

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF JULY 5, 2022
7:30 P.M.
VIRGINIA TEICH CITY COUNCIL CHAMBERS**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: COUNCILMEMBER JEROME C. HABER

PLEDGE OF ALLEGIANCE: AMY K. FULLER, ASSISTANT TO THE CITY MANAGER

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

ABSENT: Councilmember Nicholas L. Pidek.

APPROVE AGENDA

Motion by Mayor Pro-Tem Osika 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 JUNE 21, 2022

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of June 21, 2022 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

Obsolete Property Rehabilitation Exemption Certificate – 123 N. Washington Street

Amy K. Fuller, Assistant to the City Manager, briefly detailed the proposed \$2.9 million project to redevelop the building located at 123 N. Washington Street, creating nine new apartments in the downtown. The developers are asking for a 12-year OPRA abatement, though the project only scored high enough for an 11-year abatement according to the City's tax abatement matrix. They are also seeking additional assistance for the project via Brownfield incentives, with the Brownfield Authority recommending approval of a twenty year plan.

Ms. Fuller went on to list three options for Council:

1. Approve the abatement for the full 12 years,
2. Deny the abatement,
3. Approve the abatement for 11 years, in line with the City's scoring matrix.

She cautioned Council about the last two options, explaining that the developers would likely not undertake the project if they are not able to obtain the maximum abatement because there would not be enough economic incentive, leading to further deterioration of the façade and infrastructure on one of the downtown's anchor buildings.

A public hearing was conducted to receive citizen comment regarding the application from Woodworth Investments LLC for a twelve year Obsolete Property Rehabilitation Exemption Certificate for their property at 123 North Washington Street.

The following person commented regarding the requested abatement:

Tom Manke, 2910 W. M-21, said he had toured the building recently and he understands why the developers would not undertake the project without the maximum OPRA tax abatement. He said that the upper floors of the building have not been used in many decades and factoring in the deterioration of the façade they will need all the help they can get. He concluded by saying he would like to see the project move forward so the building remains viable.

Seeing no more citizens wishing to comment, the public hearing was closed.

Councilmember Teich asked if the developers would be able to meet the original timeline that was proposed, starting this fall and ending next fall. Mayor Pro-Tem Osika said she was present at the recent Brownfield Authority meeting at which the developers indicated that they could not guarantee a completion time since there are so many factors that are outside of their control. She also noted that, should they receive the OPRA abatement, the developers intend to leverage it to secure possible grant funding for the project.

Councilmember Teich said that, having been involved with the preparations for the redevelopment of the Matthews Building and how it never went anywhere, he was concerned that this project may fall victim to the same circumstances. He asked if the project had a realistic chance of obtaining the necessary funding/grants. Mayor Pro-Tem Osika said she had spoken with Justin Horvath of the SEDP and he felt there would be grant funding available.

Councilmember Fear indicated that the developers said they are ready to start construction, but they wanted to get through the tax abatement process before proceeding.

Mayor Eveleth noted that there is a process for revoking a tax abatement should the project stall and not make satisfactory progress. He also noted that he was in favor of approving the full twelve year exemption, saying the request does not deviate from the tax abatement policy that much and he felt comfortable granting it as long as an explanation was given. Lastly, he pointed out the building's status as an anchor in the downtown.

Councilmember Fear indicated that there was discussion during the Brownfield meeting that Tax Abatement Policy needed to be re-examined to add criteria for housing creation. She also pointed out that while the request before them this evening does not create new jobs it will provide for the retention of the existing jobs at the bank.

Mayor Eveleth asked that re-examination of the Tax Abatement Policy be included in any motion to approve the abatement.

Whereas, the Council, after due and legal notice, and having heard all interested parties, motion by Councilmember Teich that the following resolution be adopted:

RESOLUTION NO. 99-2022

**TO APPROVE THE APPLICATION FOR AN
OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE
FROM WOODWORTH INVESTMENTS, LLC
FOR PROPERTY LOCATED AT
123 N. WASHINGTON STREET**

WHEREAS, the City of Owosso is a Qualified Local Government Unit within the State of Michigan and is empowered to provide tax exemptions for increased value of rehabilitated facilities within the City; and

WHEREAS, after public notice and a public hearing on June 6, 2022, the City Council of the City of Owosso approved an Obsolete Property Rehabilitation District at 123 N. Washington Street in Owosso, Michigan. As provided by section 4(2) of Public Act 146 of 2000, said property more particularly described as:

W 44' OF LOT 3 & N 44' OF THE E 88' OF LOT 3, BLK 22 OF ORIGINAL PLAT; and

WHEREAS, the City Clerk received an application on April 26, 2022 from Randy Woodworth, President of Woodworth Investments, LLC, for an Obsolete Property Rehabilitation Exemption Certificate; and

WHEREAS, the application is complete, including items (a) through (f) described under "Instructions" on the Application for Obsolete Property Rehabilitation Exemption Certificate; and

WHEREAS, notice of a public hearing concerning the application for an exemption certificate was provided to the Assessor of the City and the legislative body of each taxing unit that levies ad valorem property taxes in the City; and

WHEREAS, the City finds that the property meets the definition of an obsolete property as defined in section 2(h) of Public Act 146 of 2000 and the application for the exemption certificate is complete; and

WHEREAS, the City finds that the property relates to a rehabilitation program that when completed constitutes a "rehabilitated facility" within the meaning of P.A. 146 of 2000, and said property is located within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of PA 146 of 2000; and

WHEREAS, it has been found that the rehabilitation of the obsolete property is calculated to, and will at the time of the issuance of the certificate, have the reasonable likelihood to increase commercial activity, retain and create employment, and revitalize the downtown; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of the property already exempt under PA 146 of 2000 and under PA 198 of 1974 does not exceed 5% of the total taxable value of the unit; and

WHEREAS, the applicant is not delinquent in any taxes related to the facility; and

WHEREAS, the rehabilitation work described in the application had not commenced prior to the establishment of the District.

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

- FIRST: based on the findings above made at a public hearing held July 5, 2022, the application for an Obsolete Property Rehabilitation Exemption Certificate at 123 N. Washington Street is authorized for a period of twelve years.
- SECOND: the rehabilitation shall be completed within twenty-four (24) months from the date of approval of said application.
- THIRD: the application and resolution are authorized for submittal to the State Tax Commission for final review and authorization.
- FOURTH: City staff are directed to review the Tax Abatement Policy for the possible inclusion of housing development as an evaluation criteria.

Motion supported by Councilmember Haber.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmembers Law and Pidek.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 W. M-21, said the Downtown Owosso Farmers' Market is not registered as a business with the state. He further stated that they are restricting certain types of vendors from having a booth at the market, while accommodating others, and he thought there was an ordinance against this. He demanded the City stop the Farmers' Market from restricting certain types of vendors and look into the local Pride group for possibly bullying local businesses.

Eddie Urban, 601 Glenwood Avenue, reported that Councilmember Law is not feeling well today causing his absence. As a consequence, he asked if anyone present could give him a ride back home after the meeting.

Rose Hooper, 708 Fletcher Street, said she was very concerned with the length of time that fireworks are allowed within the City. She asked that the time be shortened for the sake of veterans and pets. She went on to echo Mr. Manke's comments on the farmers' market, saying the City needed to stop the market because it operates on City property and it is exposing children to inappropriate things by allowing the local Pride group to participate with the market.

Mayor Pro-Tem Osika noted that sidewalk sales will be held downtown July 14-16. She thanked the evening Kiwanis group for the new play equipment at Collamer Park. And lastly, she noted that Curwood Castle will be 100 years old next year and the Historical Commission has created a committee to put together a celebration of the occasion.

Mayor Eveleth asked Public Safety Director Lenkart for clarification on when fireworks are allowed in the City. Director Lenkart indicated the State regulates when fireworks are allowed in the days before and after a holiday, not the City. He also noted the problems that police departments all over the state experience when trying to enforce the law.

Steve Corwin, 402 N. Park Street, said that constant fireworks give him anxiety and asked that they be limited to two days.

Councilmember Haber asked who owns the Farmers' Market. Mayor Eveleth indicated it is a private entity that obtains a permit from the City allowing them to set up their booths in the street. He went on to say that the Pride event in question was held on private property adjacent to the market as was an event for a political candidate, with both organizations taking advantage of the people gathered for the Farmers' Market but not operating as a part of it.

Two Councilmembers disagreed with one another as to the intent of the Pride event. The Mayor stated once again that the Pride event was held on private property.

Councilmember Fear inquired about the rash of watermain breaks that have happened recently. Amy Fuller, Assistant to the City Manager, indicated that there had been a fluctuation in water pressure at the Water Treatment Plant and the City's aging infrastructure was unable to handle it, resulting in multiple breaks. She went on to reassure Council that the planned SCATA upgrades at the Water Treatment Plant should prevent this from happening in the future.

CONSENT AGENDA

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

Boards and Commissions Appointment. Approve the following Mayoral Boards and Commissions appointment:

Name	Board/Commission	Term Expires
Allan Martin	Planning Commission	06-30-2023

Sidewalk Sales/Cruise the Pits Event Permission. Approve request from the OMS/DDA for the closure of Main Street Plaza, Lot #9, for the Sidewalk Sales/Cruise the Pits Car Show event on Friday, July 15, 2022 from 4:00 p.m. to 10:00 p.m. and Saturday, July 16, 2022 from 7:00 a.m. to 3:00 p.m. and authorize Traffic Control Order No. 1473 formalizing the action.

Master Plan Implementation Goals: 1.7, 1.17, 4.2, 4.6, 5.9, 5.12

Contract Amendment – WTP High Service Pump #4. Authorize amendment to PO #43516 with Kennedy Industries for additional parts and services necessary to rehabilitate high service pump #4 at the Water Treatment Plant in the amount of \$5,750.00, and further authorize payment to the vendor upon satisfactory reinstallation of the pump as follows:

RESOLUTION NO. 100-2022

RESOLUTION AUTHORIZING ADDITIONAL PARTS & SERVICES FOR REHABILITATION OF HIGH SERVICE PUMP #4 FOR THE WATER TREATMENT PLANT

WHEREAS, the City of Owosso, Shiawassee County, Michigan, authorized a Purchase Order with Kennedy Industries for the removal, inspection, rehabilitation, and reinstallation of high service pump #4 at the Water Treatment Plant on November 15, 2021; and

WHEREAS, Kennedy Industries has removed and inspected pump #4 and found further condition issues not included in its original quote, thus requiring additional repair.

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

- FIRST: it has heretofore been determined that it is advisable, necessary and in the public interest to amend the purchase order with Kennedy Industries for additional parts and services necessary to complete the rehabilitation of high service pump #4 at the Water Treatment Plant.
- SECOND: City Purchase Order No. 43516 shall be increased by \$5,750.00 to \$20,540.00.
- THIRD: the above expenses, including the additional parts and service, shall be paid from the Water Fund Account No. 591-901-977.000.

Master Plan Implementation Goals: 3.4

Purchase Authorization Amendment – Tree/Bucket Truck. Authorize amendment to PO #43446 with D. & K. Truck Company for the base purchase of a new Tree/Bucket Truck, increasing the contract amount \$3,835.00 for additional modifications to the cab & chassis, and further authorize payment to the vendor upon satisfactory delivery of the vehicle to the upfitter as follows:

RESOLUTION NO. 101-2022

AUTHORIZING AMENDMENT TO THE PURCHASE ORDER WITH D. & K. TRUCK COMPANY FOR THE PURCHASE OF ONE FREIGHTLINER M2 106 CAB & CHASSIS FOR USE IN THE FLEET MOTOR POOL AS A TREE TRUCK

WHEREAS, on August 16, 2021 the City of Owosso, Shiawassee County, Michigan, authorized a Purchase Order with D. & K. Truck Company for one 2023 Freightliner M2 106 cab and chassis to serve as the base of a tree/bucket truck; and

WHEREAS, since that time economic conditions have changed and Freightliner's parent company has implemented a \$2,900.00 surcharge on all 2023 Freightliner M2 106 cab and chassis; and

WHEREAS, staff has requested the wheel base be increased and the brake system upgraded on the vehicle to better accommodate the lift system and improve safety, with a proposed cost of \$935.00; and

WHEREAS, the City of Owosso Director of Public Services & Utilities has reviewed the additional charges and recommends authorization of an increase to the contract in the amount of \$3,835.00.

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

- FIRST: it has heretofore been determined that it is advisable, necessary and in the public interest to amend the purchase order with D. & K. Truck Company, increasing the contract for an unanticipated manufacturer's surcharge and additional modifications to the vehicle.
- SECOND: City Purchase Order No. 43446 shall be increased by \$3,835.00 to \$76,570.00.
- THIRD: the accounts payable department is authorized to submit payment to D. & K. Truck Company in the amount of \$76,570.00 from account 661-901-979.000.

***Contract Authorization – Full Time School Resource Officers.** Consider approving an intergovernmental agreement between the Owosso Public Schools and the City of Owosso for the provision of two full time School Resource Officers shared between the two entities for a five year period ending June 30, 2027 as follows:

RESOLUTION NO. 102-2022

**APPROVING INTERGOVERNMENTAL AGREEMENT
WITH THE OWOSSO PUBLIC SCHOOL DISTRICT
FOR THE PROVISION OF TWO FULL-TIME POLICE OFFICERS
TO SERVE AS SCHOOL RESOURCE OFFICERS**

WHEREAS, the Michigan Urban Cooperation Act, Act No. 7 of 1967, et. seq., provides that public agencies may enter into intergovernmental agreements for the provision of services, or joint or cooperative action; and Section 3.1 General Powers, subsection B, of the *City Charter of the City of Owosso* authorizes the City to enter into intergovernmental agreements with various public agencies, including school districts; and Section 11a(4) of the Revised School Code, MCL 380.11a(4), authorizes general powers school districts to enter into agreements and cooperative arrangements with other entities, public or private, as part of performing its functions; and

WHEREAS, this Agreement will enhance the public safety of the City of Owosso and the Owosso Public School District through the provision of two full time police officers to serve as School Resource Officers;

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

- FIRST: it is advisable, necessary and in the public interest to enter into an intergovernmental agreement for the provision of two full time police officers to serve as School Resource Officers for the period from July 6, 2022 through June 30, 2027.
- SECOND: the mayor and city clerk are authorized and instructed to sign the document substantially in form attached as Intergovernmental Agreement for Two Full Time School Resource Officers, between the City of Owosso and Owosso Public Schools.

Master Plan Implementation Goals: 3.2, 7.1

Check Register – June 2022. Affirm check disbursements totaling \$695,147.11 for June 2022.

Motion supported by Councilmember Teich.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmembers Law and Pidek.

ITEMS OF BUSINESS

Rescind Resolution No. 04-2017 – Proposed Special Assessment for Center Street

Assistant Fuller briefly detailed the history of the project in question. The resolution introducing the repaving of Center Street as a potential special assessment was originally approved in 2017, with the intent to replace the watermain at the time the street is redone. Unfortunately, since that time the project was postponed each year because funds were not available for the watermain replacement. The City is now ready to proceed with the project, but due to the long delay after the initial resolution was approved staff feels it would be appropriate to rescind the original resolution and start the special assessment process anew. The next item on the agenda will reintroduce the project.

Motion by Mayor Pro-Tem Osika to rescind Resolution No. 04-2017, which introduced a proposed special assessment project for the resurfacing of Center Street from King Street to North Street, due to the significant delay between the introduction of the project and its execution caused by budget constraints related to replacement of water main as follows:

RESOLUTION NO. 103-2022

**RESCIND RESOLUTION NO. 04-2017
REGARDING THE PROPOSED PROJECT TO RESURFACE
CENTER STREET FROM KING STREET TO NORTH STREET**

WHEREAS, on January 3, 2017, City Council approved Resolution No. 04-2017 introducing the proposed special assessment project to resurface Center Street from King Street to North Street; and

WHEREAS, the street project has been postponed and not constructed for over five years due to budget constraints; and

WHEREAS, the City is now in a position to undertake the project and staff recommends rescinding Resolution No. 04-2017 so the special assessment process for this project can be restarted.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that Resolution No. 04-2017, originally authorized January 3, 2017, is hereby rescinded to enable the special assessment process for the project to resurface Center Street from King Street to North Street to be restarted.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmembers Law and Pidek.

Proposed Special Assessment Project – Center Street

Motion by Councilmember Teich to authorize Resolution No. 1 for proposed Special Assessment District No. 2023-04 for Center Street from King Street to North Street for street resurfacing as follows:

RESOLUTION NO. 104-2022

**CENTER STREET
FROM KING STREET TO NORTH STREET
SPECIAL ASSESSMENT RESOLUTION NO. 1**

WHEREAS, the City Council of the City of Owosso deems it necessary to acquire and construct the following described improvement:

**Center Street from King Street to North Street
Street Resurfacing**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of making said public improvement is hereby referred to the City Manager, who shall prepare a report thereon, which shall include plans and detailed estimates of the cost thereof and a description of the special assessment district and such other pertinent information as will permit the City Council to decide the cost, extent and necessity of the public improvement and what proportion of the cost should be paid by the City at large.
2. The City Manager shall present said report to the City Council when same has been prepared.

Motion supported by Councilmember Fear.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmembers Law and Pidek.

Master Plan Implementation Goals: 3.4, 3.10

Closed Session

Motion by Councilmember Fear to hold a closed session after the last Citizen Comments & Questions period for the purpose of discussing collective bargaining negotiations.

Motion supported by Councilmember Haber.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Tadd Morris, Owosso Planning Commission. Letter of Resignation.

Owosso Historical Commission. Minutes of June 13, 2022.

Historic District Commission. Minutes of June 15, 2022.

Downtown Development Authority/Main Street. Special Meeting Minutes of June 16, 2022.

Parks & Recreation Commission. Minutes of June 22, 2022.

CITIZEN COMMENTS AND QUESTIONS

Tom Manke, 2910 W. M-21, said that he had been investigating the Farmers' Market issue and he believed that the space utilized for the Pride event is included in the City's permit for the Farmers' Market. He went on to express his objections to the Pride event.

Rose Hooper, 708 Fletcher Street, said the City would be harming children by turning a blind eye to the Pride event and the City should take responsibility.

Karen Mead-Elford, 1330 W. King Street, said she attended the Farmers' Market on the day in question and she didn't see anything anti-religious going on. She also said that none of the business owners or vendors she spoke with said they were bullied, rather they were proud to recognize a marginalized minority.

Eddie Urban, 601 Glenwood Avenue, said he had a crazy weekend, getting a new cell phone, having a mysterious visit from the DAV, calls from his family, and reports of police officers at his home – all while he was up north.

Mayor Eveleth noted that the Armory is private property and the City does not have the authority to permit anyone to use private property.

ADJOURNED TO CLOSED SESSION AT 8:20 P.M.

RETURNED FROM CLOSED SESSION AT 8:29 P.M.

APPROVAL OF THE MINUTES OF THE CLOSED SESSION OF JUNE 6, 2022

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Closed Session of June 6, 2022 as presented.

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

***COLLECTIVE BARGAINING AGREEMENT APPROVAL – AFSCME**

Motion by Mayor Pro-Tem Osika to approve the collective bargaining agreement with AFSCME Local 1059 for the period beginning May 1, 2022 and ending April 20, 2025.

Motion supported by Councilmember Haber.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmembers Law and Pidek.

NEXT MEETING

Monday, July 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 – term expires December 31, 2023
- Shiawassee District Library Board – term expires June 30, 2025
- 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 8:30 p.m.

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

Christopher T. Eveleth, Mayor

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.