

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF OCTOBER 2, 2017  
7:30 P.M.**

**PRESIDING OFFICER:** MAYOR CHRISTOPHER T. EVELETH

**OPENING PRAYER:** COUNCILMEMBER BURTON D. FOX

**PLEDGE OF ALLEGIANCE:** EAGLE SCOUT CANDIDATE DAKOTA FLATTER

**PRESENT:** Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika, Councilmembers Loreen F. Bailey (7:43 p.m.), Burton D. Fox, Elaine M. Greenway, Daniel A. Law, and Robert J. Teich, Jr.

**ABSENT:** None.

**APPROVE AGENDA**

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

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 18, 2017**

Motion by Councilmember Fox to approve the Minutes of the Regular Meeting of September 18, 2017 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**Swearing In Ceremony- Fire Department Employees**

Mayor Eveleth presided over a ceremony to swear in the City's newest firefighters: Collin Demankowski and Donald Lound. Friends and relatives of the firefighters were on hand to congratulate the newest firefighters.

**Breast Cancer Awareness Campaign**

City of Owosso Firefighter Captain Steve Chapko was on hand to kick-off the department's annual effort to raise money for breast cancer awareness.

**PUBLIC HEARINGS**

**Rezoning 621 W. Oliver Street**

A public hearing was conducted to receive citizen comment regarding the request to rezone the property at 621 West Oliver Street from R-1, Single Family Residential, to OS-1, Office Service District.

The following people commented regarding the proposed rezoning:

Piper Brewer (via email), 805 W. Oliver Street, indicated she was opposed to the proposed rezoning because it would lower property values and have a detrimental effect on the neighborhood. As an alternative she suggested using deed restrictions on the property to maintain the residential nature of the neighborhood.

Ann Bentley, owner of 415 N. Shiawassee Street, said that while she supports the current proposed use she has concerns over what could happen with the property in the future. She suggested the City implement deed restrictions or a special use permit.

Mike Erfourth, 801 W. Oliver Street, requested the Council deny the rezoning request saying there was no guarantee deed restrictions would be followed and the house should be returned to a residence. He felt rezoning the property would be detrimental to property values.

Carolyn O'Connel, 217 Curwood Castle Drive, said she supports Say Computer and feels it would be a great addition to the neighborhood.

Collin Rose, DayStarr president, said his business has had a successful long-term relationship with Say Computer. He went on to say that it is important to promote businesses that want to bring jobs to Owosso.

Tom Manke, Owosso Township resident, said that while he supports Say Computer he does not feel the property should be rezoned. He further indicated the area encompassing the parking lot was originally a park and was never intended to support commercial activities.

Shaffer Fox, 510 E. Oliver Street, detailed the history of Oliver Street saying it was designed as the premiere residential street for the City and should not be changed. He said he too was concerned about what may take place on the property after Say Computer moves out.

Roberto Larrivey, 702 W. Oliver Street, said he supports businesses expanding in Owosso but there is an historic overlay district that includes this property, further any change would be considered spot zoning and would not benefit the community.

Brook Baade, 701 W. Oliver Street, said she would not have purchased her home if the neighboring building was not zoned residential. She said she would not be opposed to a special use permit but felt rezoning the property would be detrimental to the value of her home and would mark the first step toward the demise of Oliver Street.

Justin Horvath, SEDP president, reminded everyone that there has been a historical use of the home for something other than housing and that it has not negatively affected property values to date. He said Say Computer is willing to take steps to be a good neighbor and that consistently using the worst case scenario to make decisions will chase away business. He encouraged the development of a creative solution to resolve the issue.

Joe Geiger, Retriever Software representative, introduced himself saying he grew up in Owosso and had now become part of the family business NCG. He went on to explain how Say Computer and Retriever Software had merged and that they were willing to work with residents to be good neighbors.

Jennifer Larrivey, 702 W. Oliver Street, said the City has a responsibility to uphold its ordinances and its Master Plan. She further stated that valid reasons would need to be given if the parcel was going to be treated differently.

Maurice Shattuck, Jr., 1348 N. Chipman Street, said he had done lots of business with Say Computer and felt the business would be a good neighbor.

Mike Cross, Say Computer president, said he really wants to be a good neighbor and to bring business to the downtown. He said he was willing to work with residents on the appearance of the building and potentially closing off the circle drive.

Seeing no others that wished to comment Mayor Eveleth closed the public hearing.

There was significant Council discussion regarding the matter touching on the following: whether the Planning Commission had considered a special use permit (they had but a special use permit is not available for the proposed use with the current zoning); whether a site plan would be required if the property is rezoned (no); taking the historic overlay district into consideration; the types of operations that could take place on the property within the current zoning designation and those allowed if the designation changes; the pitfalls of spot zoning and whether it is sometimes a necessary evil; the reluctance to change what has always been a residential street; whether Say Computer considered other properties (they did, but they were not available for purchase); and the fact that this parcel has access off of Shiawassee Street as well as Oliver Street.

Assistant City Manager Susan K. Montenegro briefly detailed the Planning Commission's discussions on the matter. She indicated that the Commission's decision to recommend the rezoning was not unanimous and suggested in light of this and the comments received earlier that Council might consider setting conditions for the rezoning.

The Council discussed different restrictions including: requiring the zoning revert back to R-1 upon sale of the property, removing the circle drive on Oliver Street, keeping the historical façade of the building, and prohibiting signage on the Oliver Street side of the building.

Councilmember Fox suggested that a decision on the item be postponed until a proposal could be drawn up.

Motion by Councilmember Fox to postpone the item until the October 16, 2017 meeting to allow time for the City Attorney to draw up a proposal that **requires the parcel return to R-1 upon transfer and** is agreeable to both the City and the applicant.

Motion supported by Councilmember Teich.

Amended by City Council 10/16/2017.
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Roll Call Vote.

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

NAYS: None.

The Council took a brief recess from 8:48 p.m. until 8:57 p.m.

**CITIZEN COMMENTS AND QUESTIONS**

Justin Horvath, president of the SEDP, announced that Tri-Mer had recently received a significant grant from the MEDC that will allow them to expand their business.

Tom Manke, Owosso Township resident, reminded Council that previous requests for rezoning had been denied based on spot zoning. He asked why there was no consistency with the current rezoning request.

Joe Tejkl, 1700 Cook Road, asked Council to place a fence along the border of his property and Collamer Park to protect his property and the City's property.

Mike Erfourth, 801 W. Oliver Street, said he was extremely disappointed with the direction Council was moving on the rezoning of 621 W. Oliver Street. He said he has invested a lot of money in Owosso and is tired of being ignored by Council.

Eddie Urban, 601 Glenwood Avenue, offered to participate as an extra in any emergency services simulations.

Shaffer Fox, 510 E. Oliver Street, said that while he supports Say Computer Oliver Street has been kept free of commercial business (save one or two) and should stay that way.

City Manager Crawford responded to Mr. Tejkl's request saying he had recently inspected the area in question and found only one place where the trail in Collamer Park comes anywhere close to the border with Mr. Tejkl's property. He said fencing would be extremely difficult to install, but that the City would be willing to address particular areas of concern.

Mayor Eveleth noted that Council had to trim over \$300,000 from the budget this year, leaving no money for projects such as fencing.

**CITY MANAGER REPORT**

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

City Manager Crawford then introduced Eagle Scout candidate Dakota Flatter. Mr. Flatter indicated he was finished with his improvement project at Adams Field and would like to hold a kick ball game to dedicate the ball field as Eagle Scout Field. The game will be held Sunday, October 29<sup>th</sup> from 1:00pm until 6:00pm. All are invited to attend.

**CONSENT AGENDA**

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

**First Reading & Set Public Hearing – Rezoning 912 S. Washington Street.** Conduct first reading and set a public hearing for Monday, November 6, 2017 to receive citizen comment regarding the proposal to rezone the parcel located at 912 S. Washington Street from R-1 Single Family Residential District, R-2 Two Family Residential, and B-1 Local Business District to B-1 Local Business District as follows:

**RESOLUTION NO. 146-2017**

**SETTING A PUBLIC HEARING TO  
AMEND CHAPTER 38 ZONING OF THE CODE OF ORDINANCES  
TO REZONE A PARCEL OF REAL PROPERTY  
ON 912 S. WASHINGTON STREET  
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from a land owner of real property identified as 912 S. Washington Street, parcel 050-651-039-006-00, LOTS 6 & 7 PART OF LOT 9 BEG 15' W OF SE COR LOT 9 TH E 15' N 30' SW'LY TO POB LOTS 10 11 12 & 13 BLK 39 A L WILLIAMS ADD, INCL VAC N-S ALLEY FROM N LN GUTE ST TO CENTER OF LOTS 9 & 10 to rezone the entire parcel to a B-1 Local Business District, which will eliminate multiple zoning designations of R-1 Single Family Residential District, R-2 Two Family Residential, and B-1 Local Business District currently attached to this parcel; and

WHEREAS, the planning commission published the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of parcel 050-651-039-006-00, 912 S. Washington Street from R-1 Single Family Residential District, R-2 Two Family Residential, and B-1 Local Business District to a single zoning designation of B-1 Local Business District; and

WHEREAS, the item must now be considered by City Council and a public hearing by the Council is required before any such ordinance amendment can be acted upon.

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

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

Indicate a zoning classification of B-1 Local Business District for 912 S. Washington Street, parcel 050-651-039-006-00.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, November 6, 2017, 2017 at or about 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 3. NOTICE. Council hereby directs staff to supply a public notice concerning the rezoning to as required by the Michigan Zoning Enabling Act, Act 110 of 2006, Article I, Section 103.

SECTION 4. 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 5. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

**Oktoberfest Permission.** Approve request from the Shiawassee Regional Chamber of Commerce for use of the Ball/Exchange Parking Lot (Lot # 5) and various downtown streets at various times from October 12, 2017 through October 15, 2017 for Oktoberfest 2017 and approve Traffic Control Order No. 1381 formalizing the request.

**Change to Street Lighting Contract.** Consider amendment to the Street Light Contract with Consumers Energy to reflect the addition of seven light poles with high pressure sodium fixtures along Hathaway Drive, authorize the Mayor and City Clerk to execute appropriate documents, and approve payment to Consumers Energy in the amount of \$700.00 as detailed below:

**RESOLUTION NO. 147-2017**

**AUTHORIZATION FOR CHANGE IN STANDARD LIGHTING CONTRACT**

Consumers Energy Company is hereby authorized as of October 2, 2017, by the City of Owosso, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of Owosso, dated October 1, 2013.

Number of Luminaires	Nominal Watts	Luminaire Type	Fixture Type	Fixture Style	Install/Remove	Location
7	150	HPS	Cobrahead	Non-Cutoff	Install	Hathaway Dr

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated October 1, 2013, shall remain in full force and effect.

Resolved, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Owosso, dated October 1, 2013, in accordance with the Authorization for Change in Standard Lighting Contract approved March 7, 2016, heretofore submitted to and considered by this Council; and

Resolved, further, that the Mayor and City Clerk be and are authorized to execute such authorization for change on behalf of the City.

Motion supported by Councilmember Fox.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**Bid Award – Hintz Road Well Field Rehabilitation, Phases I & II**

Motion by Councilmember Teich to approve the low bid of Ed Birkmeier Well Drilling, LTD for Phase I of the Hintz Road Well Field Rehabilitation Project in the amount of \$127,173.00 plus a contingency of \$38,000, further approve the bid of Ed Birkmeier Well Drilling, LTD for Phase II of the project, contingent upon MDEQ approval, in the amount of \$109,543.00, and further approve payment to the contractor upon completion of the project or a portion thereof as follows:

**RESOLUTION NO. 148-2017**

**AUTHORIZING CONSTRUCTION SERVICES AGREEMENT AND PAYMENT TO ED BIRKMEIER WELL DRILLING, LTD OF NEW LOTHROP, MICHIGAN FOR CONSTRUCTION OF NEW PRODUCTION WELL/S AT HINTZ ROAD WELL-FIELD**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Water Replacement Fund for the construction of ground water production wells on city of Owosso property located at 1261 N. Hintz Road, and

WHEREAS, construction of a production well as Phase I is necessary to replace an existing ground water well no longer operable, and

WHEREAS, construct of an additional ground water well within the Hintz Well-Field is desired as Phase II, pending approval from the Michigan Department of Environmental Quality (MDEQ), and

WHEREAS, the City Director of Public Services and Utilities received competitive bids from three (3) experienced well drillers, and recommends Ed Birkmeier Well Drilling Ltd as the low, responsible, and responsive bidder to provide the construction services in the amount of \$165,173.00 for Phase I construction.

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

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to contract with Ed Birkmeier Well Drilling Ltd for the construction of the existing Hintz Road well as Phase I.
- SECOND: The accounts payable department is authorized to submit payment to Ed Birkmeier Well Drilling Ltd, in the amount of \$127,173 plus contingency of \$38,000.00 for a total of \$165,173.00 for Phase I construction.
- THIRD: The above expenses shall be paid from the Water Replacement Fund Account 591-901-977.000.

Motion supported by Councilmember Bailey.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Shaffer Fox, 510 E. Oliver Street, asked that something be done about people speeding on East Oliver Street now that the street has been reconstructed.

Tom Manke, Owosso Township resident, read a story he published on his Facebook page expressing support for our local law enforcement.

Eddie Urban, 601 Glenwood Avenue, suggested the City put a speed monitor on E. Oliver Street.

Mayor Eveleth thanked Assistant City Manager Montenegro for putting on the recent medical marijuana workshop saying he learned lots of good information.

Councilmember Fox suggested a stop sign be installed on E. Oliver Street at Hickory to slow down traffic.

City Manager Crawford commented that there are new traffic counters that will not only count cars but monitor their speed and the time of day so engineers can learn more about traffic patterns.

**NEXT MEETING**

Monday, October 16, 2017

**BOARDS AND COMMISSIONS OPENINGS**

Board of Review – term expires December 31, 2019  
Brownfield Redevelopment Authority/LDFA – term expires June 30, 2018  
Brownfield Redevelopment Authority/LDFA – term expires June 30, 2020  
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

**ADJOURNMENT**

Motion by Councilmember Bailey for adjournment at 9:39 p.m.

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

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Christopher T. Eveleth, Mayor

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Amy K. Kirkland, City Clerk