

OWOSSO CITY COUNCIL

MARCH 19, 2012

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK
OPENING PRAYER: MAJOR KEITH BAILEY
SALVATION ARMY
PLEDGE OF ALLEGIANCE: THE KIDS OF WADDA WADA WORLD
PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.
ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Fox to approve the agenda with the following changes:

Add Presentation – Donation by Kids of Wadda Wada World
Add Consent Item – 10. Pancake Breakfast Permission
Move to Item of Business 4. – Consent 3. Artisan Market Permission
Move to Item of Business 5. – Consent 4. Farmers Market Permission

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 5, 2012

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of March 5, 2012 as presented.

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

SPECIAL PRESENTATIONS

KIDS OF WADDA WADA WORLD DONATION

Mayor Frederick received a donation of \$500 for a bench in Bentley Park from the Kids of Wadda Wada World, a group of 5th grade students at Bryant Elementary.

AMOS GOULD OUTSTANDING CITIZEN AWARD

Mayor Frederick presented the 2nd annual Amos Gould Outstanding Citizen Award for 2011 to Michael Espich for all of his efforts improve the community throughout the years, including his work with the Corunna Schools, the Curwood Festival, Owosso Parks & Recreation, and disc dogging competitions across the country.

PUBLIC HEARINGS

PERSONAL PROPERTY TAX EXEMPTION TRANSFER - RIVERS FAB & WELDING, INC.

A public hearing was conducted to receive citizen comment regarding the proposed transfer of New Personal Property Tax Exemption Certificate 114-2007 from Owosso Automation, located at 1650 East South Street, to Rivers Fab & Welding, Inc., located at 1650 East South Street.

The following person commented regarding the proposed transfer:

Justin Horvath, president of the SEDP, said this business is a great success story in our county and that its success has been helped in part by the abatements granted by City Council.

City Assessor Larry D. Cook pointed out the transfer was simply to accommodate a formal change in the name of the firm.

Motion by Councilperson Cook to approve the transfer of Certificate No. 114-2007 to Rivers Fab & Welding, Inc. for the remainder of the term as follows:

RESOLUTION NO. 15-2012

**RESOLUTION APPROVING REQUEST FOR A
TRANSFER OF NEW PERSONAL PROPERTY EXEMPTION
OWOSSO AUTOMATION, INC. TO RIVERS FAB & WELDING, INC.**

WHEREAS, request for a transfer of New Personal Property Exemption #114-2007, was received February 17, 2012 from Rivers Fab & Welding, Incorporated; and

WHEREAS, Rivers Fab & Welding, Incorporated has purchased the business and assets from Owosso Automation, Incorporated, 1650 E. South Street; and

WHEREAS, the transfer of PA 328 of 1998 as amended by PA 20 of 1999 is available according to Section 211.9f, subsections 4 and 5 of the General Property Tax Act; and

WHEREAS, PA 328 of 1998 as amended by PA 20 of 1999 is available to the City of Owosso and is an Eligible Local Assessing District; and

WHEREAS, Rivers Fab & Welding, Incorporated is an Eligible Business; and

WHEREAS, there is an Eligible District at 1650 E. South Street; and

WHEREAS, it was determined by city staff that the transfer of the New Personal Property Tax Exemption is within the guidelines of the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, before acting on said application, the City Council of the City of Owosso, held a public hearing held on March 19, 2012 at City Hall, 301 W. Main Street, Owosso, MI, 48867 at 7:30 p.m., at which the Applicant, the City Assessor, and a representative of the effected taxing units were given written notice and were afforded an opportunity to be heard on said Application; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Owosso finds and determines that the granting transfer of the Exemption of New Personal Property currently in force under P.A. 328 of 1998, as amended, shall not have the effect of substantially impeding the operation, or impairing the financial soundness of the taxing unit which levies ad valorem property taxes in the City of Owosso; and

BE IT RESOLVED that for the exemption to maintain its eligibility each year, the company shall submit two personal property statements annually to the City Assessor, one for the new personal property and another for all other personal property, And payment for real and personal property taxes must be current; and

BE IT RESOLVED the transfer of said New Personal Property Exemption Certificate #114-2007 to Rivers Fab & Welding, Inc., with expiration date of December 30, 2014, be approved.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilpersons Erfourth, Eveleth, Mayor Pro-Tem Popovitch, Councilpersons Cook, Bailey, Fox and Mayor Frederick.

NAYS: None.

PERSONAL PROPERTY TAX EXEMPTION TRANSFER – PROFESSIONAL GALLERY, INC.

A public hearing was conducted to receive citizen comment regarding the proposed transfer of New Personal Property Tax Exemption Certificate 110-2007 from Target Industries, Inc, located at 222 South Elm Street, to Professional Gallery, Inc., located at 520 South Gould Street.

City Manager Donald D. Crawford noted that Target Industries, Inc., the original holder of the certificate, had been purchased by Professional Gallery, Inc, a Minnesota company. The company plans on maintaining a presence in the City, thus the request for transfer of the abatement certificate.

The following people commented regarding the proposed transfer:

Lee Mills, Director of Purchasing for Professional Gallery, Inc., indicated that the management of the company is committed to staying in the Owosso area as evidenced by their use of local financing and their retention of local workers.

Justin Horvath, president of the SEDP, said he was excited about the new ownership and leadership of the company. He also noted the company is putting another vacant building to good use.

Motion by Councilperson Bailey to approve the transfer of Certificate No. 110-2007 to Professional Gallery, Inc. for the remainder of the term as follows:

RESOLUTION NO. 16-2012

**RESOLUTION APPROVING REQUEST FOR A
TRANSFER OF NEW PERSONAL PROPERTY EXEMPTION
TARGET INDUSTRIES, INC. TO PROFESSIONAL GALLERY, INC.**

WHEREAS, request for a transfer of New Personal Property Exemption #110-2007, was received February 14, 2012 from Target Industries, Incorporated; and

WHEREAS, Professional Gallery, Incorporated has purchased the business and assets from Target Industries, Incorporated, 312 S. Elm Street; and

WHEREAS, the transfer of PA 328 of 1998 as amended by PA 20 of 1999 is available according to Section 211.9f, subsections 4 and 5 of the General Property Tax Act; and

WHEREAS, PA 328 of 1998 as amended by PA 20 of 1999 is available to the city of Owosso and is an Eligible Local Assessing District; and

WHEREAS, Professional Gallery, Incorporated is an Eligible Business; and

WHEREAS, the operations of Professional Gallery, Inc. are currently at 312 S. Elm Street and will be relocating to 520 S. Gould Street in the near future; and

WHEREAS, there is an Eligible District at 312 S. Elm Street and 520 S. Gould Street; and

WHEREAS, it was determined by city staff that the transfer of the New Personal Property Tax Exemption is within the guidelines of the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, before acting on said application, the City Council of the City of Owosso, held a public hearing held on March 19, 2012 at City Hall, 301 W. Main Street, Owosso, MI, 48867 at 7:30 p.m., at which the Applicant, the City Assessor, and a representative of the effected taxing units were given written notice and were afforded an opportunity to be heard on said Application; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Owosso finds and determines that the granting transfer of the Exemption of New Personal Property currently in force under P.A. 328 of 1998, as amended, shall not have the effect of substantially impeding the operation, or impairing the financial soundness of the taxing unit which levies ad valorem property taxes in the City of Owosso; and

BE IT RESOLVED that for the exemption to maintain its eligibility each year, the company shall submit two personal property statements annually to the City Assessor, one for the new personal property and another for all other personal property, and payment for real and personal property taxes must be current; and

BE IT RESOLVED the transfer of said New Personal Property Exemption Certificate #110-2007 to Professional Gallery, Inc., with expiration date of December 30, 2018, be approved.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Eveleth, Fox, Mayor Pro-Tem Popovitch, Councilpersons Cook, Bailey, Erfourth and Mayor Frederick.

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Jan Pitt, 915 Milwaukee Street, asked if the last course of bricks could be removed from the planters downtown as her vehicle was damaged when she parked in front of one recently.

Bozena Bienias, 1432 Mallard Circle, distributed an amended flyer for the movie premiere of the documentary After the Factory which was rescheduled for April 12th. She invited everyone to attend the premiere and the discussion afterward.

Amy Golombisky-Lepino, owner of the business at 202 West Exchange Street, indicated she felt the Farmer's Market was hurting her business by restricting parking on Saturday mornings. She said that while she supports the Farmer's Market she had been patient for a year and asked how she was supposed to handle the issue in the future when it was costing her money.

Becky Scherer, owner of Elite Pet Styling, indicated that she too has concerns with the Farmer's Market taking up parking and potentially damaging her business. She asked that Council look at

the needs of both retail and service businesses when considering where to place the Farmer's Market.

Former Mayor Mike Bruff, 707 West King Street, said he supports both the downtown businesses and the Farmer's Market but he asked Council to remember that the businesses contribute to the community year round and pay taxes. He asked if a study had been done to determine the actual affects of the Farmer's Market on downtown businesses. He further asked that Council take another look at where to locate the Farmer's Market.

David Green, 604 Ryan Street, asked that the Council consider banning smoking in all City parks. Paula Wheeler, representative from LED Optical Solutions, indicated that despite repeated communications with Council her concerns with the recent award of the LED retrofit bid have gone unaddressed. She said she was concerned that the decision made by Council was not compliant with the grant and the product in question was not compliant with the terms of the grant either. She asked Council for remunerations for the work her company had performed prior to the bid award.

Eddie Urban, 601 Glenwood Avenue, said the Home Expo this past weekend was a great event. Video of the event will be broadcast on Channel 95. He also made a donation toward the Bentley Park Playscape and gave the Mayor newspaper clippings of his activities to save for his children.

Ingo Schneider, president of LED Optical Solutions, indicated he had spent a significant amount of time educating city staff on LED lighting and he was frustrated that the bid was awarded to a non-Michigan manufacturer after he had worked so hard. He cautioned the Council that they had not seen the product they approved and may not be pleased with the finished product.

Jeff Peltier, 1888 Ketegawn, announced the Healthy Living Symposium April 1st at 5:30 p.m. at the Baker College Welcome Center.

Justin Horvath, president of the SEDP, gave an update on the Aerotropolis saying 33 communities had signed on and efforts to market the corridor would begin soon.

Carl Ludington, owner of Ludington Electric, said he had concerns with the product that Council approved for the LED Street Lighting Retrofit Project saying it had not been tested and there was a risk the end product would not perform as expected.

There was discussion regarding the LED lighting bid and how the Council reached the decision they did. It was noted that neither of the bids for the two finalists met the specifications of the bid request. The City approached the State to inquire whether some of the grant requirements could be waived or adjusted. Based on the State's response Council chose the bid that best fulfilled the modified requirements. Mayor Frederick expressed regret at not being able to work with LEDOS, but said the City was working within the amended constraints of the grant in awarding the bid and any work that was performed by a company prior to the bid did not guarantee award of the bid.

Mayor Pro-Tem Popovitch announced the pancake breakfast on Saturday at the Fire Station to raise money for the Bentley Park Playscape.

Assistant City Manager Adam H. Zettel noted that Green Up Clean Up is scheduled for April 21st. He also noted that Council would be considering the details of spending on the playscape project at their next meeting.

Councilperson Fox inquired whether the City was required to move forward with the LED lighting project given all the controversy. It was noted the project may be able to be stopped.

Councilperson Cook commended all those that had worked to raise money or donated to the playscape project. Mayor Frederick gave an update on the fund raising progress saying they were probably within \$5,000 of their overall goal.

CITY MANAGER REPORT

City Manager Crawford gave an update on the Library roof repairs saying they were now complete and Council would need to consider some interior repairs in the near future.

Councilperson Cook noted that he had served on a library committee a few years back exploring options for the library. He cautioned against putting a significant amount of money into the building without first examining its longer term future.

CONSENT AGENDA

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

Set Public Hearing –Ordinance Amendment, Chapter 33. Set a public hearing for Monday, April 2, 2012 to receive citizen comment regarding the proposed addition of Section 33-5 to Chapter 33, Traffic and Motor Vehicles, to allow the city to assess stronger penalties for drivers with a

blood alcohol content in excess of 0.17% in accordance with Michigan's new "Super Drunk" law as follows:

**AN ORDINANCE TO ADD CODE SECTION 33-5
ADOPTING BY REFERENCE THE MOTOR
VEHICLE CODE SECTION RELATING TO DRIVING
WITH A BLOOD ALCOHOL CONTENT OVER 0.17%**

AN ORDINANCE to add Section 33-5 to Chapter 33, Traffic and Motor Vehicles, to adopt by reference the Motor Vehicle Code section related to driving with a blood alcohol content over 0.17% and further define the penalties for offenses of the Code.

WHEREAS, the state legislature adopted a "Super Drunk" law in 2011 establishing more stringent penalties for operating a vehicle with a blood alcohol level over 0.17%; and

WHEREAS, the city of Owosso is chartered under the Home Rule Cities Act which limits the penalties for such offenses to those less than that defined by the new state law; and

WHEREAS, in late February 2012 the state legislature amended the Home Rule Cities Act to allow cities chartered under the Act to levy the more severe penalties as appropriate; and

WHEREAS, the city of Owosso desires to punish offenders appropriately, as established by state law.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso that Section 33-5 be added to the Code of the city of Owosso, adopting by reference the Motor Vehicle Code section relating to driving with a blood alcohol content over 0.17% and establishing more stringent penalties for offenses of the Ordinance as follows:

THE CITY OF OWOSSO ORDAINS:

Section 1. That Section 33-5 of the Owosso City Code shall be added to state:

Sec. 33-5. Home Rule Cities Act, amendment and revisions adopted.

(1) Pursuant to Act 1909 PA 279 as amended by Act 2012 PA 7; Section 625(1)(c) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.625, is hereby adopted by reference. Violation of this ordinance is punishable by one (1) or more of the following:

- (i) community service for not more than 360 hours;
- (ii) imprisonment for not more than 180 days;
- (iii) a fine of not less than \$200.00 or more than \$700.00.

Section 2. Publication and Inspection.

The City Clerk shall publish this Section 33-5 in the manner required by law and shall publish, at the same time, a notice stating the purpose of this addition to the Code and the fact that a complete copy of the Code is available to the public at the office of the Clerk Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. for inspection.

Section 3. Effective Date.

This Ordinance shall take effect twenty (20) days after adoption.

Section 4: Public Hearing.

A public hearing is set for Monday, April 2, 2012 at approximately 7:30 p.m. in the City Hall Council Chambers to hear citizen comment regarding the proposed amendment.

Planning Commission Referral - Zoning Ordinance Amendment. Refer to the Planning Commission a potential amendment to Chapter 38, Zoning, Article XXIII, Changes and Amendments, Section 38-554, Petition for change; fees to the Code of Ordinances of the City of Owosso, Michigan to simplify the application process for rezoning.

Curwood Festival Permission. Approve application of the Curwood Festival for use of the following City streets and parking lots from June 6, 2012 through midnight June 10, 2012 and authorize Traffic Control Order No. 1266 formalizing the action.

- a. The closure of Water Street, from Main to Mason as necessary on Friday, June 8, 2012 at 3:00 PM until the completion of festival activities on Sunday, June 10, 2012.
- b. The closure of Water Street between Main and Ball to allow set-up and operation of the Carnival from Thursday, June 7, 2012 in the AM hours through Sunday, June 10, 2012.
- c. The closure of Exchange Street parking lot from 6:00 PM Thursday June 7, 2012 through Sunday, June 10, 2012 to allow concession owners to set up.

- d. The closure of Exchange Street between Water & Ball for the Ultimate Air Dog Show from 6:00 PM Wednesday, June 6, 2012 to 5:00 PM Sunday, June 10, 2012.
- e. The closure of the entire Armory parking lot from Thursday, June 7, 2012 at 5:00 PM through Sunday, June 10, 2012.
- f. The closure of the public safety parking lot for the Carnival and the entertainment tent area, Wednesday, June 6, 2012 through Sunday June 10, 2012.
- g. Curwood Castle Drive changed to a one-way traffic pattern, north from Main Street and west on River Street for smoother traffic flow on Thursday, June 7, 2012 thru Sunday, June 10, 2012.
- h. Necessary closures for the Children's Parade as follows: Barricades needed for the Children's Parade by 6:00 PM Friday, June 8, 2012. Dewey and King Streets, Dewey and Oliver Streets, Gilbert and Oliver Streets, Queen and Randolph Streets. The parade route is as follows: West on Oliver Street, South on Park Street, West on Exchange Street, North on Ball Street, ending on Williams Street. Rain date for the children's parade is Sunday, June 10, 2012.
- i. Necessary closures for the Heritage Parade which takes place on Saturday, June 9, 2012 at 2:00 PM on M-21 from Gould Street to Chipman Street. Detour route will be well marked/signed to continue smooth traffic flow around the parade. Barricades are needed for the parade line-up on Gould Street at Grover, Comstock, and Jerome Street.
- j. The closure of the lot on the corner of Curwood Castle Drive and Bradley on Wednesday evening June 6, 2012 for set-up through Sunday, June 10, 2012 for Renaissance Encampment.
- k. The closure of M52 from Stewart to Oliver Streets on Saturday, June 9, 2012 for the duration of the parade.
- l. The closure of South Lansing Street from West Main Street south to alley from 11:00 AM to 9:00 PM Saturday, June 9, 2012 for the Scottville Clown Band concert.

Change Order. Authorize Change Order No. 2012-1 increasing the amount of the Water/Sewer Line Installation Contract with Glaeser Dawes Corporation in the amount of \$119,979.92 for emergency repair and replacement of the sewer lines in the 300 block of North Brooks Street and South Park Street 300' south from Ridge Street. (The resolution for this item is incorporated in the resolution for the associated Progress Payment.)

Progress Payment. Authorize progress payment to Glaeser Dawes Corporation for work completed on Change Order No. 2012-1 for the Water/Sewer Line Installation Contract in the amount of \$122,477.54 as follows:

RESOLUTION NO. 17-2012

**AUTHORIZING PAYMENT TO
GLAESER DAWES CORPORATION
FOR WORK COMPLETED ON THE
2011 WATER MAIN REPLACEMENT PROJECT
AS AMENDED BY CHANGE ORDER 2012-1**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into a unit price contract with Glaeser Dawes Corporation for the 2011 Water Main Replacement Project, and found it necessary to extend that unit price work to accomplish emergency sewer repairs and replacements pursuant to Change Order 2012-1, and

WHEREAS, the work is substantially complete and is now eligible for payment; and

WHEREAS, the City project manager recommends Pay Estimate 2012-1 in the amount of \$122,447.54 for work completed through March 9, 2012, and said unit quantities and amount agreed to by Glaeser Dawes Corporation.

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 pay Glaeser Dawes Corporation for work completed on the 2011 Water Main Replacement Project as amended by Change Order 2012-1.

SECOND: The accounts payable department is authorized to submit payment to the Glaeser Dawes Corporation the amount of \$122,447.54 as detailed on the attached Payment Estimate 2012-1 as authorized by Council on March 19, 2012.

THIRD: The above expenses shall be paid from the Sewer (\$119,979.92) and Water (\$2,467.62) Funds.

Progress Payment. Authorize Progress Payment No. 3 to the State of Michigan for the City's share of the construction costs for Stewart Street from Chipman Street to Cedar Street and Oliver Street from Shiawassee Street to Washington Street in the amount of \$12,207.85 as follows:

RESOLUTION NO. 18-2012

**AUTHORIZING PAYMENT TO
THE MICHIGAN DEPARTMENT OF TRANSPORTATION
FOR WORK COMPLETED ON
THE OLIVER ST. AND STEWART STREET RECONSTRUCTION PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has received a Michigan Department of Transportation Small Cities Grant; and

WHEREAS, using these funds in concert with monies from Street Special Assessment and the Street Bond Fund, the City has undertaken a project to reconstruct Oliver St. from M-52 to Washington St. and Stewart St. from Chipman St. to Cedar St, replacing deteriorated curbs and pavement to improve the street infrastructure on these two streets and

WHEREAS, a portion of the work on this project has been completed and is now eligible for payment; and

WHEREAS, the Michigan Department of Transportation has requested reimbursement for the City's share of the work completed to date.

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 reimburse the Michigan Department of Transportation for eligible funds spent in the course of reconstructing portions of Oliver St. and Stewart Street.

SECOND: The accounts payable department is authorized to submit payment to the Michigan Department of Transportation in the amount of \$12,207.85 as detailed on the attached Payment Request #3 as authorized by Council on March 19, 2012.

THIRD: The above expenses shall be paid from the Street Bond Fund and Special Assessments

Warrant No. 439. Accept Warrant No. 439 as follows:

| Vendor | Description | Fund | Amount |
|---------------------|---|---------|-------------|
| Brown & Stewart, PC | Professional Services- February 9, 2012 – March 12, 2012 | General | \$ 9,246.60 |
| Shaheen Chevrolet | 2012 Chevy Impala Police Vehicle | General | \$20,222.97 |

*Check Register. Receive and approve the Check Register for February 2012.

*Revenue & Expenditure Report. Accept the February 2012 Revenue & Expenditure Report.

Pancake Breakfast Permission. (Added to the agenda.) Waive the insurance requirement and approve the application of the Owosso Evening Kiwanis Club and the City of Owosso Fire Department for use of the Fire Station apparatus floor and grounds on Saturday, March 24, 2012 from 7:00 am to 1:00 pm for a pancake breakfast and bounce house to raise money for the Bentley Park Playscape and authorize Traffic Control Order No. 1268 formalizing the action.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Cook, Fox, Mayor Pro-Tem Popovitch, Councilpersons Erfourth, Bailey, Bailey and Mayor Frederick.

NAYS: None.

*Full text of the Check Register and Revenue & Expenditure Report are on file in the Clerk's Office.

RECESSED AT 9:01 PM

RETURNED AT 9:11 PM

ITEMS OF BUSINESS

PARKS RULES & REGULATIONS

There was discussion regarding making further changes to the document, including the smoking ban as suggested during Citizen Comments. It was noted the Rules are required to be published in the newspaper by April 1st each year. There was debate as to whether to proceed with the amendments as proposed to allow for publication or to place a stay on the publication requirement to allow time for further amendments.

Motion by Councilperson Eveleth to amend the Parks Rules and Regulations to reflect the removal of Holman Pool and the addition of the Dog Park and the Community Garden as follows:

CITY OF OWOSSO
PARK RULES AND REGULATIONS

AUTHORITY. These rules are promulgated pursuant to the provisions of Section 21-1 of the Owosso City Code.

APPLICABILITY. These rules shall apply to all City of Owosso parks, play fields, and other public grounds, which for the purpose of these rules shall be identified as parks.

CLOSING HOURS. All parks shall be closed to public use between dusk and dawn, except as follows: 1) Bentley Park, Grove Holman Park (for sledding only), Bennett Field and Rudy DeMuth Fields shall be closed from 11:00 p.m. to dawn, and 2) Hopkins Lake Park shall be open between dusk and dawn solely and exclusively for the purpose of fishing in Hopkins Lake.

SWIMMING PROHIBITED. Swimming is prohibited in all parks except in areas designated for that purpose by the Director of Public Works.

FIRES. Fires are restricted to barbecue grills and then only for the purpose of preparing food.

PROPER DISPOSAL OF REFUSE. Refuse generated during the use of park facilities shall be properly disposed of in containers provided for that purpose. Disposal of household refuse in park refuse containers is prohibited.

VEHICLE REGULATIONS. The following provisions relate to the use of vehicles in the parks: 1) Motorcycles, mopeds, snowmobiles, all-terrain vehicles, and the like are prohibited from all park areas except for roadways designated for public travel, 2) The speed limit in all parks shall be ten miles per hour, and 3) Parking shall be restricted to areas designated for that purpose.

PAVILION RESERVATION. All picnic pavilions shall be available to be used on a first-come, first-served basis on the day of use except as follows: The pavilions in Bentley Park and Harmon Patridge (Green Meadows) Park shall be reserved in advance after January 1 of the year in which the pavilion is to be used. Detailed procedures for the reservation of these pavilions shall be developed and implemented by the Director of Public Works.

USE BY ORGANIZATIONS. Provisions of these rules and regulations to the contrary notwithstanding, Shiawassee County-based organizations shall be permitted the exclusive control of designated areas of City parks, including control during hours the parks are closed to the public, subject to the following conditions:

- 1) The use of the park shall be approved by the City Manager;
- 2) Areas used shall be those not regularly frequented by the general public or the areas occupied shall be open to the general public; although a fee may be charged the general public for such access;
- 3) The organizations' use of the park area shall not be conducted in violation of any local or state law nor unreasonably interfere with the use and enjoyment of adjacent park areas by others;
- 4) The organizations shall agree to hold the City harmless from liability for incidents arising out of the organizations' use of the park area and shall provide evidence of insurance coverage for public liability satisfactory to the City Manager;
- 5) The City reserves the right to direct where organizations' structures are installed and activities conducted so as to minimize damage to park property and facilities and to limit interference with the use of adjacent areas of the park.

SCHEDULING AND USE OF ATHLETIC FIELDS.

- 1) Priority in the use of ball fields, soccer fields and similar athletic facilities in City parks shall be given to organizations scheduling regular games or matches. When the City Manager determines that coordination of organizations' use of such facilities is necessary to avoid scheduling conflicts, he or she shall provide for the development of schedules for such facilities. The City Manager shall have the authority to designate organizations to provide for scheduling and oversight of use of athletic fields. Such organizations shall schedule use of the fields in such a manner as to accommodate use by all interested organizations to the greatest extent feasible and so as to provide for compliance by these rules and regulations by all organizations using the athletic facilities.
- 2) The City Manager shall have the authority to restrict use of athletic fields so as to avoid excessive wear and tear on facilities.
- 3) The City Manager may authorize organizations to sell concessions at athletic fields and to use City facilities designated for that purpose. Preference in selling concessions may be given to organizations designated to provide scheduling and oversight of the use of athletic fields. Organizations selling concessions at athletic fields shall be responsible for the cleaning of restroom facilities at such fields although supplies for use in restrooms shall be provided by the Director of Public Works.
- 4) Organizations providing for the scheduling and oversight of athletic fields may be permitted to provide for the installation of signs recognizing program sponsors. Such signs shall not advertise specific products or services but shall be limited to the names and logos of sponsors and brief descriptions of the nature of the sponsor's business. All sponsor signs shall be constructed of material that will withstand customary weather conditions and shall be maintained by the organizations installing them. Signs shall be installed on existing fences and in such a manner that the message content of the signs is visible from within the athletic fields only. Signs shall be installed only during the usual seasons during which organizations schedule games and matches on the fields.
- 5) Organizations utilizing athletic fields for scheduled games, matches and practices shall be responsible for removing litter from the areas used for their activities. In addition, organizations shall be responsible for removing and storing any equipment used in their activities. Installation of bleachers or similar facilities must be authorized by the Director of Public Works.
- 6) The Director of Public Works shall provide for utilities (except for telephone service), refuse disposal and the maintenance of athletic fields in coordination with the needs and schedules of organizations utilizing the fields. The Director of Public Works may require that organizations utilizing athletic fields undertake specific activities uniquely required for their particular use of the fields such as the installation of bases or nets, the painting of lines on fields, etc.

DOG PARK REGULATIONS. Within the designated dog park area located in Collamer Park, dogs are permitted under the following regulations. Elsewhere in the city, the city code applies.

- 1) All dogs must be leashed in the dog exercise area parking lot.
- 2) Any person bringing a dog or dogs to the dog exercise area must have one leash per dog.
- 3) There shall be no more than three dogs per person allowed in the dog exercise area. Any person bringing a dog or dogs to the dog exercise area must have at least one dog feces waste bag per dog in his or her possession and must remove any feces deposited by the dog(s) in their care.
- 4) Persons under sixteen years of age visiting the dog exercise area must be accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.
- 5) No persons under sixteen years of age are allowed in the dog agility area unless accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.
- 6) Each dog must be under visual and voice control of the owner or other responsible person at least 16 ye
- 7) All dogs must have current vaccinations and licenses and shall wear a collar with tags as proof thereof.
- 8) Aggressive dogs, as defined below, are not permitted in or around the dog exercise area, including but not limited to, the parking lot. Owners or other responsible persons will be held legally responsible for any injury caused by a dog that they bring in or around the dog exercise area.

An aggressive dog is defined as:

- a. A dog that bites a person. However, a dog shall not be considered aggressive if the dog bites a person wrongfully assaulting the dog or the dog's owner, or if the dog bites a person after being provoked by that person.
 - b. A dog that injures or kills another domestic animal without provocation while at the dog exercise area.
- 9) Female dogs in heat are not permitted in or around the dog exercise area including, but not limited to, the parking lot.
 - 10) Dog owners or other responsible persons shall provide dogs with drinking water while visiting the dog exercise area when weather conditions require.
 - 11) Dog owners or other responsible persons shall not keep dogs enclosed in a vehicle during hot weather which may cause injury to the dog.
 - 12) Any person having knowledge of a dog having bitten, scratched, or injured a person or other animal within the dog exercise area, including but not limited to the parking lot, shall report the incident to the police department.

COMMUNITY GARDENS. Community gardens, as designated on public lands, whether leased or available to the general public, shall operate with the following regulations.

- 1) Garden uses must complete the community garden individual waiver as provided by the city.
- 2) Work on plots must begin within 10 days after the garden has been tilled, if applicable.
- 3) No synthetic fertilizers, herbicides, pesticides or insecticides are to be used.
- 4) Work on gardens may only occur between dawn and dusk.
- 5) No mechanized equipment may be used before 9:00 A.M.
- 6) Gardens must be kept free from weeds, rotten produce, and plant debris.
- 7) Stakes, plastics, and garbage must be disposed of in a timely manner.
- 8) Shared paths between garden plots must be maintained without digging into the main paths; such paths must be kept free of toxic materials and rocks.
- 9) Children must be supervised.
- 10) Headphones must be used to listen to the radio or other portable sound equipment.
- 11) All crops must be legal, non-toxic, and non-hazardous.
- 12) Other plots and gardens are not to be damaged or harvested by other users.
- 13) Sales of produce and other products at the garden or in the park are strictly prohibited.
- 14) No tires are allowed at the garden site.
- 15) No pets are allowed at the garden site.
- 16) Smoke and tobacco use is prohibited at the garden site.
- 17) Alcoholic beverages are prohibited at the garden site.

PUBLIC NOTICE. The public shall be deemed to have been properly notified of the provisions of these rules and regulations if the Director of Public Works shall cause their publication in a newspaper of general circulation in the City at least annually prior to April 1. The Director of Public Works is further authorized to post such signs as are in his opinion required to insure substantial compliance with the provisions of these rules and regulations.

Motion by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Erfourth, Cook, Eveleth and Mayor Frederick.

NAYS: Councilpersons Bailey, Fox and Mayor Pro-Tem Popovitch.

AEROTROPOLIS VOTING ALTERNATE

Motion by Councilperson Fox to approve the appointment of Assistant City Manager Adam Zettel as the City's alternate voting member to the Aerotropolis Board as follows:

RESOLUTION NO. 19-2012

APPOINTING CORPORATION BOARD MEMBER AND ALTERNATE TO THE I-69 INTERNATIONAL TRADE CORRIDOR NEXT MICHIGAN DEVELOPMENT CORPORATION

WHEREAS, the city of Owosso is a member of the I-69 International Trade Corridor next Michigan Development Corporation,

WHEREAS, as long as the city of Owosso remains a member of the I-69 International Trade Corridor next Michigan Development Corporation the city is entitled to one board member and an alternate to be appointed by the appointing authority under the *Interim Rules of Procedure I-69 International Trade Corridor next Michigan Development Corporation*; adopted March 15, 2012;

WHEREAS, the *Interim Rules of Procedure I-69 International Trade Corridor next Michigan Development Corporation* provide that the tenure of any board member shall not exceed four years, that any member may resign anytime and may be removed anytime by the appointing authority;

NOW THEREFORE BE IT RESOLVE by the city council of the city of Owosso, Michigan as the appointing authority that:

FIRST: Donald D. Crawford is appointed as the board member representing the city of Owosso.

SECOND: Adam Zettel is appointed as alternate board member representing the city of Owosso.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

RECOGNITION AND ACCEPTANCE OF DONATION – PUBLIC SAFETY DEPARTMENT SIGN

Mayor Frederick read aloud the resolution recognizing Agnew Graphics, Signs & Promotions for their donation of a new sign for the Public Safety Department.

Motion by Councilperson Cook to authorize the following resolution recognizing Agnew Graphics, Signs & Promotions, LLC for their offer to design and construct a new sign for the Public Safety building and accept the donation with an approximate value of \$1,000.

RESOLUTION NO. 20-2012

RESOLUTION AUTHORIZING THE ACCEPTANCE OF SIGN DESIGN AND INSTALLATION FROM AGNEW GRAPHICS, SIGNS & PROMOTIONS, LLC

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a public safety building requiring a sign identifying the building; and

WHEREAS, a local company, Agnew Graphics, Signs & Promotions, LLC, has offered to design and construct a sign free of charge; and

WHEREAS, the City wishes to recognize this contribution.

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

FIRST: Recognize Agnew Graphics, Signs & Promotions, LLC for their offer to design and construct a new sign for the Public Safety Department.

SECOND: Authorize acceptance of the sign with a value of approximately \$1,000.00

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Mayor Pro-Tem Popovitch, Councilpersons Cook, Bailey, Fox, Eveleth, Erfourth and Mayor Frederick.

NAYS: None.

ARTISAN MARKET PERMISSION

There was discussion regarding whether the insurance requirement could indeed be waived because insurance of some type is required. At issue specifically were instances in which the City was sponsoring or co-sponsoring an event and as such the event would be covered under the City's umbrella policy. It was noted that the rules require a separate insurance policy and any case in which this policy is not obtained a waiver must be issued.

Motion by Mayor Pro-Tem Popovitch to waive the insurance requirement and approve the application of Owosso Main Street for use of Main Street Plaza on consecutive Fridays from 1:00 p.m. to 8:30 p.m. from June 1, 2012 through September 28, 2012 for the Artisan Market and authorize Traffic Control Order No. 1264 formalizing the action.

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Mayor Pro-Tem Popovitch, Councilpersons Erfourth, Fox, Eveleth, Bailey, Cook and Mayor Frederick.

NAYS: None.

FARMERS MARKET PERMISSION

There was a significant discussion regarding parking issues presented by the Farmer's Market, the impact of the Farmer's Market on businesses along Exchange Street and in the downtown in general, communication between the DDA and business owners, and allowing the DDA to manage the details of the Farmer's Market. Given the time needed to plan the Market Council agreed to move forward on the contingency that a parking and communication plan would be presented at the April 2nd Council meeting for their review.

Motion by Councilperson Cook to approve waiving the insurance requirement and further approve the application of Owosso Main Street for use of Exchange Street between Water Street and Park Street and Ball Street between Main Street and Mason Street from 6:00 am to 2:00 pm on consecutive Saturdays from May 5, 2012 through October 27, 2012 (using Exchange Street from Ball Street to Park Street on June 9, 2012 to accommodate the Curwood Festival) for the 2012 farmer's market and authorize Traffic Control Order No. 1265 formalizing the request, on the contingent that a parking and communication plant is presented at the April 2, 2012 meeting.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Mayor Pro-Tem Popovitch, Councilpersons Cook, Fox, Bailey, Eveleth and Mayor Frederick.

NAYS: Councilperson Erfourth.

COMMUNICATIONS

Adam H. Zettel, Assistant City Manager. 2011 Annual Planning Commission Report.

Charles P. Rau, Building Official. February 2012 Building Department Report.

Charles P. Rau, Building Official. February 2012 Code Violations Report.

Michael T. Compeau, Public Safety Director. February 2012 Police Department Report.

Planning Commission. Minutes of February 27, 2012.

Parks & Recreation Commission. Minutes of February 27, 2012.

Councilperson Fox request details on the number of ambulance transfers and mutual aid responses performed by the Fire Department to analyze the amount of revenue that is being taken in. He also requested the number of rental inspections the Fire Department performs each month.

Mayor Pro-Tem Popovitch asked if the new Building Official would be coming to speak to Council to discuss his philosophy on code enforcement. She also asked about the status of the rails to trails project.

Assistant City Manager Zettel indicated that the City has no abandoned rails that would be suitable for a trail but research has been conducted on potential bike routes through town. He said a grass roots effort similar to that for the Bentley Park playscape may see good results in making progress on this project.

There was a brief discussion regarding regional park efforts and using such an approach to see a bike path project come to fruition.

CITIZEN COMMENTS AND QUESTIONS

Paula Wheeler, representative of LEDOS, apologized for not being here when the bid was originally awarded but she thought it would be awarded tonight. She also indicated she hoped the Council would reconsider their proposal as they had taken steps to resolve the timing issue that was a key to their not being awarded the bid. She further said the company would work with the City on the amount of the deposit required to manufacture the product.

Ingo Schneider, president of LEDOS, pointed out performance differences between his bulb and the bulb of the manufacturer that was awarded the bid. He too asked Council to reconsider their bid and indicated he would like to partner with the City in the future.

Becky Scherer, owner of Elite Pet Styling, thanked the Council for listening to her concerns with the Farmer's Market. She asked that Council consider different options for the location of the Farmer's Market to alleviate some of the issues she has with the presence of the market. She also asked that Council look at the problems and solutions experienced by Farmer's Markets in comparable cities.

Amy Golombisky-Lepino, owner of the business at 202 West Exchange Street, expressed her frustration saying that no one was listening to her. She experienced a loss in her business last year that she attributed to the Farmer's Market. She said that communication with the DDA was poor and the suggestions for parking wouldn't work.

Gary Burk, president of the Friends of the Shiawassee River, presented a donation for \$400 for the Bentley Park Playscape on behalf of the organization. He said it was nice to see the support the Bentley Park project had built for parks & recreation.

Former Mayor Mike Bruff, 707 West King Street, asked whether all options were examined prior to repairing the Library roof. He said he was wary of putting more money into a building that may not be able to be utilized by the Library much longer. He also asked if anyone had considered the flooding that occurs in Bentley Park each year when deciding where to locate the new playscape.

Eddie Urban, 601 Glenwood Avenue, indicated he hoped that the newspapers would do a write up on the new Public Safety sign so the company donating it gets recognized for their donation.

There was further discussion regarding the LED bid, flooding in Bentley Park, and update on progress on the Fireman's Memorial, downtown business concerns with the Farmer's Market, and the street program for this summer.

NEXT MEETING

Monday, April 2, 2012

BOARDS AND COMMISSIONS OPENINGS

Zoning Board of Appeals – Alternate, term expiring June 30, 2013

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 10:43 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk