

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF DECEMBER 21, 2015
7:30 P.M.**

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK
OPENING PRAYER: MAYOR BENJAMIN R. FREDERICK
PLEDGE OF ALLEGIANCE: COUNCILWOMAN LOREEN F. BAILEY
PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Christopher T. Eveleth, Councilpersons Loreen F. Bailey, Burton D. Fox, Elaine M. Greenway, Michael J. O'Leary, and Robert J. Teich, Jr.
ABSENT: None.

APPROVE AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the agenda with the following change:

Postpone Item of Business 3. Waiver of Reversionary Clause – Osburn Lakes Lot 50 until the second meeting in January 2016.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 7, 2015

Motion by Councilperson Fox to approve the Minutes of the Regular Meeting of December 7, 2015 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Bikin' for Burns Donation

Representatives from ABATE of Michigan Region 20 presented the City of Owosso Fire Department a check for \$5,060.13 for the purchase of a thermal imaging camera.

Upon returning to his seat Mayor Frederick noted the two updated documents distributed to Council just prior to the meeting.

PUBLIC HEARINGS

Special Assessment District No. 2015-02 – Hazards and Nuisances

A public hearing was conducted to receive citizen comment regarding proposed Special Assessment District No. 2015-02, Hazards and Nuisances, as it relates to the annual listing of unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances.

The following person commented regarding the proposed special assessment roll:

Roger Bennett, 322 S. Dewey St, via letter received December 21, 2015.

Mayor Frederick inquired about the details of Mr. Bennett's protest, specifically asking how many workers attended to the work on Mr. Bennett's property. Staff indicated that Mr. Bennett's protest had brought to light a mistake in the billing and the charges against his property should be reduced by \$77.06 to reflect the fact that two workers completed the work and not four as indicated on the invoice.

RESOLUTION NO. 121-2015

**AUTHORIZING THE ROLL FOR
SPECIAL ASSESSMENT DISTRICT NO. 2015-02, HAZARDS & NUISANCES**

WHEREAS, the Council, after due and legal notice, has met and having heard all interested parties, motion by Mayor Pro-Tem Eveleth to adopt Special Assessment Resolution No. 2 for the annual hazards & nuisances roll, reducing the charges for the property at 322 South Dewey Street by \$77.06, as follows:

PARCEL NUMBER	ADDRESS	BALANCE
050-115-002-003-00	1119 S SHIAWASSEE	\$ 183.68
050-320-011-003-00	119 ELIZABETH	\$ 367.71
050-180-000-004-00	120 S OAK	\$ 866.51
050-623-000-005-00	1210 MACK	\$ 234.31
050-536-000-034-00	1230 N SHIAWASSEE	\$ 256.77
050-536-000-034-00	1230 N SHIAWASSEE	\$ 594.55
050-537-000-040-00	1232 W MAIN	\$ 547.72
050-390-004-012-00	1260 ADAMS	\$ 456.14
050-390-004-012-00	1260 ADAMS	\$ 789.03
050-040-000-026-00	1307 STATE	\$ 760.43
050-090-001-003-00	1408 W MAIN	\$ 201.59
050-090-001-004-00	1416 W MAIN	\$ 201.59
050-490-000-018-00	1636 W MAIN	\$ 201.59
050-570-000-026-00	1700 W STEWART	\$ 776.76
050-602-007-005-00	1803 W STEWART	\$ 194.49
050-602-007-005-00	1803 W STEWART	\$ 346.31
050-602-007-005-00	1803 W STEWART	\$ 433.03
050-660-023-002-00	206 S HOWELL	\$ 697.15
050-050-000-043-00	214 S CEDAR	\$ 207.72
050-601-000-038-00	217 W STEWART	\$ 182.11
050-601-000-038-00	217 W STEWART	\$ 629.58
050-090-002-017-00	218 CARMODY	\$ 168.75
050-100-001-015-00	221 S CHIPMAN	\$ 194.49
050-601-000-037-00	221 W STEWART	\$ 182.13
050-601-000-037-00	221 W STEWART	\$ 447.46
050-160-000-008-00	301 STRATFORD	\$ 263.43
050-470-009-002-00	316 E WILLIAMS	\$ 264.18
050-180-004-018-00	322 S DEWEY	\$ 201.87
050-680-005-004-00	413 CORUNNA	\$ 974.24
050-430-000-005-00	419 HAMBLIN	\$ 572.07
050-270-000-147-00	508 HAMPTON	\$ 264.18
050-250-000-050-00	514 PINE	\$ 460.22
050-010-016-020-00	616 GLENWOOD	\$ 369.89
050-470-032-007-00	618 N WASHINGTON	\$ 194.49
050-010-017-024-00	621 WOODLAWN	\$ 371.86
050-470-032-008-00	622 N WASHINGTON	\$ 194.49
050-660-001-005-00	623 N SHIAWASSEE	\$ 194.49
050-420-003-009-00	626 LINGLE	\$ 301.92
050-420-001-013-00	628 CORUNNA	\$ 606.94
050-240-002-015-00	631 N HICKORY	\$ 346.31
050-010-032-006-00	714 ABREY	\$ 989.06
050-060-011-010-00	721 N WATER	\$ 554.92
050-420-011-015-00	755 BROADWAY	\$ 264.18
050-652-007-001-00	806 S SAGINAW	\$ 264.18
050-652-007-009-00	813 S PARK	\$ 168.30
050-710-001-012-00	915 CORUNNA	\$ 293.12
050-710-001-012-00	915 CORUNNA	\$ 204.50
050-710-001-012-00	915 CORUNNA	\$ 504.02
		\$ 18,944.46

and

WHEREAS, the Council deems said Special Assessment Roll- Hazards and Nuisances to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the unpaid costs incurred in the altering, repairing, tearing down, abating or removing of hazards and nuisances of said properties.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll-Hazards and Nuisances as prepared by the City Assessor in the amount of \$18,944.46 is hereby confirmed and shall be known as Special Assessment Roll-Hazards and Nuisances No. 2015-02.
2. Said Special Assessment Roll-Hazards and Nuisances No. 2015-02 shall be placed on file in the office of the City Clerk who shall attach his warrant to a certified copy thereof within ten (10) days commanding the Assessor to spread the various sums shown thereon as directed by the City Council.

Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilpersons Bailey, Teich, Mayor Pro-Tem Eveleth, Councilpersons O'Leary, Fox, Greenway, and Mayor Frederick.

NAYS: None.

As a point of information, the following invoices consist of unpaid nuisances and hazards that are unable to be leined and must be written off due to the State of Michigan tax sale process.

INVOICE #	PARCEL NUMBER	ADDRESS	BALANCE
3912	050-180-005-004-00	424 GROVER	729.94
3947	050-651-007-002-00	222 CASS	184.43
3950	050-180-005-002-00	424 GROVER	157.92
3957	050-180-005-004-00	424 GROVER	253.64
3964	050-601-000-064-00	319 W RIDGE	266.52
3969	050-660-011-001-00	219 N CEDAR	173.98
3998	050-180-005-004-00	424 GROVER	182.12
4002	050-430-000-008-00	500 E HOWARD	161.78
4003	050-430-000-002-00	425 HAMBLIN	340.15
4007	050-651-007-002-00	222 CASS	181.42
4008	050-660-011-001-00	219 N CEDAR	263.43
4020	050-601-000-064-00	319 W RIDGE	183.28
4049	050-660-011-001-00	219 N CEDAR	182.12
4051	050-180-005-004-00	424 GROVER	264.18
			3,524.91

Ordinance Amendment – Play Structures

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 38, Zoning, Section 38-5, *Definitions*, and Section 38-379, *Accessory buildings*, to add language defining play structures and where they may be located.

The following people commented regarding the proposed amendment:

Tom Manke, Owosso Township resident, commented in objection to the proposed amendment. Zack Rodriguez, 120 North Howell Street, commented in objection to the proposed amendment.

At the conclusion of the public comment portion of the hearing a number of Council members indicated their dislike for the proposal. They also expressed their dismay that staff did not send a letter to Mr. Rodriguez permitting his swing set to remain in his front yard. One Council member commented on the safety concerns presented by allowing swing sets in front yards.

Whereas, the Council, after due and legal notice, has met and having heard all interested persons, motion by Mayor Pro-Tem Eveleth to deny the proposed ordinance amendment.

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Councilpersons O'Leary, Greenway, Bailey, Fox, Teich, Mayor Pro-Tem Eveleth, and Mayor Frederick.

NAYS: None.

City Manager Crawford indicated there must have been some misunderstanding because Mr. Rodriguez had already received a letter indicating the code violations would be dismissed and there would be no further action by the City regarding his swing set.

Rezoning - M71 Corridor

A public hearing was conducted to receive citizen comment regarding the proposed rezoning of various parcels along the M71 corridor to reduce spot zoning and bring the zoning in line with the Master Plan.

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

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

ORDINANCE NO. 772

AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO REZONE VARIOUS PARCELS OF REAL PROPERTY ALONG THE M-71 CORRIDOR AND AMEND THE ZONING MAP

WHEREAS, the City of Owosso adopted a Master Plan in 2012 which includes a future land use plan; and

WHEREAS, the Planning Commission desires to carefully implement prudent changes suggested by the Master Plan; and

WHEREAS, the Planning Commission recommends the rezoning of select parcels in the area to reduce spot zoning and create an area with effective zoning for potential development and economic growth while land owners to maintain the current use of their property if they so desire; and

WHEREAS, the Planning Commission published and mailed notices for the rezoning, held a public hearing at its regular meeting on July 27, 2015, and deliberated on the rezoning; and

WHEREAS, the Planning Commission finds that the proposed rezonings meet the intent and criteria for a zoning amendment as it relates to the master plan and the zoning ordinance; and

WHEREAS, the City staff and Planning Commission recommend, without reservations or conditions, the rezoning of the following parcels:

Parcel Address	Parcel Number	Current Zoning	Proposed Zoning
424 Maple	050-710-000-001-00	R-2	R-1
416 Maple	050-710-000-003-00	R-2	R-1
637 Corunna Ave	050-710-000-002-00	R-2	R-1
633 Corunna Ave	050-542-000-019-00	R-2	R-1
706 Corunna Ave	050-542-000-032-00	RM-1	B-4
625 Huron	050-542-000-022-00	I-2	I-1
460 E. Howard	050-680-003-004-00	R-2	I-1
452 E. Howard	050-680-003-003-00	R-2	I-1
446 E. Howard	050-680-003-002-00	R-2	I-1
440 E. Howard	050-680-003-001-00	R-2	I-1
509 S. Saginaw	050-651-018-002-00	I-2	I-1
S. Washington	050-651-000-005-00	I-2	I-1

and

WHEREAS, the City Council held a public hearing December 21, 2015, there being no one to be heard, they deliberated on the request; and

WHEREAS, the City Council finds that the zoning petition meets the intent and criteria for a zoning map amendment, specifically as it relates to the requirements of Section 38-555 of the Code of Ordinances of 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, Sec. 38-27, Zoning Districts and Map, reflect the following changes, to be noted on the official map and filed with the city clerk:

Parcel Address	Parcel Number	Current Zoning	Proposed Zoning
424 Maple	050-710-000-001-00	R-2	R-1
416 Maple	050-710-000-003-00	R-2	R-1
637 Corunna Ave	050-710-000-002-00	R-2	R-1
633 Corunna Ave	050-542-000-019-00	R-2	R-1
706 Corunna Ave	050-542-000-032-00	RM-1	B-4
625 Huron	050-542-000-022-00	I-2	I-1
460 E. Howard	050-680-003-004-00	R-2	I-1
452 E. Howard	050-680-003-003-00	R-2	I-1
446 E. Howard	050-680-003-002-00	R-2	I-1
440 E. Howard	050-680-003-001-00	R-2	I-1
509 S. Saginaw	050-651-018-002-00	I-2	I-1
S. Washington	050-651-000-005-00	I-2	I-1

SECTION 2. 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 3. EFFECTIVE DATE. This amendment shall become effective January 11, 2016.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilperson Greenway, Mayor Pro-Tem Eveleth, Councilpersons Fox, Bailey, Teich, O'Leary, and Mayor Frederick.

NAYS: None.

Rezoning - 401 Howard Street

A public hearing was conducted to receive citizen comment regarding the request to rezone the property at 401 Howard Street from I-2, General Industrial District, to I-1, Light Industrial District.

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

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

ORDINANCE NO. 773

**AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES
TO REZONE THE PARCEL OF REAL PROPERTY
AT 401 E. HOWARD STREET
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from the land owner of real property identified as 401 E. Howard Street, parcel 050-680-002-003-00, lots 7 8 9 BLK 2 (EX AARR R/W) WILLIAMS & LYONS ADD to rezone the parcel from I-2 General Industrial to I-1 Light Industrial; and

WHEREAS, the planning commission published notice of 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 050-680-002-003-00, 401 E. Howard Street from I-2 General Industrial to I-1 Light Industrial district; and

WHEREAS, the City Council held a public hearing on December 21, 2015, and there being no one to be heard, they deliberated on the request; and

WHEREAS, the City Council find that the zoning petition meets the intent and criteria for a zoning map amendment, specifically as it relates to the requirements of Section 38-555 of the Code of Ordinances of the City of Owosso.

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

Chapter 38, Zoning Code of the City of Owosso be amended as follows:

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

Parcel Address	Parcel Number	Current Zoning	Amended Zoning
401 E. Howard Street	050-680-002-003-00	I-2 General Industrial	I-1 Light Industrial

SECTION 2. 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 3. EFFECTIVE DATE. This amendment shall become effective January 11, 2016.

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Mayor Pro-Tem Eveleth, Councilpersons Teich, Fox, Greenway, O'Leary, Bailey, and Mayor Frederick.

NAYS: None.

Rezoning - 514 Division Street

A public hearing was conducted to receive citizen comment regarding the request to rezone the property at 514 Division Street from I-2, General Industrial District, to I-1, Light Industrial District.

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

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

ORDINANCE NO. 774

**AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES
TO REZONE THE PARCEL OF REAL PROPERTY
AT 514 DIVISION STREET
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from the land owner of real property identified as 514 Division Street, parcel 050-651-018-003-00, LOTS 5 & 8 BLK 18 A L WILLIAMS ADD INCLUDING 1/2 CLOSED ALLEY to rezone the parcel from I-2 General Industrial to I-1 Light Industrial; and

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

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of parcel 050-651-018-003-00, 514 Division Street from I-2 General Industrial to I-1 Light Industrial district; and

WHEREAS, the City Council held a public hearing December 21, 2015, and there being no one to be heard, they deliberated on the request; and

WHEREAS, the City Council finds that the zoning petition meets the intent and criteria for a zoning map amendment, specifically as it relates to the requirements of Section 38-555 of the Code of Ordinances of the City of Owosso.

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

Chapter 38, Zoning Code of the City of Owosso be amended as follows:

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

Parcel Address	Parcel Number	Current Zoning	Amended Zoning
514 Division Street	050-651-018-003-00	I-2 General Industrial	I-1 Light Industrial

SECTION 2. 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 3. EFFECTIVE DATE. This amendment shall become effective January 11, 2016.

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Councilpersons Teich, Greenway, Mayor Pro-Tem Eveleth, Councilpersons Bailey, O'Leary, Fox, and Mayor Frederick.

NAYS: None.

Rezoning - 515 South Saginaw Street

A public hearing was conducted to receive citizen comment regarding the request to rezone the property at 515 South Saginaw Street from I-2, General Industrial District, to I-1, Light Industrial District.

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

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

ORDINANCE NO. 775

**AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES
TO REZONE THE PARCEL OF REAL PROPERTY
AT 515 S. SAGINAW STREET
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from the land owner of real property identified as 515 S. Saginaw Street, parcel 050-651-018-004-00, LOTS 7 BLK 18 A L WILLIAMS ADD INCLUDING 1/2 CLOSED ALLEY to rezone the parcel from I-2 General Industrial to I-1 Light Industrial; and

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

WHEREAS, the city staff and planning commission recommend, without reservations or conditions, the rezoning of parcel 050-651-018-004-00, 515 S. Saginaw Street from I-2 General Industrial to I-1 Light Industrial district; and

WHEREAS, the City Council held a public hearing December 21, 2015, and there being no one to be heard, they deliberated on the request; and

WHEREAS, the City Council finds that the zoning petition meets the intent and criteria for a zoning map amendment, specifically as it relates to the requirements of Section 38-555 of the Code of Ordinances of the City of Owosso.

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

Chapter 38, Zoning Code of the City of Owosso be amended as follows:

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

Parcel Address	Parcel Number	Current Zoning	Amended Zoning
515 S. Saginaw Street	050-651-018-004-00	I-2 General Industrial	I-1 Light Industrial

SECTION 2. 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 3. EFFECTIVE DATE. This amendment shall become effective January 11, 2016.

Motion supported by Mayor Pro-Tem Eveleth.

Roll Call Vote.

AYES: Councilpersons Fox, Greenway, Mayor Pro-Tem Eveleth, Councilpersons O'Leary, Teich, Bailey, and Mayor Frederick.

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Elmer Walworth, 1344 West King Street, expressed his concern with people speeding on West King Street. He suggested installing stop signs at Ward and West Streets to slow traffic down.

Tom Manke, Owosso Township resident, asked that a correction be made to the Historical Commission minutes to reflect the proper organization on whose behalf he spoke. He also cautioned Council about closing down the new medical marijuana dispensary.

Eddie Urban, 601 Glenwood Avenue, inquired about a fund raiser held for the Safe Center today and he invited everyone to the Big Buck night in Laingsburg on January 3rd.

There was general discussion among Council and City staff regarding the installation of signs on West King Street to slow traffic and feedback from patrol officers indicating the area has a low traffic count and little evidence of excessive speed. Mayor Frederick asked that staff work with Mr. Walworth on the issue. Councilperson Fox noted that he hears lots of complaints about people speeding all over town.

CITY MANAGER REPORT

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

CONSENT AGENDA

Motion by Mayor Pro-Tem Eveleth to approve the Consent Agenda as follows:

Special Assessment District No. 2016-01. Authorize Resolution No. 2 setting a public hearing for Tuesday, January 19, 2016 for proposed Special Assessment District No. 2016-01 for Gould Street from Corunna Avenue to Main Street for street resurfacing as follows:

RESOLUTION NO. 122-2015

WHEREAS, the City Council has ordered the City Manager to prepare a report for public improvement, more particularly hereinafter described; and

Gould Street, Public Street, from Corunna Avenue to Main Street, Street Resurfacing

WHEREAS, the City Manager prepared said report and the same has been filed with the City Council as required by the Special Assessment Ordinance of the City of Owosso and the Council has reviewed said report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of cost and the report of the City Manager for said public improvement shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council hereby determines that the Public Improvement hereinafter set forth may be necessary.
3. The City Council hereby approves the estimate of cost of said public improvement to be \$535,700.00 and determines that \$109,622.00 thereof shall be paid by special assessment imposed on the lots and parcels of land more particularly hereinafter set forth, which lots and parcels of land are hereby designated to be all of the lots and parcels of land to be benefited by said improvements and determines that \$426,078.00 of the cost thereof shall be paid by the City at large because of benefit to the City at large.
4. The City Council hereby determines that the portion of the cost of said public improvement to be specially assessed shall be assessed in accordance with the benefits to be received.
5. The City Council shall meet at the Owosso City Hall Council Chambers on Tuesday, January 19, 2016 for the purpose of hearing all persons to be affected by the proposed public improvement.
6. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The Argus Press, the official newspaper of the City of Owosso, not less than seven (7) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
7. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF SPECIAL ASSESSMENT HEARING
CITY OF OWOSSO, MICHIGAN**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

Gould Street, Public Street, from Corunna Avenue to Main Street

TAKE NOTICE that the City Council intends to acquire and construct the following described public improvement: **Street Resurfacing.**

The City Council intends to defray apart or all of the cost of the above-described public improvement by special assessment against the above described property.

TAKE FURTHER NOTICE that City Council has caused plans and an estimate of the cost and report for the above described public improvement to be prepared and made by the City Manager and the same is on file with the City Clerk and available for public examination.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall Council Chambers, Owosso, Michigan at 7:30 o'clock p.m. on Tuesday, January 19, 2016 for the purpose of hearing any person to be affected by the proposed public improvement.

First Reading and Set Public Hearing –Rezoning 820 East Main Street. Conduct first reading and set a public hearing for Monday, January 4, 2016 to receive citizen comment regarding the request to rezone the property at 820 East Main Street from RM-1, Multi-Family Residential District, to B-4, General Business District as follows:

RESOLUTION NO. 123-2015

**SETTING A PUBLIC HEARING TO CONSIDER
AMENDING CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES
TO REZONE THE PARCEL OF REAL PROPERTY
AT 820 E. MAIN STREET
AND AMEND THE ZONING MAP**

WHEREAS, the city of Owosso received a petition from a land owner of real property identified as 820 E. Main Street, parcel 050-580-000-068-00, LOTS 78 & 79 STAFFORD GARDNER & TRANKLES CENTRAL ADD EXC N 5' OF LOT 79, to rezone the parcel from RM-1 Residential-Multiple Family District to B-4 General Business 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 050-580-000-068-00, 820 E. Main Street from RM-1 Residential-Multiple Family District to B-4 General Business District; and

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

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

Chapter 38, Zoning Code of the City of Owosso be amended as follows:

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

Parcel Address	Parcel Number	Current Zoning	Amended Zoning
820 E. Main Street	050-580-000-068-00	RM-1 Residential – Multiple Family	B-4 General Business

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, January 4, 2016 at or about 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 3. NOTICE. Council hereby directs staff to supply a public notice concerning the rezoning to a newspaper of general circulation within the city.

SECTION 4. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

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

Boards and Commissions Appointments. Approve the following mayoral boards and commissions appointments:

Name	Board/Commission	Term Expires
Terry Kemp*	Board of Review	Provisional
Robert Brockway*	Historical Commission	12-31-2018

* Indicates reappointment

Dancing with the Stars Permission. Approve request from the Owosso Community Players for exclusive use of the parking spaces in front of the buildings at 114 & 124 East Main Street on

January 30, 2016 from 5:00 p.m. to 11:00 p.m. for use as a patron pick-up & drop-off area for the Dancing with the Stars event, waive the insurance requirement, and authorize Traffic Control Order No. 1342 formalizing the request.

Bid Award - Thermal Imaging Camera. Approve bid award to First Due Fire Supply Company for the purchase of one Argus Storm Thermal Imaging Camera for the Department of Public Safety - Fire Division in the amount of \$7,230.00, acknowledge the donation of \$5,060.00 for said equipment from ABATE of Michigan, and authorize payment up to the bid amount upon satisfactory delivery as follows:

RESOLUTION NO. 124-2015

RESOLUTION AUTHORIZING THE PURCHASE OF A THERMAL IMAGING CAMERA FROM FIRST DUE FIRE SUPPLY COMPANY FOR THE DEPARTMENT OF PUBLIC SAFETY

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Public Safety Department desires to purchase a Thermal Imaging Camera; and

WHEREAS, ABATE of Michigan has offered to donate funds to facilitate the purchase of said equipment.

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

- FIRST: The City of Owosso has theretofore determined that it is advisable, necessary and in the public interest to purchase one (1) Argus Storm Thermal Imaging Camera at a price of \$7,230.00.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Equipment Agreement between the City of Owosso, Michigan and First Due Fire Supply in the amount of \$7,230.00.
- THIRD: The City of Owosso hereby accepts the donation of \$5,060.00 from ABATE of Michigan to be used toward the purchase of said equipment.
- FOURTH: Payment to First Due Fire Supply Company is hereby authorized in the amount of \$7,230.00 upon satisfactory delivery of the camera.
- FIFTH: Expenses for this purchase shall be paid from the Fire Division Equipment fund 101-335-978.000.

Bid Award – 2015 Sidewalk Replacement Program, Part II. Approve bid award to Seifert Construction, LLC for the 2015 Sidewalk Replacement Program, Part II in the amount of \$52,920.00 and authorize payment up to the contract amount upon satisfactory completion of the work or a portion thereof as follows:

RESOLUTION NO. 125-2015

AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE 2015 SIDEWALK REPLACEMENT PROGRAM, PART II WITH SEIFERT CONSTRUCTION, LLC

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

WHEREAS, the city of Owosso awarded the bid for said work to Black Jack Asphalt on July 6, 2015; and

WHEREAS, the contract failed to perform to the standards required in the contract and the contract was terminated on November 16, 2015; and

WHEREAS, the next to lowest bid was received from Seifert Construction LLC; and is hereby determined that Seifert Construction LLC is qualified to provide such services and that it has submitted a 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 Seifert Construction LLC for replacement of sections of damaged or misaligned sidewalk as part of the 2015 Sidewalk Replacement Program, Part II.

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 Seifert Construction LLC, in the amount of \$52,920.00.

THIRD: The accounts payable department is authorized to pay Seifert Construction, LLC for work satisfactorily completed on the project up to the contact amount.

FOURTH: The above expenses shall be paid from the Major and Local Street Maintenance Funds, accounts 203-463-728-000 and 202-463-728-000.

Warrant No. 514. Authorize Warrant No. 514 as follows:

Vendor	Description	Fund	Amount
William C Brown, PC	Professional Services- November 9, 2015 – December 10, 2015	General	\$10,677.16
Logicalis, Inc	Network engineering support- November 2015	Various	\$5,488.00
Owosso Community Airport	Annual appropriation-FY 15/16	General	\$6,978.00
State of Michigan DEQ	NPDES annual permit fee	WWTP	\$5,500.00

Motion supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilpersons Bailey, Greenway, Mayor Pro-Tem Eveleth, Councilpersons Teich, Fox, O'Leary, and Mayor Frederick.

NAYS: None.

ITEMS OF BUSINESS

Tax-foreclosed Property Consideration

City Manager Crawford noted that this action involves the annual listing of properties that have reverted to State ownership through the tax-foreclosure process. Staff has reviewed the listed parcels and feels the properties in question can be sold to adjoining property owners or potentially auctioned off.

Mayor Frederick indicated he would like to see the City integrate Habitat for Humanity into the process by which donated parcels are handled.

Motion by Councilperson Fox to authorize acceptance of listed tax-foreclosed property(s) that did not sell at the State tax sale in September 2015 as follows:

RESOLUTION NO. 126-2015

RESOLUTION ACCEPTING THE TRANSFER OF ALL UNSOLD TAX REVERTED PROPERTIES FROM THE STATE OF MICHIGAN TO THE CITY OF OWOSSO

WHEREAS, the city of Owosso received from the state of Michigan a list of parcels of property in the city of Owosso foreclosed for unpaid property taxes pursuant to Public Act 123 of 1999; and

WHEREAS, under Section 78m(6) of said Act, being MCL 211.78m(6) the title to the listed parcels will be automatically transferred to the city of Owosso on December 30, 2013, unless the city objects to the transfer of all or any parcel before the transfer is made.

NOW, THEREFORE, BE IT RESOLVED the city of Owosso does not object to the transfer of title to the city of the following tax foreclosed parcels:

- 050-430-000-003-00 LOT 13 (EX S S 136' & 59 ½') LOUISA MERELLS ADD
- 050-660-001-022-00 E 10' OF LOT 16, BLK 1, AL & BO WILLIAMS ADD
- 050-180-005-004-00 LOT 5 BLK 5 DEWEY & STEWARTS ADD
- 050-420-003-015-00 LOT 26 & 48' LOTS 27 28 BLK 3 MAPLE RIDGE PARK RE SUBDIV KEYTES ADD
- 050-420-003-016-00 W 22' OF E 70' LOTS 27 28 BLK 3 MAPLE RIDGE PARK RE SUBDIV KEYTES ADD
- 050-430-000-002-00 N 45' OF S 136' LOT 13 (EX E 59 ½') LOUISA MERELLS ADD
- 050-660-011-001-00 E 103' OF LOT 1 BLK 11 AL & BO WILLIAMS ADD

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons O'Leary, Greenway, Teich, Fox, Bailey, Mayor Pro-Tem Eveleth, and Mayor Frederick.

NAYS: None.

Purchase Agreement – Vacant Land along Gould Street and Wright Avenue

Motion by Councilperson Bailey setting the terms of a purchase agreement with Michael Cline for vacant property along Gould Street and Wright Avenue and authorize the start of the required 21-day posting period for the sale of City-owned land as follows:

RESOLUTION NO. 127-2015

**AUTHORIZING 21-DAY POSTING OF
PURCHASE AGREEMENT FOR THE SALE OF
CITY-OWNED PROPERTY BETWEEN GOULD STREET AND WRIGHT AVENUE**

WHEREAS, the city owns a several parcels of property along Gould Street, Allendale Avenue and Wright Avenue; and

WHEREAS, Michael N. Cline has expressed interest in purchasing a portion of these parcels described as follows;

LOTS 22 & 23 & SOUTH 17' LOT 24 INCLUDING EAST ½ OF ADJACENT CLOSED ALLEY. ALSO, LOTS 37 - 43, BLOCK 34, INCLUDING WEST ½ OF ADJACENT CLOSED ALLEY. ALSO LAND LYING BETWEEN WEST LINE OF LOTS 37-41 AND EAST LINE OF GOULD STREET, FORMERLY VACATED STANLEY AVENUE, GEORGE T. ABREY'S WOODLAWN PARK ADDITION TO CITY OF OWOSSO. (EXCEPT BEGINNING AT SW CORNER LOT 43, THEN NORTH 33' TO NW CORNER OF LOT 43, THEN SOUTHEASTERLY TO A POINT 9.83' EAST OF SW CORNER LOT 43, THEN WEST TO POINT OF BEGINNING, SAID POINT BEING EAST RIGHT OF WAY LINE OF GOULD STREET IN THE CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN.

and

WHEREAS, the parcel is of no use to the City and the City desires its sale; and

WHEREAS, the land in question has a value of approximately \$10,000 as set by the city assessor and according to the city's Property Sale Policy; and

WHEREAS, Michael N. Cline approached the City offering to purchase the parcel described above, for One Thousand and 00/100 (\$1,000.00) Dollars; and

WHEREAS, the City Charter requires a 21-day posting period prior to the sale of any City-owned property to allow for public comment and potential offers.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Michigan that:

1. The purchase agreement for the property described above be posted for a 21-day period to allow for citizen comment.
2. The agreement be returned to council at the meeting of January 18, 2016 for potential final disposition.

Motion supported by Councilperson Teich.

Roll Call Vote.

AYES: Councilpersons Fox, Bailey, O'Leary, Mayor Pro-Tem Eveleth, Councilpersons Teich, Greenway, and Mayor Frederick.

NAYS: None.

Waiver of Reversionary Clause – Osburn Lakes Lot 50

(This item was postponed until the January 19, 2016 meeting.)

COMMUNICATIONS

William C. Brown, City Attorney. Medical Marijuana Ordinance Examination re: Dispensaries.
Donald D. Crawford, City Manager. Annual Liquor License Inspection Report.
Charles P. Rau, Building Official. November 2015 Building Department Report.
Charles P. Rau, Building Official. November 2015 Code Violations Report.
Kevin D. Lenkart, Public Safety Director. November 2015 Police Report.
Kevin D. Lenkart, Public Safety Director. November 2015 Fire Report.
Historical Commission. Minutes of November 9, 2015.
Parks & Recreation Commission. Minutes of November 23, 2015.
Downtown Development Authority/Main Street. Minutes of December 2, 2015.

Mayor Frederick requested this be stricken as it applied to the City's Zoning ordinance, not the bills in the legislature. 01-04-2016 akk

There was discussion regarding the City Attorney's opinion that medical marijuana dispensaries are illegal at this time. Some Council members expressed a desire to formally ban them in the City while others noted the growing trend toward the legalization of marijuana. Mayor Frederick pointed out that some communities have banned dispensaries and others have turned a blind eye. He went on to say the State legislature did not act on bills regarding medical marijuana dispensaries before the end of the year ~~rendering them moot~~, but he has been assured by those that sponsored the bills that they would contain some measure of local control when they are reconsidered in the spring. His hope was to amend the City's ordinance now so it would be firmly in place should the legislature legalize dispensaries in the near future. Assistant City Manager Montenegro indicated the Planning Commission is aware of the bills and will stay abreast of discussions at the State level to ensure the City is prepared to handle dispensaries should they be legalized.

Motion by Councilperson Fox directing the City Attorney to draft an ordinance amendment including treatment centers in the ordinance restricting the location of medical marijuana dispensaries and clinics. (The proposed amendment will come before Council for first reading at the January 4, 2016 meeting, bypassing the Planning Commission.)

Motion supported by Councilperson O'Leary.

Roll Call Vote.

AYES: Councilperson Fox, Mayor Pro-Tem Eveleth, Councilpersons Bailey, O'Leary, Greenway, Teich, and Mayor Frederick.

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, Owosso Township resident, warned Council that the owners of the current medical marijuana dispensary purchased that particular property because they believed it would be allowed at that location and forcing them to shut down would open the City up to a lawsuit.

Jenae Fear, Osburn Lakes subdivision resident, requested the ad-hoc committee between the City and the home owners association be reinstated to allow for discussion regarding the Waiver of Reversionary Clause item that was removed from tonight's agenda.

Eddie Urban, 601 Glenwood Avenue, offered some tips for slowing down speeders. Mayor Pro-Tem Eveleth wished everyone a safe, merry Christmas and a happy New Year.

Mayor Frederick reminded everyone that the State Supreme Court ruled in 2013 that dispensaries are illegal, but the relationship between patients and care givers is protected by law.

Councilperson Teich inquired how Detroit could have 40 dispensaries if they are illegal and asked if the current dispensary in town could be closed. Public Safety Director Lenkart explained it is not that simple as the City has received no complaints about the business and the City does not know the exact nature of the business at this point. He went on to say that every county has a different approach to handling dispensaries, some allow them, others do not. His office will continue to discuss the issue with the County Prosecutors Office as the situation evolves.

Councilperson O'Leary expressed his support for a complete ban on dispensaries but said he felt it would be fighting a losing battle as the electorate looks more and more likely to legalize marijuana.

Councilperson Fox encouraged Council to find funding for a catch basin repair program.

NEXT MEETING

Monday, January 04, 2016

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate (2), both terms expire June 30, 2018
Board of Review – term expires December 31, 2020

ADJOURNMENT

Motion by Mayor Pro-Tem Eveleth for adjournment at 8:44 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk