

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF JANUARY 6, 2020
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: DEACON MICHAEL BASSETT
ST. GEORGE ORTHODOX CHURCH, FLINT

PLEDGE OF ALLEGIANCE: COUNTY COMMISSIONER MARLENE WEBSTER

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika, Councilmembers Janae L. Fear, Jerome C. Haber, Daniel A. Law, and Nicholas L. Pidek.

ABSENT: Councilmember Loreen F. Bailey.

APPROVE AGENDA

Motion by Councilmember Pidek to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 16, 2019

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of December 16, 2019 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, spoke about the fireworks at the downtown New Year's celebration.

Mayor Eveleth thanked everyone that helped put on the New Year's celebration downtown saying it was yet another great event.

CITY MANAGER REPORT

City Manager Henne detailed a brief report of recent City activities taking place over the holidays.

CONSENT AGENDA

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

Set Public Hearing -Obsolete Property Rehabilitation Exemption Certificate— 114-116 W. Main Street. Set a public hearing for Tuesday, January 21, 2020 to receive citizen comment regarding the Revised application from Ruesswood REI Group, LLC for an Obsolete Property Rehabilitation Exemption Certificate for the third floor of their property at 114-116 W. Main Street as follows:

RESOLUTION NO. 01-2020

SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR AN OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE FOR THE PROPERTY COMMONLY KNOWN AS 114-116 W. MAIN STREET

WHEREAS, the City of Owosso received application for an Obsolete Property Rehabilitation Exemption Certificate on October 21, 2019, with an amended application received on December 5, 2019, from Randy Woodworth of Ruesswood REI Group LLC, and

WHEREAS, the City of Owosso approved a request to establish an Obsolete Property Rehabilitation District, on December 2, 2019, described as:

LOT 8 & W 2/3 OF LOT 7 BLK 22 OF ORIGINAL PLAT; and

WHEREAS, it must be determined that approval of the Obsolete Property Rehabilitation Certificate would be beneficial to the City of Owosso, as well as local and regional economy.

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

FIRST: the Owosso City Council sets public hearing for Tuesday, January 21, 2020 on or about 7:30 p.m. in the council chambers for the purpose of hearing comments from those within the district, and any other resident or taxpayer, of the City of Owosso; and

SECOND: the city clerk gives the notifications as required by law; and

THIRD: the city staff is directed to investigate and determine if the qualifications of the act are satisfied and report findings at the hearing.

Property Lease - Tillable Acreage – Twenty-One Day Posting. Authorize twenty-one (21) day posting period for the lease of approximately 10 acres of city owned tillable land near Hopkins Lake to Shawnee Creek Farms for \$500.00 per year for the 2020-2024 farming seasons as detailed below:

RESOLUTION NO. 02-2020

**AUTHORIZING 21-DAY POSTING FOR
A CROP FARMING CASH RENT AGREEMENT
WITH MATT DUTCHER AND KEVIN DUTCHER D/B/A SHAWNEE CREEK FARMS**

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 certain tillable acreage near Hopkins Lake that would be suitable for farming; and

WHEREAS, the city is not currently utilizing the land and desires to lease the land for farming purposes; and

WHEREAS, Matt and Kevin Dutcher, doing-business-as Shawnee Creek Farms, have expressed an interest in leasing the land for a five-year period; and

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

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

FIRST: the city of Owosso is in receipt of a proposed five-year cash rent agreement for ten acres of tillable farmland near Hopkins Lake from Matt Dutcher and Kevin Dutcher, d/b/a Shawnee Creek Farms, which farm adjacent land.

SECOND: the city council approves the posting of said agreement for a period of at least 21-days to allow for public inspection.

THIRD: the agreement be returned to council at the meeting of February 3, 2020 for potential final determination.

Contract Amendment - GIS Support Services for Water & Sewer System Mapping Contract.

Approval of Amendment to the professional services agreement with Orchard, Hiltz and McClement (OHM) of Livonia, Michigan, for additional GIS-geodatabase maintenance support services in an amount not to exceed \$15,000.00 as follows:

RESOLUTION NO. 03-2020

AUTHORIZING THE EXECUTION OF AMENDMENT NO. 3

**TO ADDENDUM NO. 2 – GIS SUPPORT SERVICES
TO AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
WITH ORCHARD, HILTZ & MCCLIMENT, INC. D/B/A OHM ADVISORS**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into an agreement with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors by the adoption of Resolution No. 116-2017 on August 7, 2017 for the provision of GIS mapping and maintenance services; and

WHEREAS, the city and Director of Public Services & Utilities desires to expand the contract to include additional services for providing additional GIS database maintenance, support for implementation of new field applications, and training services for water distribution, sanitary sewer, and storm sewer mapping systems.

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 expand the contract approved by Resolution No. 116-2017 on August 7, 2017 with Orchard, Hiltz & McCliment, Inc. d/b/a OHM Advisors to include additional services in the amount of \$15,000.00 for ongoing GIS database mapping services and support.
- SECOND: The accounts payable department is authorized to submit payment to OHM Advisors, in the amount of \$80,000.00, plus Amendment No. 3 in the amount of \$15,000.00, for a total amount not to exceed \$95,000.00 for GIS Support Services.
- THIRD: The above expenses shall be paid from water funds, sewer funds, and street funds.

Professional Services Agreement – 2021 Gould Street Rehabilitation Project Engineering Services. Approve professional services agreement with Fleis &Vandenbrink, Inc. for engineering and construction administration services related to the 2021 Gould Street Rehabilitation Project in an amount not to exceed \$132,900.00 and authorize payment up to the contract amount as terms of the contract are fulfilled as follows:

RESOLUTION NO. 04-2020

**AUTHORIZING THE EXECUTION OF AN AGREEMENT
FOR PROFESSIONAL ENGINEERING SERVICES WITH
FLEIS & VANDENBRINK, INC.
FOR THE 2021 N. GOULD STREET PROJECT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is considering the necessary resurfacing of N. Gould Street, from Oliver Street to Moore Street, as outlined within its RFP for professional engineering services; and

WHEREAS, the city of Owosso has received notification from the Michigan Department of Transportation (MDOT) of an award of federal Small Urban Program Grant funding for said project; and

WHEREAS, this project requires the services of a professional engineering firm for compliance with MDOT program funding; and

WHEREAS, the City sought proposals from its Qualification Based Selection (QBS) list of firms to perform such work; and

WHEREAS, Fleis & Vandenbrink, Inc. is selected as the most qualified firm to perform said design assistance and construction administration services, in an amount not to exceed \$132,900.00.

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 employ the firm of Fleis & Vandenbrink, Inc. to provide professional engineering services for the 2021 N. Gould Street Project.
- SECOND: The mayor and city clerk are instructed and authorized to sign the necessary documents as an Agreement for Professional Engineering Services between the City of Owosso, Michigan and Fleis & Vandenbrink, Inc.

THIRD: The Accounts Payable department is authorized to make payment up to the amount of \$132,900.00 to Fleis & Vandenbrink, Inc. upon successful completion of stated work.

FOURTH: The above expenses shall be paid from the 2016 Unlimited Obligation Bond Proceeds Acct No. 202-451-818.000-NGOULDST21 (\$85,500.00), Water Main & Hydrants Account No. 591-901-972.000-NGOULDST21 (\$47,400.00), and other funds as appropriated.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Councilmembers Haber, Law, Fear, Pidek, Mayor Pro-Tem Osika, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Bailey.

ITEMS OF BUSINESS

Recreational Marijuana Facilities Presentation & Public Forum

City Manager Nathan R. Henne presented his suggested course of action to the Council. He recommended allowing current and future medical marijuana facilities to ply their trade recreationally. He further suggested the Council direct the Planning Commission to explore the five new types of licenses created by the Michigan Regulation and Taxation of Marijuana Act and determine whether any or all of them should be allowed in the City and where licensees would be able to operate.

The public was then provided an opportunity to comment.

The following people commented in regard to the various recreational marijuana facilities licenses established by the State, which licenses and how many should be allowed, and allowing medical marijuana provisioning centers to sell recreational marijuana immediately:

Tom Manke, 2910 W. M-21, inquired how many retail facilities the City would be allowing.

Doug McLaughlin-Williams, Owosso Lume store manager, introduced himself to the Council saying he would be available if they had questions.

John Basset, former long-time resident, said he hopes the City will allow microbusinesses as they represent one of the only ways a local person can get involved in the business.

Kevin M. Blair, Attorney for Lume, asked the City to move quickly to allow holders of medical marijuana retail licenses to sell recreationally. He said he is not trying to threaten the City, but it is his interpretation of the law was that a city that allows medical marijuana sales cannot prohibit the sale of recreational marijuana by medical retail facilities.

Eddie Urban, 601 Glenwood Avenue, asked if he could have gotten arrested for having paraphernalia in his car if he found it while metal detecting.

Seeing there were no further citizens wishing to comment Mayor Eveleth closed the public forum at 7:55 p.m.

The Council discussed the different types of licenses created by the law governing recreational marijuana, the different perspectives of the players involved, keeping the number of retail operations to the current four before considering any decisions to increase the number, and whether the proposed approach would put recreational facilities at a disadvantage.

Councilmember Law moved to direct the City Attorney to draft an ordinance allowing current and future medical marijuana facility license holders to apply for a recreational license. Further, the moratorium on the establishment of the following types of recreational marijuana facilities would be lifted at the time the ordinance takes effect: grower, processor, provisioning center, safety compliance facility, and secure transporter.

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmember Fear, Mayor Pro-Tem Osika, Councilmembers Law, Pidek, and Mayor Eveleth.

NAYS: Councilmember Haber.

ABSENT: Councilmember Bailey.

Motion by Councilmember Fear to direct the Planning Commission to explore and make a recommendation to Council as to whether the following new types of marijuana facilities should be allowed in the City, where they could be placed, and how many facilities should be allowed: designated consumption establishment, event organizer, excess marijuana grower, microbusiness, and temporary marijuana event.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Councilmembers Pidek, Haber, Mayor Pro-Tem Osika, Councilmembers Fear, Law, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Bailey.

COMMUNICATIONS

Downtown Development Authority/Main Street. Minutes of December 4, 2019.

Historical Commission. Minutes of December 9, 2019.

Downtown Development Authority/Main Street. Minutes of December 11, 2019.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 W. M-21, inquired whether the moratorium was officially over. He also asked that Council take a look at the ordinance "that closed Rock-a-Rolla Records". Lastly, he inquired about the status of a solution for the flooding at Oak Hill Cemetery.

Eddie Urban, 601 Glenwood Avenue, said he was working in his yard today and realized he had much more stuff in his yard than he thought. He said he will be giving much of it away and eventually wants to put up a 20' shed to consolidate the items in the other small sheds on his property.

Kevin M. Blair, attorney for Lume Cannabis Co., said he agreed in theory with the Council's action to allow medical marijuana facilities license holders to convert to recreational purposes. He said allowing split stores could happen immediately but the 4 remaining license types would be more complicated based on the interaction of the medical and recreational marijuana laws.

Councilmember Law inquired whether the City still has an ordinance banning all marijuana paraphernalia. Mayor Eveleth directed the City Attorney to look into the paraphernalia statute as well.

Mayor Eveleth went on to say that he had spoken with the County Drain Commissioner recently and was told they would be holding a meeting to discuss the situation at Oak Hill Cemetery later this week. He encouraged Mr. Manke to contact the County Drain Office to find out the latest information.

Councilmember Law noted that he would like to see a proposed recreational marijuana ordinance as soon as possible. City Attorney Gould indicated he hoped to have an ordinance drafted in time for the next Council meeting.

Mayor Eveleth noted that he will be absent for the January 21st meeting as he will be out of town.

NEXT MEETING

Tuesday, January 21, 2020

BOARDS AND COMMISSIONS OPENINGS

Brownfield Redevelopment Authority – County Representative – term expires 06-30-2020

Building Board of Appeals – Alternate - term expires June 30, 2022

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

Brownfield Redevelopment Authority – term expires June 30, 2022

Downtown Loan Committee – Bank Representative - term expires June 30, 2021

Historical Commission – term expires December 31, 2022

Historical Commission – 2 terms expire December 31, 2020

Planning Commission – term expires June 30, 2020
Planning Commission – term expires June 30, 2022

ADJOURNMENT

Motion by Councilmember Law for adjournment at 8:28 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk