

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF MARCH 4, 2019
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: PASTOR MARLENE WEBSTER
OWOSSO CITY CHURCH

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

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika,
Councilmembers Loreen F. Bailey, Janae L. Fear, Jerome C.
Haber, Daniel A. Law, and Nicholas L. Pidek.

ABSENT: None.

APPROVE AGENDA

Motion by Councilmember Pidek to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF FEBRUARY 19, 2019

Motion by Councilmember Bailey to approve the Minutes of the Regular Meeting of February 19, 2019 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

District 1 County Commissioner Marlene Webster gave a very brief update on the activities at the County. She noted that a May election has been called for voters to consider the construction of a new jail. She said the jail is open for tours each week and plans for the project are available for public inspection.

Eddie Urban, 601 Glenwood Avenue, said he was recently diagnosed as having had a heart attack and he cautioned others to watch out for them even if they don't have the normal risk factors.

Councilmember Fear congratulated OCP on their wonderful performance of Tarzan which wrapped up over the weekend. She also noted the great Smithsonian Waterways exhibit currently on display at the Shiawassee Arts Council. Mayor Eveleth echoed Councilmember Fear's comments about the SAC exhibit. He said he had the opportunity to judge the 8th grade poetry competition held as a part of the exhibit and he was impressed with all of the great poems.

CITY MANAGER REPORT

City Manager Nathan R. Henne detailed the latest Project Status Report for the Council.

Mayor Eveleth offered his congratulations to Assistant City Manager Cyphert on the news that she has secured a new job. He said she will be missed.

CONSENT AGENDA

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

First Reading & Set Public Hearing – Ordinance Amendment A - Chapter 38, Zoning.

Conduct first reading and set a public hearing for Monday, March 18, 2019 to receive citizen comment on the proposed amendments to sections: Section 38-197, 38-217, 38-242, 38-267, and 38-292 of Chapter 38, Zoning, setting buffer zone requirements for medical marihuana businesses as follows:

RESOLUTION NO. 32-2019

**AUTHORIZING SETTING A PUBLIC HEARING TO
AMEND VARIOUS SECTIONS OF CHAPTER 38, ZONING,
OF THE CODE OF THE CITY OF OWOSSO
AMENDING BUFFER ZONE REQUIREMENTS
FOR MEDICAL MARIHUANA RELATED FACILITIES**

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that “[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility”; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that “[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations...”; and

WHEREAS, City Council adopted Ordinance No. 793 to add Chapter 16.5, Medical Marihuana Facilities Licensing-police Power Ordinance, and amend various sections of Chapter 38, Zoning, of the Code of the City of Owosso to authorize and regulate medical marihuana related facilities on July 2, 2018;

WHEREAS, the Owosso Planning Commission has met, discussed and authored amendments to the buffer zone requirements for medical marihuana facilities; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2019 at its regularly scheduled meeting regarding the proposal to amend various sections of Chapter 38, Zoning, in which one citizen comment was received; and

WHEREAS, the Planning Commission further recommends adoption of the following amendments to the Zoning Ordinance for medical marihuana related facilities; and

WHEREAS, the City Council is required to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments.

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

SECTION 1. AMENDMENT. That Section 38-197, Principal uses permitted, of Chapter 38, Zoning, Article IX, *B-1 Local Business District* of the Code of Ordinances is hereby amended to read:

Sec. 38-197. - Principal uses permitted. (B-1, Local Business District)

In a B-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (11) A marihuana provisioning center as authorized by the city of Owosso’s Medical Marihuana Facilities Licensing - Police Power Ordinance, Chapter 16.5.

a. Provisioning centers shall be subject to the following standards:

6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act. ~~as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school building.~~

- i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. **The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest**

to the provisioning center and from the part of the provisioning center nearest to the school building.

- ii. A provisioning center may not be located within 100 feet of a residentially zoned ~~property structure~~. **The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.**
- iii. **A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.**
- ii-iv. **No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.**

SECTION 2. AMENDMENT. That Section 38-217, Principal uses permitted, of Chapter 38, Zoning, Article X, *B-2 Planned Shopping Center District*, of the Code of Ordinances is hereby amended to read:

Sec. 38-217. - Principal uses permitted. (B-2, Planned Shopping Center District)

In a B-2 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (4) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 - 6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act. ~~as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school building.~~
 - i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. **The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.**
 - ii. A provisioning center may not be located within 100 feet of a residentially zoned ~~property structure~~. **The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line**

determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.

- iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
- iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.

SECTION 3. AMENDMENT. That Section 38-242, Principal uses permitted, of Chapter 38, Zoning, Article IX, *B-3 Central Business District* of the Code of Ordinances is hereby amended to read:

Sec. 38-242. - Principal uses permitted. (B-3, Central Business District)

In a B-3 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (9) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 - 6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act. ~~as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school building.~~
 - i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. **The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.**
 - ii. A provisioning center may not be located within 100 feet of a residentially zoned ~~property~~ structure. **The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.**
 - iii. **A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2**

fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

- iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning center to the other provisioning center.

SECTION 4. AMENDMENT. That Section 38-267, Principal uses permitted, of Chapter 38, Zoning, Article XII, *B-4 General Business District* of the Code of Ordinances is hereby amended to read:

Sec. 38-267. - Principal uses permitted. (B-4, General Business District)

In a B-4 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

(10)A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.

a. Provisioning centers shall be subject to the following standards:

6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act. ~~as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school building.~~

- i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. **The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.**
- ii. A provisioning center may not be located within 100 feet of a residentially zoned ~~property~~ structure. **The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.**
- iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. **The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.**
- iv. **No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which**

another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning centers to the other provisioning center.

SECTION 5. AMENDMENT. That Section 38-292, Principal uses permitted, of Chapter 38, Zoning, Article XIII, *I-1 Light Industrial District*, of the Code of Ordinances is hereby amended to read:

Sec. 38-292. - Principal uses permitted. (I-1, Light Industrial District)

In an I-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter and subject further to the review and approval of the site plan by the planning commission in accordance with section 38-390:

~~(11) A marihuana provisioning center, grower, processor, safety compliance facility or secure transporter as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.~~

- ~~a. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the city of Owosso. In the event that a court with jurisdiction declares some or this entire article invalid, then the city of Owosso may suspend the acceptance of applications for Medical Marihuana Facilities Licenses pending the resolution of the legal issue in question.~~
- ~~b. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the city of Owosso and State of Michigan.~~
- ~~c. The city of Owosso may suspend or revoke a Medical Marihuana Facilities License based on the finding that the provisions of the Medical Marihuana Facilities Licensing Act, all other applicable provisions of this zoning ordinance, the city of Owosso's police power authorizing ordinance, or the approved site plan are not met.~~
- ~~d. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.~~
- ~~e. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in Chapter 26 - Signs of the Owosso Code of Ordinances.~~

(11) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.

- a. Provisioning centers shall be subject to the following standards:**
 - 1. Hours. A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 9:00 p.m.**
 - 2. Indoor Activities. All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.**
 - 3. Other Activities. Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.**
 - 4. Nonconforming Uses. A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.**
 - 5. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.**
 - 6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:**

- i. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.
 - ii. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 - iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
 - iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning centers to the other provisioning center.
7. Odor. As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
- i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - iv. Negative air pressure shall be maintained inside the building.
 - v. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - vi. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

(12)Marihuana growers-, **processor, safety compliance facility or secure transporter as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance**~~and marihuana processors~~ shall be subject to the following standards:

- a. **Minimum Yard Depth/Distance from Lot Lines.** Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in Article XVI. –Schedule of Regulations for each zoning designation as listed.
- b. **Indoor Growing and Processing.** In the I-1 light industrial district, marihuana growing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors. Marihuana processing shall be located entirely within one or more completely enclosed buildings.
- c. **Maximum Building Floor Space.** The following maximum building floor space shall apply in the I-1 light industrial district:
 1. If only a portion of a building is authorized for use in marihuana growing or processing, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana growing or processing space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marihuana growing or processing space and the remainder of the building.
- d. **Lighting.** Lighting shall be regulated as follows:
 1. Light cast by light fixtures inside any building used for marihuana growing or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 2. Outdoor marihuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
- e. **Odor.** As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 4. Negative air pressure shall be maintained inside the building.
 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 6. An alternative odor control system is permitted if the applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- f. **Security Cameras.** Security cameras must be used and shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan. Recordings shall be kept for 90 days.
- g. **Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:**
 1. **A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the provisioning center and from the part of the provisioning center nearest to the school building.**

2. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
3. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
4. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning centers to the other provisioning center.

SECTION 6. PUBLIC HEARING. A public hearing is set for Monday, March 18, 2019 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 7. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

SECTION 8. 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.

First Reading & Set Public Hearing – Ordinance Amendment B - Chapter 38, Zoning.

Conduct first reading and set a public hearing for Monday, March 18, 2019 to receive citizen comment on the proposed amendments to sections: Section 38-292, 38-312, 38-393 and 38-389 of Chapter 38, Zoning, establishing requirements for industrial outdoor storage screening as shown:

RESOLUTION NO. 33-2019

**AUTHORIZING SETTING A PUBLIC HEARING TO
AMEND VARIOUS SECTIONS OF CHAPTER 38, ZONING,
OF THE CODE OF THE CITY OF OWOSSO
ESTABLISHING INDUSTRIAL ZONING DISTRICT SCREENING REQUIREMENTS**

WHEREAS, Sec. 38-292, Sec. 312, Sec. 38.389, and Sec. 38-393 provide screening requirements for industrial zoning properties and uses; and

WHEREAS, the Owosso Planning Commission has met, discussed and authored amendments to the screening requirements for industrial zoning districts and uses; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2019 at its regularly scheduled meeting regarding the proposal to amend various sections of Chapter 38, Zoning, in which no public comments was received; and

WHEREAS, the Planning Commission further recommends adoption of the following amendments to the Zoning Ordinance for screening requirements for industrial zoning districts and uses; and

WHEREAS, the City Council is required to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments.

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

SECTION 1. AMENDMENT. That Section 38-292, Principal uses permitted, of Chapter 38, Zoning, Article XIII. I-1 Light Industrial Districts, of the Code of Ordinances is hereby amended to read:

Sec. 38-292. - Principal uses permitted.

In an I-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter and subject further to the review and approval of the site plan by the planning commission in accordance with [section 38-390](#):

- (1) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building;
- (2) Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment ~~used in the manufacturing, compounding, or processing shall be totally obscured by a wall on those sides abutting any residential, office or business districts, and on any front yard abutting a public thoroughfare except as otherwise provided in~~ **shall meet the requirements of section 38-389 or section 38-393**. ~~In I-1 districts, the extent of such a wall may be determined by the planning commission on the basis of usage. Such a wall shall not be less than four (4) feet six (6) inches in height and may, depending upon land usage, be required to be eight (8) feet in height, and shall be subject further to the requirements of article XVII, general provisions. A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height as above set forth.~~
 - a. Warehousing and wholesale establishments, and trucking facilities;
 - b. The manufacture, compounding, processing, packaging or treatment of such products such as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops;
 - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre [fiber], fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns;
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
 - e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products;
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs;
 - g. Laboratories—Experimental, film or testing;
 - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like;
 - i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail;
 - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
- (3) Warehouses, storage and transfer and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks; railroad rights-of-way; freight terminals;
- (4) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an ~~obscuring solid~~ wall or fence **that meets the requirements of section 38-389 or section 38-393**. ~~on those sides abutting all residential, office, or business districts, and on any yard abutting a public thoroughfare. In any "I-1" district, the extent of such fence or wall may be determined by the planning commission on the basis of usage. Such fence or wall shall not be less than five (5) feet in height, and may, depending on land usage, be required to be eight (8) feet in height. A chain link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence;~~
- (5) Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage;
- (6) Commercial kennels;
- (7) Greenhouses;
- (8) Other uses of a similar and no more objectionable character to the above uses;

- (9) Accessory buildings and uses customarily incident to any of the above permitted uses;
- (10) Residential structures existing as of January 1, 2012.
- (11) A marihuana provisioning center, grower, processor, safety compliance facility or secure transporter as authorized by the city's medical marihuana facilities licensing — police power authorizing ordinance.
- a. Any uses or activities found by the state or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the city. In the event that a court with jurisdiction declares some or this entire article invalid, then the city may suspend the acceptance of applications for medical marihuana facilities licenses pending the resolution of the legal issue in question.
 - b. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the city and state.
 - c. The city may suspend or revoke a medical marihuana facilities license based on the finding that the provisions of the Medical Marihuana Facilities Licensing Act, all other applicable provisions of this zoning ordinance, the city's police power authorizing ordinance, or the approved site plan are not met.
 - d. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this chapter.
 - e. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in [chapter 26](#) — signs.
- (12) Marihuana growers and marihuana processors shall be subject to the following standards:
- a. *Minimum yard depth/distance from lot lines.* Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in article XVI — schedule of regulations for each zoning designation as listed.
 - b. *Indoor growing and processing.* In the I-1 light industrial district, marihuana growing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors. Marihuana processing shall be located entirely within one (1) or more completely enclosed buildings.
 - c. *Maximum building floor space.* The following maximum building floor space shall apply in the I-1 light industrial district:
 1. If only a portion of a building is authorized for use in marihuana growing or processing, a partition wall at least seven (7) feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana growing or processing space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marihuana growing or processing space and the remainder of the building.
 - d. *Lighting.* Lighting shall be regulated as follows:
 1. Light cast by light fixtures inside any building used for marihuana growing or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 2. Outdoor marihuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
 - e. *Odor.* As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 2. The filtration system shall consist of one (1) or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three (3). The filter(s) shall be rated for the applicable CFM.
 3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.
 4. Negative air pressure shall be maintained inside the building.
 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 6. An alternative odor control system is permitted if the applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor

as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

- f. *Security cameras.* Security cameras must be used and shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state. Recordings shall be kept for ninety (90) days.

SECTION 2. AMENDMENT. That Section 38-312, Principal uses permitted, of Chapter 38, Zoning, Article XIV. *I-2 General Industrial Districts*, of the Code of Ordinances is hereby amended to read:

Sec. 38-312. - Principal uses permitted.

In an I-2 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any principal use first permitted in an I-1 district;
- (2) Onsite heating and electric power generating plants using conventional fuels or renewable resources;
- (3) Gasoline or petroleum storage;
- (4) Railroad yards;
- (5) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
 - a. Junkyards, provided such are entirely enclosed within a building or ~~within an eight (8) foot obscuring wall the site meets Sec. 38-389 wall requirements~~ and provided further that one property line abuts a railroad right-of-way.
- (6) Foundry operations within a closed building;
- (7) Any other use which shall be determined by the council after recommendation from the planning commission, to be of the same general character as the above permitted uses in this section. The council may impose any required setbacks and/or performance standards so as to ensure public health, safety and general welfare;
- (8) Accessory buildings and uses customarily incident to any of the above permitted uses.

Additional uses allowed by special use permit:

- (1) Grain elevators;
- (2) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
 - a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant;
 - b. Blast furnace, steel furnace, blooming or rolling mill;
 - c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris;
 - d. Petroleum or other inflammable liquids, production or refining;
 - e. Smelting of copper, iron or zinc ore.

SECTION 3. AMENDMENT. That Section 38-389, Walls, of Chapter 38, Zoning, Article XVII. *General Provisions*, of the Code of Ordinances is hereby amended to read:

Sec. 38-389. - Walls.

- (a) For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, or a single-family detached residential use, an obscuring wall as required below, except otherwise required in subsection (d):

Use Requirements

- (1) P-1 Vehicular parking district—Four (4) foot six (6) inch high wall. Off-street parking area (other than P-1 districts) four (4) foot six (6) inch high wall.
- (2) B-1, B-2, B-3, B-4, and OS-1 districts—Four (4) foot, six (6) inch high wall.
- (3) I-1 and I-2 districts—Open storage areas, loading or unloading areas, service areas—Four (4) foot, six (6) inch to eight (8) foot high wall ~~or fence. Wall H~~ height shall **be one (1) foot above the height of the open storage items, piles, etc. provide the most complete obscuring possible.** See subsection (d) of this section.
- (4) Auto wash. Drive-in restaurants—Six (6) foot high wall.

- (5) Utility buildings, stations and/or substations—Six (6) foot high wall.
- (b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the board of appeals or planning commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the area effectively. Required walls may, upon approval of the board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the board of appeals in reviewing such request.
- (c) Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the police chief and the building inspector. All walls herein required shall be constructed of materials approved by the building inspector to be durable, weather resistant, rust proof and easily maintained. ~~Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the building inspector.~~
- ~~(d) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district, or single family detached residential use, shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.~~
- ~~(e)~~(d) The ~~board of appeals or~~ planning commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four (4) feet six (6) inches in height, except where [section 38-388](#) applies. In certain consideration of request to waive wall requirements between nonresidential and residential districts, or single-family detached residential use, the planning commission shall determine ~~or the board shall refer the request to the planning commission to determine~~ whether or not the residential district or single-family detached residential use, is considered to be an area in transition and will become nonresidential in the future. In such cases as the planning commission determines the residential district or single-family detached residential use, to be a future nonresidential area, ~~the board or~~ commission may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the planning commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver.

SECTION 3. AMENDMENT. That Section 38-393, Fences and hedges, of Chapter 38, Zoning, Article XVII. *General Provisions*, of the Code of Ordinances is hereby amended to read:

Sec. 38-393. - Fences and hedges.

- (a) A fence is defined as any partition, structure or gate that is erected as a dividing marker, barrier or enclosure (excluding hedges as defined below).
- (b) A hedge is defined as any bush, shrub or any living green screen of any nature that serves as a dividing marker, barrier or enclosure.
- (c) Regulations applicable to R-1, R-2, RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1.
- (1) A fence shall not exceed six (6) feet in height in the rear or side lot of any parcel;
 - (2) Front yard fences or hedges must be less than fifty (50) percent solid, impervious, or of an obscuring nature above a height of thirty (30) inches above the curb or centerline of the street, and not exceed four (4) feet in total height;
 - (3) Fences and hedges in front yards that function as exterior side yards must follow front yard restrictions unless the fence or hedge is installed or planted at least nineteen (19) feet back from the right-of-way line or follows the building line of the nearest legal structure. All such fences and hedges must meet clear vision requirements for streets, driveways, and sidewalks.
 - (4) No fence or hedge shall extend across property lines;
 - (5) The finished side of any fence shall face away from the property on which the fence is located;
 - (6) No portion of any fence shall be constructed with or contain barbed wire, electric current or charge of electricity, glass, spikes or other sharp protruding objects;
 - (7) Fences must be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction which will obstruct

vision so to create a hazard to vehicular traffic or pedestrians upon the public streets and/or sidewalks shall be deemed a nuisance;

- (8) Fences shall not be constructed, in whole or in part, with any of the following materials:
- a. Junk or other debris.
 - b. Scrap building materials or metals.
 - c. Organic materials known to be poisonous or hazardous to human or animal life.
 - d. Other materials which may be deemed unsafe to person or property by the zoning administrator or building official.
- (9) No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.
- (10) Screening walls are required as prescribed in [section 38-389](#).

(d) Regulations applicable to industrial districts.

- (1)** Fences, ~~walls and screens~~ are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space and aesthetic character in the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet and all front yard fences must be black vinyl chain link or decorative in nature.
- (2) Industrial district uses with open storage areas, loading or unloading areas, service areas shall provide and maintain on those sides abutting or adjacent to a residential district, or a single-family detached residential use, a solid fence not to exceed eight (8) foot high. The fence height shall be one (1) foot above the height of the open storage items, piles, etc. A solid gate shall also be provided to screen the open storage from the right of way.**

~~(+)(3)~~ Except as provided below, barbed wire strands and noncoated or decorative chain link are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard except for those located on McMillan Ave, Industrial Drive, South Street, and Aiken Road.

~~(2)(4)~~ On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement, or within twenty-five (25) feet of the intersection of the two (2) right-of-way lines, so as to interfere with motorists' vision across the corner.

~~(3)(5)~~ Screening walls are required as prescribed in [section 38-389](#).

- (e) The zoning administrator or building official may require removal, reconstruction, or repair of any fence or wall which, in their judgment is dilapidated, unsafe, or a threat to the health, safety and welfare of the residents of the City of Owosso.
- (f) A permit shall be required for new fence construction, with a fee to be prescribed by resolution of the council.

SECTION 4. PUBLIC HEARING. A public hearing is set for Monday, March 18, 2019 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

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

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.

Special Assessment District No. 2019-01 – Abrey Street. Authorize Resolution No. 4 setting a public hearing for Monday, March 18, 2019 to receive citizen comment regarding Special Assessment District No. 2019-01 for Abrey Street, from Melinda Avenue to Allendale Avenue for resurfacing as detailed below:

RESOLUTION NO. 34-2019

ABREY AVENUE FROM MELINDA AVENUE TO ALLENDALE AVENUE SPECIAL ASSESSMENT RESOLUTION NO. 4

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, March 18, 2019 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

ABREY AVENUE, A PUBLIC STREET, FROM MELINDA AVENUE TO ALLENDALE AVENUE

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

STREET RESURFACING

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, March 18, 2019 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2019-02 – Allendale Avenue. Authorize Resolution No. 4 setting a public hearing for Monday, March 18, 2019 to receive citizen comment regarding Special Assessment District No. 2019-02 for Allendale Avenue, from Gould Street to the east City limits for resurfacing as follows:

RESOLUTION NO. 35-2019

**ALLENDALE AVENUE
FROM GOULD STREET TO EAST CITY LIMITS
SPECIAL ASSESSMENT RESOLUTION NO. 4**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, March 18, 2019 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.

3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

ALLENDALE AVENUE, A PUBLIC STREET, FROM GOULD STREET TO EAST CITY LIMITS

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

STREET RESURFACING

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, March 18, 2019 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2019-07 – Monroe Street. Authorize Resolution No. 4 setting a public hearing for Monday, March 18, 2019 to receive citizen comment regarding Special Assessment District No. 2019-07 for Monroe Street, from McMillan Avenue to the east City limits for resurfacing as shown below:

**RESOLUTION NO. 36-2019
MONROE STREET
FROM MCMILLAN AVENUE TO EAST CITY LIMITS
SPECIAL ASSESSMENT RESOLUTION NO. 4**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, March 18, 2019 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.

4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

MONROE STREET, A PUBLIC STREET, FROM MCMILLAN AVENUE TO EAST CITY LIMITS

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

STREET RESURFACING

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, March 18, 2019 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Special Assessment District No. 2019-08 – North Street. Authorize Resolution No. 4 setting a public hearing for Monday, March 18, 2019 to receive citizen comment regarding Special Assessment District No. 2019-08 for North Street, from the west City limits to Chipman Street for resurfacing as detailed below:

RESOLUTION NO. 37-2019

**NORTH STREET
FROM WEST CITY LIMITS TO CHIPMAN STREET
SPECIAL ASSESSMENT RESOLUTION NO. 4**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, March 18, 2019 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING
TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

NORTH STREET, A PUBLIC STREET, FROM WEST CITY LIMITS TO CHIPMAN STREET

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described improvements:

STREET RESURFACING

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, March 18, 2019 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Contract Amendment – South Washington Street Reconstruction Project Engineering Services Contract. Approve Amendment No. 2 to the contract with Eng., Inc. for engineering services for the South Washington Street Reconstruction Project for additional engineering services to change the scope of work to include full reconstruction of the street from Gute Street to Stewart Street in the amount of \$8,535.00 as follows:

RESOLUTION NO. 38-2019

**AUTHORIZING AMENDMENT NO. 2
TO THE SOUTH WASHINGTON STREET RECONSTRUCTION PROJECT
ENGINEERING SERVICES CONTRACT WITH ENG., INC. FOR
ADDITIONAL ENGINEERING SERVICES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved a Contract with Eng., Inc. on March 5, 2018 for Engineering Survey and Design Services for the South Washington Street Reconstruction Project; and

WHEREAS, the city requests additional services of the consultant to provide engineering design and construction administration services for pavement reconstruction along Washington Street, from Gute Street to M-21 (Corunna Avenue) that is beyond the original contractual scope of services; and

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 amend the contract with Eng., Inc. for a cost to the city of Owosso of \$8,535.00 for additional engineering services, as outlined within the attached proposal.
- SECOND: The mayor and city clerk are requested and authorized to sign Contract Amendment No. 2 to the Contract between the City of Owosso, Michigan and Eng., Inc.
- THIRD: The Accounts Payable department is authorized to make payment up to the amended amount of \$128,995.00 to Eng., Inc. upon successful completion of stated work.
- FOURTH: The above expenses shall be paid from the Major Street Construction Account No. 202-451-818.000-SWASHWATRO.

Bid Award – 2019 Street Resurfacing Program – Contract No. 1. Approve bid award to Joe Raica Excavating, Inc. for Contract No. 1 of the 2019 Street Resurfacing Program in the amount of \$861,638.00, authorize a contingency fund of \$50,000.00 for field adjustments, and further authorize payment to the contractor upon satisfactory completion of the project or a portion thereof as detailed below:

RESOLUTION NO. 39-2019

**AUTHORIZING THE EXECUTION OF A CONTRACT WITH
JOE RAICA EXCAVATING, INC. FOR
THE 2019 STREET PROJECT-CONTRACT NO. 1**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined that it is in the best interest of the public to replace water main and perform pavement improvements along portions of Williams Street and Palmer Avenue as set forth in the contract documents; and

WHEREAS, the city has sufficient funds to perform said improvements from its 2016 Unlimited Obligation Bond Proceeds funds to facilitate undertaking of the project; and

WHEREAS, the city of Owosso sought bids for the 2019 Street Project-Contract No. 1, and a bid was received from Joe Raica Excavating, Inc. and it is hereby determined that Joe Raica Excavating, Inc. is qualified to provide such services 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 heretofore determined that it is advisable, necessary and in the public interest to employ Joe Raica Excavating, Inc. for the 2019 Street Project-Contract No. 1.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Services Between the city of Owosso, Michigan and Joe Raica Excavating, Inc. in the amount of \$861,638.00.
- THIRD: The accounts payable department is authorized to pay Joe Raica Excavating Inc. for work satisfactorily completed on the project up to the bid Contract amount of \$861,638.00, plus a contingency amount not to exceed \$50,000.00 for city field staff adjustments.
- FOURTH: The above expenses shall be paid from the 2016 Unlimited Obligation Bond Proceeds Account Nos. 202-451-818.000WILLIAMS19 (\$770,000.00) and 203-451-818.000PALMERST19 (\$91,638.00).

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Law, Fear, Mayor Pro-Tem Osika, Councilmembers Bailey, Haber, Pidek, and Mayor Eveleth.

NAYS: None.

ITEMS OF BUSINESS

Utilities Easement Establishment

Motion by Councilmember Bailey to establish a water utilities easement along the northern edge of City-owned property commonly known as 815 Division Street as follows:

RESOLUTION NO. 40-2019

AUTHORIZING WATER UTILITY EASEMENT ON CITY OWNED LOTS

WHEREAS, the city of Owosso, Shiawassee County, Michigan, owns property described as:

LOTS 8 THRU 17 INCLUSIVE & LOTS 24 THRU 31 INCLUSIVE BLK 8 MAPLE
RIDGE PARK RE SUB DIV KEYTES ADD INCL 1/2 CLSD ALLEY & STREET,

also known as 815 Division Street, and

WHEREAS, the City desires to sell Lot 8 and a portion of Lot 9 to the owner of the property at 813 Division Street at a later date, and

WHEREAS, prior to the consideration of any sale a utility easement must be established for the protection of the 8-inch water main running along the northern border of Lots 10 & 31 and the sanitary sewer line running diagonally through Lots 9 & 10.

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 establish the following described utilities easement:

Lots 10 and 31 and part of Lot 9, including ½ of the vacated alley adjacent thereto, of Block 8 of Maple Ridge Park, a Re-subdivision of Keyte's Addition to the city of Owosso, according to the plat thereof, as recorded in Plat Book on page 92, Shiawassee County records described as beginning at the Northeast corner of said Lot 31; thence S00°16'25"W on the east line of said Block 8 a distance of 30.00 feet; thence N89°50'52"W on the South line of said Lots 10 and 31 a distance of 275.85 feet to the West line of said Block 8; thence N00°25'22"E on said West line a distance of 39.74 feet to a point that is N00°25'22"E 9.74 feet from the Southwest corner of said Lot 9; thence S87°53'08"E 137.93 feet to the center line of the 15 foot wide alley in said Block 8; thence S00°19'52"W 5.02 feet; thence S89°50'52"E 137.89 feet to the point of beginning.

to protect the water main and sanitary sewer lines running through said property.

SECOND: The City Clerk is instructed and authorized to file said easement documents with the Shiawassee County Register of Deeds.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Mayor Pro-Tem Osika, Councilmembers Haber, Law, Fear, Bailey, Pidek, and Mayor Eveleth.

NAYS: None.

Capital Improvement Plan Adoption

Assistant City Manager Amy E. Cyphert detailed the six-year plan before Council this evening. She indicated this is the first CIP plan for the City. It was developed by staff and approved by the Planning Commission. The major objectives of the plan are to incorporate the Master Plans into the budget process and to help predict major expenses for the future. She noted that some cost estimates are accurate, while others are just ballpark figures and that Council should think of the document as a living text with items amended, added, or removed each year.

Motion by Councilmember Fear to adopt the 2019-2025 Capital Improvement Plan as approved and recommended by the Planning Commission.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Bailey, Law, Fear, Haber, Mayor Pro-Tem Osika, Councilmember Pidek, and Mayor Eveleth.

NAYS: None.

Adoption of 2019-20 City Council Goals

Motion by Mayor Pro-Tem Osika to approve formal adoption of the goals set during the Council workshop conducted January 29, 2019 as follows:

Goal Area One – Trash and Recycling Improvements

- Senior staff needs to identify and analyze the issues
- Senior staff will then provide options for consideration by the City Council
- Council needs to make a final decision on approaches for moving forward with improvements

Goal Area Two – Rental Policy – Home Conversions to Rental Units

- Senior staff identify issues and analyze data related to converting existing housing to rental property
- Senior staff will develop options for the City Council to consider to stop negative rental trends.
- City Council will have the final responsibility for the decision

Goal Area Three – Study the Options for Conducting a Comprehensive Study of Owosso related to poverty, jobs, and related issues

- Senior Staff identifies elements that should be included in the comprehensive study.
- Staff identify vendors and costs for a potential study
- Council and staff discuss options

Goal Area Four – Identify Areas of Current Operations – Staffing That Should be Changed or Improved

- This analysis should be done in light of changes that may result from the completion of the master plan and or a comprehensive study of Owosso.
- Options should be discussed by council and staff

Goal Area Five – Process Goal: explore possible partnerships with other governmental entities in achieving these four goals

Motion supported by Councilmember Bailey.

Roll Call Vote.

AYES: Councilmembers Haber, Bailey, Pidek, Law, Mayor Pro-Tem Osika, Councilmember Fear, and Mayor Eveleth.

NAYS: None.

Closed Session

Motion by Councilmember Bailey to approve holding closed session after the last session of Citizen Comments and Questions for the purpose of discussing collective bargaining negotiations.

Motion supported by Councilmember Pidek.

Roll Call Vote.

AYES: Councilmembers Pidek, Fear, Law, Mayor Pro-Tem Osika, Councilmembers Haber, Bailey, and Mayor Eveleth.

NAYS: None.

COMMUNICATIONS

Katherine Fagan, City Treasurer. Correction to summer tax bill for parcel 050-580-000-007-00.
Amy E. Cyphert, Assistant City Manager. 2018 Planning Commission Annual Report.
Downtown Historic District Commission. Minutes of June 13, 2018.

CITIZEN COMMENTS AND QUESTIONS

Eddie Urban, 601 Glenwood Avenue, spoke about his desire to fix the sagging sidewalk along the side of his property, once again offering to pay to have it redone.

Councilmember Bailey said she was impressed by the work accomplished by the Planning Commission over the last year.

Councilmember Fear said she had the opportunity to attend Poverty 101 recently, they offered great eye-opening information, and she thinks that everyone should try to attend.

COUNCIL ADJOURNED TO CLOSED SESSION AT 7:55 P.M.

COUNCIL RETURNED FROM CLOSED SESSION AT 8:16 P.M.

APPROVAL OF THE MINUTES OF THE CLOSED SESSION OF FEBRUARY 19, 2019

Motion by Councilmember Bailey to approve the Closed Session of the Regular Meeting of February 19, 2019 as presented.

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

POLC – COMMAND UNIT CONTRACT

Motion by Councilmember Law to approve contract with the Police Officers' Labor Council – Command Unit contract for the three-year term beginning July 1, 2018 and ending June 30, 2021.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmembers Fear, Bailey, Haber, Law, Mayor Pro-Tem Osika, Councilmember Pidek, and Mayor Eveleth.

NAYS: None.

NEXT MEETING

Monday, March 18, 2019

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate - term expires June 30, 2019
Building Board of Appeals – Alternate - term expires June 30, 2021
Brownfield Redevelopment Authority – term expires June 30, 2022
Historical Commission – term expires December 31, 2020
Historical Commission – 2 terms expire December 31, 2021
Parks & Recreation Commission – term expires June 30, 2019
Zoning Board of Appeals - Alternate – term expires June 30, 2021

ADJOURNMENT

Motion by Councilmember Bailey for adjournment at 8:17 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk