

**CITY OF OWOSSO  
REGULAR MEETING OF THE CITY COUNCIL  
MINUTES OF JANUARY 3, 2022  
7:42 P.M.  
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

**PRESIDING OFFICER:** MAYOR PRO-TEM SUSAN J. OSIKA

**OPENING PRAYER:** MARLENE WEBSTER  
SHIAWASSEE COUNTY COMMISSIONER, DISTRICT 1

**PLEDGE OF ALLEGIANCE:** CHRISTINE MITCHELL, FORMER MAYOR

**PRESENT:** Mayor Pro-Tem Susan J. Osika, Councilmembers Janae L. Fear, Jerome C. Haber, Daniel A. Law, Nicholas L. Pidek, and Robert J. Teich, Jr.

**ABSENT:** Mayor Christopher T. Eveleth.

**APPROVE AGENDA**

Motion by Councilmember Fear to approve the agenda with the following changes:

Remove Consent Agenda item:

1. Traffic Control Order – JARS Rail Jam

Add Item of Business:

2. Audit Acceptance

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF DECEMBER 20, 2021**

Motion by Councilmember Pidek to approve the Minutes of the Regular Meeting of December 20, 2021 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

**Audit Presentation**

Joe Verlin, Principal CPA with Gabridge & Company, PLC presented the annual audit for the year ending June 30, 2021. He thanked City staff for their work on the audit and reported that the City had received a clean opinion, the highest opinion an auditor can bestow on a municipality. He indicated that the City's net position increased by \$2.115 million over the course of the 2021 fiscal year. In the general fund this was due to increases in taxable value, increases in grant funding due to COVID-19, and increases in state revenue sharing, while in the enterprise funds the increases were due to increases for the charge for services. He went on to say that the City's unfunded pension liability decreased over the fiscal year due to superior investment returns of the market. He also noted that the City saved approximately \$1.492 million by issuing two refunding bonds (this will be recognized over the life of the bonds).

Mr. Verlin concluded his comments saying the City's health is strong, it has healthy fund balances, utility rates are being well managed, operations are sustainable, and the overall pension funding level is much better than most communities. He encouraged the City to continue its financial diligence to keep this trend moving forward.

**Swearing In Ceremony – Fire Department Employee**

Mayor Pro-Tem Osika led a ceremony to swear in the City's newest firefighter Alexis Budd.

Alexis's badge was pinned by her friend Owosso Firefighter Don Lound. Also in attendance this evening was her mother Sandra Currey.

## **PUBLIC HEARINGS**

### **Rezoning Request – 108 N. Chipman Street**

A public hearing was conducted to receive citizen comment regarding the request to rezone the parcel located at 108 N. Chipman Street from B-3, Central Business District to I-1, Light Industrial District.

The following people commented in regard to the rezoning request:

Tim Schmig, 523 E. Mason Street, letter read aloud by Missy Porter. Mr. Schmig stated that he is opposed to a marijuana grow facility at 108 N. Chipman Street. He said that marijuana is a gateway drug and he asked if the City was blatantly disregarding various laws since marijuana is still illegal at the federal level.

Missy Porter, 1118 Harding Drive, said her parents live near a grow facility and it has had a negative effect on their property value. She said traffic has increased and the smell is terrible.

Kelly Ainsworth, 1111 W. King Street, asked Council to please reject the rezoning request. She said she is concerned that the proposed use as a marijuana grow facility would negatively affect community safety, lower property values due to constant odor issues, increase crime risk and negatively affect area children.

Julie Wenzlick, 1101 Riverside Drive, said she has several friends that live near an indoor grow facility in Chesaning and that smell is a major problem. She expressed her concern that enforcement of odor control could be difficult as other grow facilities could point their fingers at one another as the source of the problem. She was also concerned about pollution of local water resources, having a grow facility close to a residential neighborhood, and possible strain the facility could put on the power grid.

Virgil Rennick, 429 N. Chipman Street, said he is 89 years old and had seen a lot of changes in the culture over the years. He noted that he recently submitted a petition to Council objecting to the proposed marijuana grow facility on N. Chipman Street. He asked Councilmembers if they would like to have such a facility established in their back yard. He asked the Council to stand up for the citizens and either deny the rezoning or prohibit the proposed marijuana facility.

Pam Miller-Early, 1100 Riverside Drive, noted that the United States had just rejoined the Paris Climate Accord and the production of cannabis falls just behind coal mining in CO<sub>2</sub> generation. She asked the Council not to allow the proposed marijuana grow facility.

Paul Early, 1100 Riverside Drive, said he is a mortgage lender and real estate agent. He said that Owosso is a fabulous place to live and marijuana grow facilities could have a very negative affect on nearby neighborhoods.

Dee Riley, 1106 Beehler Street, said she lives right next to the property in question and she is very worried about the smell issue. She said she was angry about how information was disseminated and the overall situation was handled. She said that Owosso is a destination community and facilities such as that proposed will only serve to chase visitors away. She expressed caution saying the detriments to the community outweigh the benefits.

Gene Riley, 1106 Beehler Street, said he was supportive of all of the citizen comments made so far. He said if the proposed grow facility is allowed only the business will see the profits and the residents will lose.

Tom Manke, 2910 W. M-21, inquired about the nature of the zoning for the entire parcel, noting that part of it appears to already be zoned industrial. He went on to say that he had recently covered a story about marijuana odor issues in Chesaning and he couldn't believe how strong the smell was in the downtown. Though it should be pointed out that Corunna has not received any complaints about the outdoor grow facility there. He recognized that Council was facing a tough decision, but he said he wouldn't want a similar facility in his back yard.

Christine Mitchell, 1525 Alturas Drive, former mayor and business owner in Westtown. Asked the Council to remember that Westtown provides the first impression of the City coming from the west. She said she has the same concerns as those already expressed by speakers this evening. She was further concerned that the 80 seniors living at Oliver Woods may not be able to enjoy time outside if there is an odor problem. She encouraged Council to do their homework and contact other communities that have indoor grow facilities.

Bethany Baldwin, 601 Ada Street, said she had circulated an informal petition and collected the signatures of 54 residents of her neighborhood that do not want another marijuana facility. She asked that Council give special consideration to area children when considering this item.

Marianne Stewart, 809 W. Oliver Street, mother of eight. She said she loves her home and what Owosso has to offer. She indicated that she had spoken to relatives near an indoor grow facility

in Gaylord to ask if there was an odor issue. They noted there was a strong odor when the grow lights turn on and off each day. She asked why marijuana facilities weren't limited to just industrial parks.

Virgil Rennick, 429 N. Chipman Street, submitted a petition on December 20, 2021 signed by 44 people objecting to the proposed use for the property should it be rezoned.

Elaine Wagle, 927 N. Park Street, submitted an email on January 3, 2022 objecting to the proposed use for the property should it be rezoned. She asked that Council look into issues with light and odor pollution at other grow facilities prior to approving the venture.

The public hearing was closed at 8:41 p.m.

City Manager Nathan R. Henne outlined the three options available to the Council, pointing out that the question before them this evening was whether to approve or deny the rezoning request, not the proposed use of the property:

1. Approve the rezoning request.
2. Deny the rezoning request.
3. Approve the rezoning request based on conditions suggested by the applicant.

Mr. Henne addressed the comments related to the marijuana odor problems in Chesaning saying the City's rules regarding odor are much more comprehensive. He noted that the ordinances governing marijuana facilities in Chesaning had little in the form of odor control regulations. The City requires each facility to have a carbon filtration system approved by the Building Official. Each facility also has to have negative air pressure to prevent odors from inside leaking outside the building. According to the City's nuisance ordinance should a reasonable person find the smell offensive, in this case the Public Safety Director, the City then has the grounds to revoke, suspend, or fail to renew a marijuana facilities permit.

He went on to point out that studies have been done that have found there are negative effects from marijuana facilities on the property values of parcels close to the facility. Those parcels existing at least 1000' from the facility actually receive a positive effect on property values. He also reminded Council that the people of the State of Michigan had voted twice to approve marijuana related businesses. The Council at the time felt they should allow marijuana related businesses, but they also wanted to be able to control it with Council having the authority to revoke, suspend, or not renew a license.

Councilmember Haber and Mayor Pro-Tem Osika said they felt compelled to take the side of the citizens and were not in favor of the proposed rezoning.

Councilmembers Pidek and Teich said they were stuck in the middle and could see the merits of approval of the request as well as denial of the request.

Councilmembers Fear and Law, both members of the Planning Commission, felt strongly that the extensive work performed by the Planning Commission in developing the marijuana ordinances would serve to protect the interests of both the residents and the business owners. They expressed their willingness to approve the rezoning request.

Whereas, after due and legal notice, the Council has met, and having heard all interested parties, motion by Councilmember Law that an ordinance be adopted to rezone the property located at 108 N. Chipman Street from B-3, Central Business District to I-1, Light Industrial District as requested.

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmembers Fear, Teich and Law.

NAYS: Mayor Pro-Tem Osika, Councilmembers Haber and Pidek.

ABSENT: Mayor Eveleth.

The request is not granted due to the lack of an affirmative vote.

The Council briefly recessed from 9:35 p.m. until 9:45 p.m.

### **CITIZEN COMMENTS AND QUESTIONS**

Eddie Urban, 601 Glenwood Avenue, talked about his idea to abate bad smells by surrounding the source of the smell with flowers and other plants. He encouraged Council to think outside the box and consider all the options before them.

Tom Manke, 2910 W. M-21, said the City's first responders had been busy last month with the fire at Lula's and the shooting at the Rainbow Bar. He said there should be more officers working the overnight hours and encouraged the City to hire more officers. He also spoke about generational differences in how people respond to emergent situations.

Marlene Webster, County Commissioner District 2, indicated that the Commission would be holding an organizational meeting tomorrow at 5:00 p.m. She also noted that the County would be participating in a national opioid settlement, much like the City. Lastly, she encouraged people to attend the Commission meetings scheduled for next week.

Julie Wenzlick, 1101 Riverside Drive, wanted Council to know that all of the people that signed Mr. Rennick's petition may not have read the actual language on the petition but had relied on a verbal description of the reasoning that was given when they signed.

Christine Mitchell, 1525 Alturas Drive, thanked Council for listening to the citizens. She said she was confident that the Master Plan would help to keep the Westown area vital.

### **CONSENT AGENDA**

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

**Special Assessment District No. 2022-03 – Maple Avenue.** Authorize Resolution No. 4 setting a public hearing for Tuesday, January 18, 2022 at 7:30 p.m. to receive citizen comment regarding Special Assessment District No. 2022-03 for Maple Avenue, from M-71 (Corunna Avenue) to the north end for street reconstruction as follows:

#### **RESOLUTION NO. 01-2022**

#### **SETTING A PUBLIC HEARING FOR SPECIAL ASSESSMENT DISTRICT NO. 2022-03 MAPLE AVENUE, A PUBLIC STREET FROM CORUNNA AVENUE (M-71) TO NORTH END 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 p.m., on Tuesday, January 18, 2022 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:

**Maple Avenue, a Public Street, from Corunna Avenue (M-71) to north end**

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 Reconstruction**

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 Tuesday, January 18, 2022 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

**Traffic Control Order - JARS Rail Jam.** (This item was removed from the agenda.)

**Warrant No. 611.** Authorize Warrant No. 611 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal Risk Management Authority	Building and property insurance – 3 of 3 installments for FY 21/22	Various	\$66,777.50

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

**ITEMS OF BUSINESS**

**\*Audit Acceptance** (This item was added to the agenda.)

Councilmember Fear thanked the staff for putting the City in a great financial position, particularly in relation to retirement liabilities.

Motion by Councilmember Pidek to approve the following resolution accepting and placing on file the City of Owosso Financial Report for the Fiscal Year Ended June 30, 2021:

**RESOLUTION NO. 02-2022**

**RESOLUTION ACCEPTING AND PLACING ON FILE  
THE CITY OF OWOSSO, MICHIGAN FINANCIAL REPORT  
WITH ADDITIONAL INFORMATION  
FOR THE FISCAL YEAR ENDED JUNE 30, 2021**

WHEREAS, the city of Owosso is required by the laws of the state of Michigan to annually have an independent audit performed in accordance with generally accepted auditing standards; and

WHEREAS, the Owosso City Charter requires an independent audit be made of all accounts of the city government at the close of each fiscal year per section 8.14; and

WHEREAS, the city of Owosso employed Gabridge & Company PLC, certified public accountants, to audit the financial records of the city of Owosso and said audit has been completed and is presented this date to the city council.

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

FIRST: The City of Owosso, Michigan Financial Report with Additional Information for the Fiscal Year Ended June 30, 2021, attached hereto and made a part hereof as Exhibit A, is hereby accepted and placed on file.

SECOND: A copy of the City of Owosso, Michigan Financial Report with Additional Information for the Fiscal Year Ended June 30, 2021 will be maintained on file in the office of the city clerk for public examination, a copy will be placed in the Shiawassee District Library Owosso Branch for public examination, and copies will be sent to those required by law and agreement.

Motion supported by Councilmember Law.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Eveleth.

**COMMUNICATIONS**

Brad A. Barrett, Finance Director. Pension & OPEB Report FY 2021.  
Brad A. Barrett, Finance Director. November 2021 Financial Reports.

**CITIZEN COMMENTS AND QUESTIONS**

Tom Manke, 2910 W. M-21, indicated he found a typo on one of the Communications.

Eddie Urban, 601 Glenwood Avenue, said he was happy because he had witnesses to back up the idea that he had invented a new way to get rid of bad smells.

Missy Porter, 1118 Harding Avenue, said she appreciated being heard when she aired her concerns. She said she really cares about Owosso and its residents.

Councilmember Fear wished everyone a happy New Year, saying she hoped it would be healthy and peaceful.

**NEXT MEETING**

Tuesday, January 18, 2022

**BOARDS AND COMMISSIONS OPENINGS**

- Brownfield Redevelopment Authority – term expires June 30, 2022
- Building Board of Appeals – Alternate - term expires June 30, 2022
- Building Board of Appeals – Alternate - term expires June 30, 2024
- Downtown Historic District Commission – term expires June 30, 2022
- Owosso Historical Commission – 2 terms expire December 31, 2023
- Shiawassee District Library – term expires June 30, 2024
- Parks & Recreation Commission – term expires June 30, 2022
- Planning Commission – term expires June 30, 2022
- Zoning Board of Appeals – Alternate – term expires June 30, 2024
- Zoning Board of Appeals – term expires June 30, 2023

**ADJOURNMENT**

Motion by Councilmember Fear for adjournment at 10:01 p.m.

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

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Christopher T. Eveleth, Mayor

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Amy K. Kirkland, City Clerk

\*Due to their length, text of marked items is not included in the minutes. Full text of these documents is on file in the Clerk's Office.