

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF JUNE 19, 2017
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: DONALD D. CRAWFORD
CITY MANAGER

PLEDGE OF ALLEGIANCE: SUSAN K. MONTENEGRO
ASSISTANT CITY MANAGER

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika,
Councilmembers Loreen F. Bailey, Burton D. Fox, Elaine M.
Greenway, and Daniel A. Law.

ABSENT: Councilmember Robert J. Teich, Jr.

APPROVE AGENDA

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

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 5, 2017

Motion by Councilmember Fox to approve the Minutes of the Regular Meeting of June 5, 2017 with correction to the motion and support for the Chipman Street Public Hearing.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

SEDP Annual Report

Shiawassee Economic Development Partnership President/CEO Justin Horvath was on hand to present the 2016 SEDP Annual Report.

PUBLIC HEARINGS

Industrial Facilities Tax Exemption Certificate – 705 McMillan Street

A public hearing was conducted to receive public comment on the application from Ruess Winchester, Inc. of Owosso for an Industrial Facilities Tax Exemption Certificate for real and personal property for their property at 705 McMillan Street.

The following person commented regarding the proposed tax abatement:

Lisa Cantu, representative from RWI, said the firm is expanding their current facility by 20,000 square feet and will add at least five new jobs to their current roster of nineteen. Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Councilmember Fox that the following resolution be adopted:

RESOLUTION NO. 85-2017

**APPROVING APPLICATION OF RUESS WINCHESTER, INC.
FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES
FOR REAL PROPERTY AND PERSONAL PROPERTY
AT 705 MCMILLAN AVENUE**

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on March 19, 1979, this City Council, by resolution established an Industrial Development District; and

WHEREAS, Ruess Winchester, Incorporated has filed an application for Industrial Facilities Exemption Certificates with respect to real and personal property within the Industrial Development; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on June 19, 2017, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of and/or acquisition of the real property had not begun earlier than six (6) months before May 16, 2017, the date application received for the Industrial Facilities Exemption Certificates; and

WHEREAS, construction of the real property is calculated to and will, at the time of issuance of the certificates, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this certificates, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Owosso that:

FIRST: The City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Ruess Winchester, Incorporated for the Industrial Facilities Exemption Certificate, with respect to Real and Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

Real Parcel

PART OF BLKS 8 & 9, GEO T ABREYS WOODLAWN PARK ADD DESC AS BEG AT A POINT N00°42'06"E ALONG THE W LN OF BLK 8 AND E LN OF MCMILLAN 528.55' FROM SW COR OF SAID BLK 8 TO POB, TH CONT N00°42'06"E ALONG SAID W LN OF BLK 8 AND E LN OF MCMILLAN AV 206.85', TH S89°58'12"E 443.36', S01°05'45"W 206.87', N89°58'12"W 441.94' TO W LN BLK 8 AND POB.

District

BLOCKS 8 & 9 ALSO BEG SW COR LOT 1, BLK 11 TH N 03°39', E 366.24', TH S 62°27', E 556.27' TH S 01°05', W 118.70' TH W TO POB INCLUDING VACATED ABREY AVE. & ALLEYS ADJACENT AND WITHIN SAID BLOCKS. GEO. T. ABREY'S WOODLAWN PARK ADDN.; and

is hereby approved.

THIRD: The Industrial Facilities Exemption Certificates, when issued, shall be and remain in force for a period of 12 years.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmember Law, Mayor Pro-Tem Osika, Councilmembers Greenway, Fox, Bailey, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Teich.

Industrial Facilities Tax Exemption Certificate – 745 McMillan Street

A public hearing was conducted to receive public comment on the application from Tri-Mer Corporation of Owosso for an Industrial Facilities Tax Exemption Certificate for real and personal property for their property at 745 McMillan Street.

The following person commented regarding the proposed tax abatement:

Charlene Hebekeuser, Tri-Mer CFO, indicated they would be increasing the size of their facility by 10,000 square feet and look to add twenty new employees in the next two years. She thanked the Council for granting the company's previous abatements and said she sees the company continuing to grow in the future.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Councilmember Bailey that the following resolution be adopted:

RESOLUTION NO. 86-2017

**APPROVING APPLICATION OF TRI-MER CORPORATION
FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES
FOR REAL PROPERTY AND PERSONAL PROPERTY
AT 745 MCMILLAN AVENUE**

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on March 19, 1979, this City Council, by resolution established an Industrial Development District; and

WHEREAS, Tri-Mer Corporation, has filed an application for Industrial Facilities Exemption Certificates with respect to real and personal property within the Industrial Development District; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on June 19, 2017, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of and/or acquisition of the real property had not begun earlier than six (6) months before May 16, 2017, the date application received for the Industrial Facilities Exemption Certificates; and

WHEREAS, construction of the real property is calculated to and will, at the time of issuance of the certificates, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of property exempt from ad valorem taxes within the City of Owosso, after granting this certificates, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Owosso that:

FIRST: The City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.

SECOND: The application from Tri-Mer Corporation, for the Industrial Facilities Exemption Certificate, with respect to Real Property and Personal Property on the following described parcel of real property situated within the Industrial Development District, to wit:

Real Parcel

BLKS 8 & 9 GEO T ABREYS WOODLAWN PARK ADD ALSO VACATED ABREY AVE & ALLEYS ADJ & WITHIN SD BLKS; EXCEPT, PART OF BLKS 8 & 9, GEO T ABREYS WOODLAWN PARK ADD DESC AS BEG AT A POINT N00°42'06"E ALONG THE W LN OF BLK 8 AND E LN OF MCMILLAN 528.55' FROM SW COR OF SAID BLK 8 TO POB, TH CONT N00°42'06"E ALONG SAID W LN OF BLK 8 AND E LN OF MCMILLAN AV 206.85', TH S89°58'12"E 443.36', S01°05'45"W 206.87', N89°58'12"W 441.94' TO W LN BLK 8 AND POB.; and

District

BLOCKS 8 & 9 ALSO BEG SW COR LOT 1, BLK 11 TH N 03°39', E 366.24', TH S 62°27', E 556.27' TH S 01°05', W 118.70' TH W TO POB INCLUDING VACATED ABREY AVE. & ALLEYS ADJACENT AND WITHIN SAID BLOCKS. GEO. T. ABREY'S WOODLAWN PARK ADDN.; and

is hereby approved.

THIRD: The Industrial Facilities Exemption Certificates, when issued, shall be and remain in force for a period of 12 years.

Motion supported by Councilmember Greenway.

Roll Call Vote.

AYES: Councilmembers Fox, Greenway, Law, Bailey, Mayor Pro-Tem Osika, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Teich.

Ordinance Amendment – Chapter 26, Signs

A public hearing was conducted to receive citizen comment regarding the proposal to repeal and replace Chapter 26, Signs, to create a content neutral ordinance that complies with a recent U.S. Supreme Court decision.

There were no citizen comments received prior to, or during the meeting.

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

ORDINANCE NO. 783

**TO REPEAL AND REPLACE
CHAPTER 26, SIGNS, OF THE CODE OF THE CITY OF OWOSSO**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Planning Commission believe Chapter 26, Signs, of the Code of the City of Owosso, also known as the Sign ordinance, to be content based posing potential liability to the city of Owosso; and

WHEREAS, the planning commission held a public workshop at their May 22, 2017 regularly scheduled meeting regarding repealing and replacing Chapter 26, Signs; and in which no citizen comments were voiced or received; and

WHEREAS, the planning commission recommends the repeal and replacement of Chapter 26, Signs, in its entirety; and

WHEREAS, the City Council held a public hearing on the proposed amendment at their meeting June 19, 2017 and there were no citizen comments made prior to, or during the hearing.

NOW THEREFORE BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS:

SECTION 1. REPEAL. That Chapter 26, Signs, is hereby repealed in its entirety.

SECTION 2. REPLACEMENT. That the new Chapter 26, Signs, shall read as follows:

Chapter 26 - SIGNS

ARTICLE I. – MICHIGAN BUILDING CODE

Sec. 26-1. - Adoption of Michigan Building Code.

The current edition of the Michigan Building Code shall be in full force and effect in the City as if set out fully herein. Complete printed copies of the code are available for public use and inspection at the office of the city clerk.

Secs. 26-2, 26-4. - Reserved.

ARTICLE II. - IN GENERAL

Sec. 26-5. – Short title.

This ordinance shall be known as and may be cited as the City of Owosso Sign Ordinance.

Sec. 26-6. - Purpose.

The purpose of this article is to regulate signs and to minimize outdoor advertising within the city so as to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in the City of Owosso Master Plan and this article; and enhance the aesthetic appearance and quality of life within the city. The standards contained herein are intended to be content neutral.

These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city so as to:

- a. Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- b. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- c. Reduce visual pollution and physical obstructions caused by a proliferation of signs which would diminish the city's image, property values and quality of life.
- d. Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premises activities; alternative channels of advertising communication and media are available for advertising which do not create visual blight and compromise traffic safety.
- e. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- f. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- g. Protect the public right to receive messages, especially noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- h. The regulations and standards of this article are considered the minimum necessary to achieve a substantial government interest for public safety, aesthetics, protection of property values, and are intended to be content neutral.
- i. Prevent off-premises signs from conflicting with other allowed land uses.
- j. Maintain and improve the image of the city by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- k. Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.
- l. Preserve and enhance the image of the city's Central Business District.

Sec. 26-7. - Applicability; effect and scope.

A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this chapter.

The effect of the chapter as more specifically set forth herein, is:

- a. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this chapter.
- b. To allow signs that are small unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter, but without a requirement for permits.
- c. To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way.
- d. To prohibit all signs not expressly permitted by this chapter.
- e. To provide for the enforcement of the provisions of this chapter.

Sec. 26-8. - Reserved.

ARTICLE III. - DEFINITIONS

Sec. 26-9. - Sign definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

Abandoned sign. Any sign which is still on the premises six (6) months after a business ceases to operate or moves from the location.

Administrator. The building official or his designated representative within the building department.

Alteration. Any construction or repair which significantly changes a sign, including additions or deletions to the sign structure.

Accessory sign: A sign which pertains to the use of the premises on which it is located.

Animated sign: A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

Awning or canopy sign: A non-rigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo. See "wall sign."

Banner: A fabric, plastic or other sign made of non-rigid material without enclosing structural framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banner signs.

Billboard: A sign separate from a premises erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located. Permitted off-premises directional signs shall not be considered billboards for the purpose of this article.

Building marker. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Business center: A grouping of two or more business establishments on one or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one use for the purposes of determining the maximum number of ground signs. An automobile or vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used vehicle sales shall be considered a separate use in determining the maximum number of signs, provided that the used vehicle sales section of the lot includes at least 25 percent of the available sales area.

Changeable message sign: A sign on which the message is changed mechanically, electronically or manually, including time/temperature signs; also called menu board, reader board or bulletin board.

Combination sign. Any sign which combines the characteristics of two (2) or more signs.

Community special event sign: Signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal, school or other non-profit activities.

Construction sign: A temporary sign identifying the name(s) of project owners, contractors, developers, realtors representing developers, architects, designers, engineers, landscape architects, and financiers of a project being constructed or improved; and not including any advertising of any product or announcement of availability of leasing space.

Directional sign: A sign which assists motorists in determining or confirming a correct route such as, enter, exit and parking signs. Business identification or logo on such a sign is considered and calculated as part of the allowable square footage for a ground sign.

Festoon: A string of ribbons, tinsel, small flags, pinwheels or lights, typically strung overhead in loops.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other entity.

Flashing sign: A sign which contains an intermittent or sequential flashing light source.

Freestanding sign: A sign which is erected upon or supported by the ground, including "pole or pylon signs" and "ground signs."

Gasoline price sign: A sign which is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

Ground or monument sign: A three-dimensional, self-supporting, base-mounted freestanding identification sign, consisting of two or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

Identification sign. Also a "nameplate" sign or "information" sign with only name and address of occupant on the sign bearing no advertising message or logo.

Illegal sign: A sign which does not meet the requirements of this article and does not have legal nonconforming status.

Illuminated sign. Any sign that provides artificial light directly on or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light with a source so obscured and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.

Incidental sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms,

and signs providing information on credit cards and business affiliations.

Integral sign: A memorial sign or commemorative tablet which contains names of buildings, dates of erection, and monumental citations.

Luminous tube: See "neon" and "outline tubing sign."

Mansard: A sloped roof or roof-like façade. Signs mounted on the face of a mansard roof shall be considered wall signs.

Maintenance. For the purposes of this chapter, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Marquee: A permanent roof-like structure or canopy, supported by and extending from the face of the building. A marquee sign is a sign attached to or supported by a marquee structure.

Menu board, reader board, or bulletin board: See "changeable message sign."

Moving sign: A sign in which the sign itself, or any portion of the sign, moves or revolves. A "rotating sign" is a type of moving sign. This definition does not include "changeable message signs."

Mural: A design or representation which is painted or drawn on the exterior surface of a structure and which does not advertise a business, product, service, or activity.

Nameplate: A nonelectric, on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Neon sign: See "outline tubing sign."

Nonconforming sign: A sign that does not comply with the size, placement, construction or other standards or regulations of this article, but were lawfully established prior to its adoption. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as nonconforming.

Obsolete sign: A sign that advertises a product that is no longer made or that advertises a business that has closed.

Off-premises sign: A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located, e.g. billboards.

On-premises sign: A sign providing the address and name of owner of a parcel of land; a sign advertising a business, service or product sold or produced on the same site or parcel.

Outline tubing sign: A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it. See "neon" and "luminous tube".

Owner. A person regarded as such on city tax records, or a tenant of the premises so designated by the administrator.

Parapet: The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.

Pennant. Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent sign: A sign designed to be installed permanently in the ground a minimum of 42 inches deep by use of a steel post, wood post or other appropriate materials.

Political sign: A temporary sign used in connection with local, state, or national elections or referendums.

Portable sign: A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas-filled balloons, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, nongovernment flags, and searchlights; but excludes political signs, real estate signs, construction signs, permanent changeable message signs, and regulatory/government signs.

Poster panel sign: A type of temporary sign that is used to draw attention to matters that are temporary in nature, such as price changes or sales. "A" frame or sandwich signs are types of poster panel signs.

Premises. The contiguous land in the same ownership or control which is not divided by a public street.

Principal building. The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Programmable display sign. An animated sign, including LED's, made up of a field of individual electronic elements or mechanical grids that, when programmed and activated, create

still or moving images or words. The elements may be internally illuminated or may be illuminated by reflected light. The sign may be framed by permanent, nonmoving signage.

Projecting sign: A sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than 12 inches beyond such building or wall.

Public sign: A sign erected in the public interest by or upon orders from a city, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

Pylon or pole sign: A sign supported on the ground by a pole, braces, or monument, and not attached to any building or other structure.

Real estate development sign: A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.

Real estate open house sign: Temporary signs which advertise and direct the public to an open house for a building which is available for sale or lease, with the event held on a specific day.

Real estate sign: An on-premises temporary sign advertising the property or structure's availability for sale or lease.

Regulatory sign: A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.

Residential entranceway sign: A sign which marks the entrance to a subdivision, apartment complex, condominium development, or other residential development.

Roof line: The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Roof sign: Any sign that extends above the roofline or is erected over the surface of the roof.

Rotating sign: See "moving sign."

Sign: Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed at persons within the premises upon which the sign is located.

Temporary sign: A sign not constructed or intended for long-term use. Examples of temporary signs include signs which announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time such as a garage or estate sale.

Time and temperature sign: Signs which display the current time and/or temperature.

Vehicle sign: Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes, rather than for transportation purposes.

Wall sign: A sign attached parallel to and extending not more than 12 inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Permanent signs, which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside, shall also be considered wall signs.

Window sign: A sign located in or on a window which is intended to be viewed from the outside. Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs.

Sec. 26-10. - Reserved.

ARTICLE IV. - GENERAL PROVISIONS

Sec. 26-11. – Permits required and fees.

It shall be unlawful for any person to erect, re-erect, make an alteration, or relocate any sign unless a permit shall have been first obtained from the administrator, and a permit fee paid in accordance with the schedule adopted by resolution of the city council. Electrical signs shall, in addition, require an electrical permit.

Sec. 26-12. – Sign erector qualifications.

The administrator shall evaluate, authorize or deny as a part of the permit the person assigned to the installing of, erecting, maintaining, repairing or altering a sign. The authorization of

the erector shall be based on the administrator's evaluation of the direct experience of the person specified for the sign work. Notwithstanding the previous sentences, a person does not undergo evaluation to install a nonelectrical sign, provided the sign does not exceed an area of thirty-two (32) fee, a height of seven (7) fee above grade, has no illumination, and no remuneration, monetary or otherwise, is involved.

Sec. 26-13. - Application.

Applications for sign permits and the appropriate nonrefundable fee shall be made upon forms provided by the building department for this purpose and in accordance with application specifications published by the administrator. These specifications shall be as complete in form as necessary for evaluation of the sign in relationship to the requirements of this chapter.

Sec. 26-14. - Completeness.

Within ten (10) days of receiving an application for a sign permit, the administrator shall review it for completeness. If the administrator finds that it is complete, the application shall then be processed. If the administrator finds that it is incomplete, the administrator shall, within such ten (10) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this chapter. If it is discovered that the sign permit application contains any false information, the administrator may revoke the permit or deny the application, whichever is appropriate.

Sec. 26-15. - Issuance and denial.

The administrator shall issue a permit and permit sticker or tag for the erection, structural alteration, or relocation of a sign within ten (10) days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the city. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied, the administrator shall within ten (10) days, give a written notice to the applicant along with a brief statement of the reasons for denial, citing code sections and interpretation of possible nonconformity.

Sec. 26-16. - Inspection.

A person conducting or performing work covered by a permit required by this chapter shall notify the administrator when such work has commenced. Unless otherwise indicated, no person shall conceal any portion of such work until it has been inspected and approved by the administrator. The administrator shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month or at such earlier date as the owner may request. If the construction is not substantially complete at the time of a six month inspection, the permit shall lapse and become void. If the construction is complete, the administrator shall issue a certificate of completion to the owner and the erector.

Sec. 26-17. - Signs exempt from regulation.

The following signs shall be exempt from regulation under this ordinance:

- a. Any sign of a governmental unit required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- b. Holiday lights and decorations on residential zone lots with no commercial message.
- c. Works of art of a noncommercial nature.
- d. Flags of any country, state, or unit of local government not causing a vision obstruction at intersections or flown at the top of a pole over thirty-five (35) feet in height. Any flag not meeting these conditions shall be subject to regulation as such.

Sec. 26-18. - Prohibited signs.

The following signs are prohibited in all districts:

- a. Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters.
- b. Moving signs and signs having moving members or parts, excluding barber poles, and electronic poles.
- c. Signs using high intensity or flashing lights, festoons, spinners or other animated devices.
- d. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets.

- e. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
- f. Non-regulatory signs placed in any public right-of-way; attached to a utility pole; or affixed to a tree, street furniture, or waste receptacles.
- g. Roof signs unless specifically permitted elsewhere in this article.
- h. Portable signs, as defined, not provided for in this article.
- i. Pylon or pole signs not provided for in this article.
- j. Any sign or sign structure which:
 - 1. Is structurally unsafe.
 - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
 - 3. Is capable of causing electric shock to person who come in contact with it.
 - 4. Is not kept in good repair, such that it has broken parts, missing letters, or nonoperational lights.
- k. Any sign which makes use of the words "stop", "look", or "danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

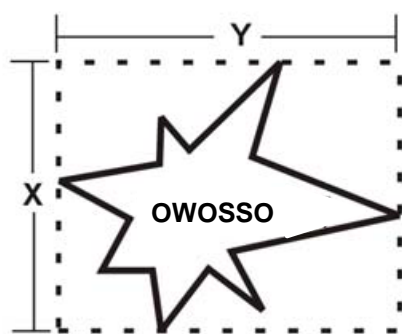
Sec. 26-19. - General standards for permitted signs.

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this article; provided, that no such sign shall be erected or altered until approved by the building official/zoning administrator and until a sign permit has been issued pursuant to chapter 26 of the City of Owosso Code of Ordinances.

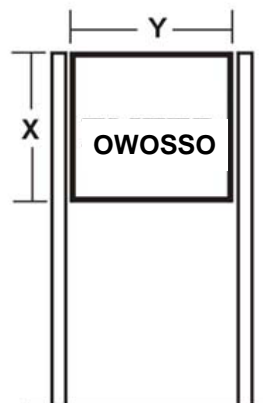
- a. Sign setbacks.
 - 1. All signs, unless otherwise provided for, shall be set back a minimum of ten feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
 - 2. Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all nonresidential signs shall be set back at least 100 feet from any residential district.
- b. Location. Sign location to assure adequate sight distance. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
- c. Design and construction. Signs, as permitted in the various zoning districts, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. New box sign panels with a white or tan background must be blackened internally so only the letters show when illuminated.
- d. Illumination.
 - 1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.
 - 2. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.
 - 3. Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.
 - 4. Underground wiring shall be required for all illuminated signs not attached to a building.
- e. Maintenance and construction.
 - 1. Every sign shall be constructed and maintained in a manner consistent with the Michigan Building Code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.
 - 2. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least 20 pounds per square foot or 75 mph.

3. All signs, including any cables, guy wires, or supports shall have a minimum clearance of four feet from any electric fixture, street light, or other public utility pole or standard.
- f. Measurement. Measurement of allowable sign area (see Figure 26.1 Guidelines for Measuring Sign Face Square Footage below).
 1. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle.
 2. When a sign has two or more faces, the area of all faces shall be included in calculating the area of the sign except that where two such faces are placed back to back, only larger face shall be considered, provided that both faces are part of the same structure, contain the same message and are separated by no more than two feet.
 3. For purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) which includes the portion of the canopy which contains a message, symbol and/or logo (examples are shown on the attached figures).
 4. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.

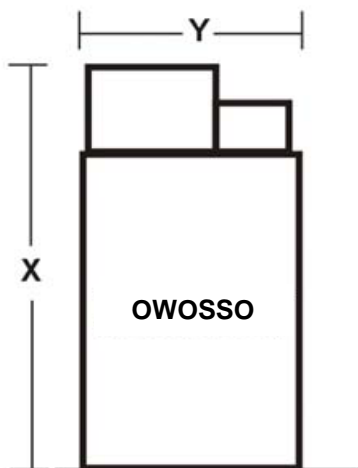
Guidelines for Measuring Sign Face Square Footage
Figure 26.1



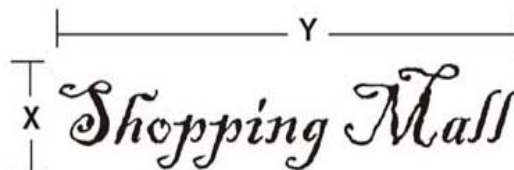
ALL SIGNS
Measurements taken from the outermost points of the panel



DIRECTIONAL SIGNS
Post are not included in the measurement of a sign face



GROUND SIGNS
Measurements taken from the outermost points of the sign face



WALL, CANOPY, or PROJECTING SIGNS
Measurements taken from the outermost points of the copy

Sec. 26-20. – Off-Premise Signs.

a. Off-Premise Advertising.

The regulation of off-premise signs is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Off-premise sign regulations address the location, size, height and related characteristics of such signs.

1. Area and Height Limitations: No off-premise sign may be erected or maintained of a greater surface area than three hundred (300) square feet for each side of such sign. The top of the sign shall be no more than twenty-five (25) feet above the ground and the bottom of the sign shall be at least ten (10) feet above the ground. Double faced off-premise sign structures (i.e., structures having back-to-back faces) and V-type structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one off-premise sign.
2. Location: Static and digital off-premise signs may be erected only in the Industrial District. No off-premise sign may be erected or maintained within fifty (50) feet of street lines at any street intersection and shall have a minimum setback from the front property line of twenty-five (25) feet. No off-premise sign shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.
3. Spacing: Off-premise signs shall be located no closer to one another than five hundred (500) feet.
4. Illumination: An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of oncoming vehicles, or on any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
5. Digital Off-Premise Signs:
 - a) Rate of Change: The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
 - b) Luminance: The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning ½ hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.
 - c) Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.
6. An off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. An off-premise sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).
7. An off-premise sign established within an industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder.

b. Combination Off-Premise & On-Premise Electronic Message Boards.

Digital signs which are used to advertise both on-premise and off-premise establishments shall comply with the following regulations:

1. A permanent, static on-premise primary sign must be in existence totaling at least twenty-five (25) percent of the allowable sign size in the district. The balance of the total allowable sign area may consist of the Combination Off-Premise/On-Premise Sign.
2. The Combination Off-Premise/On-Premise Sign shall adhere to the regulations contained in.
3. Digital messages may advertise the on-premise establishment. The balance of the messages may advertise off-premise establishments under the same ownership and/or public service announcements.
4. Each message shall remain readable for at least six (6) seconds.
5. Combination Off-Premise & On-Premise Digital Signs shall be spaced at least five hundred (500) feet apart in all Districts.
6. Combination Off-Premise & On-Premise Digital Signs shall be allowed in the B-2, B-3, B-4, I-1 and I-2 Districts.

7. Combination Off-Premise/On-Premise Signs shall count toward the total sign area allowed for the property.
- c. Off-Premise Directional Signs.
1. Private Off-Premise Directional Signs: Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located on a primary street within the city shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with the city of Owosso.
 - a) Off-premise directional signs shall be no greater than twelve (12) square feet.
 - b) Sign lettering may display the off-premise business name, address, and an arrow indicating direction.
 - c) Off-premise directional signs shall only be located on B-2, B-3, B-4, I-1, and I-2 Districts.
 - d) One (1) off-premise direction sign is permitted per industrial zoning lot.
 2. Public Off-Premise Directional Signs: Public off-premise directional signs erected by the City, State of Michigan, or the Downtown Development Authority shall be permitted in the street right-of-way.
- d. Off-Premise Private Signs In The Public Right-Of-Way.

Private A-frame signs may be allowed in the public right-of-way. The following regulations shall apply:

1. Signs shall be approved by the city council.
2. Signs shall be removed each night.
3. Maximum size 2' wide by 4' in total height for each panel with a maximum of 2 panels per sign. Maximum spread between the two panels at the base shall be 2'6".
4. The owner of the property abutting the right-of-way on which the sign is placed shall be notified, prior to city council approval, that the sign is being requested.

Sec. 26-21. - Specific sign standards.

The number, display area, and height of signs within the various zoning districts are provided in the sign dimensional standards and regulations table and its accompanying footnotes. Additional standards for specific types of signs are given below.

SIGN DIMENSIONAL STANDARDS AND REGULATIONS								
	Wall, Canopy or Projecting Sign (c)		Ground Sign (c)			Temporary Signs (d)		
District	Number Allowed	Max. Size	Number (b)	Max. Size Per Sign Face	Max. Height	Max. Size Per Sign	Total Area Per Parcel	Max. Height
R-1, R-2, RM-1, RM-2, R-T	-	10% of front façade for all uses other than single family homes, duplexes, and attached condominiums	1	24 square feet	6 feet	6 square feet	14 square feet	4 feet
Home Occupations as allowed and defined in Sec. 38-394	1	Not to exceed a size of 2' x 3' mounted flush to the building*	-	-	-	-	-	-
B1, B-2, B-3, B-4 PUD	1 per business (a)	10% of front façade or 100 square feet, whichever is less (a)	1	72 square feet	6 feet	24 square feet	48 square feet	6 square feet
I-1 and I-2	1 per business (a)	20% of front façade or 200 square feet, whichever is less (a)	1	72 square feet	6 feet	24 square feet	48 square feet	6 square feet

* Illumination: home occupation sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of oncoming vehicles, or on any adjacent premises. In no event shall any home occupation sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

Footnotes to the Sign Dimensional Standards and Regulations Table

(a) *One wall sign shall be allowed per business, in addition to any other allowed ground signs. Businesses located on a corner lot shall be allowed up to two wall signs, one for each front façade. The maximum wall sign area shall not exceed ten percent of the front façade of the building (any façade which faces a public or approved private street), per use or business establishment. However, for a commercial structure containing one use or business establishment, as determined by the planning commission, the size of the wall sign may be increased up to the maximum square footage as follows:*

<i>201 - 400 linear feet of building frontage facing a public street and having a public entrance</i>	<i>150 square feet</i>
<i>Greater than 400 linear feet of building frontage facing a public street and having a public entrance</i>	<i>200 square feet</i>

(b) *Only one ground sign is permitted per use, including uses which occupy more than one parcel and business centers containing more than one business or use, with additional signs permitted according to the following table, however, no site shall have more than two ground signs, regardless of the number of street frontages or the amount of frontage. Single uses on a single parcel do not qualify for this consideration:*

<i>Frontage along 2 or more rights-of-way</i>	<i>1 sign up to the maximum sign face area shall be allowed along 2 frontages</i>
<i>300 feet of frontage along 1 right-of-way</i>	<i>1 ground sign along that frontage</i>
<i>Greater than 300 feet of frontage along 1 right-of-way</i>	<i>2 ground signs</i>

(c) *Changeable message signs and gasoline price signs may be permitted as part of a monument sign in the Business Districts and Industrial Districts, and when associated with a commercial in accordance with the following:*

- (1) One changeable message sign or one gasoline price sign shall be permitted per premises, but not both.*
- (2) Message or gasoline price changes may occur electronically or manually.*
- (3) The area of a changeable message sign or gasoline price sign shall not exceed one-third the total area of the sign.*
- (4) Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.*
- (5) Electronic messages or gasoline prices shall not flash, fade in or out, or scroll.*
- (6) Any voids or burned out bulb in an electronic display shall be replaced.*
- (7) Electronic changeable message signs and gasoline price signs shall be at least 100 feet from any residential district or use, except as modified in subsection 10 below.*
- (8) One gasoline price sign is permitted for an overhead gas pump canopy with an area not to exceed ten percent of the canopy façade and when this is the only changeable message sign on the property.*
- (9) One electronic message sign, meeting the above requirements, may be approved by the planning commission for institutional uses, meaning a use by public or quasi-public institution such as a religious organization, church, nonprofit organization, academic institution, library or hospital, located in a residential district when meeting the following requirements:*
 - i. The institutional use is located on a minor arterial or collector road, as designated in the City of Owosso Master Plan;*
 - ii. That the sign will not create a nuisance for residential properties in the immediate vicinity of the sign, as determined by the planning commission and subject to any conditions;*
 - iii. The appropriate size of the sign shall be determined by the planning commission but shall be no greater than 50 square feet in area.*

(d) *Signs for temporary uses.*

(1) *Temporary signs include, but are not limited to the following:*

- i. For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premises for sale, rent or lease.*
- ii. An on-site sign advertising an on-going garage, estate or yard sale.*
- iii. Noncommercial signs which contain noncommercial information or directional messages.*
- iv. Political signs.*
- v. Holiday or other seasonal signs.*
- vi. Construction signs for buildings under construction.*
- vii. All temporary signs must comply with the sign size and height standards as specified in the sign dimensional standards and regulations table.*

(2) *Location of temporary signs shall comply with the following:*

- i. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.*
- ii. Temporary signs shall not be located closer than 20 feet to the edge of the traveled portion of the roadway, nor shall they be located within any dedicated right-of-way.*
- iii. Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.*
- iv. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.*
- v. Temporary signs may not be posted on private property without first obtaining the permission of the property owner.*
- vi. Signs shall not be located within any clear vision triangle, as described in section 38-388 Corner Clearance.*

(3) *Time limitations for temporary signs. Each temporary sign shall be removed within 60 days of placement. Furthermore, no sign may be erected on a single parcel for more than 60 calendar days out of every 120 calendar days.*

- a. *Directional signs. No more than one directional sign shall be permitted for each approved driveway, with a maximum sign area of four square feet per sign, and a maximum height of four feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the sign dimensional standards and regulations table.*
- b. *Projecting and canopy signs. Projecting signs and canopy signs may be used as an alternative to wall signs listed in the sign dimensional standards and regulations table, provided that they meet the following standards.*
 - 1. Any sign area on a canopy shall be included in calculations of maximum wall sign square footage.*
 - 2. Projecting or canopy signs in the central business district shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground.*
 - 3. Projecting or canopy signs, in the B-1, B-2, B-4, I-1 and I-2, districts shall have a minimum ground clearance of ten feet, shall be set back at least six feet from any adjacent public right-of-way, and shall not project over an alley or private access lane. A projecting sign shall not extend for more than two feet from the building to which it is attached.*
 - 4. No wall, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one foot.*
 - 5. Wood posts or supporting arms shall not be used in conjunction with any projecting sign.*
 - 6. Projecting signs shall not exceed sixteen square feet in area.*
 - 7. Canopy signs shall not be internally illuminated.*
- c. *Downtown Historic District. Any signs within the Downtown Historic District shall meet all requirements of the Owosso Historic District Commission prior to installation of new signage or modification of existing signage.*
- d. *Entranceway signs. One permanent sign per vehicular entrance identifying developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, office*

and industrial parks and similar uses, provided that the sign is set back a minimum of 15 feet from any property line or public right-of-way is permitted.

- e. Portable A-frame signs. Portable A-frame or sandwich board signs are permitted in the B-1, B-2, B-3, and B-4 districts at the public building entrances to businesses subject to the following requirements:
 1. One sign per customer entrance shall be permitted regardless of the number of tenants on the premises.
 2. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
 3. Each sign shall not exceed an overall height of 42 inches and an overall width of 24 inches.
 4. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 5. All signs must be constructed of weather-proof, durable material and kept in good repair.

Sec. 26-22. - Nonconforming signs.

Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this chapter, but were lawfully established prior to its adoption. Signs for which the board of appeals has granted a variance are exempt and shall not be defined as nonconforming. It is the intent of this article to encourage eventual elimination of nonconforming signs in a timely manner. This objective is considered as much a subject of public health, safety and welfare as the prohibition of new signs in violation of this article. Therefore, the purpose of this article is to remove illegal nonconforming signs while avoiding any unreasonable invasion of established private property rights. A nonconforming sign may be continued and shall be maintained in good condition as described elsewhere in this article, however, the following alterations are regulated:

- a. A nonconforming sign shall not be structurally altered or repaired so as to prolong its useful life or so as to change its shape, size, type or design unless such change shall make the sign conforming.
- b. A nonconforming sign shall not be replaced by another nonconforming sign.
- c. A nonconforming sign shall not be reestablished after abandonment as defined in section 26-23, dangerous, unsafe, abandoned, and illegally erected signs.
- d. A nonconforming sign must not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the building official/zoning administrator or if 50 percent or more of the face of the sign is damaged or destroyed.

Sec. 26-23. - Dangerous, unsafe, abandoned, and illegally erected signs.

- a. Dangerous signs. Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the city and the cost thereof charged against the owner of the property on which it was installed.
- b. Unsafe signs. Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the building official/zoning administrator to the health or safety of the public shall be removed or repaired according to the process outline in paragraph e. below.
- c. Abandoned signs. Any sign that advertises a business that has been discontinued for at least 90 days or that advertises a product or service that is no longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six months. An abandoned sign shall be removed by the owner or lessee of the premises. If the owner or lessee fails to remove the sign, the building official/zoning administrator shall initiate the process noted in paragraph e. below.
- d. Illegally erected signs. The building official/zoning administrator shall order the removal of any sign erected illegally in violation of this article, according to the process outlined in paragraph e. below.
- e. Process for enforcing violations of section 26-7, dangerous, unsafe, abandoned, and illegally signs. For violations of section 26-7 b. through d., the building official/zoning administrator shall notify the owner of the property on which the sign is located. Verbal notices or those sent by first class mail shall be sufficient notice. Where a sign erected in violation of this article is considered dangerous or unsafe, the notice shall inform the owner to remove said sign(s) immediately and property owners of other illegal signs on private property shall be granted a reasonable period of time within which to remove the sign, as determined by the building official/zoning administrator. Should the

property owner fail to remove the sign(s) within the time specified, or if a sign is erected within any right-of-way or public property, the building official/zoning administrator, or their designee, shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof.

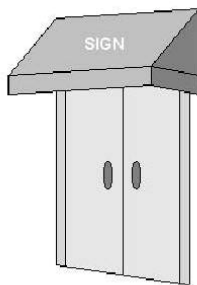
Sec. 26-23. - Changes to permitted signs.

No physical, structural or electrical changes can be made to existing permitted signs without first obtaining a new sign permit. Individual sign panels can be replaced on existing box signs but a permit must still be obtained.

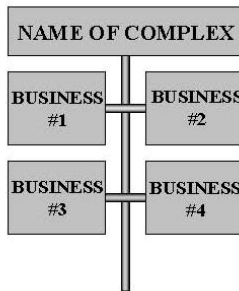
Sec. 26-24. - Administration and appeals of sign ordinance standards.

- a. Generally. The regulations of this article shall be administered and enforced by building official/zoning administrator.
- b. Violations. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, use or maintain any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the standards and regulations of this article. Any such violation, including the failure to remove a sign when directed under the authority of this article, shall constitute a misdemeanor punishable in accordance with section 1-8 of the Owosso Code of Ordinances.

**SIGN DIAGRAMS
Figure 26.2**



Awning Sign



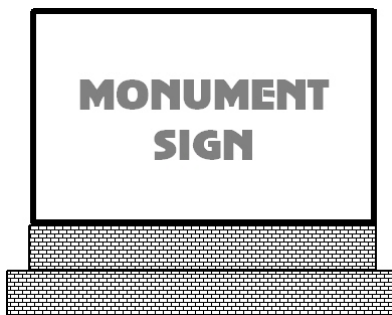
Business Center Sign



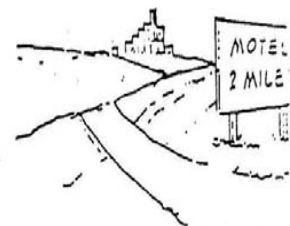
Free Standing Sign



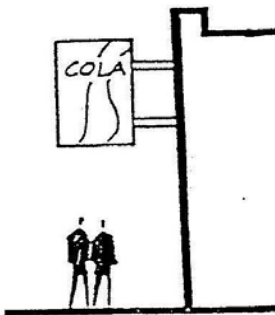
Message Board Sign



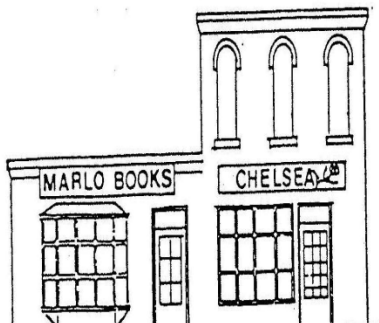
Monument Sign (Freestanding)



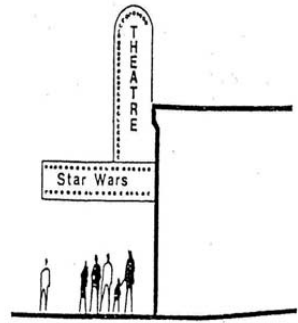
Off-Premise



Projecting Sign



Wall Sign



Marquee Sign

SECTION 3. AVAILABILITY. 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 4. EFFECTIVE DATE. This amendment shall become effective July 10, 2017.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmember Greenway, Mayor Pro-Tem Osika, Councilmembers Bailey, Fox, Law, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Teich.

Special Assessment District No. 2017-09 – Resolution No. 3

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for proposed Special Assessment District No. 2017-09 for Chestnut Street from South Street to Stewart Street for street resurfacing.

The following people commented regarding the proposed special assessment project:

Siobhan Brown-Rutherford, owner of vacant lot on Chestnut Street, said work had recently been done on the street and if it was poorly done the company that performed the work should pay for the necessary repairs not the residents. She also noted the proposed cost was high in her opinion (via email).

Karen Horn, 802 S. Chestnut Street, called prior to the meeting and questioned whether there would be anything done with the ditches around her property. She also asked why curb and gutter were not part of the project. It was explained to her that no work on the ditches would be performed and curb and gutter are not included in the project because they are too costly.

Motion by Councilmember Fox to approve the following resolution:

RESOLUTION NO. 87-2017

**ESTABLISHING SPECIAL ASSESSMENT DISTRICT NO. 2017-08
CHESTNUT STREET, FROM SOUTH STREET TO STEWART STREET
FOR STREET RESURFACING**

WHEREAS, the City Council, after due and legal notice, has met and having heard all persons to be affected by the proposed public improvement more particularly hereinafter described; and

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: Chestnut Street, a Public Street, from South Street to Stewart Street
2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$144,702.00 and approves said estimated cost and determines that the estimated life of said public improvement is ten (10) years.
3. The City Council determines that of said total estimated cost, the sum of \$27,343.88 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: Chestnut Street, a Public Street, from South Street to Stewart Street for street resurfacing.
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

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

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Bailey, Fox, Greenway, Law, Mayor Pro-Tem Osika, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Teich.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, spoke about the industrial development proposed for the Durand area, the fact a neighbors' house was recently burgled, and teaching kids to save money.

Justin Horvath, president/CEO of the SEDP, thanked Council for approving the proposed tax abatements this evening. He also spoke about working with City staff to secure a grant for improvements to the route between the industrial park and M-71.

Councilmembers questioned Mr. Horvath about various vacant properties in the Owosso area. He reported that some of the properties remain vacant but others were being used for warehousing purposes.

CITY MANAGER REPORT

City Manager Donald D. Crawford indicated he had nothing to report at this time.

CONSENT AGENDA

Motion by Councilmember Bailey to approve the Consent Agenda as follows:

First Reading & Set Public Hearing – Ordinance Amendment – Chapter 18, Nuisances.

Conduct first reading and set a public hearing for Monday, July 3, 2017 to receive citizen comment on the proposal to amend Chapter 18, Nuisances, Article III, *Littering and distribution of handbills*, Section 18-58 of the Code of Ordinances of the City of Owosso to allow the placement of handbills on private property by City personnel, contractors employed by the City, and/or utility company personnel in the course of official business as shown below:

RESOLUTION NO. 88-2017

RESOLUTION AUTHORIZING THE REVISION OF CODE OF ORDINANCES CHAPTER 18 SECTIONS 18.57 AND 18.58 DISTRIBUTION OF HANDBILLS

WHEREAS, the City of Owosso, Shiawassee County, Michigan, have adopted ordinances to control the distribution of handbills; and

WHEREAS, the City of Owosso has reviewed the need to authorize city of Owosso personnel, contractors working for the city of Owosso, and other select individuals to post handbills on private property as a means of communication and information; and

WHEREAS, the City of Owosso does not intend to allow the posting of handbills for the purpose of solicitation.

NOW THEREFORE BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS:

SECTION 1. AMENDMENT. That Section 18-58 (b), Distributing handbills at inhabited private premises. Chapter 18, Nuisances, Article III, *Littering and distribution of handbills*, shall be amended to read as follows:

Sec. 18-58. - Distributing handbills at inhabited private premises.

- (a) No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person ~~then~~ present in or upon such private premises.
- (b) The provisions of (a) shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or

other public place or upon private property. **Nor shall the provisions of (a) apply to the posting of notices by city personnel, contractors employed by the city, or employees of utility providers recognized by the city if said notices are for purposes other than solicitation.**

- (c) A non-profit organization may obtain a permit from the city clerk to distribute handbills at inhabited private premises without leaving such handbill with an owner, occupant or other person. The permit shall be valid for two (2) days and the non-profit organization may only apply for one (1) permit during an eleven-month period. Permits can only be issued for community service projects and cannot be issued for fundraising activities. The permit applicant shall fully describe activities and rationale for the permit. If the city receives complaints from residents that they do not want the handbills, the permit applicant shall retrieve the handbills from the resident in a timely fashion. The permit application shall provide contact information so that such complaints may be forwarded. The city clerk may reject a permit application if it does not meet the criteria in this subsection or upon evidence of past abuses of this policy.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, July 3, 2017 at 7:30 p.m. for the purpose of gathering citizen comment regarding the proposed amendment.

SECTION 3. AVAILABILITY. 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 4. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

First Reading & Set Public Hearing – Ordinance Amendment – Chapter 2, Administration.

Conduct first reading and set a public hearing for Monday, July 3, 2017 to receive citizen comment on the proposal to amend Chapter 2, Administration, Article VI, Finance, Division 3, Purchases, contracts and sales, of the Code of Ordinances of the City of Owosso to update the procedures for the purchase and sale of services, supplies, materials and equipment as detailed below:

RESOLUTION NO. 89-2017

SETTING A PUBLIC HEARING TO MODIFY THE CODE OF ORDINANCES CONCERNING PURCHASING, CONTRACTS AND SALES

WHEREAS, the *City of Owosso Code of Ordinances* contains provisions pertaining to purchasing, contracts and sales; and

WHEREAS, the sections of the ordinance are unclear and oftentimes obsolete so that the entire ordinance should be repealed and replaced;

NOW THEREFORE BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS:

SECTION 1. REPEAL. That Division 3, Purchases, contracts and sales, (Sec. 2-314 through Sec. 2-348) of the City of Owosso Code of Ordinances is hereby repealed in its entirety.

Section 2. REPLACEMENT. That the new Division 3, Purchases, contracts and sales, (Sec. 2-314 through Sec. 2-348) of the City of Owosso Code of Ordinances shall read as follows:

DIVISION 3. - PURCHASES, CONTRACTS AND SALES

Sec. 2-341. - Purchasing agent.

The city manager shall act as purchasing agent of the city, unless he or she shall designate another officer or employee of the city to act as purchasing agent. Any such designation, shall be in writing filed with the clerk. In the event of such designation every purchase order in excess of ~~one thousand dollars (\$1,000.00)~~ **two thousand dollars (\$2,000.00)** shall be approved by the manager before being issued.

Sec. 2-342. - Rules.

The city manager shall adopt any necessary rules respecting requisitions and purchase orders.

Sec. 2-343. - Purchases or contracts ~~\$1,000.00~~ \$2,000.00 to ~~\$5,000.00~~ \$10,000.00.

Purchases of services, supplies, materials or equipment, the cost of which is equal to or greater than ~~one thousand dollars (\$1,000.00)~~ **two thousand dollars (\$2,000.00)** but not more than ~~five thousand dollars (\$5,000.00)~~ **ten thousand dollars (\$10,000)** may be made in the open market but such purchases shall, where practicable, be based on at least three (3) competitive bids and shall be awarded to the lowest qualified bidder. The purchasing agent may solicit bids verbally, in writing, or through other means. ~~Where bids are solicited by written communication, a request for such bids shall also be posted in the city hall.~~ A record shall be kept of all open market orders

and the bids submitted thereon, which records shall be available for public inspection. Any or all bids may be rejected. Purchases made pursuant to this section may be made without prior approval of the council.

Sec. 2-344. - Purchases or contracts over ~~\$5,000.00~~ \$10,000.00.

Any expenditure for services, supplies, materials or equipment obligating the city, where the amount of the city's obligation is in excess of ~~five thousand dollars (\$5,000.00)~~ **ten thousand dollars (\$10,000.00)**, shall be governed by the provisions of this section, except as provided in section 2-345.

- (1) Such expenditure shall be made the subject of a written contract. A purchase order shall be a sufficient written contract only in cases where the expenditure is in the usual and ordinary course of the city's affairs and in no case shall it be sufficient for the construction of public works or the contracting for receipt of supplies or services over any period of time in excess of one (1) year or where the quality of the goods or materials or the scope of the services bargained for is not wholly standardized.
- (2) Notice inviting sealed competitive bids shall be published in a newspaper of general circulation in the city at least five (5) days before the final date for submitting bids thereon. Such notice shall give briefly the specifications of the services, supplies, materials or equipment or other matter to be contracted for and shall state the amount of security to be given with the bid and the amount of bond or other security to be given with the contract. The notice shall state the time limit, the place of filing and the time of opening bids and shall also state that the right is reserved to reject any or all bids. Any other conditions of award of the contract shall also be stated in general terms.
- (3) The purchasing agent shall also solicit bids from a reasonable number of such qualified prospective bidders as are known to him/her by sending each a copy of the notice requesting bids and notice thereof shall be posted ~~in city hall~~ **on the city's website**.
- (4) Unless prescribed by the council, the purchasing agent shall prescribe the amount of any security to be deposited with any bid, which deposit shall be in ~~the form of~~ cash, certified or cashier's check or bond written by a surety company authorized to do business in the state. The amount of such security shall be expressed ~~in terms of~~ **as a** percentage of the bid submitted. Unless fixed by the council, the purchasing agent shall fix the amount of the performance bond and ~~in the case of~~ **for** construction contracts, the amount of the labor and material bond to be required of the successful bidders.
- (5) Bids shall be opened in public at the time and place designated in the notice requesting bids in the presence of the city clerk and at least one (1) other city official **or employee**, preferably the head of the department most closely concerned with the subject of the contract. The bids shall thereupon be carefully examined, ~~and~~ tabulated and reported to the council with the recommendation of the purchasing agent at the next council meeting. After tabulation, all bids may be inspected by the competing bidders. In lieu of the procedure for opening bids herein specified, the council may direct that bids be opened at a council meeting.
- (6) When such bids are submitted to the council, the contract to be executed, in a form approved by the city attorney, shall also be submitted. ~~and~~ If the council ~~shall find~~ **finds** any of the bids ~~to be~~ satisfactory, it shall award the contract to the lowest qualified bidder and shall authorize the execution of the contract. Upon execution of the contract, ~~by the successful bidder shall file and the filing of any required bonds, which shall be approved by the city attorney as to form. which may have been required, which bonds shall first be approved by the city attorney as to form.~~ Such award may be by resolution or ordinance. The council shall have the right to reject any or all bids, ~~and~~ to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.
- (7) **For projects exceeding \$50,000.** At the time the contract is executed, the contractor shall file a bond **to the city** executed by a surety company authorized to do business in the state, ~~to the city~~, conditioned upon the performance of said contract, and further conditioned to pay all laborers, mechanics, subcontractors and material suppliers as well as all just debts, dues and demands incurred in the performance of such work. The contractor shall also file evidence of public liability insurance **and workers compensation** in an amount satisfactory to the city attorney, and agree ~~to~~ **save hold** the city harmless from loss or damage caused to any person or property by reason of the contractor's negligence.
- (8) All bids and deposits of certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him or her within ~~five (5)~~ **ten (10)** days after the same has been awarded, or file any bond required within the same time, the deposit accompanying his or her bid shall be forfeited to the city, and the council may, in its discretion, award the contract to the next ~~lower~~ **lowest** qualified bidder or the contract may be ~~re-advertised~~ **re-advertised**.

Sec. 2-345- Cooperative purchasing authorized.

The city may participate in, sponsor, conduct, or administer cooperative purchasing agreements for the procurement of any supplies, services or construction with one or more other governmental bodies. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts of a governmental body or opened state and federal contracts which are made available to local governments. The city may also use the pre-existing bid of any other governmental body or public procurement unit for the procurement of any supplies, services, or construction, provided that such bid was derived through a competitive bidding process. In addition, the city may utilize bids or proposals obtained by a nonprofit entity that expressly solicits bids and proposals for governmental agencies, provided that such bids were derived through a competitive bidding process.

Sec. 2-346. - Exceptions to competitive bidding.

Subject to the approval of the council, competitive bidding shall not be required in the following cases:

- (1) Where the service, product or material contracted for is not competitive in nature, and the purchasing agent so certifies to the council in writing;
- (2) In the employment of professional services;
- (3) Where the council shall determine that the public interest will best be served by joint purchase with, or purchase from, another unit of government;
- (4) Where the council shall determine that, due to market conditions, price instability or other reasons, the best interest of the public will be served by using another method of bidding for the acquisition of any item or service. In such circumstances:
 - a. After complying with the notice requirements of section 2-344, a list of potential bidders may be established and ~~pre-qualified~~ **prequalified** by the council;
 - b. In conjunction with establishing the list of prequalified bidders, or at any other time, the council may direct the method to be used in obtaining bids; and
 - c. At the first regular council meeting after any purchase, the purchasing agent shall report to the council the method of obtaining the bids, the amounts bid, the quantity purchased and the price paid.
- (5) When an emergency requires an immediate purchase, **the purchasing agent**, at the first regular council meeting after any such purchase, ~~the purchasing agent~~ shall report to the council the nature of the emergency, the item, and quantity purchased and the price paid.

Sec. 2-347. - Inspection of materials.

The responsibility for the inspection and acceptance of all materials, supplies and equipment shall rest with the ordering department.

Sec. 2-348. - Sale of surplus material.

- (1) **A department head having charge of any surplus, obsolete or unused supplies, materials or equipment, which may include vehicles, may request that the property be disposed of according to the provision of this section.**
- (2) **The designee appointed by the city manager is authorized to sell the property in any form in the most advantageous manner. The designee may set a minimum sale price and may reject any formal or informal bid that, in his/her judgement, is not a fair sale price. Property may be disposed of in the following manner:**
 - a. **Sale by auction;**
 - b. **Sale by sealed bid;**
 - c. **Solicitation of offers to purchase the asset. Such solicitations shall be on the condition that no offer less than the expected sale price carried on the item, as approved by the city manager;**
 - d. Sales based upon a negotiated agreement with a particular vendor, provided that such vendor must be selected according to an established written procedure which provides a mechanism for all interested parties to make proposals in a fair and even manner. Direct negotiations as provided in this subsection may only be used if deemed to be in the best interest of the city of Owosso and facts set forth as to why other means are less desirable;
 - e. **Sales by a third party selected according to the city's standard procedures for selecting providers of services;**
 - f. **Transferred, with or without compensation, to any government entity, or other organization designated as a 501(c)(3) by the Internal Revenue Service; or**
 - g. **If the property has been designated in a nonusable state by the designee**

appointed by the city manager, it may be disposed of, consistent with the public interest, in any manner as deemed appropriate by the city.

- (3) Any compensation resulting from the disposal of surplus property belonging to the city of Owosso shall be transferred to the fund from which the property was acquired or most likely acquired.
- (4) The designee appointed by the city manager is authorized to act as the agent for the city in the collection, disposal, and execution of agreements for the disposal of surplus property as authorized by the city of Owosso or the city manager.
- (5) The designee shall forward any funds collected along with written information to allow the correct allocation of the funds and the removal from fixed assets or inventory.

Sec. 2-349. - "Lowest qualified bidder" defined.

The term "lowest qualified bidder," as used in this division, shall mean the lowest bidder having qualifications to perform the work which are satisfactory to the council. The lowest bidder shall be determined based on an adjusted bid tabulation which shall be prepared in the following manner:

- (1) To the bid of any bidder which is neither an **an city Owosso**-based business nor a county-based business shall be added an amount equal to six (6) percent of the bid or two thousand five hundred dollars (\$2,500.00), whichever is less.
- (2) To the bid of any bidder which is a county-based business shall be added an amount equal to three (3) percent of the bid or two thousand five hundred dollars (\$2,500.00), whichever is less; provided, however, that if no bid is received from an **an city Owosso**-based business, no additional amount shall be added to the bid of a county-based business.
- (3) "Owosso-based business" shall be interpreted to mean a business registered with the county clerk or a corporation registered with the state having a business address within the city limits which pays real and/or personal property taxes levied by the city.

The term "county-based business" shall be interpreted to mean a business other than a city-based business registered with the county clerk or a corporation registered with the state having a business address within the county which pays real and/or personal property taxes levied by the county.

- (4) If twenty-five percent (25%) or more of a contract for construction or other services is to be subcontracted by an **an city Owosso**-based business bidder to a non-city-based business or businesses, or by a county-based business bidder to a non-county-based business or businesses, the adjusted bid shall be calculated by applying the provisions of **sub-paragraphs (1) and (2) within** this section separately to each portion of the contract based on the status of the contractor or subcontractor performing that portion of the contract as an **an city Owosso**-based or county-based business.

SECTION 3. REPEAL CLAUSE. All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this amendment for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. PUBLIC HEARING. A public hearing is set for Monday, July 3, 2017 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed amendments.

SECTION 6. AVAILABILITY. 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 7. EFFECTIVE DATE. This ordinance shall take effect twenty days after passage.

Purchase Authorization - Ferric Chloride. Authorize a purchase agreement with PVS Technologies for Ferric Chloride utilizing the Lansing Board of Water & Light's joint purchasing consortium Mid-Michigan Drinking Water Consortium Bulk Chemical Contract in the amount of \$150.86 per liquid ton, with an estimated annual contract of \$37,715.00, and authorize payment based on unit prices for actual quantities required for the fiscal year ending June 30, 2018 as follows:

RESOLUTION NO. 90-2017

RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER FOR FERRIC CHLORIDE WITH FROM PVS TECHNOLOGIES, INCORPORATED

**IN ACCORDANCE WITH THE LANSING BOARD OF WATER & LIGHT CONSORTIUM
COMPETITIVE BIDDING PROGRAM**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires Ferric Chloride (iron) in bulk deliveries for use in treating municipal wastewater; and

WHEREAS, the Lansing Board of Water & Light (LBWL) solicited competitive bids for ferric chloride; and it is hereby determined that PVS Technologies, Inc. is qualified to provide such product 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 theretofore determined that it is advisable, necessary and in the public interest to purchase Ferric Chloride from PVS Technologies Incorporated of Detroit, Michigan, at the price of \$150.86 per ton, for an estimated usage of 250 ton for FY 2017-2018.
- SECOND: The accounts payable department is authorized to submit payment to PVS Technologies, Incorporated in the amount of \$37,715.00 for FY2017-2018.
- THIRD: The above expenses shall be paid from the wastewater fund following delivery, and chargeable to account 599-548-743.100.

Purchase Authorization - Sodium Hypochlorite. Authorize a purchase agreement with JCI Jones Chemicals, Inc. for Sodium Hypochlorite utilizing the Lansing Board of Water & Light's joint purchasing consortium Mid-Michigan Drinking Water Consortium Bulk Chemical Contract in the amount of \$120.28 per liquid ton, with an estimated annual contract of \$37,284.00 (including \$1,200.00 for delivery), and authorize payment based on unit prices for actual quantities required for the fiscal year ending June 30, 2018 as detailed:

RESOLUTION NO. 91-2017

**RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER
FOR SODIUM HYPOCHLORITE WITH JCI JONES CHEMICAL
IN ACCORDANCE WITH THE LANSING BOARD OF WATER & LIGHT CONSORTIUM
COMPETITIVE BIDDING PROGRAM**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires sodium hypochlorite in bulk deliveries for use in treating municipal wastewater and drinking water; and

WHEREAS, the Lansing Board of Water & Light (LBWL) solicited competitive bids for sodium hypochlorite; and it is hereby determined that JCI Jones Chemical of Riverview, Michigan is qualified to provide such product 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 theretofore determined that it is advisable, necessary and in the public interest to purchase sodium hypochlorite from JCI Jones Chemical at the price of \$120.28 per ton at an estimated usage of 300 ton for FY2017-2018.
- SECOND: The accounts payable department is authorized to submit payment to JCI Jones Chemical in the amount of \$36,084.00, plus a split delivery charge of \$1,200.00, for total of \$37,284.00.
- THIRD: The above expenses shall be paid from the wastewater and water fund following delivery, and chargeable to account 599-548-743.300 in the amount of \$29,184.00 and to account 591-553-743.000 in the amount of \$8,100.00.

Purchase Authorization — Bulk Lime. Authorize a purchase agreement with Carmeuse Lime Inc. for the purchase of bulk lime for the Filtration Plant and Wastewater Plant, utilizing the Lansing Board of Water & Light's joint purchasing consortium Mid-Michigan Drinking Water Consortium Bulk Chemical Contract in the amount of \$123.99 per ton, with an estimated annual contract of \$99,192.00 and authorize payment based on unit prices for actual quantities required for the fiscal year ending June 30, 2018 as detailed below:

RESOLUTION NO. 92-2017

**RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER
FOR LIME (PEBBLE QUICK LIME) WITH CARMEUSE LIME INCORPORATED
IN ACCORDANCE WITH THE LANSING BOARD OF WATER & LIGHT CONSORTIUM
COMPETITIVE BIDDING PROGRAM**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, requires Lime in bulk deliveries for use in treating municipal drinking water; and

WHEREAS, the Lansing Board of Water & Light (LBWL) solicited competitive bids for lime; and it is hereby determined that Carmeuse Lime Incorporated of Pittsburgh, Pennsylvania is qualified to provide such product 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 theretofore determined that it is advisable, necessary and in the public interest to purchase Lime from Carmeuse Lime Incorporated, at the price of \$123.99 per ton at an estimated usage of 800 ton for FY2017-2018.
- SECOND: The accounts payable department is authorized to submit payment to Carmeuse Lime Incorporated in the amount of \$99,192.00.
- THIRD: The above expenses shall be paid from the water fund following delivery, and chargeable to account 591-553-743.000.

Bid Award – 2017 Sidewalk Replacement Program. Approve the low bid of Seifert Construction LLC for the 2017 Sidewalk Replacement Program in the amount of \$56,260.00 and authorize payment up to the contract amount upon satisfactory completion of the work or a portion thereof as follows:

RESOLUTION NO. 93-2017

AUTHORIZING THE AWARD OF THE 2017 SIDEWALK RESTORATION AND REPLACEMENT SERVICES PROGRAM TO SEIFERT CONSTRUCTION, LLC OF ASHLEY, MICHIGAN

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined sections of the sidewalk on various streets in the City have become misaligned, deteriorated, or damaged and that replacement is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso sought bids for the replacement of these sections of sidewalk as part of the 2017 Sidewalk Replacement Program, and the low responsive and responsible bid was received from Seifert Concrete LLC in the amount of \$56,260.00; and

WHEREAS, Seifert Construction, LLC is hereby determined to be qualified to provide such services, and has performed the same type services in 2016.

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 Seifert Construction, LLC for replacement of sections of damaged or misaligned sidewalk as part of the 2017 Sidewalk Replacement Program.
- SECOND: The mayor and city clerk are instructed and authorized to sign the necessary documents to execute the services contract with Seifert Concrete in the amount of \$56,260.00 plus additional restoration and replacement services required as contingency during the calendar year, in the amount of \$15,000.00 for a total of \$71,260.00.
- THIRD: The accounts payable department is authorized to pay Seifert Construction, LLC for work satisfactorily completed on the project up to the initial contact amount of \$56,260.00, plus contingency in the amount of \$15,000.00, for a total of \$71,260.00.
- FOURTH: The above expenses shall be paid from the Major and Local Street Maintenance Funds accounts 203-463-728-000 and 202-463-728-000.

Bid Award – 2003 Ford Pickup #310. Approve bid award to Charlie Roberts for the sale of one 2003 Ford F350 pickup, VIN# 1FDSF34L83ED28234 (#310), in the amount of \$2,024.99 and authorize execution of paperwork to complete the sale as detailed under the item below.

Bid Award – 2005 Ford Pickup #322. Approve bid award to Donald Pease for the sale of one 2005 Ford F250 pickup, VIN# 1FTN20515EA33109 (#322), in the amount of \$1,050.00 and authorize execution of paperwork to complete the sale as follows:

RESOLUTION NO. 94-2017

AUTHORIZING THE EXECUTION OF SALE OF TWO FORD PICK UP TRUCKS

WHEREAS, the city of Owosso, Shiawassee County, Michigan established a purchasing cycle to maintain a healthy Public Works vehicle fleet; and

WHEREAS, as part of this cycle, older vehicles are retired and sold at auction; and

WHEREAS, bid solicitations were advertised and the most responsive bids received were from Charlie Roberts and Donald Pease.

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

FIRST: The city of Owosso has thereto determined that it is advisable, necessary and in the public interest to sell truck #310, a 2003 Ford F350 VIN# 1FDSF34L83ED28234, for \$2,024.99 and truck #322, a 2005 Ford F250 VIN# 1FTN20515EA33109, for \$1,050.00.

SECOND: The city clerk is instructed and authorized to complete the necessary paperwork to transfer ownership of these vehicles to Charlie Roberts and Donald Pease upon remittance of the above amounts.

Warrant No. 544. Authorize Warrant No. 544 as follows:

Vendor	Description	Fund	Amount
William C. Brown, PC	Professional services- May 9, 2017-June 12, 2017	General	\$10,799.37
Michigan Municipal League Workers' Compensation Fund Inc.	Worker's Compensation Insurance- 1 of 4 for FY 17/18	Various	\$19,162.00
Safebuit, Inc.	Building department services- May 2017	General	\$9,846.67
Logicalis, Inc.	Network engineering- May 2017	General	\$7,056.00

Check Register – May 2017.* Affirm check disbursements totaling \$1,019,456.22 for May 2017.

Motion supported by Councilmember Fox.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Law, Greenway, Fox, Bailey, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Teich.

ITEMS OF BUSINESS

Lot Split Authorization – 439 E. Exchange Street

Motion by Councilmember Bailey to authorize the division of a City lot under Michigan Subdivision Control Act for platted lot at 439 E. Exchange Street as follows:

Current Descriptions:

Address	Status	Parcel #
439 E. Exchange St.	Before split	050-666-000-008-00
Description: LOT 7 (EX E 17' OF S 85' & E 27' OF N 47') OUTLOT 6 AL & BO WILLIAMS SUBDIV OUTLOT 6 & 7		

Address	Status	Parcel #
213 N. Oak St.	Before split	050-666-000-010-00
Description: N 47' LOT 8 & N 47' OF E 27' LOT 7 OUT LOT 6 AL & BO WILLIAMS SUBDIV OUTLOT 6 & 7		

Descriptions after split:

Address	Status	Parcel #
439 E. Exchange St.	After split	050-666-000-008-00
Description: LOT 7 (EX E 17' OF S 85' & E 27' OF N 47') (ALSO EX N 32' OF W 39'), OUTLOT 6 AL & BO WILLIAMS SUBDIV OUTLOT 6 & 7		

Address	Status	Parcel #
213 N. Oak St.	After split	050-666-000-010-00
Description: N 47' LOT 8. ALSO, N 47' OF E 27' LOT 7 & N 32' OF W 39', OUTLOT 6 AL & BO WILLIAMS SUBDIV OUTLOT 6 & 7		

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Bailey, Law, Greenway, Mayor Pro-Tem Osika, City Manager Fox, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Teich.

SEDP Pledge

There was considerable discussion regarding the value of the services provided by the SEDP, how much other communities are contributing, and concern over encumbering future budgets.

Motion by Councilmember Fox to pledge an annual commitment to the Shiawassee Economic Development Partnership of \$40,000 per year for a period of 5 years starting in 2018.

Motion supported by Councilmember Greenway.

Roll Call Vote.

AYES: Councilmembers Law, Greenway, Bailey, Fox, and Mayor Eveleth.

NAYS: None.

ABSTAIN: Mayor Pro-Tem Osika.

ABSENT: Councilmember Teich.

2016-17 City Budget Amendment

Motion by Councilmember Bailey to approve the following resolution amending the 2016-17 budget incorporating adjustments made during the fiscal year:

RESOLUTION NO. 95-2017

RESOLUTION AMENDING THE 2016-2017 BUDGET

WHEREAS, pursuant to Chapter 8, Section 5 of the Owosso City Charter and the Uniform Budgeting Act, the City Council adopted the General Appropriations Act Budget for 2016-2017 by Resolution, and

WHEREAS, the operating budget for fiscal year 2016-17 was adopted at the fund level, authorizing administrators managerial control of line item and activity level; and

WHEREAS, MCL 141.437 states that the local legislative body of the local unit shall amend the general appropriations act as soon as it becomes apparent that a deviation from the original general appropriations act is necessary, and

WHEREAS, the City Council recognizes the need to review the Act to identify if an amendment is required, and

WHEREAS, the Finance Director has made recommendations that include proposals for measures necessary to provide revenues sufficient to meet expenditures, and

WHEREAS, the City Council has determined these changes in the 2016-2017 City of Owosso Budget (Act) is needed and necessary to monitor the financial operations of the City; and to ensure expenditure to not exceed available revenues or appropriations;

NOW THEREFORE BE IT RESOLVED that the Owosso City Council hereby adopts the amendments listed below to be reflected in the 2016-2017 Amended Annual Budget (Act).

	<u>Approved</u>	<u>Change in</u>	<u>Amended</u>
101-GENERAL FUND	7,723,050	138,648	7,861,698
202-MAJOR STREETS FUND	1,495,825	613,331	2,109,156
203-LOCAL STREETS FUND	474,500	509,587	984,087
283-OBRA FUND-DISTRICT 3	15,900	322	16,222
400-CAPITAL PROJECTS FUND	0	844,628	844,628
411-CAPITAL PROJECTS STREETS	850	438,870	439,720

GENERAL FUND - BUDGET AMENDMENT SUMMARY				
REVENUES	Original Budget	Amended Budget	Increase (Decrease)	
Property Taxes	3,318,875	3,316,744	(2,131)	
License and Permits	133,100	264,702	131,602	More permits issued than estimated
Intergovernmental Revenue	1,657,200	1,747,798	90,598	State reimb of PPT not budgeted
Charges for Services	1,244,050	1,192,217	(51,833)	Ambulance Adv Life Support down
Interest Income	35,000	10,546	(24,454)	Interest investment down
Other Revenue	22,000	176,027	154,027	Sale of lot and reimb from gen liab Insurance
Transfers In	712,825	660,213	(52,612)	WWTP transfer based on consumption - down
Other Financing Sources- Fund Balance	600,000	493,451	(106,549)	Increase in revenue less Fund Bal needed
	7,723,050	7,861,698	138,648	
EXPENSES				
Dept 101-CITY COUNCIL	4,300	4,300	-	No change
Dept 171-CITY MANAGER	136,900	136,900	-	No change
Dept 201-FINANCE	165,550	165,500	(50)	immaterial
Dept 209-ASSESSING	122,700	118,700	(4,000)	Supplies
Dept 210-CITY ATTORNEY	140,000	125,000	(15,000)	Cargill attorney costs allocated
Dept 215-CLERK	262,975	236,975	(26,000)	Contract services lower than estimated
Dept 226-HUMAN RESOURCES	222,425	207,425	(15,000)	Wages estimated too high
Dept 253-TREASURY	242,950	222,950	(20,000)	Budgeted based on retiree with higher pension
Dept 258-INFORMATION & TECHNOLOGY	193,900	138,900	(55,000)	Contract services lower than estimated
Dept 265-BUILDING & GROUNDS	106,650	105,650	(1,000)	immaterial
Dept 299-GENERAL ADMIN	309,750	309,750	-	No change
Dept 300-POLICE	2,042,150	1,979,150	(63,000)	Gas and Architect fees estimated high
Dept 335-FIRE	2,202,475	2,132,475	(70,000)	Health Ins, W/C and architect fees estimated high
Dept 370-BUILDING AND SAFETY	209,400	220,000	10,600	Building official contract higher than estimated
Dept 441-PUBLIC WORKS	566,900	616,900	50,000	Landfill liability not budgeted
Dept 528-LEAF AND BRUSH COLLECTION	261,000	241,000	(20,000)	Labor and equipment costs estimated high
Dept 585-PARKING	46,000	43,000	(3,000)	immaterial
Dept 728-COMMUNITY DEVELOPMENT	119,775	109,775	(10,000)	Wages and health ins estimated high
Dept 756-PARKS	189,850	190,650	800	immaterial
Dept 966-TRANSFERS OUT	177,400	556,698	379,298	Cargill brownfield financing
	7,723,050	7,861,698	138,648	

Motion supported by Councilmember Greenway.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Law, Bailey, Fox, Greenway, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Teich.

Authorization of Application for Transportation Economic Development Funds

Utilities Director Glenn M. Chinavare indicated the City has a good chance of being approved for this grant.

Councilmember Fox inquired when the project might take place. The project is targeted for 2018.

Motion by Councilmember Bailey to approve the following resolution supporting the application to seek Transportation Economic Development Fund- Category A funds for pavement improvements along McMillan Avenue, Monroe Street and Gould Street and authorize the obligation of City funds for the project per the terms of the TEDF-A Program match requirement:

RESOLUTION NO. 96-2017

**RESOLUTION AUTHORIZING APPLICATION FOR
TRANSPORTATION ECONOMIC DEVELOPMENT FUNDS, CATEGORY A
FOR PAVEMENT IMPROVEMENTS TO
MCMILLAN AVENUE, MONROE STREET, AND GOULD STREET**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Public Service Department recommends pavement resurfacing ditches along McMillan Avenue from 450' south of Industrial Drive to Monroe Street, pavement reconstruction of Monroe Street from McMillan Avenue to Gould Street, and pavement resurfacing of Gould Street from Monroe Street to M-71 (Corunna Ave.); and

WHEREAS, the Michigan Department of Transportation offers special funding known as Transportation Economic Development Fund-Category A (TEDF-A) for roadway improvements that provide continuity with the secondary all-season commercial truck route system for economic development projects with intent to create additional jobs for the community; and

WHEREAS, the roadway proposed for improvement meets all of the requirements of the TEDF, Category A Program; and

WHEREAS, the City of Owosso proposes to procure TEDF-A funds for the purpose of providing up to 80% funding, with capped amount set as \$750,000.000 state match to the City's 2016 Unlimited Tax General Obligation Bond Proceeds and Public Act 51 Major Street funds as outlined in its application.

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

FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to proceed with the proposed roadway improvements.

SECOND: That the City of Owosso is actively seeking TEDF-A funds to partially fund the pavement resurfacing of McMillan Avenue from 450' south of Industrial Drive to Monroe Street, pavement reconstruction of Monroe Street from McMillan Avenue to Gould Street, and pavement resurfacing of Gould Street from Monroe Street to M-71 (Corunna Ave.) and is willing to participate in this program.

THIRD: That the proper city officials are authorized to sign the application documents.

FOURTH: Staff is hereby authorized to obligate combination of city of Owosso 2016 Unlimited Tax General Obligation Bond proceeds and Public Act 51 Major Street funds as its match of the project cost.

Motion supported by Councilmember Fox.

Roll Call Vote.

AYES: Councilmember Bailey, Mayor Pro-Tem Osika, Councilmembers Greenway, Fox, Law, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Teich.

2017-18 Water & Sewer Rates

Mayor Eveleth and Councilmember Bailey expressed the feeling that it is never easy to raise water rates.

Councilmember Bailey inquired whether the City would consider returning to monthly billing at some point. Utilities Director Chinavare indicated they plan on looking at that at some point after the move to the new meter system has been completed.

Motion by Councilmember Bailey to approve new water and sewer rates for the 2017-18 fiscal year as proposed:

RESOLUTION NO. 97-2017

**WATER AND SEWER RATE SCHEDULE
FOR THE CITY FISCAL YEAR BEGINNING JULY 1, 2017**

"Pursuant to Sections 34-248. Water Rates, and 34-249. Sewer Rates, of Article V, of Chapter 34, of the Owosso City Code, the City Council does hereby resolve that the following rate schedule for water and sewer service shall be in effect for the City fiscal year beginning July 1, 2017 and continuing thereafter until modified or replaced by further Council action. Bills issued with a nominal bill date of June 30, 2017 covering the quarter from April to June 2017 shall be billed under the previous rate schedule. All previous resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed following the effective date of this schedule."

I. QUARTERLY WATER AND SEWER RATES

In-town quarterly water service charges consist of: a demand charge based on water meter size (see table below), a capital charge dedicated for water main replacement, and a metered usage charge. One meter unit is equal to 100 cubic feet of water or about 750 gallons. Rates for retail out-of-town water service are double the in-town rate, except that the capital charge does not apply to out-of-town customers where the respective Township separately finances water main replacement. Twenty five percent of the out-of-town revenue is collected for and transferred to the respective Township for use in replacing and improving their water distribution system.

Quarterly sewer charges consist of a demand charge based on the water meter size (see table below) and a sewer usage charge based on metered water consumption. The City has no retail out-of-town sewer service.

Bills are issued on a quarterly basis and, if not paid by the due date as shown on the billing, a late payment charge of ten percent (10%) of the current amount due may be added for failure to make prompt payment.

QUARTERLY WATER SERVICE CHARGE:

- In-town: In-town Water Usage Charge of **\$2.00** per meter unit plus In-town Water Demand Charge plus Capital Charge from Table below.
- Out-of-town: Out-of-town Water Usage Charge of **\$4.00** per meter unit plus Out-of-town Water Demand Charge from Table below.

QUARTERLY SEWER SERVICE CHARGE:

Sewer Usage Charge of **\$2.40** per unit plus Sewer Demand Charge from Table below.

For residential customers without metered water service, the quarterly sewer charge shall be **\$85.60** per residential unit.

QUARTERLY DEMAND CHARGE TABLES

A. Potable Water & Sewer Service

Water Meter Size	Water Demand	Water CAPITAL	Sewer Demand	Combined In-Town	Water Only (Out-of-town)
5/8"	\$34.00	\$ 15.00	\$ 28.00	\$ 77.00	\$ 68.00
3/4"	51.00	23.00	42.00	116.00	102.00
1"	85.00	38.00	70.00	193.00	170.00
1.5"	170.00	76.00	140.00	386.00	340.00
2"	272.00	122.00	224.00	618.00	544.00
3"	510.00	229.00	420.00	1,159.00	1,020.00
4"	850.00	382.00	700.00	1,932.00	1,700.00
6"	1,700.00	764.00	1,400.00	3,864.00	3,400.00

For a residential user with a second 5/8" meter on a single service line for water only irrigation service, the user shall be charged a single water demand and capital charge equivalent to a 3/4" metered service on a year round basis.

The demand charge for multiple residential units served by a single water meter shall be based on actual meter size provided the meter meets the minimum size requirement per the following table:

<u>Number of Apartments</u>	<u>Minimum Meter Size</u>
1 - 3	5/8"
4 - 7	3/4"
8 - 11	1"
12 - 15	1&1/2"
16 - 24	2"
24 - 48	3"
Over 48	4"

B. Fire Protection Service

<u>Sprinkler Service</u>	<u>Quarterly Water Charge</u>		
	<u>In-Town</u>	<u>Out-of-Town</u>	
<u>Riser Size</u>	<u>DEMAND</u>	<u>CAPITAL</u>	<u>DEMAND</u>
4 inch	\$ 51.00	\$ 23.00	\$ 102.00
6 inch	\$ 85.00	\$ 38.00	\$ 170.00
8 inch	\$ 170.00	\$ 76.00	\$ 340.00
10 inch	\$ 272.00	\$ 122.00	\$ 544.00

II. HYDRANT RENTAL CHARGES

Hydrants located outside the City of Owosso and private hydrants maintained by the City of Owosso shall be subject to an annual hydrant rental charge of \$160.00.

III. BULK WATER CHARGES

For users with an active city water service connection, bulk water delivered by the city from hydrants or other approved outlets for such purposes as pool filling, shall be charged at the standard metered usage rate given in Section I. above along with actual labor and equipment costs with a minimum charge of \$50.00.

Other bulk water sales, such as filling tank trucks, shall be charged at the rate of \$10.00 per thousand gallons with a \$50.00 minimum charge, which includes up to 5,000 gallons, if during the normal workday at an established city delivery point. After hours bulk water sales and/or sales at other than established city delivery points, shall be charged at the rate of \$10.00 per thousand gallons plus actual labor and equipment costs.

For customers who do not prepay a \$10 service charge shall apply for invoicing.

(Note: These charges do not apply to water supplied for fire fighting).

IV. INCREMENTAL WATER AND SEWER USAGE CHARGES FOR BILLING ADJUSTMENTS RELATED TO PLUMBING LEAKS

The incremental water and sewer usage charges shall be 50% of the normal usage charge. These incremental usage rates are for the purpose of making adjustments to significantly high bills attributable to plumbing leaks and may be applied in accordance with Guidelines separately approved by the Owosso City Council.

V. EXTRA STRENGTH WASTEWATER SURCHARGES

Extra strength wastewater surcharges shall apply to those users of the City wastewater treatment system approved for the discharge of extra strength wastewater in accordance with Section 34-170. of the Owosso City Code. The surcharge rate shall be applied to loadings in excess of the base or normal strength loading.

EXTRA STRENGTH WASTEWATER SURCHARGE SCHEDULE

<u>PARAMETER</u>	<u>BASE</u>	<u>SURCHARGE</u>
BOD-5	220 MG/L	\$0.11/pound in excess of base
TSS	300 MG/L	\$0.17/pound in excess of base
TP	10 MG/L	\$1.50/pound in excess of base
NH3-N	20 MG/L	\$0.80/pound in excess of base

(Note: BOD-5 = Biochemical Oxygen Demand; TSS = Total Suspended Solids; TP = Total Phosphorous; NH3-N = Ammonia Nitrogen; MG/L = Milligrams per Liter)."

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Fox, Bailey, Greenway, Mayor Pro-Tem Osika, Councilmember Law, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Teich.

The meeting was briefly recessed at 9:06 p.m.

The meeting resumed at 9:11 p.m.

Bonding Resolution – 2017 UTGO Street Bonds

Motion by Councilmember Bailey to approve the following resolution authorizing the issuance and sale of Unlimited Tax General Obligation Street Bonds for street improvements in an amount not to exceed \$4,900,000:

RESOLUTION NO. 98-2017

**City of Owosso
County of Shiawassee, State of Michigan**

**AUTHORIZING ISSUANCE AND SALE OF
UNLIMITED TAX GENERAL OBLIGATION BONDS**

A RESOLUTION TO:

- Issue \$4,900,000 of Bonds as the first series approved by the voters in November 2016 for street improvements;
- Approve negotiated sale to CFC Capital, Inc., a subsidiary of Chemical Bank; and
- Authorize other matters necessary to prepare for sale and delivery of Bonds.

PREAMBLE

WHEREAS, the qualified electors of the City of Owosso, County of Shiawassee, Michigan (the "City") at the general election held on November 8, 2016, did by more than the required majority of those voting approve the following proposal:

**CITY OF OWOSSO
BOND PROPOSAL FOR STREET IMPROVEMENTS**

Shall the City of Owosso, Shiawassee County, Michigan, borrow the principal sum of not to exceed Ten Million Dollars (\$10,000,000) and issue its general obligation unlimited tax bonds therefor in one or more series, payable in not to exceed twenty-five (25) years from the date of issue of each series, for the purpose of paying the costs to the City of acquiring and constructing local and major street improvements in the City consisting of paving, repaving, reconstructing and improving streets, sidewalks, parking areas, and all necessary appurtenances and attachments thereto for the use of the City? The estimated millage to be levied in 2017 is 1.6697 mills (\$1.6697 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is 1.7479 mills (\$1.7479 per \$1,000 of taxable value).

WHEREAS, in pursuance of the authority granted by Act 279, Public Acts of Michigan, 1909, as amended, the City Charter, and the approving vote of the electors of the City, it is the determination of the City Council that at this time the first series of the unlimited tax general obligation bonds described in the proposal shall be issued in the principal amount of Four Million Nine Hundred Thousand Dollars (\$4,900,000) designated as the 2017 Unlimited Tax General Obligation Bonds (the "Bonds") in order to pay costs of Street Improvements as described in the proposal (the "Street Improvements"); and

WHEREAS, the City hereby determines that it is in the best interests of the City to negotiate the sale of the Bonds to a financial institution for the reason that the City will reduce costs of issuance without a significant increase in interest expense; and

WHEREAS, CFC Capital, Inc., a subsidiary of Chemical Bank has submitted its bid to purchase the Bonds attached as Exhibit A (the "CFC Bid"); and

WHEREAS, the City Council wishes to accept the CFC Bid and to authorize either the City Manager or the Finance Director (either, an "Authorized Officer") to deliver and receive payment for the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City shall issue its Bonds designated as the 2017 UNLIMITED TAX GENERAL OBLIGATION BONDS in the aggregate principal sum of Four Million Nine Hundred Thousand Dollars (\$4,900,000) for the purpose of paying costs of acquiring and constructing Street Improvements, including the costs incidental to the issuance, sale and delivery of the Bonds.

The Bonds shall be dated as of the date of delivery thereof and shall mature serially on the dates and in the amounts shown on the CFC Bid as attached hereto and made part hereof. The Bonds shall bear interest at the rates as shown on the CFC Bid, payable semi-annually on November 1 and May 1 commencing November 1, 2017, accruing from the date of delivery of the Bonds. The Bonds shall be subject to optional redemption prior to maturity on any date on or after May 1, 2018, at par plus accrued interest to the date fixed for redemption. The Bonds shall consist of bonds in fully-registered form of the denomination of \$5,000, or integral multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered as determined by the bank or trust company designated by an Authorized Officer to act as registrar, paying agent and transfer agent for the Bonds (the "Transfer Agent").

An Authorized Officer is hereby authorized to select a Transfer Agent and to execute one or more agreements with the Transfer Agent on behalf of the City. The City reserves the right to replace the Transfer Agent at any time, provided written notice of such replacement is given to the registered owners of record of the Bonds not less than sixty (60) days prior to an interest payment date.

The Bonds shall be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC") and an Authorized Officer is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry only form, and to make such changes in the form of the Bonds within the parameters of this Resolution as may be required to accomplish the foregoing.

Payment of the principal of and interest on the Bonds shall be made in the manner prescribed by DTC. In the event the book-entry-only system is discontinued, the principal of the Bonds shall be payable upon presentation and surrender of such Bonds to the Transfer Agent.

Interest on the Bonds shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Interest shall be payable by check or draft drawn on the Transfer Agent mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent.

The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

If in the future the City calls bonds for redemption prior to maturity then official notice of redemption shall be given by the Transfer Agent on behalf of the City unless receipt of notice is waived by any registered owner of Bonds to be redeemed. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date. In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

2. The Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, and the corporate seal of the City shall be manually

impressed or a facsimile thereof shall be printed on the Bonds. No Bond authorized under this resolution shall be valid until authenticated by an authorized representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from an Authorized Officer.

3. The Finance Director or Treasurer is authorized and directed to open a separate depository or trust account with a bank or trust company to be designated as the 2017 UNLIMITED TAX GENERAL OBLIGATION BOND DEBT RETIREMENT FUND (the "Debt Retirement Fund"). The City hereby pledges its unlimited tax full faith and credit for the prompt payment of the Bonds. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. Commencing with the year 2017 there shall be levied upon the tax rolls of the City for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 34, Public Acts of Michigan, 2001, as amended, an amount sufficient so that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bonds becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other funds available or surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bonds, then credit therefor may be taken against such annual levy for the Debt Retirement Fund. The action taken by the Authorized Officers to levy on July 1, 2017 for payment of principal of and interest on the Bonds is hereby ratified and confirmed. The moneys deposited in the Debt Retirement Fund shall be specifically earmarked and used solely for the purpose of paying the principal of and interest on the Bonds and, as may be necessary, to rebate arbitrage earnings, if any, to the United States Department of Treasury as required by the Internal Revenue Code of 1986, as amended. The accrued interest and premium, if any, received upon delivery of the Bonds shall also be deposited in the Debt Retirement Fund. The Debt Retirement Fund may be pooled or combined with other debt retirement funds for issues of bonds of like character as provided by Act 34 or other state law.

In the event a deposit of trust is made of cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest of the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

4. The Finance Director or Treasurer is authorized and directed to open a separate depository account designated as the 2017 UNLIMITED TAX GENERAL OBLIGATION BOND CONSTRUCTION FUND (the "Construction Fund") with a bank or trust company (the "Depository Bank"). The Finance Director or Treasurer shall deposit the proceeds of the Bonds into the Construction Fund, less any costs of issuance of the Bonds specified by the Finance Director, including but not limited to fees payable to the Municipal Advisory Council of Michigan, transfer agent fees, bond counsel fees, State Treasury filing fees, and any other costs necessary to accomplish sale and delivery of the Bonds which may be wired by the purchaser of the bonds or the Depository Bank directly to the provider of services as authorized by the Finance Director. The moneys in the Construction Fund shall be used solely to pay the costs of the Street Improvements and to pay costs of issuance of the Bonds.

5. The Bonds shall be in substantially the following form with such revisions, additions and deletions as may be advisable or necessary to comply with the final terms of the Bonds established upon sale thereof:

[FORM OF BOND TO BE COMPLETED AFTER BOND SALE]
 UNITED STATES OF AMERICA
 STATE OF MICHIGAN
 COUNTY OF SHIAWASSEE
 CITY OF OWOSSO
 2017 UNLIMITED TAX GENERAL OBLIGATION BOND

		Date of	
<u>Interest Rate</u>	<u>Date of Maturity</u>	<u>Original Issue</u>	<u>CUSIP</u>

Registered Owner:
 Principal Amount:

The CITY OF OWOSSO, County of Shiawassee, State of Michigan (the "City"), acknowledges itself to owe and for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on November 1, 2017 and semiannually thereafter. Principal of this bond is

payable at the corporate trust office of [Transfer Agent], or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner hereof not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who or which is as of the fifteenth (15th) day of the month prior to each interest payment date, the registered owner, at the registered address.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of \$4,900,000, issued for the purpose of paying costs of acquiring and constructing local and major street improvements throughout the City as the first series of bonds issued in pursuance of a vote of the qualified electors of the City voting thereon at the general election held on November 8, 2016.

For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged. This bond is payable out of the City's Debt Retirement Fund for this issue, and in order to make such payment, the City is required each year to levy taxes on all taxable property within the boundaries of the City for such payment, without limitation as to either rate or amount.

Bonds of this issue maturing on May 1, 2018 are not subject to redemption prior to maturity.

Bonds or portions of bonds of this issue in multiples of \$5,000 maturing on or after May 1, 2019 shall be subject to redemption prior to maturity at the option of the City, in such order as the City shall determine and within any maturity by lot, on any date on or after May 1, 2018 at par plus accrued interest to the date fixed for redemption.

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner of record a new bond of the same maturity and in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given by the Transfer Agent to each registered owner of bonds or portions thereof to be redeemed by mailing such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner of record at the address of the registered owner as shown on the registration books of the City kept by the Transfer Agent. Bonds shall be called for redemption in multiples of \$5,000, and bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bonds by \$5,000, and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in the same aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof with the same interest rate and maturity. No further interest on bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether the bonds have been presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bonds or portion thereof.

Any bond may be transferred by the person in whose name it is registered, in person or by the registered owner's attorney or legal representative duly authorized in writing, upon surrender of the bond to the Transfer Agent for cancellation, together with a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any bond is surrendered for transfer, the Transfer Agent shall authenticate and deliver a new bond or bonds, in like aggregate principal amount, interest rate and maturity. The Transfer Agent shall require the bondholder requesting the transfer to pay any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required to issue, register the transfer of, or exchange any bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of bonds selected for redemption and ending at the close of business on the day of that mailing.

It is hereby certified and recited that all acts, conditions and things required by law to be done, exist and happen, precedent to and in the issuance of this bond and the series of bonds of which this is one, in order to make them valid and binding obligations of the City have been done, exist and have happened in regular and due form and time as provided by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City of Owosso, County of Shiawassee, State of Michigan, by its City Council, has caused this bond to be signed in the name of the City by [the facsimile signatures of] its Mayor and Clerk, and a facsimile of its corporate seal to be [manually impressed/printed] hereon, all as of the Date of Original Issue.

CITY OF OWOSSO

County of Shiawassee, State of Michigan
By [Mayor to sign Bond]
Mayor

(City Seal)
Countersigned:
By [Clerk to sign Bond]
City Clerk

[INSERT STANDARD FORM OF
TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION]
[INSERT STANDARD FORM OF ASSIGNMENT]

6. The City hereby requests Miller, Canfield, Paddock and Stone, P.L.C. to continue as bond counsel to the City for the Bonds. Bond Counsel is not retained to provide financial consultant services. The City Council acknowledges that Miller, Canfield, Paddock and Stone, P.L.C. represents many municipal bond underwriters, banks, and financial institutions, including Chemical Bank, in connection with matters unrelated to issuance of the Bonds by the City. Bond Counsel will not represent Chemical Bank or any other party other than the City in connection with the issuance or sale of the Bonds.

7. The City shall not invest, reinvest or accumulate any moneys deemed to be proceeds of the Bonds pursuant to the Internal Revenue Code of 1986, as amended (the "Code"), in such a manner as to cause the Bonds to be "arbitrage bonds" within the meaning of the Code. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control and that it shall not fail to take any action necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes under the Code, including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure of investment of Bond proceeds and moneys deemed to be Bond proceeds, all as more fully set forth in the Non-Arbitrage and Tax Compliance Certificate to be delivered by the City with respect to the Bonds.

8. The City hereby designates the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

9. The estimated period of usefulness of the Street Improvements to be constructed and acquired with proceeds of the Bonds is hereby declared to be not less than 25 years.

10. The City hereby determines that it is in the best interests of the City to negotiate the sale of the Bonds to a financial institution for the reason that the City will reduce costs of issuance without a significant increase in interest expense.

11. CFC Capital, Inc., a subsidiary of Chemical Bank (the "Bank") has submitted the attached bid to purchase the Bonds at par. The City hereby accepts the CFC bid provided that the Bank furnishes, prior to the delivery of the Bonds, a certificate in a form acceptable to bond counsel to the effect that the Bank is an investor with experience in the municipal bond market, and is capable of evaluating the merits and risks of investment in the Bonds.

12. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate sale and delivery of the Bonds and expenditure of Bond proceeds, and to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient to complete the issuance, sale, and delivery of the Bonds and expenditure of Bond proceeds in accordance with this Resolution including payment of costs of issuance including Municipal Advisory Council fee, State Treasury filing fee, transfer agent fees, bond counsel fees, and any other costs necessary to accomplish sale and delivery of the Bonds.

13. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are hereby rescinded.

Motion supported by Councilmember Greenway.

Roll Call Vote.

AYES: Councilmembers Bailey, Greenway, Law, Mayor Pro-Tem Osika, Councilmember Fox, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Teich.

Selection of Goal Setting Facilitator

There was discussion whether a facilitator was necessary or whether the Council was capable of determining goals themselves. Mayor Pro-Tem Osika indicated she had researched the people

whose services were recommended and she felt that Ryan Cotton's template was the best. There was question as to the fees required for a facilitator.

Motion by Councilmember Bailey to postpone the decision until the July 3rd meeting to allow time to contact Mr. Cotton for information on his fees.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Greenway, Law, Fox, Bailey, Mayor Pro-Tem Osika, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Teich.

COMMUNICATIONS

N. Bradley Hissong, Building Official. May 2017 Building Department Report.
N. Bradley Hissong Building Official. May 2017 Code Violations Report.
Planning Commission. Minutes of May 22, 2017.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, said he is completely against the idea of allowing someone to place a handbill on his door saying it was a tip-off to would be burglars that no one is home.

Justin Horvath, president/CEO of the SEDP, thanked the Council for taking the time to thoroughly discuss their annual commitment and for their support of the SEDP.

Councilmember Fox inquired whether it was legal for people to place handbills on cars. City Attorney Brown indicated he would contact him after the meeting with the answer.

Mayor Eveleth polled the Council to see if a quorum could be reached for the July 3rd meeting. No one indicated any concrete travel plans so the meeting will be held as scheduled.

NEXT MEETING

Monday, July 03, 2017

BOARDS AND COMMISSIONS OPENINGS

Board of Review – term expires December 31, 2019
Building Board of Appeals - term expires June 30, 2019
Building Board of Appeals – Alternate - term expires June 30, 2018
Historical Commission – term expires December 31, 2019
Parks & Recreation Commission – 2 terms expiring June 30, 2017
Parks & Recreation Commission – term expires June 30, 2018

ADJOURNMENT

Motion by Councilmember Fox for adjournment at 9:26 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk

*Due to their length, text of marked items is not included in the minutes. Full text of these documents is on file in the Clerk's Office.