall be directed to record only the subject property and may not be directed to public rights-of-way

as applicable, except as required to comply with licensing requirements of the state of Michigan. Recordings shall be kept for 90 days.

- g. **Buffer Zones.** A ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:
1. A ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the ~~marihuana grower, processor, safety compliance facility, or secure transporter~~ **marihuana grower, processor, safety compliance facility, or secure transporter** and from the part of the ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** nearest to the school building.
 2. A ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** may not be located within 100 feet of a residentially zoned structure. The distance between the residentially zoned structure and the ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** and from the part of the ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** nearest to the residentially zoned structure.
 3. A ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** and from the part of the ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
 4. ~~No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning centers to the other provisioning center.~~

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The city hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3. 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 4. EFFECTIVE DATE. This amendment shall become effective immediately upon adoption on April 15, 2019.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Fear, Pidek, Haber, Bailey, Law, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

Set Medical Marijuana Provisioning Center License Application Window & Lottery

Motion by Councilmember Law to approve the following resolution setting a 30-day window in which to receive applications from qualified applicants seeking one of four provisioning center licenses and further set the date, time, and process for the lottery to determine the four winning applicants:

RESOLUTION NO. 67-2019

**AUTHORIZING MEDICAL MARIJUANA PROVISIONING CENTER
APPLICATION WINDOW AND LOTTERY DRAWING**

WHEREAS, the Michigan Legislature passed the Medical Marijuana Facilities Licensing Act of 2016 to allow medical marijuana facilities; and

WHEREAS, the Act mandates that municipalities may choose to opt in to allow medical marijuana facilities within their borders; and

WHEREAS, the City of Owosso has decided to allow four (4) Medical Marijuana Provisioning Center Licenses within B-1, B-2, B-3, and B-4 zoning districts, as well as I-1 and I-2 districts; and

WHEREAS, the City determined that a lottery system shall be used to select the four (4) provisioning center licenses; and

WHEREAS, the City of Owosso considers it necessary and pertinent to hold an application period and lottery drawing; and

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 establish a medical marijuana provisioning center license application window from May 1 to May 30, 2019.
- SECOND: Each interested party shall submit no more than one (1) application.
- THIRD: Applications must be complete in order to be entered into the lottery drawing.
- FOURTH: The City shall utilize the Michigan Daily 3 Evening Lottery and Michigan Daily 4 Evening Lottery drawings held on Thursday, June 13, 2019 at 7:29 p.m., according to the parameters laid out in Resolution No. 114-2018, to determine up to four (4) license winners.
- FIFTH: A meeting is set for Thursday, June 13, 2019 at 7:15 p.m. in the City Hall Council Chambers to allow members of the public to observe the drawings as they are broadcast and/or streamed online.

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmembers Bailey, Law, Haber, Pidek, Fear, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

Initiate Transfer to MERS – Police Patrol Members & Retirees

City Manager Henne this resolution formally requests the Retirement Board transfer funding for the Police Patrol Unit and its corresponding retirees to the MERS System.

Motion by Councilmember Fear to approve the following resolution formally requesting the transfer of Police Patrol Unit members and the corresponding retirees from the City of Owosso Employees' Retirement System to the Municipal Employees' Retirement System.

RESOLUTION NO. 68-2019

**ADOPTING THE MUNICIPAL EMPLOYEES RETIREMENT SYSTEM PLAN FOR
THE POLICE OFFICER LABOR COUNCIL, NON-SUPERVISORY UNIT
MEMBERS & RETIREES**

WHEREAS, the city of Owosso, a Michigan municipal corporation, is a member of the Municipal Employees Retirement System (MERS); and

WHEREAS, recently enacted changes in the labor contract for the Police Officers Labor Council (POLC) – non-supervisory unit modified certain pension benefits; and

WHEREAS, it is necessary to provide formal notice to the City of Owosso Retirement Board of the intention of transferring the current POLC – non-supervisory unit members and retirees to the MERS plan; and

WHEREAS, the city council must adopt a resolution authorizing this transfer of funds.

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

FIRST: The City of Owosso has determined it is advisable, necessary and in the public interest to move the POLC – non-supervisory unit members and retirees from the City of Owosso Employees' Retirement System to the Municipal Employees Retirement System (MERS) plan.

SECOND: The mayor and city clerk are instructed and authorized to sign any documents as required between the City of Owosso and MERS to make this transfer happen.

THIRD: That this formal notification is approved and the parties can begin working on the process to move the assets from the City plan to MERS.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Councilmembers Law, Haber, Pidek, Fear, Bailey, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

MERS Hybrid Plan- Future Police Patrol Members

Motion by Councilmember Pidek to authorize the resolution to adopt the MERS Hybrid Plan Adoption Agreement governing police patrol officers hired after December 1, 2018 and further approve the resolution authorizing signatories as detailed in the two resolutions below:

RESOLUTION NO. 69-2019

ADOPTING THE MERS HYBRID PLAN FOR POLICE PATROL EMPLOYEES HIRED AFTER DECEMBER 1, 2018

WHEREAS, the participating entity desires to adopt the MERS Hybrid Plan for its designated employees;

WHEREAS, the participating entity has furnished MERS with required data regarding each eligible employee and retiree, and, for employees, MERS' actuary has computed the liabilities for benefits payable and which may become payable (on account of service already, and to be, rendered) with respect to the defined benefit portion of the MERS Hybrid Plan, and the participating entity has furnished MERS with required data regarding each eligible employee and retiree with respect to the defined contribution portion of the MERS Hybrid Plan;

WHEREAS, as a condition of MERS membership, and pursuant to the MERS Retirement Board's power as plan administrator and trustee under Plan Document Section 71 and MCL 38.1536, as each may be amended, it is appropriate and necessary to enter into a binding agreement providing for the administration of the Hybrid Plan, the reporting of wages, and the payment of the required contributions of a participating entity and withholding of employee contributions; now, therefore,

IT IS HEREBY RESOLVED:

On behalf of the participating entity, the governing body of the City of Owosso adopts the MERS Hybrid Plan in accordance with Plan Section 4 for its eligible employees as described in the MERS Hybrid Adoption Agreement, subject to the MERS Plan Document and as authorized by 1996 PA 220, as both may be amended;

RESOLUTION NO. 70-2019

ESTABLISHING AUTHORIZED SIGNATORIES FOR MERS CONTRACTS AND SERVICE CREDIT PURCHASE APPROVALS

WHEREAS, the City of Owosso (“Employer”) is a participating municipality with the Municipal Employees’ Retirement System of Michigan (“MERS”) and has adopted one or more retirement, insurance, investment or other post-employment benefit products administered by MERS;

WHEREAS, MERS requires signatures of an authorized representative of the Employer to execute contracts with MERS, the entry of which is authorized by the governing body and permitted under the applicable MERS Plan Document(s);

WHEREAS, the Employer wishes to designate certain job position(s), the holder(s) of which may sign MERS’ contracts relating to the adoption, amendment and termination of MERS’ products, and defined benefit service credit purchase approvals on behalf of Employer to implement decisions and actions of the governing body;

WHEREAS, this Resolution is not intended to apply to MERS forms or any other MERS document except as specifically mentioned herein,

Therefore, the Governing Body resolves:

The holders of the following job position(s) are hereby *Authorized Officials* that can sign: (1) MERS Adoption Agreements, Resolutions, Participation Agreements, Administrative Services Agreements, Withdrawal Agreements and any other contracts between MERS and the Employer with respect to Employer’s participation in any MERS-administered product and any amendments and addendums thereto, and (2) MERS Defined Benefit service credit purchase approvals:

Mayor

Optional additional job positions:

City Clerk

This Resolution may be revoked in writing or amended by the Governing Body at any time, provided that it will not be effective until such writing or amended Resolution is received by MERS. The Governing Body agrees that MERS may rely upon this Resolution as conferring signing authority upon the holders of the above job position(s) to bind Employer with respect to MERS.

Motion supported by Councilmember Haber.

Roll Call Vote.

AYES: Councilmembers Bailey, Law, Haber, Fear, Pidek, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

City Manager Evaluation Discussion

The Council reviewed the edited format for the evaluation and discussed the deadline for submission as well as whether Council would have access to the staff comments prior to completing their individual reviews.

Motion by Councilmember Pidek to approve the format of the City Manager’s evaluation as proposed, set a deadline of April 29, 2019 for submission, set the City Manager’s formal evaluation for Monday, May 6, 2019, and direct the Human Resource Director to compile staff comments for presentation during the meeting (as a part of closed session).

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmembers Law, Bailey, Fear, Pidek, Haber, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

5th Monday Meeting – April 29, 2019

City Manager Henne recommended the Council hold a round-table discussion regarding strategic planning.

Motion by Councilmember Pidek to set the agenda for the 5th Monday meeting on April 29, 2019 as a round-table discussion regarding strategic planning.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Fear, Bailey, Pidek, Haber, Law, and Mayor Eveleth.

NAYS: None.

ABSENT: Mayor Pro-Tem Osika.

COMMUNICATIONS

Glenn M. Chinavare, Utilities Director. 2018 Annual Water Consumer Confidence Report (formerly: Annual Water Quality Report).

N. Bradley Hissong, Building Official. March 2019 Building Department Report.

N. Bradley Hissong Building Official. March 2019 Code Violations Report.

N. Bradley Hissong Building Official. March 2019 Certificates Issued Report.

N. Bradley Hissong Building Official. March 2019 Inspections Report.

Kevin D. Lenkart, Public Safety Director. March 2019 Police Report.

Kevin D. Lenkart, Public Safety Director. March 2019 Fire Report.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, editor- Facebook.com/friendsandneighborsowosso, said he would like to see the City's police cars say "Police" on the side instead of "Public Safety".

Former Utilities Director Gary Burk spoke about what was needed to create a sustainable water/sewer system and why now is the time to start making the necessary changes.

Eddie Urban, 601 Glenwood Avenue, joked that he once lived in a tank.

Steven Goff, property owner at 1370 East South Street, said he had made a significant investment in their property and now the emergency ordinance has eliminated the zoning district the property is in. He said he wants to make an investment in the community but doesn't like to see the rules changed at the 11th hour.

City Manager Henne responded to Mr. Goff saying that the changes were put in place because the Planning Commission never intended to allow provisioning centers in certain industrial areas and they also did not want the possibility of one entity holding all four of the City's provisioning center licenses.

NEXT MEETING

Monday, April 29, 2019 – 5th Monday meeting

Monday, May 6, 2019 – Regular meeting

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate - term expires June 30, 2019

Building Board of Appeals – Alternate - term expires June 30, 2021

Brownfield Redevelopment Authority – term expires June 30, 2022

Historical Commission – 2 terms expire December 31, 2021

Parks & Recreation Commission – term expires June 30, 2019

Planning Commission – term expires June 30, 2019

Zoning Board of Appeals - Alternate – term expires June 30, 2021

ADJOURNMENT

Motion by Councilmember Bailey for adjournment at 9:49 p.m.

Motion supported by Councilmember Law and concurred in by unanimous vote.

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk