

**OWOSSO CITY COUNCIL**

**APRIL 2, 2012**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK

**OPENING PRAYER:** PASTOR RODGER DEVORE  
FIRST CHURCH OF THE NAZARENE

**PLEDGE OF ALLEGIANCE:** MARSHA LADD  
OWOSSO PARKS & RECREATION COMMISSIONER

**PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.

**ABSENT:** Councilperson Thomas B. Cook.

**APPROVE AGENDA**

Motion by Councilperson Erfourth to approve the agenda as presented.

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

**APPROVAL OF THE MINUTES OF SPECIAL MEETING OF MARCH 15, 2012**

Motion by Councilperson Eveleth to approve the Minutes of the Special Meeting of March 15, 2012 as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 19, 2012**

Motion by Councilperson Erfourth to approve the Minutes of the Regular Meeting of March 19, 2012 as presented.

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

**SPECIAL PRESENTATIONS**

**PARKINSON'S AWARENESS MONTH**

Mayor Frederick presented the following proclamation of the Mayor's Office declaring the month of April 2012 as Parkinson's Awareness Month in the City of Owosso to Karen Prussner of the Owosso Parkinson's Support Group.

**A PROCLAMATION  
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN  
PROCLAIMING APRIL 2012 AS  
PARKINSON'S AWARENESS MONTH IN THE CITY OF OWOSSO**

WHEREAS, Parkinson's disease is a chronic, progressive neurological disease that causes motor system disorders; and

WHEREAS, Parkinson's disease affects nearly 35,000 in the State of Michigan and its prevalence continues to rise significantly with increasing age; and

WHEREAS, a local support group, the Owosso Parkinson's Support Group, has been meeting for over twenty years in an effort to provide education, support and fellowship to those affected by this frustrating disease.

NOW, THEREFORE, I, Benjamin R. Frederick, Mayor of the City of Owosso, Michigan, do hereby proclaim the month of April 2012 as Parkinson's Awareness Month in the City of Owosso, Michigan and do hereby encourage all citizens of this community to acknowledge and support the Owosso Parkinson's Support Group and their activities to inform and serve the citizens of our community because their services make a difference.

Proclaimed this 2<sup>nd</sup> day of April, 2012.

Ms. Prussner detailed the history of the Owosso support group and read aloud a proclamation of the Governor's Office declaring April 2012 as Parkinson's Awareness Month in the State of Michigan.

**PUBLIC HEARINGS**

**ORDINANCE AMENDMENT - CHAPTER 33, TRAFFIC AND MOTOR VEHICLES**

The proposed amendment would 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.

A public hearing was to receive citizen comment regarding the proposed addition of Section 33-5 to Chapter 33, Traffic and Motor Vehicles.

There were no citizen comments.

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

**ORDINANCE NO. 730**

**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: 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.

Section 3. Effective Date.

This Ordinance shall take effect April 22, 2012.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

**CITIZEN COMMENTS AND QUESTIONS**

Marsha Ladd, Parks & Recreation Commissioner, indicated she was incredibly excited to see the playscape come to fruition after almost 3 years of work. She said she was also pleased to see other parks items on the agenda.

Mayor Pro-Tem Popovitch asked that staff ensure that those organizing the Memorial 5K not mark the streets with permanent paint again this year. She also asked if the City had plans to clean up the parking lot near the apartment complex on Curwood Castle Drive. It was noted plans for clean-up are in place.

Councilperson Fox gave an update on the status of the Fireman's Memorial saying Trust Thermal had been contacted and they have no problem sharing the property immediately adjacent to theirs to allow room for the memorial. He also indicated new architectural drawings for the structure to house the memorial, specific to the property in question, were completed.

**CITY MANAGER REPORT**

City Manager Donald D. Crawford detailed the Project Status Report.

Mayor Frederick said he was pleased that staff had worked to resolve the issue with the Woodland Trails sewer system.

There was discussion regarding the removal of trees in the City right of way and lighting issues in the block 26 parking lot.

Mayor Frederick said he had received an inquiry whether a community garden could be placed on the old Redmonds site. It was noted that contamination remains on that site and a garden would not be recommended.

**CONSENT AGENDA**

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

**Conduct First Reading and Set Public Hearing-Rezoning Request.**

The first reading on the proposed Ordinance Amendment was held.

A public hearing was scheduled for April 16, 2012 to receive citizen comment regarding the proposed amendment to Section 38-27, Chapter 38, Article II, District Boundaries, of the Code of the City of Owosso to rezone the parcel commonly known as 1484 West King Street as follows:

**AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO REZONE A SPECIFIC PARCEL OF REAL PROPERTY AND AMEND THE ZONING MAP**

Whereas, the city council of the city of Owosso received a petition from a land owner of real property identified as 1484 West King Street, parcel 050-450-000-039-00, lots 36, 39, & 40 of the Oak Grove Addition to rezone the parcel from I-1 Light Industrial to R-1 One Family Residential.

Whereas, the city council referred the request to the planning commission, and the planning commission subsequently published the request, held a public hearing on the request, and deliberated on the request;

Whereas, the city staff and planning commission recommend, without reservations or conditions, the rezoning of 1484 West King Street as petitioned;

Therefore, Be It Resolved, that Chapter 38, Zoning Code of the City of Owosso be amended as follows:

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 38, Zoning Code of the City of Owosso Sec. 38-27 Zoning Districts and Map reflect the following change to be noted on the official map and filed with the city clerk:

Indicate a zoning classification of R-1 One Family Residential for 1484 West King, parcel 050-450-000-039-00.

Section 2. This amendment shall become effective 20 days after passage.

Section 3. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Section 4. A public hearing to receive citizen comment regarding the proposed rezoning will

be held Monday, April 16, 2012 at or about 7:30 p.m. in the City Hall Council Chambers, 301 West Main Street, Owosso, Michigan.

Mid-Michigan Custom Car Show Permission. Consider application of Andy Genovese on behalf of the Mid-Michigan Custom Car Show for use of Washington Street from Main Street to Mason Street and Exchange Street from Ball Street to Park Street from 9:00am to 5:00pm on Sunday, May 20, 2012 for the Mid-Michigan Custom Car Show and authorize Traffic Control Order No. 1267 formalizing the request.

Steps for Courage 5K Run and Competitive Walk Permission. Consider application of the Memorial Healthcare Auxiliary for use of portions of West King Street, 7<sup>th</sup> Street, Oliver Street, Chipman Street, Center Street and Alta Vista Drive from 9:00am to 10:30am on Saturday, April 21, 2012 for the 5<sup>th</sup> Annual Steps for Courage Run and Competitive Walk and authorize Traffic Control Order No. 1269 formalizing the request.

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

Name	Board/Commission	Term Expires
Mistie Jordan	Downtown Development Authority/ Main Street (Effective 05-03-2012)	06-30-2014

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

**ITEMS OF BUSINESS**

**UNPAID UTILITY CHARGES**

City Clerk Amy K. Kirkland noted the following two parcels had paid and should be removed from the list:

050-666-000-006-00	\$89.01
050-622-005-013-00	\$183.63

Motion by Councilperson Fox to authorize the Annual Notice for the collection of unpaid utility charges and the intent to lien therefore in compliance with Chapter 15, Section 15.4(c) of the Owosso City Charter.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

**LOT SPLIT AUTHORIZATION – 1027 ADAMS STREET**

Motion by Councilperson Eveleth to Authorize the division of City lot under Michigan Subdivision Control Act for platted lot described as LOT 7 BLK 3 J H LAVEROCKS ADD commonly known as 1027 Adams Street as follows:

**RESOLUTION NO. 21-2012**

**LOT SPLIT**

**1027 Adams Street: 78-050-390-003-007-00**

WHEREAS, the City of Owosso received a petition from Duane and Helen Beamish for a lot split for their property at 1027 Adams Street, parcel number 78-050-390-003-007-00, complete with a professional survey and application; and

WHEREAS, Sec. 30-5. Article I, Chapter 30 of the Code of the City of Owosso requires such applications to be approved by the city council; and

WHEREAS, the city building official, assessor, community development director, utility director, and engineer have all approved the application.

NOW THEREFORE BE IT RESOLVED that the City of Owosso City Council hereby approves the split as illustrated and described by the city assessor in the application dated March 1, 2012, resulting in the addition of the garage with the parcel next door at 1111 Adams Street.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

### **PURCHASE AUTHORIZATION – BENTLEY PARK PLAYSCAPE**

Council expressed their universal excitement at seeing this project move to fruition.

Motion by Councilperson Erfourth to approve the purchase of a playscape system for Bentley Park in the amount of \$79,963.23 and further approve payment up to the quoted amount as follows:

#### **RESOLUTION NO. 22-2012**

#### **BENTLEY PLAYSCAPE PURCHASE**

WHEREAS, the City of Owosso Parks and Recreation Commission, with the approval of the city council, has been planning and fundraising for a playscape at Bentley Park; and

WHEREAS, the fundraising for this playscape is substantially complete; and

WHEREAS, the parks and recreation commission desires to install the playscape on June 14-16<sup>th</sup> of 2012 using the 'community build' concept; and

WHEREAS, a quote that is at or below General Services Administration contract pricing has been delivered to the city for immediate purchase and delivery of the playscape; and

WHEREAS, the purchasing ordinance provides for an exception to competitive bidding when a purchase is made with another governmental unit and Council determines the public interest is best served.

BE IT RESOLVED THAT City of Owosso City Council hereby approves the new purchase of the playscape equipment as quoted by Miracle of Michigan in the amount of \$79,963.23 and directs staff to make payment so that a further discount may be realized, subject to confirmation of certain conditions.

BE IT FURTHER RESOLVED THAT the city council hereby appropriates \$30,000 from fund balance toward this project, including phases I and II, and directs staff to amend the capital outlay line item in the recreation budget for fiscal year 2011-2012 as necessary.

BE IT FURTHER RESOLVED THAT the council hereby directs staff to engage in planning efforts for the community build that is to occur between June 14-16<sup>th</sup> and to permit or limit any and all ancillary activities, site work, and construction in the park as needed; with such construction to occur in an area to be determined by staff in conjunction with the equipment provider, provided the area is in the vicinity described as being 'south of the pavilion, in the eastern side of Bentley Park.'

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

There was applause from the entire room after the vote was taken.

Mayor Frederick announced the build weekend June 14<sup>th</sup> -16<sup>th</sup>.

**ROSEVEAR PARK DISC GOLF COURSE ACCEPTANCE**

Mayor Frederick noted he had walked the proposed course with Councilperson Erfourth and was impressed with the work that has already taken place. He and Councilperson Erfourth expressed their excitement with this proposal, saying it was a great use of a great park.

Mayor Frederick noted that approval of the concept would allow the group to begin fund raising efforts. Final design work would need to be presented to the Parks & Recreation Commission and the Council prior to construction.

Motion by Councilperson Fox to grant conceptual approval of the proposed disc golf course in Rosevear Park as follows:

**RESOLUTION NO. 23-2012**

**ROSEVEAR DISC GOLF DONATION**

WHEREAS, the City of Owosso Parks and Recreation Commission has been approached by a group of citizens that desire to place a disc golf course in Rosevear Park and the property adjacent to the park (under private ownership and in another municipality); and

WHEREAS, the parks and recreation commission has reviewed this request and investigated alternatives and best practice; and

WHEREAS, the parks and recreation commission believes that such a use would be a valuable asset to the park, the neighborhood, and the community; and

WHEREAS, the citizen group intends to raise all funds necessary to purchase and install the disc golf course; and

WHEREAS, a tentative layout of two 'holes' has been proposed for Rosevear Park and this location should not inhibit current activities; and

WHEREAS, such a feature would become property of the city to own, operate, and maintain after installed.

NOW THEREFORE BE IT RESOLVED THAT City of Owosso City Council hereby conceptually approves the disc golf course, subject to further review on apparatus composition, operation, and location.

BE IT FURTHER RESOLVED THAT the city council hereby accepts the donation of such a feature and permits the parks and recreation commission and/or its partners to solicit funds for this project in accordance with city ordinance and policy.

BE IT FURTHER RESOLVED THAT the city council requires a formal review of a detailed proposal and a recommendation from the parks and recreation commission before any such facility can be installed.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

**BENTLEY PARK SPLASH PAD ACCEPTANCE**

Motion by Councilperson Eveleth to grant conceptual approval of the proposed splash pad in Bentley Park as follows:

**RESOLUTION NO. 24-2012**

**BENTLEY SPLASHPAD DONATION**

WHEREAS, the City of Owosso Parks and Recreation Commission has been approached by a group of citizens that desire to place a small splashpad/water feature in Bentley Park; and

WHEREAS, the parks and recreation commission has reviewed this request and investigated alternatives and best practice; and

WHEREAS, the parks and recreation commission believes that such a use would be a valuable asset to the park, the neighborhood, and the community; and

WHEREAS, the citizen group intends to raise all funds to purchase and install the splashpad; and

WHEREAS, a tentative location, yet to be determined due to circumstance, has been selected in the vicinity of the Bentley Park playscape and pavilion; and

WHEREAS, such a feature would become property of the city to own, operate, and maintain after it is installed.

BE IT RESOLVED THAT City of Owosso City Council hereby conceptually approves the splashpad, subject to further review on facility composition, operation, and location.

BE IT FURTHER RESOLVED THAT the city council hereby accepts the donation of such a feature and permits the parks and recreation commission and/or its partners to solicit funds for this project in accordance with city ordinance and policy.

BE IT FURTHER RESOLVED THAT the city council requires a formal review of a detailed proposal and a recommendation from the parks and recreation commission before any such facility can be installed.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

#### **EXECUTIVE SESSION**

Motion by Councilperson Erfourth to amend the agenda to hold executive session at the conclusion of Communications and Citizen Comments & Questions for the purpose of discussing collective bargaining.

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

#### **COMMUNICATIONS**

John Hankerd, DDA/Main Street Member. Letter of Resignation.

Richard C. Williams, Finance Director. Transmittal of the 2012-2013 Proposed Budget (to be distributed at the meeting).

Heather R. Rivard, Main Street Manager. Parking plan for the 2012 Downtown Farmers Market season.

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

Historical Commission. Minutes of the Meeting of February 13, 2012.

Owosso Main Street/Downtown Development Authority. Minutes of March 7, 2012.

Planning Commission. Minutes of March 12, 2012.

Historical Commission. Minutes of the Meeting of March 12, 2012.

Downtown Historic District Commission. Minutes of March 21, 2012.

Mayor Frederick thanked John Hankerd for his years of service on the DDA/Main Street Board.

There was discussion regarding the parking plan for the Farmers Market. It was noted every effort was made to mitigate the parking issues. Mayor Frederick suggested approaching Community Radio Watch to help with enforcement of the parking rules.

#### **CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments.

Councilperson Bailey announced a wine and cheese event on April 25<sup>th</sup> to benefit the Child Advocacy Center and invited all to attend.

#### **RECESS TO EXECUTIVE SESSION**

Motion by Councilperson Fox to recess to executive session at 8:14 p.m.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilperson Cook.

**RETURNED FROM EXECUTIVE SESSION AT 9:05 PM**

**APPROVAL OF THE EXECUTIVE SESSION MINUTES OF NOVEMBER 7, 2011**

Motion by Councilperson Eveleth to approve the Minutes of the Executive Session of November 7, 2011 as presented.

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

**NEXT MEETING**

Monday, April 16, 2012

**BOARDS AND COMMISSIONS OPENINGS**

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

**ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 9:06 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk