

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF OCTOBER 16, 2017
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: TOM MANKE

PLEDGE OF ALLEGIANCE: MAYOR PRO-TEM SUSAN J. OSIKA

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika, Councilmembers Loreen F. Bailey (7:35 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 Fox and concurred in by unanimous vote.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF OCTOBER 2, 2017

Motion by Councilmember Fox to approve the Minutes of the Regular Meeting of October 2, 2017 with the following correction:

PUBLIC HEARING

1. Rezoning 621 W. Oliver Street. The motion by Councilmember Fox should read:

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 and concurred in by unanimous vote.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Pamela Waugh, 536 E. Mason Street, said she has contacted the City on numerous occasions about the animals on her neighbor's property. She said the woman has numerous cats, a couple of ducks, and her yard smells like a farm. She has reported the situation but nothing seems to change.

Mike Erfourth, 801 W. Oliver Street, distributed a map of his neighborhood showing those that support the proposal to rezone the property at 621 W. Oliver Street and those that oppose it. He said no one in the neighborhood had expressed a desire to see the change happen. He went on to say that should the rezoning take place he would like to see restrictions on the hours of operation, low impact lighting installed, a restriction barring apartments, and the sign on Oliver Street removed.

Tom Manke, Owosso Township resident, commented on another great Oktoberfest. He went on to say that he was not against Say Computer but he could not support the rezoning on Oliver Street because it would amount to spot zoning.

Eddie Urban, 601 Glenwood Avenue, suggested that next time Mrs. Waugh comes to Council with an issue that she brings pictures to emphasize her point.

Samantha Stechschulte, 901 W. Oliver Street, said she was extremely concerned with the proposed rezoning and asked that Council allow the parcel to remain R-1.

Sam McLaren, 721 W. Oliver Street, said he is friends with the owners of the property up for rezoning but he was not in favor of rezoning the parcel because it would be spot zoning and it would bring a lot of uncertainty to the surrounding properties. He said common sense dictates the property stay a neighborhood.

Brook Baade, 701 W. Oliver Street, said that as the neighbor next door to the parcel she is nervous about investing more money in her home. She said every decision making process is a risk vs. benefit analysis and in this case there was simply too much risk. She asked that Council vote in the interest of the neighborhood.

In response to Mrs. Waugh's comments Mayor Eveleth asked what has been done about the animals in question. City Manager Crawford indicated the matter was being handled as a code enforcement complaint. The Mayor asked that enforcement action take place tomorrow.

Mayor Eveleth also reported on the great Oktoberfest event.

There was discussion regarding how situations similar to Mrs. Waugh's are resolved, who enforces the cat ordinance, and preventing cats from roaming the neighborhood. It was noted that Community Cats has a handful of houses in town that foster cats but the conditions are clean and controlled. It was further noted that cat hoarders are hard to control.

There was further discussion regarding the ducks at the location in question and how the story changed from the ducks being for the child to the ducks being there for the woman.

CITY MANAGER REPORT

City Manager Crawford reported that he had received communication from the Shiawassee River coalition that is working to put together an application to the U.S. National Park Service to create a Shiawassee River national paddling trail. This coalition needs an Owosso representative and alternate and he is seeking volunteers and suggestions to fill those spots. Lorraine Austin was named as a possible representative.

CONSENT AGENDA

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

Set Public Hearing – Parks Plan Update. Authorize setting a public hearing for Monday, November 20, 2017 to receive citizen comment on the proposed 2017 Parks and Recreation Plan Update as detailed below:

RESOLUTION NO. 149-2017

SET PUBLIC HEARING 2017 OWOSSO PARKS AND RECREATION PLAN

WHEREAS, the City of Owosso must review its parks and recreation plan every five years following parts 19, 703 and 716 of Act 451, P.A. 1994 of the State of Michigan, as amended; and

WHEREAS, the city council has appointed a parks and recreation commission to oversee the plan; and

WHEREAS, the parks and recreation commission reviewed the 2011 plan to get public participation and input for a potential update; and

WHEREAS, updates and amendments to the plan were made following public input by the parks and recreation commission and staff input; and

WHEREAS, the plan was approved by the Owosso parks and recreation commission for distribution and review by the city council on August 23, 2017; and

WHEREAS, a public hearing is required by the Owosso city council to be held no less than 30 days after distribution according to the above statute and DNR guidelines to validate the plan.

BE IT RESOLVED THAT City of Owosso City Council, County of Shiawassee, State of Michigan, hereby sets a public hearing for Monday, November 20, 2017 in the city council chambers within city hall, 301 West Main Street, Owosso, MI 48867 to hear all persons interested in the 2017 Owosso Parks and Recreation Plan.

BE IT FURTHER RESOLVED THAT the city council hereby directs staff to distribute the plan to the public library, city clerk's office, and the city website and to supply a public notice of its availability to a newspaper of general circulation within the city.

Boards and Commissions Appointment. Approve the following Mayoral Boards and Commissions appointment:

Name	Board/Commission	Term Expires
Janae Fear	Brownfield Redevelopment Authority/LDFA filling unexpired term of T. Kurtz	06-30-2020

Flexible Spending Account Terms Adoption. Authorize acceptance of the terms governing the Flexible Spending Accounts available to City employees, with an effective date of January 1, 2018 as follows:

RESOLUTION NO. 150-2017

ADOPTING THE CITY OF OWOSSO FLEXIBLE SPENDING PLAN

WHEREAS, the city of Owosso, a Michigan municipal corporation, provides a cafeteria plan for its employees;

WHEREAS, under the tax laws of the United States of America the city council must adopt a resolution for the calendar year effective January 1, 2018 and subsequent years;

NOW THEREFORE, the city council of the city of Owosso, Michigan (the employer) resolves:

- FIRST: that the form of Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective January 1, 2018 presented and attached is approved and adopted and that the duly authorized agents of the city are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.
- SECOND: that the Administrator is instructed to take such actions that they deem necessary and proper to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.
- THIRD: the undersigned certifies that attached as Exhibit A, are true copies of the *City of Owosso Flexible Spending Plan* approved and adopted in this resolution.
- FOURTH: that all prior resolutions and documents for the *City of Owosso Flexible Spending Plan* are rescinded as of January 1, 2018.

Change Order No. 4 – WWTP Primary Clarifiers Replacement Contract. Approve Change Order No. 4 to the WWTP Primary Clarifiers Replacement Contract with Titus Welding Company increasing the contract amount \$5,114.00 for work to repair and replace the north primary clarifier electrical conduit and concrete pad, and authorize payment to the contractor upon completion of said work as detailed:

RESOLUTION NO. 151-2017

**AUTHORIZING CHANGE ORDER NO. 4 WITH TITUS WELDING COMPANY, INC.
FOR THE MANUFACTURE, DELIVERY, AND INSTALLATION OF CIRCULAR TROUGH, WEIR AND BAFFLE PLATES FOR THE NORTH PRIMARY CLARIFIER AT THE WASTEWATER PLANT**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has budgeted from the Wastewater Plant Replacement Fund for the replacement of Primary Clarifier components, and

WHEREAS, the existing north Primary Clarifier was discovered to have a broken electrical conduit, and Titus Welding Company, Incorporated of Farmington Hills, Michigan has provided a proposal for the repair and replacement of a section of concrete and the electrical conduit, and

WHEREAS, the Director of Public Services & Utilities has reviewed the proposal and verified the repair and replacement needed to restore the north clarifier electrical conduit to, and recommends authorizing Titus Welding Company, Incorporated to provide the necessary materials, labor, and installation services in the amount of \$5,114.00 to make these repairs..

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 Titus Welding Corporation, Incorporated for the repair and replacement of the north Primary Clarifier concrete pad and electrical conduit at the Wastewater Treatment Plant.
- SECOND: The accounts payable department is authorized to submit payment to Titus Welding Company, Incorporated in the amount of \$5,114.00 for the repair and replacement of the concrete pad and electrical conduit, and to increase the amount authorized for payment from \$603,422.00 to \$608,536.00.

THIRD: The above expenses shall be paid from the Wastewater Plant Fund 599-901-977.000.

Change Order No. 1 – Curwood Castle Park Renovations. Approve Change Order No. 1 to the Curwood Castle Park Renovation contract with Sumbera Excavating, Inc. adjusting the project completion date from October 13, 2017 to October 31, 2017 to accommodate requests from the Historical Commission and the Shiawassee Arts Council for use of the park for special events as follows:

RESOLUTION NO. 152-2017

**AUTHORIZING THE APPROVAL OF CHANGE ORDER #1 FOR
CURWOOD CASTLE PARK RENOVATION PROJECT
WITH SUMBERA EXCAVATING, INC.**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Sumbera Excavating, Inc. on August 21, 2017 in the amount of \$76,305.00; and

WHEREAS, an extension of the contract completion date from October 13, 2017 to October 31, 2017 is necessary; and

WHEREAS, there is no change as to expense; and

WHEREAS, the work is necessary to complete the project in accordance with agreements between the city of Owosso, MDNR, and other interested parties related to the project.

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 amend the contract with Sumbera Excavating, Inc. changing the contract completion date from October 13, 2017 to October 31, 2017.

SECOND: The mayor and city clerk are instructed and authorized to sign Change Order #1 between the City of Owosso and Sumbera Excavating, Inc.

Check Register – September 2017. Affirm check disbursements totaling \$2,786,074.71 for September 2017.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Rezoning Request - 621 W. Oliver Street (postponed from the meeting of October 2, 2017)

City Attorney William C. Brown started the conversation by explaining that the Zoning Enabling Act provides that the owner of land may offer, in writing, conditions to the rezoning of the property. Per the terms of the law what is before Council this evening is the applicant's offer. Council may deny the application, approve the application with no conditions, or approve the application with conditions. The Council can also change the conditions. He went on to briefly detail the conditions listed in the proposed agreement.

Mayor Eveleth indicated that he had listened to the concerns of the neighborhood, but was also aware of uses the building has had in the past and in light of those uses he felt comfortable with the agreement as proposed saying it was more restrictive than the recommendation made by the Planning Commission. He further noted that the agreement would return the property to the tax rolls after an absence spanning several decades.

Councilmember Fox expressed concern with the lighting and the fact that the restrictions on the type of offices that could use the property would only take effect if the property is sold. He asked that these restrictions apply to the current user as well. It was suggested the agreement be amended to require the restrictions prohibiting specific types of offices apply to the current owner as well as future owners.

Mr. Fox went on to say that as a part of the Planning Commission he had worked hard to keep out spot zoning and he ultimately could not support the rezoning as proposed.

There was discussion regarding the current lighting on the parcel and the language of the agreement as it pertains to the lighting. It was suggested the agreement be amended to include a requirement that the owner shall install "dark sky lighting" within 90 days.

Councilmember Teich inquired whether apartments would be allowed on the premises. Mike Cross, owner representative, indicated that the owner had proposed a top floor apartment to provide lodging when they are in town. It was suggested the agreement be amended to include a restriction on the leasing of residential apartments.

Mayor Eveleth inquired whether Mr. Cross was agreeable to the suggested amendments. He indicated they were acceptable.

Motion by Mayor Pro-Tem Osika to approve the request to rezone the property at 621 West Oliver Street from R-1, Single Family Residential, to OS-1, Office Service District pursuant to the provisions of the Conditional Re-Zoning Agreement between ESK Investments, LLC and the City of Owosso with the three amendments suggested as follows:

ORDINANCE NO. 788

**AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES
TO REZONE A PARCEL OF REAL PROPERTY
AT 621 W. OLIVER STREET
AND AMENDING THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from a land owner of real property identified as 621 W. Oliver Street, parcel 050-660-004-006-00, LOT 1 BLK 4 (EX N 266') ALSO E 171' 2 1/2" OF LOT 2 BLK 4 A L & B O WILLIAMS ADD to rezone the parcel from R-1 Single Family Residential District to OS-1 Office Service District; 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 050-660-004-006-00, 621 W. Oliver Street from R-1 Single Family Residential District to OS-1 Office Service District; and

WHEREAS, the City Council held a public hearing October 2, 2017 and having heard all interested persons and deliberated on the request; and

WHEREAS, the City Council finds that the zoning petition meets the intent and criteria for a zoning map amendment, with conditions as defined in the Conditional Re-Zoning Agreement between ESK Investments, LLC and the City of Owosso.

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 OS-1 Office Service District for 621 W. Oliver Street, parcel 050-660-004-006-00, pursuant to the provisions of the Conditional Re-Zoning Agreement between ESK Investments, LLC and the City of Owosso.

SECTION 2. SEVERABILITY. Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of not force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other party or portion of this ordinance.

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 November 6, 2017.

CONDITIONAL RE-ZONING AGREEMENT

This Conditional Re-Zoning Agreement is by and between ESK Investments, LLC, of 5640 Crestbrook Drive, Morrison, Colorado 80465 ("Owner"), and the City of Owosso, a Michigan municipal corporation, of 301 West Main Street, Owosso, Michigan 48867, and is entered into this _____ day of _____, 2017.

RECITALS

WHEREAS Owner intends to purchase real property commonly known as 621 West Oliver Street, Owosso, Michigan, being parcel number 050-660-004-006-00 ("the property") and specifically described on Exhibit A.

WHEREAS Owner has requested that the City of Owosso re-zone said property from R-1 One-Family Residential Districts to OS-1 Office Service District for the purpose of computer service and repair;

WHEREAS Owner has requested the re-zoning of the property to allow for operation of a computer service and repair facility by a contract that stipulates the terms and conditions for use under the authority of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006 (MLC 125.404).

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The real property described on Exhibit A is hereby re-zoned to OS-1 Office Service District subject to the following terms and conditions.
2. The U-shaped driveway in the front of the building shall be removed within ninety (90) days of the date of this Agreement.
3. The signs on Oliver Street shall remain the same in structure as currently exist, only changing the name on the sign to the current owner.
4. Vehicle parking shall remain on the south portion of the premises. The north entryway into the building shall only be used for emergency purposes.
5. ESK Investments, LLC shall install "dark sky lighting" within ninety (90) days of the date of this Agreement.
6. This Agreement is transferrable. If the Owner were to transfer the property to a third party, the only OS-1 uses that will be allowed would be:
 - Office buildings for any of the following occupations: executive administrative, professional, accounting, writing, clerical, stenographic, telecommunications, data farms, data centers, internet service providers, software development, call centers, drafting and sales subject to the limitations contained in section 38-174 of the City of Owosso Ordinances.
 - Off-street parking lots;
 - Churches;
 - Accessory structures and uses customarily incident to the permitted uses; and
 - Residential structures.

The following uses shall not be permitted by ESK Investments, LLC or in the event of a transfer:

- Professional services including the following: offices of doctors, dentists, osteopaths and similar or allied professions including clinics;
- Facilities for human care such as hospitals, sanitariums, rest and convalescent homes;
- Banks, credit unions, savings and loan associations and similar uses; drive-in facilities as an accessory use only;
- Personal service establishments including barber shops, beauty shops and health salons; and
- Photographic studios and interior decorating studio.
- There shall be no leases for residential uses.

7. This Agreement constitutes the entire agreement between the parties with respect to the matter set forth herein, and there are no representations, warranties, covenants or obligations except as set forth herein. This Agreement supersedes all prior contemporaneous agreements, understandings, negotiations statements and discussion, written or oral, of the parties hereto, relating to the matters contemplated by the Agreement.

8. If the Owner or any transferee defaults in any way of the terms of this Agreement, or the re-zoning ordinance of the City of Owosso in any way, this Agreement shall be automatically terminated by a notice sent to Owner by the City of Owosso. If this Agreement is terminated, the property shall revert back to R-1 Residential zoning.

9. This Agreement shall run with the land.

10. A copy of this Agreement or a memorandum of this Agreement may be recorded with the Shiawassee County Register of Deeds.

EXHIBIT A

Lot 1, Block 4 (except the North 266'), also the East 171' 2 ½" of Lot 2, Block 4 of A L & B O Williams Addition, City of Owosso, Shiawassee County, Michigan.

Motion supported by Councilmember Bailey.

Roll Call Vote.

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

NAYS: Councilmember Fox.

Redevelopment Ready Communities Program - Citizen Participation Plan

Motion by Mayor Pro-Tem Osika to adopt the Citizen Participation Plan required by the Michigan Economic Development Corporation Redevelopment Ready Communities Program as follows:

RESOLUTION NO. 153-2017

AUTHORIZING THE ADOPTION OF A CITIZEN PARTICIPATION PLAN

WHEREAS, the City of Owosso evaluates each project on an individual basis to determine project scope, stakeholders, project limitations, approving body, points of community impact during the decision making process, internal and external resources, and level of appropriate community involvement; and

WHEREAS, the City of Owosso makes information available in a timely manner to enable interested parties to be involved in decisions at various stages of the review and approval process; and

WHEREAS, the City of Owosso engages citizens in a transparent manner, making information easy to access for all interested members of the community; and

WHEREAS, the City of Owosso seeks public participation for matters involving future development of the City, such as the City of Owosso Master Plan and City of Owosso Zoning Ordinance update process; and

WHEREAS, the City of Owosso seeks creative ways to involve a diverse set of community stakeholders in planning, land use, and development decisions; and

WHEREAS, the City of Owosso uses comments and information received from interested members of the community to make decisions regarding planning, land use, and future development; and

WHEREAS, the City of Owosso tracks and analyzes the results of all public participation to the extent feasible and provides summaries back to the public; and

WHEREAS, the City of Owosso will provide for and encourage participation by persons of Low and Moderate Income (LMI) who are residents of slum or blighted areas and of areas in which funds are proposed to be used.

WHEREAS, the City of Owosso understands and values public involvement in the decision-making process; and

WHEREAS, the City is dedicated to maximizing opportunities for its residents and customers to provide input on policies, programs, and projects in order to reach the best decisions for the people of Owosso; and

WHEREAS, the Owosso Planning Commission has approved a plan to enhance and expand public participation processes:

NOW, THEREFORE BE IT RESOLVED, the Owosso City Council hereby adopts the City of Owosso Public Participation Plan.

Motion supported by Councilmember Bailey.

Roll Call Vote.

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

NAYS: None.

Redevelopment Ready Communities Program – Implementation of Best Practices

Motion by Councilmember Bailey to authorize staff to proceed with implementation of best practices as identified by RRC Program Report of Findings, with the ultimate goal of obtaining RRC certification as detailed below:

RESOLUTION NO. 154-2017

**AUTHORIZING THE IMPLEMENTATION OF
RECOMMENDATIONS NECESSARY TO RECEIVE
REDEVELOPMENT READY COMMUNITIES CERTIFICATION
FROM THE MICHIGAN ECONOMIC**

WHEREAS, the city of Owosso has engaged in the MEDC Redevelopment Ready Communities Program, including entering into a Memorandum of Understanding with the MEDC and undergoing an evaluation of the City's redevelopment practices as reported in the Redevelopment Ready Communities Community Assessment Report and Evaluation of Findings dated August 2017; and

WHEREAS, the MEDC has developed a program for certifying Redevelopment Ready Communities and the city of Owosso desires to achieve that certification by implementing best practices and recommended strategies for redevelopment; and

WHEREAS, the city of Owosso is currently updating its Master Plan and will utilize recommendations and technical assistance to ensure that development readiness is appropriately addressed in that document; and

WHEREAS, the program includes evaluating the strong partnerships with city boards and commissions related to development including the Owosso City Council, Owosso Planning Commission, Owosso Brownfield Redevelopment Authority, Board of Zoning Appeals, Downtown Development Authority, Shiawassee Regional Chamber of Commerce, and Shiawassee Economic Development Partnership; and

WHEREAS, after review of the Redevelopment Ready Community Assessment Report, the city of Owosso is willing to complete the tasks as outlined, which will involve interaction with the aforementioned City commissions and boards; and

WHEREAS, certain recommendations have and will be made by the MEDC that are required in order for the city of Owosso to attain Redevelopment Ready Communities Certification.

THEREFORE, BE IT RESOLVED, that the city of Owosso, through its city council, authorizes the implementation of recommendations made by the MEDC, which are necessary to receive Redevelopment Ready Communities Certification from the MEDC.

Motion supported by Councilmember Greenway.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

N. Bradley Hissong, Building Official. September 2017 Building Department Report.

N. Bradley Hissong Building Official. September 2017 Code Violations Report.

Kevin D. Lenkart, Public Safety Director. September 2017 Police Report.

Kevin D. Lenkart, Public Safety Director. September 2017 Fire Report.

Planning Commission. Minutes of September 25, 2017.

Parks & Recreation Commission. Minutes of September 27, 2017.

Historical Commission. Minutes of October 2, 2017.

Downtown Development Authority/Main Street. Minutes of October 4, 2017.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, wanted to know if a neighbor could trap unwanted cats. It was noted that such activity is illegal.

Mike Cross of Say Computer thanked the Council for their consideration of his rezoning request. He said his business would do everything it could to be good neighbors.

Mike Erfourth, 801 W. Oliver Street, said he will be moving soon in light of the decision to rezone. He said Council didn't listen to its constituents. He also said he would be forwarding his concerns on conflicts of interest to the Attorney General.

Justin Horvath of the SEDP thanked Council for striking a balance between the needs of the parties involved in the rezoning.

Shaffer Fox, 510 E. Oliver Street, said he was surprised that Council made a decision on the rezoning so fast. He said the neighbors didn't want this and Council could have talked about it some more.

Tom Manke, Owosso Township resident, said the program allowing people to keep more than three cats was out of control.

Janae Fear, Planning Commission member, said that the Commission did not get the benefit of hearing from all the people that came to speak to Council regarding the rezoning and she wondered if the Commission would've recommended the rezoning if they had heard from those residents.

Gordon Pennington, 417 E. Oliver Street, said that enforcement of the rezoning agreement will be critically important and should possibly be subject to review. He said the Council needs to make sure that residents in the community feel protected in situations like this.

Councilmember Fox wanted to know when the Historical Commission bylaws were changed to allow members that were not City residents. He said he had concerns about the current make-up of the Commission. He also asked who is responsible for enforcement of the cat issue.

City Manager Crawford indicated that enforcement of the cat ordinance is handled through the code enforcement process. He said violators are sited and given time to make changes or they agree to participate in the spay/neuter/release program. If there is no follow through the issue is handled in court.

Councilmember Fox said he had recently received information that MDOT and Consumers Energy were willing to help get the bike trail into the City. He said work needs to be done on the City side of the trail and he would be looking into grants for the project.

In response to the rezoning comments Councilmember Greenway said she felt that Baker College would sell the property to someone in the future and she felt the Council had more control over the situation by taking the approach they did.

Councilmember Law inquired about the rules for cats, saying something needs to be done. City Manager Crawford said there had been countless cat cases taken to court or given tickets. He suggested possibly considering licensing cats.

Councilmember Bailey noted that people were confusing two different issues. She said that 3-4 people are working with Community Cats to rehab and adopt cats out; all other cats are not participating in the program. She went on to say that the organization has helped to spay/neuter almost 2,000 cats and works to place the animals as well. She said people working with the organization shouldn't be the issue.

NEXT MEETING

Monday, November 06, 2017

BOARDS AND COMMISSIONS OPENINGS

Board of Review – term expires December 31, 2019
Brownfield Redevelopment Authority/LDFA – term expires June 30, 2018
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 Mayor Pro-Tem Osika for adjournment at 8:48 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk