

OWOSSO CITY COUNCIL

FEBRUARY 7, 2011

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR RODGER DEVORE
OWOSSO CHURCH OF THE NAZARENE

PLEDGE OF ALLEGIANCE: RED CEDAR LEAGUE BOYS 5TH BASKETBALL TEAM

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth, Joni M. Forster, and Gary W. Martenis.

ABSENT: None.

APPROVE AGENDA

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

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 18, 2011

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of January 18, 2011 as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JANUARY 31, 2011

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of January 31, 2011 as presented.

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

SPECIAL PRESENTATIONS

CODE ENFORCEMENT UPDATE

Public Safety Director Michael T. Compeau, Deputy Director of Public Safety – Fire Division Michael R. Bradley, and Fire Department Lieutenant Paramedic Todd Follen gave an extensive presentation on the on-going code enforcement programs including the rental inspection program, the fire inspection program (for commercial and industrial properties), and the blight inspection program. The presentation highlighted residences with substandard living environments and the correction of violations.

Council commended Public Safety staff, particularly the Fire Department, for their efforts in improving the living environment for City residents.

PUBLIC HEARINGS

SPECIAL ASSESSMENT DISTRICT NO. 2011-01

BRADLEY STREET FROM LANSING STREET TO HOWELL STREET

The public hearing was conducted on the proposed project.

The following person commented regarding the proposed project:

Thomas Dwyer, representing St. Paul Catholic Church, inquired about the time frame for the project indicating the Church would be affected by multiple portions of the 2011 Street Program and was concerned that access to the church be maintained throughout the project. It was noted construction should start in July. The City hoped to start the Program with Bradley Street so as to accommodate the Church's needs.

Motion by Councilperson Eveleth to adopt the following resolution:

RESOLUTION NO. 23-2011

**BRADLEY STREET
FROM LANSING STREET TO HOWELL STREET**

WHEREAS, the City Council, after due and legal notice, has met and having heard all interested parties regarding the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Bradley Street from Lansing Street to Howell Street.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$85,700.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$29,221.88 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Bradley Street from Lansing Street to Howell Street.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Martenis, Erfourth, Mayor Pro-Tem Popovitch, Councilpersons Forster, Eveleth, Cook, and Mayor Frederick.

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2011-02

CASS STREET FROM SHIAWASSEE STREET TO BALL STREET

The public hearing was conducted on the proposed project.

The following person commented in regard to the proposed project:

Christopher Wood, representing Max Raatz, indicated he felt Mr. Raatz's property should not be included in the assessment due to the closure of both Cass Street and Ball Street adjacent to his property. It was noted by Counsel the hearing at hand was simply to determine whether or not the project as a whole was warranted. Further opportunity would be provided at a later time to discuss individual assessments.

Motion by Mayor Pro-Tem Popovitch to adopt the following resolution:

RESOLUTION NO. 24-2011

**CASS STREET
FROM SHIAWASSEE STREET TO BALL STREET**

WHEREAS, the City Council, after due and legal notice, has met and having heard all interested parties regarding the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided,

by special assessment upon the property specially benefited: Cass Street from Shiawassee Street to Ball Street.

2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$116,182.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$46,527.25 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Cass Street from Shiawassee Street to Ball Street.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Erfourth, Martenis, Mayor Pro-Tem Popovitch, Councilpersons Eveleth, Forster, Cook, and Mayor Frederick.

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2011-03

CEDAR STREET FROM MAIN STREET TO BEEHLER STREET

The public hearing was conducted on the proposed project.

There were no citizen comments.

Motion by Councilperson Eveleth to adopt the following resolution:

RESOLUTION NO. 25-2011

**CEDAR STREET
FROM MAIN STREET TO BEEHLER STREET**

WHEREAS, the City Council, after due and legal notice, has met and there being no one to be heard regarding the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Cedar Street from Main Street to Beehler Street.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$86,580.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$35,943.75 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Cedar Street from Main Street to Beehler Street.

5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Mayor Pro-Tem Popovitch, Councilpersons Eveleth, Forster, Martenis, Erfourth, Cook, and Mayor Frederick.

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2011-04

CLINTON STREET FROM SHIAWASSEE STREET TO MICHIGAN AVENUE

The public hearing was conducted on the proposed project.

The following person commented regarding the proposed project:

Pauline Hill, 415 Clinton Street, indicated she feels the frontage being assessed to her is incorrect. She also inquired why some streets were being assessed less than she was. It was noted the frontage for her lot was listed as 58'. It was also noted the Stewart Street and Oliver Street projects had received grant monies allowing the assessment amount to be lowered.

Steven Rosencrans, 419 Clinton Street, also commented regarding the amount of the assessments for Clinton Street.

Motion by Mayor Pro-Tem Popovitch to adopt the following resolution:

RESOLUTION NO. 26-2011

**CLINTON STREET
FROM SHIAWASSEE STREET TO MICHIGAN AVENUE**

WHEREAS, the City Council, after due and legal notice, has met and having heard all interested parties regarding the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Clinton Street from Shiawassee Street to Michigan Avenue
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$50,900.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$19,362.50 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Clinton Street from Shiawassee Street to Michigan Avenue.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Forster, Erfourth, Cook, Martenis, Mayor Pro-Tem Popovitch, Councilperson Eveleth, and Mayor Frederick.

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2011-05

GENESEE STREET FROM SHIAWASSEE STREET TO MICHIGAN AVENUE

The public hearing was conducted on the proposed project.

There were no citizen comments.

Motion by Councilperson Eveleth to adopt the following resolution:

RESOLUTION NO. 27-2011

**GENESEE STREET
FROM SHIAWASSEE STREET TO MICHIGAN AVENUE**

WHEREAS, the City Council, after due and legal notice, has met and there being no one to be heard regarding the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Genesee Street from Shiawassee Street to Michigan Avenue.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$43,410.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$19,175.00 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Genesee Street from Shiawassee Street to Michigan Avenue.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Cook, Eveleth, Mayor Pro-Tem Popovitch Councilpersons Forster, Erfourth, Martenis, and Mayor Frederick.

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2011-06

HOWELL STREET FROM BRADLEY STREET TO RIVER STREET

The public hearing was conducted on the proposed project.

There were no citizen comments.

It was noted the proposed project was Howell Street from Bradley Street to River Street not Howell Street from Bradley Street to the river as originally stated.

Motion by Councilperson Forster to adopt the following resolution:

RESOLUTION NO. 28-2011

**HOWELL STREET
FROM BRADLEY STREET TO RIVER STREET**

WHEREAS, the City Council, after due and legal notice, has met and there being no one to be heard regarding the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Howell Street from Bradley Street to River Street.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$40,500.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$11,312.50 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Howell Street from Bradley Street to River Street.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Martenis.

Roll Call Vote.

AYES: Councilpersons Forster, Cook, Eveleth, Martenis, Erfourth, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2011-07

OLIVER STREET SHIAWASSEE STREET TO WASHINGTON STREET

The public hearing was conducted on the proposed project.

The following person commented on the proposed project:

Reverend Brian Heidt, St. Philip Lutheran Church, inquired about formalizing an agreement to allow a curb cut on Oliver Street in front of the Church and maintaining the right to park on Oliver Street on Sundays. It was agreed staff would return with more information on the issue.

Motion by Councilperson Cook to adopt the following resolution:

RESOLUTION NO. 29-2011

**OLIVER STREET
SHIAWASSEE STREET TO WASHINGTON STREET**

WHEREAS, the City Council, after due and legal notice, has met and having heard all interested parties regarding the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Oliver Street from Shiawassee Street to Washington Street.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$65,385.50 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$32,083.50 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Oliver Street from Shiawassee Street to Washington Street.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

AYES: Councilpersons Erfourth, Forster, Eveleth, Mayor Pro-Tem Popovitch, Councilpersons Martenis, Cook, and Mayor Frederick.

NAYS: None.

SPECIAL ASSESSMENT DISTRICT NO. 2011-08

STEWART STREET FROM CHIPMAN STREET TO CEDAR STREET

The public hearing was conducted on the proposed project.

There were no citizen comments.

Motion by Councilperson Eveleth to adopt the following resolution:

RESOLUTION NO. 30-2011

**STEWART STREET
FROM CHIPMAN STREET TO CEDAR STREET**

WHEREAS, the City Council, after due and legal notice, has met and there being no one to be heard regarding the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Stewart Street from Chipman Street to Cedar Street.
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$78,726.50 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.

3. The City Council determines that of said total estimated cost, the sum of \$33,772.09 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Stewart Street from Chipman Street to Cedar Street.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Erfourth, Martenis, Cook, Forster, Eveleth, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: None.

RECESS 8:57

RETURN 9:09

STUDENT REPRESENTATIVE REPORT

Owosso High School Senior Korbin Wahlstrom was on hand to detail recent and up-coming events at the High School.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, said the presentation on inspections was highly informative and that inspections save lives.

Robert Callard, representing Owosso's Original Farmers Market, inquired when a decision will be made on who is allowed to use the Armory parking lot this year. He indicated that should the Council not reach a decision by the February 22nd meeting they will move their event elsewhere.

Burton Fox, 216 East Oliver Street, commended DPW crews for their hard work during the recent snow storm.

Brian Berry, 627 North Washington Street, noted there was a great discussion at Baker College last Thursday about the future of Owosso. He indicated he hoped there would be further meetings and that the City would become more involved in school issues.

Councilperson Martenis noted the February 10th meeting at 7:00 p.m. to discuss options for the pool. The meeting will be held in City Hall.

Councilperson Cook noted the Friends of the Shiawassee River will be holding their annual meeting on February 24th and the City's Adam Zettel will be the guest speaker.

Mayor Pro-Tem Popovitch noted she was looking for volunteers to help with the upcoming Taste of Owosso event.

Councilperson Martenis wanted to know if more could be done with the snow that remains in intersections.

CITY MANAGER REPORT

City Manager Donald D. Crawford distributed a timeline for the budget process noting the budget would be presented April 4th and potentially voted on May 16th. Council indicated they wished to see numbers for the goals established January 31st so they could use them in the development of the budget.

City Manager Crawford also indicated he would be open to hosting a regional meeting to explore parks and recreation ideas with our neighbors.

CONSENT AGENDA

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

Boards and Commissions Appointments. Approve the following Mayoral boards and commissions appointments:

Name	Board/Commission	Term Expires
Linda Robertson	Westtown Corridor Improvement Authority	06-30-2014
Theresa Thiede	Westtown Corridor Improvement Authority	06-30-2012
Christopher Brummel	Zoning Board of Appeals	06-30-2012

Gould Street Bridge Grant Application. Authorize the following resolution of support for application to the State of Michigan for grant funds to repair the Gould Street Bridge.

RESOLUTION NO. 31-2011

RESOLUTION AUTHORIZING SUBMITTAL OF THE GOULD STREET BRIDGE MAINTENANCE GRANT APPLICATION

WHEREAS, the City of Owosso, Shiawassee County, Michigan, constructed the Gould Street Bridge in 1978 and is the owner of this bridge

WHEREAS, the Michigan Department of Transportation, through the Critical Bridge Program, funds maintenance of bridges at 95% of the cost of the repair which is estimated to be \$344,000.

WHEREAS, the City of Owosso has benefited from the use of this bridge and wishes to maintain this bridge to extend the life of the bridge to continue to serve the transportation needs of the residents of Owosso, Shiawassee County and the State of Michigan well into the future.

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 keep the Gould Street Bridge in proper and safe condition.
- SECOND: The City Council has given authority to staff to make application to the State of Michigan for Critical Bridge Maintenance Funds to make the necessary repairs to the Gould Street Bridge.
- THIRD: The City share of the above expenses shall be paid from the Street Bond Fund.

ZBA Bylaws. Adopt the proposed Zoning Board of Appeals Bylaws as follows:

RESOLUTION NO. 32-2011

TO ADOPT THE ZONING BOARD OF APPEALS BYLAWS

WHEREAS, the City of Owosso is authorized by the provision of Act 110, Public Acts of Michigan, 2006 (MCL 125.3101 et seq.), as amended, to create a Zoning Board of Appeals (ZBA); and

WHEREAS, the ZBA is a public commission which is responsible for holding its own meetings in accordance with the Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended; and

WHEREAS, the commissioners of the ZBA of the City of Owosso have drafted and approved bylaws to direct the conduct and activities of such meetings and are submitting them to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED that the Owosso City Council hereby approves the bylaws of the ZBA as follows, such bylaws to be effective immediately:

**CITY OF OWOSSO
ZONING BOARD OF APPEALS
RULES OF PROCEDURE**

SECTION 1.0 PURPOSE

The following rules of procedure are hereby adopted by the City of Owosso Zoning Board of Appeals (hereinafter known as Appeals Board) to facilitate the performance of its duties as outlined in the City of Owosso Zoning Ordinance, Chapter 38 of the Owosso City Code and Act

No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq., as amended. For simplicity of presentation the words Chairman, Vice-Chairman or his shall be representative of either gender.

SECTION 2.0 OFFICERS

2.1 Selection. At the regular meeting in July of each year, the Appeals Board shall select from its membership a Chairman, Vice-chairman and Secretary. All officers are eligible for reelection.

2.2 Tenure. The Chairman, Vice-Chairman and Secretary shall take office the same meeting of their selection and shall hold office for a term of one year or until their successors are selected and assume office.

2.3 Duties. The Chairman shall preside at all meetings, and perform such other duties as may be ordered by the Appeals Board.

2.4 Duties. The Vice-Chairman shall act in the capacity of Chairman in his absence and in the event the office of the Chairman becomes vacant, the Vice-Chairman shall succeed to this office for the unexpired term. The Appeals Board shall select a successor to the office of Vice-chairman for the unexpired term. The Vice-chairman shall perform such other duties as the Appeals Board may determine.

2.5 Duties. The Secretary shall record the official proceedings of the meetings and conduct all correspondence as may be directed by the Appeals Board. The proceedings of each meeting shall be reviewed at the following meeting of the Appeals Board and be affirmed as a correct representation of the proceedings or amended upon approval by a majority of the Appeals Board members.

SECTION 3.0 NOTICE OF APPEAL

3.1 Filing. Any interested person, or the person's authorized agent, may appeal or seek a variance in writing on a form provided by the zoning administrator, and upon payment of a fee as may be established from time to time by the governing body. Such notice of appeal shall be filed with the zoning administrator not more than 30 days from the date of the decision being appealed. Such request for a variance or appeal of decision may be filed with the zoning administrator at any time.

3.2 Notification. Within 10 days from the date of the receipt of the request for a variance, interpretation, notice of appeal or other business item, the zoning administrator shall contact the Chairman of the ZBA and establish a date and time for the board to hold a hearing and a meeting to consider and act on the case. Notice of such meeting shall be made by the zoning administrator as specified in Section 4.3 of these rules of procedure. The notice sent to members of the Appeals Board shall include copies of the notice of appeals or request for a variance form; the entire content of the zoning administrators file, and/or other file(s) on the case; other relevant correspondence, permits by other applicable enforcement agencies; and anything else which is relevant. In addition to the above notice requirements, notice of such meeting shall be delivered in person or by first class mail to the landowner, adjacent landowners and occupants within 300 feet of the appellant's property, and a notice sent by first class mail to the person and/or agent seeking the appeal or variance. The notice shall be delivered not less than fifteen (15) days prior to the public hearing. The content of such notice shall contain all information required by PA 110 of 2006, as amended.

3.3 Deadline for Action. The above notwithstanding, the Appeals Board shall hear the case and render and file its decision with a statement of reasons for the decision with the zoning administrator not more than 45 days after receipt of the case, unless a longer period of time is mutually agreed upon by the petitioner and the ZBA.

3.4 Site Inspection. The Appeals Board, if the chairman considers it necessary, may conduct a site inspection of the site at issue. In such instance, the site inspection shall be posted as part of the public meeting/hearing. A quorum of the Appeals Board shall not ride in the same vehicle to or from a site inspection or to or from a meeting. The site inspection, if posted as part of the meeting/hearing shall always be held the same day and as part of the same meeting as the start of the public hearing on the case. Nothing in this paragraph shall prevent members of the Appeals Board from individually and separately visiting a site in question at their own expense and time. A quorum of the Appeals Board shall not make site inspections or otherwise discuss a notice of appeal except during posted open meetings of the Appeals Board.

3.5 Notice of Decision. The Secretary, or his designate, shall cause to have timely notices of the Appeals Board decision delivered in person or by first class mail to the zoning administrator, to the governing body's attorney's office, the petitioner or his agent, and to anyone else requesting a copy in writing.

SECTION 4.0 MEETINGS

4.1 Regular Meetings. The Appeals Board shall meet at least once each year during the month of July. Any other meetings of the Appeals Board shall be called as needed in response to receipt of a Notice of Appeal, so long as the meeting is scheduled within 20 days of the notice of appeal. The meeting can be called by the zoning administrator of the City of Owosso, the Chairman of the Appeals Board, or, in his absence, the Vice-Chairman. The regular meetings of the Appeals Board shall take place at 9:30 a.m. on the third Tuesday of the month in the City Council Chambers, City Hall, 301 W. Main St., Owosso, Michigan.

4.2 Attendance/Performance. If any member of the Appeals Board accumulates unexcused absences for more than two meetings in a row, or more than 25% of the meetings held in a rolling 24 month period, then that member shall be considered delinquent. Delinquency shall not be established when the absent Board member has given notice to the Board at least five days in advance of their absence. The Appeals Board shall make a finding of the delinquent member's reason for absence, commitment to future performance, and impact on the Appeal Board's ability to conduct business for the public. These findings, after public discussion of the delinquency determines neglect of duty, shall be forwarded by the Secretary to the Mayor for further action which may include removal from office in accordance with the Michigan Zoning Enabling Act of 2006 as amended.

When a petitioner fails to appear at a properly scheduled meeting of the Board of Appeals, the Chairman may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Appeals Board, the chair shall rule. In cases which are dismissed for want of prosecution, the petitioner will be furnished written notice of the action by the Secretary of the Appeals Board. The applicant shall have seven (7) days from the date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chairman for good cause shown, and upon payment of a fee set from time to time by the governing body. In all cases reinstated in the above described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

4.3 Other Meetings. Meetings shall be called by delivering meeting notices by first class mail, electronic mail, or by personal delivery to members of the board at least five days prior to such meeting and shall state the purpose, time, location of the meeting and shall be posted at City Hall ten days prior to such meeting.

4.4 Public. All meetings, hearings, records and accounts shall be open to the public, and posted in compliance with P.A. 267 of 1976, the Michigan Open Meetings Act.

4.5 Quorum. The presence of three members shall be necessary to constitute a quorum. A majority vote of the members shall be required to pass on business matters. For any matter under which the Appeals Board is required to pass under the provisions of the Owosso City Code, a two-thirds majority vote of the full board shall be necessary.

4.6 Order of Business. Agenda. The Secretary or his designate shall prepare an agenda for each meeting and the order of business therein shall be as follows:

- A. Call to order roll call and approval of agenda.
- B. Approval of minutes from previous meeting.
- C. Site inspection, then recess (optional, if the meeting is posted to include a site inspection).
- D. Reconvene and roll call (if following a site inspection).
- E. Election of officers, if necessary.
- F. Public Hearings. The Chairman will declare a public hearing open and state its purpose.
 - 1) The Chairman shall summarize, provide copies, or conspicuously post the procedure for public hearing as outlined in Sections 4.6, 4.7, 4.8 and 4.9 of these rules of procedure for any members of the public in attendance.
 - 2) Case number (numbered by year/sequence)
 - (i) The zoning administrator presents the petitioner's request, his action on the latter and reasons for his decision plus a written copy of his request.
 - (ii) The petitioner, through himself, his agent, or his lawyer may present his case, including presenting witnesses on his behalf. No time limit will be imposed on the petitioner.
 - (iii) Members of the Appeals Board shall report on their site inspection and any conversations with the petitioner they may have had.
 - (iv) Members of the public speak and correspondence is read.
 - a. The Chairman may recess the meeting for a short time to allow attending groups to caucus in order to have one individual speak on their behalf for an unlimited period of time if there are a large number of people present on an issue.
 - b. The Chairman shall allow the rest of the public to speak in response to the matter and may impose a time limit for the each speaker.

- (v) Rebuttal. Anyone may ask the Chairman questions on presentations or speeches given at this hearing. The Chairman will seek an answer to the question. Answers shall be given to the Chairman. There shall be no discussion, questioning or answering people except between the Chairman and the Individual who has the floor.
 - (vi) Close the Public Hearing. (At this point all public participation on the issue ends).
 - (vii) Members of the Appeals Board may question or request clarification with any interested party on any matter related to the case.
- G. Recess to another day as provided in Section 4.8 of these rules of procedure,
 - H. Business Session.
 - 1) Action on pending case number _____ .
 - (i) Discussion: Review of facts based on all Information presented (from the application, written request for appeal, zoning ordinance, physical characteristics of the parcels, staff reports, and hearing testimony). Discussion continues until a member proposes a motion that includes a "finding of fact" with those conclusions that are reached and conditions to be applied, if any.
 - (ii). A motion is proposed on "finding of fact."
 - (iii) Discussion on the Motion.
 - (iv) Action on the motion.
 - 2) Other business of the Appeals Board.
 - I. Public/Commissioner Comments
 - J. Adjournment

4.7 Comments Out of Order. The Chairman shall rule out of order any irrelevant remarks; remarks which are personal, about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or any other remarks which are not about land use.

4.8 Recesses. The Chairman may recess a public hearing and/or meeting to another time if it is after 12 noon or if the meeting (not including site inspections) has been over three hours. In order for a recess to be in order, the time, day, month, date, year and location to reconvene shall be stated as part of the action to recess. If a meeting and /or public hearing reconvenes over 36 hours after the action to recess, the reconvened meeting shall be posted at least 18 hours before the time of the reconvened meeting, to comply with Section 4.4 of these rules of procedure. Upon reconvening, a roll call shall be taken as the first order of business.

4.9 Parliamentary Procedure. Meetings shall be conducted in a formal manner, and parliamentary procedure shall be governed by Roberts Rules of Order if not specifically dealt with in these rules of procedure.

4.10 Motions. Motions shall be reiterated by the Chairman before a vote is taken.

- A. Motions dealing with an appeal or a variance concerning the City of Owosso Zoning Ordinance shall be stated with the following parts or stated as two motions:
 - 1) The list of facts which is the information pertinent to making a decision on the matter, structured as a "finding of fact" on the case.
 - 2) The conclusion, decision, of the Appeals Board. This motion, or part of a motion, shall include the following parts:
 - (i) The rationale, reason, for why the conclusion was made. The rationale, reasons, shall contain, at a minimum:
 - a. If the property cannot be used in conformance with the ordinance without the requested or lesser variance.
 - b. If the problem is due to a unique situation not shared in common with nearby property owners.
 - c. If granting the variance would not alter the essential character of an area.
 - d. If the problem requiring a variance was not self-created.
 (NOTE): All four of the above points must be found true, or in the affirmative, or a variance shall not be granted.
 - e. Other specific standards for variances that are in the City of Owosso Zoning Ordinance.
 - f. An explanation how the facts support the conclusion.
 - (ii) The conclusion or decision.
 - (iii) Any conditions upon which a variance may be issued, if applicable. Conditions shall be listed in detail and based on regulations or standards already in the Owosso Zoning Ordinance.
 - (iv) Reasons why the conditions are imposed.

- B. Motions dealing with an ordinance interpretation, or any appeal of an administrative decision, shall be stated with the following parts, or stated as two motions.
 - 1) The list of facts which is the information pertinent to making a decision on the matter.
 - 2) The conclusion or decision of the Appeals Board. This motion, or part of the motion, shall contain the following parts:
 - (i) The rationale, or reasons, to explain how the facts support the conclusion.
 - (ii) The conclusion or decision.
- C. Any other motion shall be stated in a prose or in the form of a resolution.

4.11 Voting. Voting shall be by roll call vote, and shall be recorded by yeas and nays. Members must be present to cast a vote.

SECTION 5.0 RECORDS

5.1 Preparation. A record of each meeting, including hearings and site inspections, shall be prepared by the Secretary, or his designate.

5.2 Content. The record of each meeting should include the following items:

- A. A copy of the meeting posting as required in Section 4.4 of these rules of procedure.
- B. A signed statement indicating that notices, as required in Section 3.2 of these rules of procedure, were sent out, with list of to whom, and an indication of by whom, and a copy of a newspaper notice, if one was published.
- C. A copy of the request for a variance or notice of appeal, whichever is applicable, including any maps, drawings, site plans, etc.
- D. The original of the minutes of the meeting (including the hearing and site inspection) which shall include, all action taken in chronological sequence of occurrence.
- E. The records of any action on a case by the zoning administrator.
- F. The records of all past records regarding the property involved in a case (previous permit, special use permit, variances, appeals).
- G. Any relevant maps, drawings, photographs, presented as evidence at a hearing.
- H. Copies of any correspondence received or sent out in regard to a case.
- I. A copy of relevant sections, or a list of citations of sections of the zoning ordinance.
- J. A copy of any follow-up correspondence to or from the petitioner regarding the decision.

5.3 Retention. The record of each meeting shall be permanently kept on file and spread in suitable volumes with a copy filed with the City Clerk. All the pertinent documents and minutes for each case before the Board of Appeals shall be copied and filed with the zoning administrator's office. Copies of the minutes shall be distributed to each member of the Appeals Board within ten days of the meeting. Copies of the minutes shall be available to the public no later than five days after a meeting.

SECTION 6.0 OTHER DUTIES

The Appeals Board may also formulate and provide advice and may advise policy to the planning commission or any committee thereof, on issues dealing with the administration, text, map and enforcement of the zoning ordinance.

SECTION 7.0 CONFLICT OF INTEREST

The members of the Appeals Board shall comply with Act No. 196 of the Public Acts of 1973, State of Michigan, as amended as it pertains to standards of conduct for public officers.

SECTION 8.0 ADOPTION AND REPEAL

Upon adoption of these rules of procedure of the Owosso Zoning Board of Appeals and the Owosso City Council, they shall become effective and all previous rules of procedure, as amended, shall be repealed.

SECTION 9.0 AMENDMENTS

These rules may be amended at any regular or special meeting by a majority vote of the total members of the Appeals Board, so long as such amendment does not result in a conflict with state law, zoning ordinance, or court decision.

Repair Authorization. Authorize pump repair contract with Layne Christensen for Wastewater Pump T1 on a cost basis not to exceed \$8,412.00 and further authorize payment up to that amount upon completion of the repairs as follows:

RESOLUTION NO. 33-2011

**AUTHORIZING SERVICE CONTRACT AND PAYMENT TO
LAYNE CHRISTENSEN COMPANY
FOR REHABILITATION OF T1 VERTICAL TURBINE PUMP
AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has budgeted from the Wastewater Plant Replacement Fund for the rehabilitation of a 150 HP vertical turbine pump ("T1") in line with the plant's preventive maintenance program, and

WHEREAS, the pump has been pulled, inspected and determined to need replacement parts and rehabilitation as detailed on the February 2, 2011 proposal from Layne Christensen Company in the estimated amount not to exceed \$8,412; and

WHEREAS, the City Utility Director has reviewed the detailed proposal from Layne Christensen and verified the parts and work needed to restore the pump to full capacity, and recommends authorizing Layne Christensen to perform the work with payment not to exceed \$8,412 upon satisfactory completion.

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 contract with Layne Christensen Company for the rehabilitation and resetting of the "T1" vertical turbine pump at the Wastewater Treatment Plant.
- SECOND: The accounts payable department is authorized to submit payment to the Layne Christensen Company in the amount up to \$8,412 upon satisfactory completion of the work in accordance with their proposal dated February 2, 2011 as authorized by Council this 7th day of February, 2011.
- THIRD: The above expenses shall be paid from the Wastewater Plant Replacement Fund.

Purchase Authorization. Authorize purchase of an update for the software utilized by the Building Department from BS&A Software in the amount of \$9,300, plus a 10% contingency as follows:

RESOLUTION NO. 34-2011

BS&A BUILDING DEPARTMENT SOFTWARE UPGRADE

WHEREAS, the City of Owosso utilizes BS&A Software (a unique, proprietary software company specializing in governmental applications) to execute various city functions, including those of the building department; and

WHEREAS, such applications have been upgraded by the software designer to further expand and enhance their capabilities, such upgrades known as the ".Net" versions of the software; and

WHEREAS, the city previously committed to upgrade its existing applications to benefit from said software developments; and

WHEREAS, the application for the building department was delayed in its release but is now available; and

WHEREAS, BS&A Software has been found to be the sole provider for such services and supplies based upon the city's existing needs and circumstances.

NOW, THEREFORE, BE IT RESOLVED that the City of Owosso City Council hereby approves the purchase of the Building Department.Net software upgrade in accordance with the following schedule, payable from the building and safety department fund (101-370-728.000) and further directs staff to see to the acquisition and installation of the program:

- \$7,700 – One-time fee for the software purchase
- \$1,600 – An estimate to cover one-time installation, training, and data merging costs
- \$9,300 + 10% contingency

Warrant No. 417. Accept Warrant No. 417 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$21,603.00

Motion supported by Councilperson Martenis.

Roll Call Vote.

AYES: Councilpersons Martenis, Eveleth, Mayor Pro-Tem Popovitch, Councilpersons Cook, Forster, and Mayor Frederick.

NAYS: Councilperson Erfourth.

ITEMS OF BUSINESS

COUNTY HOUSING PROGRAM CONTRACT

There was discussion regarding the advantages of taking over the program, funding cycles and administration fees.

Motion by Councilperson Eveleth to approve the contract with Shiawassee County to administer the County Housing Program as follows:

RESOLUTION NO. 35-2011

**AUTHORIZING EXECUTION OF A CONTRACT FOR SERVICES BETWEEN
THE CITY OF OWOSSO, MICHIGAN AND SHIAWASSEE COUNTY, MICHIGAN
FOR ADMINISTRATION & OVERSIGHT SERVICES
FOR THE COUNTY HOUSING PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that a robust and active housing program is essential to maintaining quality neighborhoods for residents of the city; and

WHEREAS, Shiawassee County has a housing program that is in need of an administrator; and

WHEREAS, there is potential synergy to be gained in joining the city's housing program with the county's housing program;

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 take over administrative duties for the county housing program and combine it with the city's housing program.

SECOND: The mayor and the city clerk of the city of Owosso are instructed and authorized to sign the document substantially in the form attached to formalize this arrangement.

**ADMINISTRATIVE SERVICES AGREEMENT BETWEEN
SHIAWASSEE COUNTY
AND
THE CITY OF OWOSSO**

THIS AGREEMENT is by and between Shiawassee County, whose administrative offices are located at 201 N. Shiawassee St., Corunna, MI 48817 and the City of Owosso, whose administrative offices are located at 301 W. Main St., Owosso, MI 48867.

ARTICLE I PURPOSE

Section I. Agreement

Shiawassee County wishes to contract with the City of Owosso to administer the "Housing Rehabilitation Program" funded by a Community Development Block Grant from the Michigan State Housing Development Authority (MSHDA) for Shiawassee County.

Section II. Agreement Term

This Agreement will be from March 1, 2011 to March 1, 2016.

Section III. Termination

This agreement may be terminated by either party for any reason by providing the other party with thirty (30) days prior written notification. Upon termination, the City of Owosso will return to Shiawassee County any grant money, paperwork and/or reports related to the grant. Any material breach of this agreement may result in either party's immediate termination of this agreement, with said termination effective as of the date of delivery of written notification to the other party. Any termination of this agreement shall not relieve either party of the obligations incurred prior to the effective date of such termination.

Section IV. Obligations of the City of Owosso

- A. The City of Owosso will provide administrative services for the CDBG grant as well as other housing related grants for Shiawassee County as specified by Shiawassee County/MSHDA and agreed to in a MSHDA-approved Third-Party Administrative Plan.
- B. The City of Owosso, as a subcontractor, will comply with all applicable terms and conditions of the grant.
- C. The City of Owosso will maintain a valid insurance policy, as deemed appropriate for their protection while providing contracted services for the grant.
- D. The City of Owosso agrees to submit Progress Reports regarding the grant with formats and time frames decided upon by Shiawassee County/MSHDA. The City of Owosso shall submit copies of the Progress Reports to the Shiawassee County Community Development Department.

Section V. Administrative Fee

The City of Owosso will retain 90% of administrative fees received from MSHDA as approved for the CDBG or other housing-related grant, according to the grant contract in order to administer the grant of behalf of Shiawassee County. Shiawassee County will retain 10% of administrative fee received from MSHDA as approved for the CDBG or other housing-related grant for costs incurred by Shiawassee County. After contract spend-down, the City of Owosso will make an application to MSHDA for additional funding for the CDBG grant on behalf of Shiawassee County. Shiawassee County reserves the right to audit the City of Owosso regarding the grant at any time.

ARTICLE II LEGAL REQUIREMENTS

Section I.

Shiawassee County and the City of Owosso shall adhere to all Federal, State and local laws, ordinances, rules and regulations prohibiting discrimination, including but not limited to:

- A. The Elliott-Larsen Civil Rights Act of 1976 PA 453, as amended.
- B. The Michigan Handicappers' Civil Rights Act of 1976 PA 220, as amended.
- C. Section 504 of the Federal Rehabilitation Act of 1973 PL 93-112, 87 Stat 394, as amended and regulations adopted there under.
- D. The Americans with Disabilities Act of 1990, PL 101-336, 104 Stat 328 (42 USCA S121 01 et. Seq.) as amended and regulations promulgated there under.
- E. The Anti-Lobbying Act, 321 USC 1352 as revised by the Lobbying Disclosure Act of 1995, USC 1601 et. Seq. and Related Appropriations Act (PL 104-208) as amended.
- F. The Office of Civil Rights Policy Guidance on the Title VI Prohibition Against Discrimination as it Affects Persons with Limited English Proficiency. The Guidance clarifies responsibilities for providing language assistance under Title VI of the Civil Rights Act of 1964.
- G. Health Insurance Portability and Accountability Act (HIPAA) requirements currently in effect and will be in compliance by the time frames specified in the HIPAA regulations for portions not yet in effect. All recipient information, medical records, data and data elements collected, maintained or used in the administration of this contract shall be protected by the City of Owosso from unauthorized disclosure as required by state and federal regulations. The City of Owosso must provide safeguards that restrict the use or disclosure of information concerning recipients to purposes directly connected with its administration of the contract.
- H. The City of Owosso shall ensure that any principal, representative, agent or other acting on behalf of or legally capable of acting on behalf of the City of Owosso who is authorized to perform any responsibility in direct or indirect connection with this agreement shall not have or otherwise derive any financial or other personal benefit as a result of this agreement, except employment under the agreement.
- I. The City of Owosso, pursuant to this agreement, shall ensure that all services are provided in a manner that demonstrates cultural competence; which includes respect for an individual's culture, and an understanding of the relationship an individual's culture and language have on the delivery of services. The City of Owosso shall provide accommodations for individuals with limited English proficiency, physical and/or communication limitations.
- J. When providing services under this agreement, the City of Owosso, its officers, employees, and agents shall abide by all applicable provisions and requirements for services/support as set forth in the rules, policies, procedures, standards and guidelines established by the Payor.

ARTICLE III INDEPENDENT CONTRACTOR

Section I.

Shiawassee County and the City of Owosso will not represent or act as an agent of the other or incur any obligation on the part of the other. Each party shall be responsible for such administrative employment matters as payment of employment taxes, worker's compensation coverage and other non-obligatory fringe benefits for their employees as applicable.

ARTICLE IV LIABILITY

Section I.

Each party to this agreement hereby agrees to seek its own legal representative and bear its own costs including judgments in any litigation which may arise out of its activities to be carried out pursuant to its obligations hereunder. It is specifically understood and agreed that neither party will indemnify the other party in such litigation.

ARTICLE V SERVICE DOCUMENTS AND REPORTS

Section I.

The City of Owosso shall provide to Shiawassee County on a quarterly basis, a copy of all MSHDA financial submission request documents and/or financial status reports, including supporting material. The City of Owosso shall also provide Shiawassee County a copy of the city's quarterly special revenue transaction detail for these accounts and any other financial information needed to satisfy the monitoring duties required by Michigan State Housing Development Authority or Shiawassee County.

Section II.

The City of Owosso shall not assign, subcontract or otherwise transfer the City of Owosso's duties and/or obligations under this agreement without the prior written approval of Shiawassee County.

ARTICLE VI AGREEMENT PROVISIONS

Section I.

The titles of the sections set forth in this agreement are inserted for the convenience of reference only and shall be disregarded when construing or interpreting any of the provisions of this agreement.

Section II.

This agreement contains all of the terms and conditions agreed by the parties hereto and no other agreements, oral or otherwise, regarding the subject matter of this agreement or any thereof shall have any validity or bind either of the parties hereto.

ARTICLE VII. AMENDMENT TO THE AGREEMENT

Section I.

This agreement may be amended in writing, by mutual agreement at any time within the period of the agreement with such amendment signed and dated by the designated representatives of each party and made a part of the original agreement.

ARTICLE VIII SEVERABILITY

Section I.

If any section, paragraph, subdivision, sentence, clause or phrase of this agreement shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional, unenforceable or invalid, such judgment shall not affect the validity of the remaining portion of this agreement. Shiawassee County hereby declares it would have adopted this agreement and each and every other section, paragraph, subdivision, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses or phrases of this agreement may be held to be unconstitutional, unenforceable or invalid.

ARTICLE IX CERTIFICATION

Section I.

The persons signing this agreement on behalf of the parties hereto certify by said signatures that they are duly authorized to sign this agreement on behalf of said parties and that this agreement has been authorized by said parties.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

AYES: Councilpersons Erfourth, Cook, Mayor Pro-Tem Popovitch, Councilpersons Forster, Martenis, Eveleth, and Mayor Frederick.

NAYS: None.

MEDICAL MARIJUANA MORATORIUM

It was noted this item was requested by the Planning Commission in response to their discussions surrounding the creation of a zoning ordinance to regulate the location of medical marijuana related facilities.

There was discussion regarding why the Council was considering a moratorium once again, the concern over issuing an emergency declaration, and the real effects of a moratorium in light of the idea the City does not issue business licenses.

Motion by Councilperson Eveleth to reject the emergency ordinance approving a 90-day moratorium on the establishment of medical marijuana related facilities within the City limits.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Eveleth, Martenis, Erfourth, Forster, and Mayor Frederick.

NAYS: Councilperson Cook and Mayor Pro-Tem Popovitch.

COMMUNICATIONS

Gary Palmer, Building Official. 2010 Year End Building Report.

Owosso Main Street/Downtown Development Authority. Minutes of Meeting of January 5, 2011.

Owosso Historical Commission. Minutes of Meeting of January 18, 2011.

Parks & Recreation Commission. Minutes of the Meeting of January 10, 2011.

Zoning Board of Appeals. Minutes of Meeting of January 18, 2011.

Cable Access Advisory Commission. Minutes of the Meeting of January 10, 2011.

CITIZEN COMMENTS AND QUESTIONS

Scott Bidell indicated he is the owner of a medical marijuana related facility and he felt it was a mistake not to institute a moratorium as businesses would rush into the City before a zoning ordinance could be established.

Eddie Urban, 601 Glenwood Avenue, said he has a hard time hearing the alarm on newer smoke detectors and asked if anyone knew where he could find older models he could purchase for his home.

NEXT MEETING

Tuesday, February 22, 2011

BOARDS AND COMMISSIONS OPENINGS

Cable Access Advisory Commission, term expires 06-30-2011

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 10:07 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk