

OWOSSO CITY COUNCIL

APRIL 18, 2011

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND RAY STRAWSER
FIRST BAPTIST CHURCH

PLEDGE OF ALLEGIANCE: DAVID BANDKAU
PLANNING COMMISSIONER

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 Councilperson Forster to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 4, 2011

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of April 4, 2011 as presented.

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

SPECIAL PRESENTATIONS

BENTLEY PARK PLAYSCAPE

Parks & Recreation Chairwoman Marsha Ladd gave a presentation on the proposed plans for the Bentley Park Playscape and other improvements planned for the park.

PUBLIC HEARINGS

ORDINANCE AMENDMENT – MEDICAL MARIJUANA RELATED FACILITIES

The public hearing was conducted to receive citizen comment regarding proposed ordinance amendment to Chapter 38, Zoning, Sections 38-5, 38-52, 38-217, and 38-292 of the Code of Ordinances of the City of Owosso, Michigan to regulate the establishment of medical marijuana related facilities within the City limits.

Assistant City Manager Adam H. Zettel detailed the changes proposed from the first reading of the ordinance noting accommodating language for libraries as well as caregivers residing in the same household as their patient.

The following people addressed the Council regarding the proposed ordinance amendment:

Thomas Hitch, Attorney for the Lansing Catholic Diocese, encouraged Council to adopt the ordinance and indicated he would prefer to see a prohibition on all dispensaries in the City.

Louise Hemond-Wilson, 500 East Oliver Street, encouraged Council to adopt the ordinance. She also inquired whether the ordinance would prohibit someone from using his or her vehicle as a dispensary.

Lisa Stechschulte, 725 River Street, encouraged Council to adopt the ordinance saying she was concerned for the children of the area. She also noted DEA enforcement in Oakland County of medical marijuana laws.

Matthew Miller, Hickory Street, indicated he felt that the ordinance limited residents Constitutional rights by restricting the areas in which caregivers could live. He went on to say that the relationship between caregivers and patients is private and they have no obligation to let anyone know where they are.

Andy Kenney, 1470 West King Street, urged Council to pass the ordinance. He also suggested the City give medical marijuana establishments 2 months to move once the ordinance is passed.

Doug Edwards, 189 Sylvia Drive, Corunna, urged a yes vote on the ordinance. He went on to say that he feels medical marijuana shops in a community are a deterrent to attracting business and residents.

Thomas Dwyer, Chairman of the St. Paul Church questioned when the ordinance would take effect and urged a 2-3 month time frame for established facilities to move after the ordinance is passed.

Steven Rosencrans, 418 Clinton Street, said the City's ordinance should regulate dispensaries and leave patients and caregivers alone. He went on to say that he felt the Council was breaking the Charter by attempting to change the State law in regard to patients and caregivers. He also offered additional written information to Council.

Aaron Biddel, 718 South Chipman Street, encouraged Council to pass the ordinance but remove the restrictions on where caregivers can grow. He went on to say that including these restrictions would only bring legal problems upon the City.

Jeff Kildea, 715 Grover Street, pointed out that medical marijuana shops are businesses that bring money into the community. He asked if there had been any problems with the medical marijuana shops already established in the City.

Scott Biddel, 718 South Chipman Street, said Shiawassee County has a problem with prescription drugs not marijuana.

Joseph Nowacki, 710 Ament Street, asked what people did for relief prior to the passage of the medical marijuana law.

The owner of Mother Nature's Choice indicated he does not agree with the patient/caregiver restrictions in the ordinance. He pointed out he had advocated for a moratorium months ago. He said he had no problem with the 1000' rule but would not be interested in moving his business as he is invested in his current location.

David Stechschulte, 1626 North Chipman Street, encouraged Council to pass the ordinance and protect the children of the community.

Eddie Urban, 601 Glenwood Avenue, indicated he is neutral on the issue.

There was discussion regarding the Planning Commission's intent in restricting caregiving activities in multi-family housing structures, whether existing businesses will be required to move, and establishing an appeals process that would allow a business to move into an area should their fellow residents consent to their establishment.

Whereas, the City Council, after due and legal notice, held a Public Hearing on April 18, 2011 and having heard all interested parties, motion by Councilperson Eveleth to adopt the ordinance amendment to Chapter 38 Zoning as recommended by the Planning Commission, with the amendments sited in the handout from City staff entitled "Alternate" as follows:

ORDINANCE NO. 721

AN ORDINANCE TO AMEND THE CITY OF OWOSSO ZONING CODE REGARDING MEDICAL MARIJUANA

Intent: It is the intent of this Ordinance to give effect to the voter initiated Medical Marijuana Act, MCL 333.26421 while protecting the public health, safety and general welfare of persons and property within the City of Owosso with respect to the use, growing and dispensary of marijuana.

THE CITY OF OWOSSO ORDAINS that the City of Owosso Zoning Ordinance at Section 38-1 et seq. shall be amended as follows:

Section 1. Section 38-5. Definitions, shall be amended to add:

Medical marijuana dispensary (or clinic) means any retail store, store front, office building or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or provides, in any manner, marijuana or cannabis, any product containing marijuana or cannabis, or medical marijuana paraphernalia as described herein. This definition does not apply to patients or caregivers operating pursuant to 38-52(9).

Medical marijuana growing facility means any building, or portion thereof, that allows cultivation, growing, processing or distribution of medical marijuana, excluding the cultivation, growing or processing allowed inside a qualifying patient's primary, legal residence.

Section 2. Section 38-52. Principal Uses Permitted, dealing with R-1 One-Family Residential Districts, shall be amended to add:

- (9) The establishment and operation of no more than two primary caregivers as defined by the Michigan Medical Marijuana Act, MCL 333.26421, et seq., provided that the dwelling is the primary

residence of the caregivers and that the caregivers are in full compliance with said Act. "Primary residence" as used in this subsection means the one family dwelling in which the primary caregiver normally resides. The establishment and operation of more than two primary caregivers in the same dwelling is prohibited. The establishment of more than one primary care giver in a primary residence in R-2, R-T, RM-1 and RM-2 zoning districts is prohibited, Code sections 38-72(1), 38-122(1) and 38-147(1) notwithstanding.

Section 3: Sections 38-217(2) g & h dealing with B-2 Planned Shopping Center Districts, shall be moved to sections 38-217(2) h & i respectively.

Section 4. Section 38-217(2)g, Principal Uses Permitted, dealing with B-2 Planning Shopping Center Districts, shall be amended to read:

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

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

Section 5. Section 38-292 (8). Principal Uses Permitted, dealing with I-1 Light Industrial Districts, shall be amended to state:

(8) The operation of a medical marihuana growing facility provided that the medical marihuana growing facility is operated in full compliance with the Medical Marihuana Act, MCL 333-26421, and no medical marihuana growing facility shall be located within 1000 feet of any other medical marihuana growing facility, any park identified and so signed by the city, or any public or private school, college, or university property, nor shall any medical marihuana growing facility be located within 500 feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:

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

Section 6. Severability.

If any clause, sentence, section, paragraph or part of this Ordinance, or the application thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provision not have been included in this Ordinance.

Section 7. Repeal Clause.

All Ordinance or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 8. Effective Date.

This ordinance shall take effect May 8, 2011.

Section 9: Inspection.

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.

Motions supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Steven Rosencrans, 418 Clinton Street, inquired about requirements that the ordinance be printed to allow public inspection. It was noted the ordinance had been published prior to the hearing.

Sue Savage, 670 Hollywood Drive, inquired whether Council had included a cap on the number of medical marijuana related facilities it would allow in the City. It was noted the ordinance is self regulating and would limit the number of establishments geographically.

Andy Kenney, 1470 West King Street, inquired whether existing facilities would be exempt from the new ordinance. It was noted that any illegal non-conforming uses created by the passage of the ordinance would be prohibited.

Louise Hemond-Wilson, 500 East Oliver Street, inquired whether there was a policy for drug testing of public safety employees. It was noted testing of public safety officers is currently ordered on suspicion of impairment. It was further noted there is no set standard for the level of THC that can be found in the bloodstream while driving. The court system will provide further guidance as cases are decided.

Matthew Miller, Hickory Street, inquired about details of the Federal law in regard to public and private schools, he also inquired about the difference between medical marijuana and any other prescribed medications. Lastly he noted he felt compassionate care facilities and dispensaries should be separate facilities. And he was concerned that enforcement of the new ordinance would be difficult.

Lisa Stechschulte, 725 River Street, indicated there was no differentiation between private schools and public schools in the Federal law. She asked that those prescribed medical marijuana consider the safety of others while operating a vehicle.

Julie Whitebird-Waldorf, 1512 Alta Vista Drive, indicated she did not understand why the Council could not give her a figure for the number of facilities that could be located within the city as well as how many establishments there are currently. It was noted that the City does not require businesses to register so keeping track of the number of facilities is difficult. And the number of facilities that can be located within the City based on the new ordinance depends in part on where individual establishments are located.

Planning Commissioner David Bandkau asked Council to consider adopting a business licensing program.

Pat Gregory, Bennington Township resident, indicated she was shocked that more parents were not present for this discussion.

Eddie Urban, 601 Glenwood Avenue, asked that everyone try hard to include all the facts of a situation when making comments to the Council.

Sheila Ralph, local business owner, indicated she was pleased Council passed the ordinance as it was good for the entire community.

Burton Fox, 216 East Oliver Street, commended the Parks & Recreation Commission for their work on plans for Bentley Park. He also mentioned other volunteer efforts taking place in the City and encouraged everyone to participate in making the City a better place.

Michael Beard, Bennington Township resident, thanked Council for passing the ordinance but stated he felt it should have been passed earlier. He asked Council to try to be proactive in the future.

Bozena Bienias, 1432 Mallard Circle, inquired whether Council was considering licensing medical marijuana related businesses. It was noted that business licensing in general may be addressed at a different time. The zoning ordinance is just one piece of the puzzle in regulating medical marijuana.

Stephanie Smith, 717 West King Street, asked that Council make any regulations related to medical marijuana as clear as possible so enforcement will be simple.

Mayor Frederick noted all of the community events over the past weekend and encouraged everyone to participate in upcoming events.

Councilperson Martenis read aloud a statement on Holman Pool noting two experts had declared the pool economically unfeasible to refurbish and suggested tearing the pool down for sake of safety. He also noted the flags flown at City Hall were too small for the size of the flag pole.

Councilperson Cook noted Council was looking out for the community and had taken action over the course of the last few years to really improve the community for its residents. He went on to say that in many cases there are no easy answers to the questions that come before Council and he welcomes input from everyone. He encouraged people to focus on the positive things going on in the community.

Councilperson Erfourth expressed his frustration with resident apathy, saying the Council had been discussing medical marijuana for months and virtually no one showed up to the meetings until very recently. He went on to say that democracy is only as good as the participants.

The meeting recessed from 9:20 p.m. to 9:29 p.m.

CITY MANAGER REPORT

Assistant City Manager Zettel indicated Council should have received a memo from City Manager Crawford and there was no additional report at this time.

CONSENT AGENDA

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

Set Public Hearing - 2011-2012 City Budget. Set required Public Hearing pursuant to Chapter 8 of the City Charter for May 2, 2011 to receive citizen comment regarding proposed 2011-2012 City Budget.

Special Assessment District No. 2011-01 Bradley Street from Lansing Street to Howell Street

RESOLUTION NO. 51-2011

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, May 16, 2011 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO
COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

BRADLEY STREET FROM LANSING STREET TO HOWELL STREET

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements: Street Reconstruction.

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be

desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, May 16, 2011 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2011-02 Cass Street from M-52 to Michigan Avenue

RESOLUTION NO. 52-2011

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, May 16, 2011 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
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NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO
COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

CASS STREET FROM M-52 TO MICHIGAN AVENUE

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements: Street Reconstruction.

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, May 16, 2011 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2011-03 Cedar Street from M-21 to Beehler Street

RESOLUTION NO. 53-2011

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter

described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, May 16, 2011 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO
COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

CEDAR STREET FROM M-21 TO BEEHLER STREET

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements: Street Reconstruction.

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, May 16, 2011 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2011-04 Clinton Street from M-52 to Michigan Avenue

RESOLUTION NO. 54-2011

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, May 16, 2011 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as

shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.

4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO
COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

CLINTON STREET FROM M-52 TO MICHIGAN AVENUE

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements: Street Reconstruction.

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, May 16, 2011 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2011-05 Genesee Street from M-52 to Michigan Avenue

RESOLUTION NO. 55-2011

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, May 16, 2011 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO
COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

GENESEE STREET FROM M-52 TO MICHIGAN AVENUE

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements: Street Reconstruction.

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, May 16, 2011 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2011-06 Howell Street from Bradley Street to River Street

RESOLUTION NO. 56-2011

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, May 16, 2011 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO
COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

HOWELL STREET FROM BRADLEY STREET TO RIVER STREET

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements: Street Reconstruction.

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, May 16, 2011 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2011-07 Oliver Street from M-52 to Washington Street

RESOLUTION NO. 57-2011

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, May 16, 2011 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO
COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

OLIVER STREET FROM M-52 TO WASHINGTON STREET

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements: Street Reconstruction.

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, May 16, 2011 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2011-08 Stewart Street from Chipman Street to Cedar Street

RESOLUTION NO. 58-2011

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.

2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, May 16, 2011 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO
COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

STEWART STREET FROM CHIPMAN STREET TO CEDAR STREET

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements: Street Reconstruction.

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, May 16, 2011 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

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

Name	Board/Commission	Term Expires
James Demis	Downtown Development Authority/Main Street Board To fill the unexpired term of Jeff Reeves	06-30-2013
Cindy Flury	Downtown Development Authority/Main Street Board To fill the unexpired term of Susan Treen	06-30-2013

Bid Award. Approve the low bid of Hill Road Maintenance for the 2011 Crack Seal Program in an amount not to exceed \$28,000, at a unit price of \$1.18 per pound of crack seal, and authorize payment up to the contract amount as follows:

RESOLUTION NO. 59-2011

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR
THE 2011 CRACK SEAL PROJECT
WITH HILL ROAD MAINTENANCE**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the pavement cracks of many of the streets in the North East Quadrant of the City need to be sealed to prevent water from getting into the sub base of the street which accelerates the deterioration of the street pavement, and that this pavement maintenance is advisable, necessary and in the public interest; and

WHEREAS, the City of Owosso sought bids for crack sealing the streets in this area; a bid was received from Hill Road Maintenance.; and it is hereby determined that Hill Road Maintenance 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 Hill Road Maintenance for pavement crack sealing as part of the 2011 Crack Sealing Project.
- 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 Hill Road Maintenance, with a \$28,000 bid at \$1.18/pound.
- THIRD: The above expenses shall be paid from the 2011-2012 Major and Local Street Maintenance Fund.

Bid Award. Approve the low bid of The Glaeser-Dawes Corporation for the Sump Line Collector Project in the amount of \$99,721.35, and authorize payment up to the contract amount.

RESOLUTION NO. 60-2011

AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE 2011 SUMP LINE COLLECTOR PROJECT WITH THE GLAESER-DAWES CORPORATION

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that the sump lines from houses need to drain to a storm sewer to prevent this water from getting into the sanitary sewer system overloading the sanitary sewers and causing sanitary sewer over flow into the Shiawassee River which is not advisable, or in the public interest; and

WHEREAS, the City of Owosso has sought bids to install sump line collector pipes to gather water from sump lines and direct it to the storm sewer; a bid was received from The Glaeser-Dawes Corporation.; and it is hereby determined that The Glaeser-Dawes Corporation 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 The Glaeser-Dawes Corporation for installation of sump line collectors as part of the 2011 Sump Line Collector Project.
- 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 The Glaeser-Dawes Corporation, with a \$99,721.35 bid.
- THIRD: The above expenses shall be paid from the 2011-2012 Sanitary Sewer Fund.

Annual Capital Maintenance and Investment Plan – Bentley Park. Accept the annual Capital Maintenance and Investment Plan for Bentley Park as follows:

RESOLUTION NO. 61-2011

BENTLEY PARK CAPITAL REHABILITATION PLAN

WHEREAS, the park facilities at Bentley Park are exceeding their useful life, and regular maintenance cannot effectively address some of the facility shortcomings; and

WHEREAS, the City of Owosso Parks and Recreation Commission, in conjunction with city staff, investigated and audited Bentley Park in the fall of 2010 for the purpose of planning an investment strategy to rehabilitate and rejuvenate the park and subsequently delivered a capital rehabilitation plan to the City Council in October of 2010; and

WHEREAS, city staff have revisited the plan to adjust the scope of work to meet the requirements of the Americans with Disabilities Act to allow people of all abilities to utilize the park; and

WHEREAS, the City of Owosso and its partners intend to rehabilitate the existing facilities, increase accessibility, enhance the natural features, and increase use by using the plan as a guideline for improvements.

NOW, THEREFORE, BE IT RESOLVED that the City of Owosso City Council hereby approves the modified Bentley Park Capital Rehabilitation Plan as attached, dated April 8, 2011.

Bentley Park Capital Rehabilitation Plan

April 8, 2011

Feature	Conditions	Costs	Notes
Basketball Courts			
Surface	Surface is cracked and heaved	\$5,100	Cap with 2" of asphalt
Backboards/rims	Rusted/old	\$1,500	Kiwanis project
BB court lighting	Operational	\$200	Direction/Use sign installation
Tennis Court			
Surface	Severely cracked & heaved	\$16,000	Professional sealing and painting
Tennis court lighting	Operational	\$200	Direction/Use sign installation
Fence	North side in poor condition	\$2,500	Replace chain link
Gate	Inadequate equipment ingress	\$1,000	Install wider gate
Replace drinking fountain	Missing	\$950	Confirm water availability in spring
Gazebo			
Roof	Requires repair	\$2,000	Full replacement
Exterior sides	Needs paint	\$2,000	Repaint after wood replacement
Replace wood supports	wood is cracking/rotting	\$1,092	Replace only the lowest 8'
Old electrical	Unnecessary, non-functional	\$500	DPS to remove
Wall caps	Missing	\$4,000	Install limestone caps
Pavilion			
Flatwork	Heaving & cracks	\$2,600	Remove and replace
Columns & walls	Graffiti and mixed paint	\$1,500	Paint uniform color
Doors x3	Severely damaged	\$6,626	Replace all doors with wider ADA, center locks
Waste Bins	Rusted and outdated	\$800	Two new sturdy waste bins
New plumbing fixtures	Severely damaged/not ADA	\$10,804	Replace with new ADA features
Both bath ceilings	Old plaster and rusted panels	\$1,258	Kemlite fiberglass panels
Partitions	Damaged/not ADA	\$1,230	Remove and redesign for ADA access
Lighting & GFI	All fixtures broken, no GFI's	\$1,140	Replace w/ energy efficient, caged fixtures: GFI's
Misc.			
Horseshoe pits	Generally poor condition	\$200	Add sand, general rehabilitation
Tree planting	x5	\$1,000	Eastern property line screening
Engineering	General site engineering	\$1,289	2% of costs
Play apparatus	Requires paint	\$250	Paint using volunteers

Total restoration cost: \$65,739

Warrant No. 421. Accepted Warrant No. 421 as follows:

Vendor	Description	Fund	Amount
CalFirst Leasing Corporation	Annual payment for HME Tower/Ladder Fire Truck	General	\$121,717.50
Caledonia Charter Township	Caledonia Utility Fund January – March 2011	Water	\$15,343.87
Netarx, LLC	Network Engineering March 2011	General	\$9,520.00
Brown & Stewart, PC	Professional Services March 15, 2011-April 11, 2011	General	\$7,665.84

Check Register. Received and approved the Check Register for March 2011.

Revenue & Expenditure Report. Accepted the March 2011 Revenue & Expenditure Report. Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

RECREATION PASSPORT GRANT APPLICATION

Motion by Councilperson Eveleth to approve application for a Recreation Passport Grant to seeking matching funding for maintenance and renovations at Bentley Park as follows:

RESOLUTION NO. 62-2011

RECREATION PASSPORT GRANT APPLICATION RESOLUTION

WHEREAS, Bentley Park is noted as being one of the oldest parks with the most public exposure in the city; and

WHEREAS, the park facilities are exceeding their useful life, and regular maintenance cannot effectively address some of the facility shortcomings; and

WHEREAS, the City of Owosso Parks and Recreation Commission, in conjunction with city staff, investigated and audited Bentley Park in the fall of 2010 for the purpose of planning an investment strategy to rehabilitate and rejuvenate the park and subsequently delivered a capital rehabilitation plan to the City Council in October of 2010; and

WHEREAS, the City of Owosso and its partners intend to rehabilitate the existing facilities, increase accessibility, enhance the natural features, and increase use with a planned playscape; and

WHEREAS, the City of Owosso, the Owosso Kiwanis Club, and the Shiawassee Community Foundation are publicly and financially committed to carrying out the improvements in Bentley Park; and

WHEREAS, the State of Michigan Department of Natural Resources is accepting Recreation Passport Grant applications for up to \$30,000 towards new or rehabilitated facilities for the purpose of "providing public outdoor recreation opportunities or facilities and infrastructure to support public outdoor recreation activity"; and

WHEREAS, the City of Owosso has updated and adopted a new capital rehabilitation plan for Bentley Park.

NOW, THEREFORE, BE IT RESOLVED that the City of Owosso City Council commits to funding the capital rehabilitation plan as outlined in the Bentley Park Capital Rehabilitation Grant funding proposal below and further directs staff to complete and submit an application for the Recreation Passport Grant Program through the MDNR.

Bentley Park Capital Rehabilitation Grant	
Contributor	Contribution
Kiwanis Donation	\$10,000
Shia. Community Foundation Grant	\$2,265
City Contribution	\$16,450
City In-kind	\$7,274
Volunteer Labor	\$500
Total City Contribution	\$23,724
Total Local Match	\$36,489
Grant Request	\$29,250
Total Grant Project	\$65,739

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Donald D. Crawford, City Manager. SEDP Annual Report and Audit Report.
Gary Palmer, Building Official. March 2011 Building Department Report.
Gary Palmer, Building Official. March 2011 Code Violations Report.
Michael T. Compeau, Public Safety Director. March 2011 Police Department Report.
Michael T. Compeau, Public Safety Director. March 2011 Fire Department Report.
Downtown Development Authority/Main Street Board. Minutes of Meeting of April 6, 2011.
Owosso Planning Commission. Minutes of Meeting of March 28, 2011.
Owosso Parks & Recreation Commission. Minutes of Meeting of March 28, 2011.
Downtown Historic District Commission. Minutes of the Meeting of March 16, 2011.
Downtown Historic District Commission. Minutes of the Meeting of April 13, 2011.

Councilperson Martenis congratulated Celia's Corner Café on obtaining a perfect inspection.

CITIZEN COMMENTS AND QUESTIONS

Justin Horvath, President/CEO of the SEDP, pointed out the SEDP's annual report and audit report included in the agenda packet. He said the SEDP had its best year ever in 2010 and they were hoping for Council's continued support in the coming year.

Lisa Stechschulte, 725 River Street, spoke of a nuisance fire over the weekend. She said this particular fire was not extinguished for over 5 hours and she hoped similar fires would be ordered to be put out in the future.

Eddie Urban, 601 Glenwood Avenue, indicated the Veteran's benefit program will be played one more time on Channel 95. He also said there would be a story on diabetes coming soon.

Mayor Pro-Tem Popovitch thanked her fellow Council members for their comments on why they serve, saying she loves this community.

It was announced the Steps for Courage fundraiser would be held on Saturday at 9:30 a.m. at the Hospital.

Councilperson Cook said he had recently attended the SEDP training session on brownfields and found it quite informative. He also thanked City staff for installing Wi-Fi in the Council chambers.

Councilperson Martenis said he was very happy with the progress of the Parks & Recreation Commission.

NEXT MEETING

Thursday, April 21, 2011, 7:00 p.m. – Budget Planning Session
Monday, May 2, 2011, 7:30 p.m. – Regular Meeting

BOARDS AND COMMISSIONS OPENINGS

Cable Access Advisory Commission, term expires 06-30-2011
Parks & Recreation Commission, term expires 06-30-2012

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 9:53 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk