

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF APRIL 18, 2022
7:30 P.M.
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER PIDEK

PLEDGE OF ALLEGIANCE: CITY ATTORNEY SCOTT GOULD

PRESENT: Mayor Christopher T. Eveleth, Mayor Pro-Tem Susan J. Osika, Councilmembers Janae L. Fear, Jerome C. Haber, Nicholas L. Pidek, and Robert J. Teich, Jr.

ABSENT: Councilmember Daniel A. Law

APPROVE AGENDA

Motion by Councilmember Pidek to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF APRIL 4, 2022

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of April 4, 2022 as presented.

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

APPROVAL OF THE MINUTES OF SPECIAL MEETING OF APRIL 12, 2022

Motion by Councilmember Teich to approve the Minutes of the Special Meeting of April 12, 2022 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Zoning Ordinance Amendment - Chapter 38, Zoning

City Manager Henne explained the proposed amendment would remove references to 'greenhouses' from the existing ordinance and eliminate the possibility of grow greenhouses to limit light pollution. Councilmember Fear, Planning Commission member, noted it was never the intention for greenhouses to be included.

A public hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 38, Zoning, Article XIII- 11 Light Industrial Districts, Section 38-292, *Principal Uses Permitted*.

There were no comments regarding the proposed amendment 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 Councilmember Teich that the following ordinance be adopted:

ORDINANCE NO. 831

**APPROVING AMENDMENT TO CHAPTER 38, ZONING,
ARTICLE XIII, 11 LIGHT INDUSTRIAL, SEC. 38-292, *PRINCIPAL USES*
PERMITTED TO THE CODE OF ORDINANCES OF THE CITY OF OWOSSO
TO REMOVE THE TERM GREENHOUSES**

WHEREAS, the Planning Commission of the City of Owosso, Shiawassee County, Michigan desires to avoid the potential for light pollution caused by marijuana grow greenhouses; and

WHEREAS, the term “greenhouses” would need to be removed from the Zoning Ordinance to effectuate this change; and

WHEREAS, the Planning Commission held a public hearing, on March 28, 2022 at its regularly scheduled meeting, to receive citizen comment regarding the proposed changes to sections of Chapter 38, Zoning, to remove greenhouses from the list of uses permitted in the I-1, Light Industrial District. Two citizens spoke, both in support of the proposed amendment; and

WHEREAS, the Planning Commission recommends approval of the proposed amendment to Chapter 38, Zoning; and

WHEREAS, the City Council held a public hearing on April 18, 2022, heard all interested persons, and deliberated on the proposed ordinance amendment.

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

SECTION 1. AMENDMENT. That Chapter 38, Zoning, Article XIII, *I-1 Light Industrial Districts*, Sec. 38-292, Principal Uses Permitted, shall be amended as follows:

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 shall meet the requirements of section 38-389 or section 38-393;
 - 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 a solid wall or fence that meets the requirements of section 38-389 or section 38-393;
- (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) Other uses of a similar and no more objectionable character to the above uses;
- (8) Accessory buildings and uses customarily incident to any of the above permitted uses;
- (9) Residential structures existing as of January 1, 2012;
- (10) A marijuana provisioning center, grower, processor, safety compliance facility or secure transporter as authorized by the city's medical marijuana 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 marijuana 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 marijuana facilities license based on the finding that the provisions of the Medical Marijuana 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 marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, 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 marijuana facilities, unless otherwise specified, are as provided in chapter 26, signs.
- (11) Marijuana growers, processors, safety compliance facilities or secure transporters as authorized by the city's medical marijuana facilities licensing—Police power authorizing ordinance 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, marijuana growing shall be located entirely within a fully enclosed, secure, indoor facility with rigid walls, a roof, and doors. Marijuana 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 marijuana 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 marijuana 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 marijuana 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 marijuana growing or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 - 2. Outdoor marijuana 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 marijuana growing or marijuana 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 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.
- g. *Buffer zones.* A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within the distance specified from the uses below as determined by the city. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:
1. A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within two hundred (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 marijuana grower, processor, safety compliance facility, or secure transporter must be measured along the center line of the street or streets of address between two (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 marijuana grower, processor, safety compliance facility, or secure transporter and from the part of the marijuana grower, processor, safety compliance facility, or secure transporter nearest to the school building.
 2. A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within one hundred (100) feet of a residentially zoned structure. The distance between the residentially zoned structure and the marijuana grower, processor, safety compliance facility, or secure transporter must be measured along the center line of the street or streets of address between two (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 marijuana grower, processor, safety compliance facility, or secure transporter and from the part of the marijuana grower, processor, safety compliance facility, or secure transporter nearest to the residentially zoned structure.
 3. A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within one hundred (100) feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the marijuana grower, processor, safety compliance facility, or secure transporter must be measured along the center line of the street or streets of address between two (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 marijuana grower, processor, safety compliance facility, or secure transporter and from the part of the marijuana grower, processor, safety compliance facility, or secure transporter nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The city hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 4. EFFECTIVE DATE. This amendment shall become effective May 9, 2022.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmember Teich, Mayor Pro-Tem Osika, Councilmembers Fear, Pidek and Mayor Eveleth.

NAYS: Councilmember Haber.

ABSENT: Councilmember Law.

CITIZEN COMMENTS AND QUESTIONS

Ed Urban, 601 Glenwood, has been in contact with the city's engineer about a manhole cover. He also gave information on the Sanford dams and the charge for metal detecting in the area.

CONSENT AGENDA

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

Set Public Hearing - 2022-2023 City Budget. Set required Public Hearing pursuant to Chapter 8 of the City Charter for Monday, May 2, 2022 at 7:30 p.m. in Council Chambers at City Hall, 301 West Main Street, to receive citizen comment regarding the 2022-2023 Proposed City Budget.

Emergency Repair Authorization – Repair South Clarifier at Water Treatment Plant. Approved emergency repair of south clarifier at the Water Treatment Plant by Westech Engineering, LLC and authorized payment to the contractor in the amount of \$15,305.00 as follows:

RESOLUTION NO. 59-2022

**AUTHORIZING EMERGENCY REPAIR OF
THE SOUTH CLARIFIER AT THE WATER TREATMENT PLANT
BY WESTECH ENGINEERING, LLC OF AMES, IOWA**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, is required to maintain a constant supply of treated water to its city and regional customers in accordance with state and federal regulatory requirements; and

WHEREAS, the ability to treat and deliver potable on demand was compromised as result of the inoperability of the south clarifying unit, and emergency repair of the unit was necessary to ensure the continued supply of treated water on demand; and

WHEREAS, the City's Director of Public Services and Utilities determined the necessity for the emergency repair, acquired Westech Engineering, LLC to perform the services necessary to fully restore the South Clarifier to full operating condition, reviewed the invoice for emergency services provided by Westech, and recommends authorizing payment to Westech for said services in the amount of \$15,305.00.

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 was advisable, necessary and in the public interest to authorize the emergency repair of the south clarifier at the Water Treatment Plant by the original equipment manufacturer, Westech Engineering, LLC of Ames, Iowa.
- SECOND: The purchase agreement between the City of Owosso and Westech Engineering, LLC is in the form of a Westech Quotation and City Purchase Order.
- THIRD: The accounts payable department is authorized to submit payment to Westech Engineering, LLC in the amount of \$15,305.00.
- FOURTH: The above expenses shall be paid from water account No. 591-901-977.000.

Professional Services Agreement – Hydrogen Sulfide Study Authorized Professional Utilities Engineering Services Agreement with Fishbeck for a Hydrogen Sulfide (H₂S) Study to identify chemical gases present in the waste flow from the four service units utilizing the Wastewater Treatment Plant (WWTP) in an amount not to exceed \$30,000.00, and further authorized payment based on unit prices to the engineer for completed work as follows:

RESOLUTION NO. 60-2022

**AUTHORIZING THE EXECUTION OF AN AGREEMENT
FOR PROFESSIONAL UTILITIES ENGINEERING SERVICES
WITH FISHBECK**

FOR THE WWTP HYDROGEN SULFIDE STUDY

WHEREAS, testing has shown there to be an increase in the level of hydrogen sulfide (H₂S) entering the Waste Water Treatment Plant (WWTP), to a point where it is beginning to corrode some of the newly installed equipment at the plant; and

WHEREAS, the Owosso Mid-Shiawassee County WWTP Review Board and the City's Director of Public Services & Utilities suggest having a Hydrogen Sulfide (H₂S) Study performed to identify the chemical gases present in the waste flow from the four service units and at the City of Owosso Wastewater Treatment Plant (WWTP) and propose possible options for remediation; and

WHEREAS, proposals were sought from the City's Qualification Based Selection list of engineering firms to perform said study; and

WHEREAS, the Owosso Mid-Shiawassee County WWTP Review Board and the City's Director of Public Services & Utilities recommend Fishbeck, Thompson, Carr & Huber, Inc. dba Fishbeck as the most qualified firm to perform the study, in an amount not to exceed \$30,000.00.

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

FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to contract with Fishbeck for engineering services to complete a Hydrogen Sulfide (H₂S) study to identify chemical gases present at the WWTP and in the waste flow from the four governmental units it services.

SECOND: The Mayor and City Clerk are authorized and instructed to sign the document substantially in the form attached as Addendum No. 3 to an Agreement for Professional Utilities Engineering Services between the City of Owosso and Fishbeck, Thompson, Carr & Huber, Inc. dba Fishbeck.

THIRD: The accounts payable department is authorized to submit payment to Fishbeck, according to unit prices, in an amount not to exceed \$30,000.00 upon satisfactory completion of the work or portion thereof.

FOURTH: The above expenses shall be paid from the Wastewater Fund Account, with proportional reimbursement from the remaining service units according to the terms of the 1977 Waste Water Treatment Plant Operation Agreement, as amended.

Mid Michigan Custom Car Show Traffic Control Order Approved application of Andy Genovese for use of Washington Street from Main Street to Mason Street and Exchange Street from Water Street to Park Street on Sunday, June 12, 2022 from 7:00am to 6:00pm for the Mid-Michigan Custom Car Show and authorize Traffic Control Order No. 1468 formalizing the request.

Check Register – March 2022. Affirmed check disbursements totaling \$1,089,616.63 for March 2022.

Motion supported by Councilmember Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Law.

ITEMS OF BUSINESS

Medical Marijuana License Transfer Request

This item would approve transfer of the Medical Marihuana Provisioning Center License, located at 1115 Corunna Avenue, from GH Processing to DCAD, LLC. City Manager Henne noted this would give the new license holder eight months to open the facility. Mayor Pro-Tem Osika asked if this was the same location of the previous license transfer. Henne affirmed it was the same location and that licenses stay with the properties except in extenuating circumstances and only with council approval.

Motion by Mayor Pro-Tem Osika to approve transfer of the Medical Marihuana Provisioning Center License, located at 1115 Corunna Avenue, from GH Processing to DCAD, LLC.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: Councilmember Haber.

ABSENT: Councilmember Law.

COMMUNICATIONS

- Elizabeth A. Kuiper, DDA/OMS Executive Director. Memo regarding security cameras downtown.
- Brad A. Barrett, Finance Director. Financial Reports – February 2022.
- Tanya Buckelew, Planning & Building Director. March 2022 Building Department Report.
- Tanya Buckelew, Planning & Building Director. March 2022 Code Violations Report.
- Tanya Buckelew, Planning & Building Director. March 2022 Inspections Report.
- Tanya Buckelew, Planning & Building Director. March 2022 Certificates Issued Report.
- Kevin D. Lenkart, Public Safety Director. March 2022 Fire Report.
- Downtown Development Authority/Main Street. Minutes of April 6, 2022.

CITIZEN COMMENTS AND QUESTIONS

Ed Urban, 601 Glenwood, detailed a purchase he made at Springrove Variety downtown and his availability to pick it up.
 Pro Tem Osika noted it is the opening weekend for Clue at the Lebowsky Center and there will be a Downtown cleanup on Saturday, April 23, 2022 from 9am-12noon with coffee and lunch provided. Those interested should meet at Main Street Plaza.

NEXT MEETING

Tuesday, April 19, 2022 at 6:00 p.m.
 Monday, May 02, 2022 at 7:30 p.m.

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 – term expires December 31, 2023
- 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 7:45 p.m.
 Motion supported by Mayor Pro-Tem Osika and concurred in by unanimous vote.

Christopher T. Eveleth, Mayor

Carrie A. Farr, Deputy City Clerk