

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF MARCH 16, 2020
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: JOSHUA D. ADAMS
DDA/MAIN STREET DIRECTOR

PLEDGE OF ALLEGIANCE: MAYOR CHRISTOPHER T. EVELETH

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 Mayor Pro-Tem Osika to approve the agenda with the following change to Consent 2:

2. First Reading and Set Public Hearing – Rezoning 425 and 429 Hamblin Street.
Conducted first reading and set a public hearing for Monday, ~~April 6, 2020~~ **April 20, 2020** to receive citizen comment regarding the request to rezone the properties at 425 and 429 Hamblin from R-2, Two Family Residential, to I-1, Light Industrial.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF MARCH 2, 2020

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of March 2, 2020 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

Mike Cline, 204 Stratford Drive, complained about the code violations existing at 1401 W. Main Street and was flabbergasted that City staff had told him nothing was going to be done about the property because the City is currently involved in litigation with the property owner. He asked whether Books & Beans would be repaying the loan they recently received from the City after he had read on Facebook that the business may not be able to weather the Corona Virus storm. He also asked if a building permit had been issued for the former O-town Café saying there is lots of work being done at the location.

Eddie Urban, 601 Glenwood Avenue, said he feels bad about the situation with the Corona Virus. He said that he hopes people will pay attention and follow instructions to stay away from other people.

In response to Mr. Cline, DDA/Main Street Director Josh Adams indicated that he is aware of a business that is planning to move in to the former O-town Café site, but is not aware of any construction taking place. He said he will have the Building Department take a look into the situation.

CONSENT AGENDA

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

Change Order – 2020 Sidewalk Replacement Program Contract. Waive competitive bidding requirements, approve Change Order No. 2 to the 2018 Sidewalk Replacement Program Contract

with Seifert Construction LLC adding \$100,000.00 for performance of the 2020 Sidewalk Replacement Program at unit prices at same level as 2019 prices, further approve a contingency of \$20,000.00, and authorize payment up to \$120,000.00 to the contractor upon satisfactory completion of the work or portion thereof as follows:

RESOLUTION NO. 39-2020

**AUTHORIZING CHANGE ORDER NO. 2 TO CONTRACT
WITH SEIFERT CONSTRUCTION, LLC OF ASHLEY, MICHIGAN
FOR THE 2020 SIDEWALK RESTORATION PROGRAM**

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 desires to extend the restoration services contract with Seifert Construction, LLC for the 2020 Sidewalk Replacement Program, at the 2019 city council approved unit prices, in an amount not to exceed \$100,000.00; and

WHEREAS, Seifert Construction, LLC is hereby determined to be qualified to provide such services, and has performed the same type services for the city of Owosso from 2008 through 2019.

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 2020 Sidewalk Replacement Program.
- SECOND: The mayor and city clerk are instructed and authorized to sign the necessary documents to execute the services contract with Seifert Construction, LLC in the amount of \$100,000.00, plus additional restoration and replacement services required as contingency during the calendar year in the amount of \$20,000.00, for a total of \$120,000.00.
- THIRD: The accounts payable department is authorized to pay Seifert Construction, LLC for work satisfactorily completed on the project up to the initial contact amount of \$100,000.00 plus contingency in the amount of \$20,000.00 for a total of \$120,000.00.
- FOURTH: The above expenses shall be paid from the Major and Local Street Maintenance Funds accounts 203-463-818-000 and 202-463-818-000.

First Reading and Set Public Hearing – Rezoning 425 and 429 Hamblin Street. Conduct first reading and set a public hearing for Monday, April 20, 2020 to receive citizen comment regarding the request to rezone the properties at 425 and 429 Hamblin from R-2, Two Family Residential, to I-1, Light Industrial as follows:

RESOLUTION NO. 40-2020

**SETTING A PUBLIC HEARING TO
AMEND CHAPTER 38 ZONING OF THE CODE OF ORDINANCES
TO REZONE A PARCEL OF REAL PROPERTY
AT 425 HAMBLIN STREET AND 429 HAMBLIN STREET
AND AMEND THE ZONING MAP**

Whereas, the city of Owosso received a petition from a land owner of real property identified as 425 Hamblin Street, parcel 050-430-000-002-00, N 45' OF S 136' LOT 13 (EX E 59 1/2') LOUISA MERRILL'S ADD to rezone the parcel from R-2 Two Family Residential District to I-1 Light Industrial District; and

Whereas, the city of Owosso received a petition from a land owner of real property identified as 429 Hamblin Street, parcel 050-430-000-003-00, LOT 13 (EX S 136' & E 59 1/2') LOUISA MERRILL'S ADD to rezone the parcel from R-2 Two Family Residential District to I-1 Light Industrial 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, denial of the request to rezone the parcel 050-430-000-002-00, 425 Hamblin Street from R-2 Two Family Residential District to I-1 Light Industrial District; and

Whereas, the city staff and planning commission recommend, without reservations or conditions, denial of the request to rezone the parcel 050-430-000-003-00, 429 Hamblin Street from R-2 Two Family Residential District to I-1 Light Industrial 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 Chapter 38, Zoning, of the Code of the City of Owosso be amended as follows:

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

Indicate a zoning classification of I-1 Light Industrial District for 425 Hamblin Street, parcel 050-430-000-002-00.

Indicate a zoning classification of I-1 Light Industrial District for 429 Hamblin Street, parcel 050-430-003-00.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, April 20, 2020 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.

Check Register – February 2020.* Affirm check disbursements totaling \$1,001,541.85 for February 2020.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

Recreation Passport Grant Application

City Manager Henne explained that the application before Council this evening is an application for the same project that was submitted last year. While the project was not funded it scored quite well and staff feels that with a couple of adjustments the application may be a winner.

Motion by Councilmember Pidek to approve the application for a Recreation Passport Grant seeking funding for the rehabilitation of the parking lot and former pool house in Grove Holman Park as detailed below:

RESOLUTION NO. 41-2020

SEEKING A RECREATION PASSPORT GRANT THROUGH MICHIGAN DEPARTMENT OF NATURAL RESOURCES

WHEREAS, Grove Homan Park is noted as a destination point within the city of Owosso that has been revitalized with the construction of a new skate park; and

WHEREAS, the current building in the park is no longer functioning, and regular maintenance cannot effectively address the reactivation of the structure; and

WHEREAS, the city of Owosso and its partners intend to rehabilitate the park's parking-lot, driveway, and existing building, using it for public restrooms, concessions, and a warming station for activities involving the skate park and winter sledding hill; and

WHEREAS, the city of Owosso and the Parks and Recreation Commission are publicly and financially committed to carrying out the improvements to the building and parking areas in Grove Holman Park; and

WHEREAS, the State of Michigan Department of Natural Resources is accepting Recreation Passport Grant applications for up to \$150,000 towards new or rehabilitated facilities for the purpose of “providing public outdoor recreation opportunities and infrastructure to support public outdoor recreation activity”;

NOW, THEREFORE, BE IT RESOLVED that the city of Owosso city council commits to funding the capital rehabilitation funding proposal below and further directs staff to complete and submit an application for the Recreation Passport Grant Program through the Michigan Department of Natural Resources (MDNR).

Grove Holman Park Renovation	
Contributor	Contribution
Parks and Recreation Millage	\$50,000
Total Local Match	\$50,000
Grant Request	\$150,000
Total Grant Project	\$200,000

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

METRO Act Application – Verizon Wireless – 825 W Main Street

City Manager Henne explained that staff recommends denial of the application based on the fact that the application was made under the wrong law. The METRO Act does not apply to wireless communications. He said he will encourage Verizon to re-apply under the proper law.

Motion by Councilmember Pidek to deny the right-of-way telecommunications permit application under PA 48 of 2000 from Cellco Partnership, DBA Verizon Wireless at 825 W Main Street for a 43 foot small cell wireless communications pole and attachments as follows:

RESOLUTION NO. 42-2020

A RESOLUTION DENYING A METRO ACT PERMIT TO CELLCO PARTNERSHIP DBA VERIZON WIRELESS FOR INSTALLATION OF TELECOMMUNICATION FACILITIES IN THE CITY'S RIGHT-OF-WAY

Whereas, the city of Owosso on March 6, 2020 received a METRO Act permit application from Cellco Partnership DBA Verizon Wireless whose address is One Verizon Way, Mailstop 4aW100, Basking Ridge, NJ 07920; and

Whereas, as provided for under the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended, Cellco Partnership DBA Verizon Wireless is seeking a Bilateral METRO Act Permit to place wireless telecommunication facilities in the city's right-of-way, recorded as address 825 W. Main Street, and in accordance with plans as submitted;

NOW THEREFORE BE IT RESOLVED that:

- FIRST: The city of Owosso hereby DENIES a Bilateral METRO Act Permit to Cellco Partnership DBA Verizon Wireless as PA 48 of 2002 does not cover wireless communication infrastructure.
- SECOND: The City Manager is authorized to draft an agreement between Cellco Partnership DBA Verizon Wireless and the City under PA 365 of 2018 (The Small Wireless Communications Facilities Deployment Act).
- THIRD: Said PA 365 Agreement will be subject to approval by City Council at a regular meeting.

FOURTH: The denial of this METRO Act permit hereby satisfies the 45 day response requirement under the PA 48 of 2002.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

March 30 City Council Meeting Agenda

The March 30th Council meeting was cancelled earlier in the day via Mayoral order.

COMMUNICATIONS

Westown Merchant Association. Request to move planters.
Shiawassee Arts Center. Request for support of grant application.
N. Bradley Hissong, Building Official. February 2020 Building Department Report.
N. Bradley Hissong Building Official. February 2020 Code Violations Report.
N. Bradley Hissong Building Official. February 2020 Inspection Report.
N. Bradley Hissong Building Official. February 2020 Certificates Issued Report.
Kevin D. Lenkart, Public Safety Director. February 2020 Police Report.
Kevin D. Lenkart, Public Safety Director. February 2020 Fire Report.
Historical Commission. Minutes of February 10, 2020.
Planning Commission. Minutes of February 24, 2020.
WWTP Review Board. Minutes of February 25, 2020.

CITIZEN COMMENTS AND QUESTIONS

There were no citizens wishing to comment.

Councilmember Bailey thanked the City for working with other local jurisdictions to provide clarity for citizens.

Councilmember Fear indicated that Owosso Public Schools will be holding a food distribution program during the COVID-19 threat similar to the program they run in the summer months to feed kids that would normally get their meals at school. Distribution sites will be the YMCA and Shiawassee Hope. She also noted that the MML, along with the governor and the legislature, are working to address issues related to the Open Meetings Act in light of the restrictions on gathering more than 50 people.

NEXT MEETING

Monday, April 6, 2020 – Regular meeting

BOARDS AND COMMISSIONS OPENINGS

Brownfield Redevelopment Authority – County Representative – term expires 06-30-2020
Building Board of Appeals – Alternate - term expires June 30, 2022
Building Board of Appeals – Alternate - term expires June 30, 2021
Brownfield Redevelopment Authority – term expires June 30, 2022
Historical Commission – 2 terms expire December 31, 2020
Planning Commission – term expires June 30, 2020

ADJOURNMENT

Motion by Mayor Pro-Tem Osika for adjournment at 7:47 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk