

**CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MINUTES OF OCTOBER 7, 2019
7:30 P.M.**

PRESIDING OFFICER: MAYOR CHRISTOPHER T. EVELETH

OPENING PRAYER: MARLENE WEBSTER
COUNTY COMMISSIONER DISTRICT 1

PLEDGE OF ALLEGIANCE: MAYOR PRO-TEM SUSAN J. OSIKA

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

ABSENT: Councilmember Loreen F. Bailey. (Excused for medical reasons.)

APPROVE AGENDA

Motion by Mayor Pro-Tem Osika to approve the agenda with the following changes:

Add:

PROCLAMATIONS/SPECIAL PRESENTATIONS

1. Trash Collection Presentation – Supplemental.

ITEMS OF BUSINESS

3. Professional Services Agreement – Public Relations Services.

Remove:

ITEMS OF BUSINESS

2. Closed Session.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 16, 2019

Motion by Mayor Pro-Tem Osika to approve the Minutes of the Regular Meeting of September 16, 2019 as presented.

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

APPROVAL OF THE MINUTES OF 5TH MONDAY MEETING OF SEPTEMBER 30, 2019

Motion by Councilmember Haber to approve the Minutes of the 5th Monday Meeting of September 30, 2019 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

Trash Collection Presentation – Supplemental. (This item was added to the agenda.)

City Manager Nathan R. Henne gave a presentation answering questions that were raised after his initial trash presentation at the meeting of September 30, 2019. Information in the presentation will be posted to the City's website and social media pages.

Councilmember Pidek asked that an analysis of the recycling options be conducted.

Councilmember Haber indicated he had met with the City Manager and local trash haulers earlier in the day and the meeting was productive.

Motion by Councilmember Haber to table any decision that would change trash service until such time as a public forum is held.

Motion supported by Councilmember Law.

Roll Call Vote.

AYES: Councilmembers Law, Pidek, Haber, and Mayor Eveleth.

NAYS: Councilmember Fear and Mayor Pro-Tem Osika.

ABSENT: Councilmember Bailey.

Councilmember Haber will contact the trash haulers about possible dates and times for the forum.

PUBLIC HEARINGS

Proposed Special Assessment Project - Cedar Street, from South Street to Hampton Avenue

City Manager Henne gave a brief presentation detailing the pavement condition, traffic counts, and breakdown of estimated costs for Cedar Street.

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for proposed Special Assessment District No. 2020-01 for Cedar Street from South Street to Hampton Avenue for street rehabilitation.

Terry Ochodnický, 1436 S. Cedar Street, said the street was in good shape until MDOT detoured traffic onto the street when they reconstructed M-52. He said he felt the State should be responsible for the cost of rehabbing the street. Mayor Eveleth inquired whether there was any recourse with MDOT. City Manager Henne indicated he was not aware of any way to make them compensate the City for damage caused by the detour.

Anna Reed, 1249 S. Cedar Street, asked why the price she is being charged on Cedar Street is more than the residents on Clark Avenue will be required to pay. It was explained that each street is different with different conditions beneath the surface, different widths and lengths, different types of traffic, and different lot sizes resulting in different prices.

Motion by Councilmember Pidek to approve the following resolution:

RESOLUTION NO. 139-2019

**AUTHORIZING SPECIAL ASSESSMENT RESOLUTION NO. 3
ESTABLISHING SPECIAL ASSESSMENT DISTRICT NO. 2020-01
CEDAR STREET, FROM SOUTH STREET TO HAMPTON AVENUE
FOR STREET REHABILITATION**

WHEREAS, the City Council, after due and legal notice, has met and having heard all persons to be affected by the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited:

CEDAR STREET, A PUBLIC STREET, FROM SOUTH STREET TO HAMPTON AVENUE
STREET REHABILITATION

2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$588,054.00 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
3. The City Council determines that of said total estimated cost, the sum of \$100,550.94 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described, and that the sum of \$487,503.06 of said total estimated cost shall be the obligation of the City at large because of benefit to the City at large.
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied:

Cedar Street, a Public Street, from South Street to Hampton Avenue

For street rehabilitation

- 5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.
- 6. When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Mayor Pro-Tem Osika.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Bailey.

Proposed Special Assessment Project – Clark Avenue, from Oliver Street to King Street

City Manager Henne gave a brief presentation detailing the pavement condition, traffic counts, and breakdown of estimated costs for Clark Avenue.

A public hearing was conducted to receive citizen comment regarding Resolution No. 3 for proposed Special Assessment District No. 2020-02 for Clark Avenue from Oliver Street to King Street for street rehabilitation.

The following person commented in regard to the proposed project:

Kathy Bond, 805 W. King Street, via email, objected to the proposed project saying the street does not need improvement and there are other streets that are in greater need of repair.

Motion by Mayor Pro-Tem Osika to approve the following resolution:

RESOLUTION NO. 140-2019

**AUTHORIZING SPECIAL ASSESSMENT RESOLUTION NO. 3
ESTABLISHING SPECIAL ASSESSMENT DISTRICT NO. 2020-02
CLARK AVENUE, FROM OLIVER STREET TO KING STREET
FOR STREET REHABILITATION**

WHEREAS, the City Council, after due and legal notice, has met and (there being no one to be heard regarding / having heard all persons to be affected by) the proposed public improvement more particularly hereinafter described; and

WHEREAS, the City Council deems it advisable and necessary to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The City Council hereby determines to make and proceed with the following described public improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited:

CLARK AVENUE, A PUBLIC STREET, FROM OLIVER STREET TO KING STREET
STREET REHABILITATION

- 2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$323,828.40 and approves said estimated cost and determines that the estimated life of said public improvement is twenty (20) years.
- 3. The City Council determines that of said total estimated cost, the sum of \$59,294.94 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described, and that the sum of \$264,533.46 of said total estimated cost shall be the obligation of the City at large because of benefit to the City at large.
- 4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied:

Clark Avenue, a Public Street, from Oliver Street to King Street

For street rehabilitation

5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.
6. When the Assessor shall have completed the assessment roll, he shall file the special assessment roll with the City Clerk for presentation to the City Council.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Bailey.

CITIZEN COMMENTS AND QUESTIONS

Prior to opening the Citizen Comments period Mayor Eveleth clarified Council's earlier action to table the decision on trash haulers saying that Council will not be making any decisions on the topic until a public forum on the matter is held.

County Commissioner District 2 Dan McMaster indicated the County Commission is looking for feedback at the public hearing regarding the proposed expansion of the County Road Commission that will be held October 10th. He welcomed any comments from residents.

Mark Silvernail, 1209 Henry Street, commented on his objections to moving to a single trash hauler saying stronger enforcement of the ordinance would be better.

Anna Reed, 1249 S. Cedar Street, said she believes that competition provides a better marketplace for citizens. She also indicated she felt it was unfair the schools are not being charged for special assessments.

Alan Thompson, 1210 George Street, remarked that he was charged 25% more than his neighbors for the Owosso Drain assessment and he didn't think it was fair. He also commented on trash pickup saying he only pays \$.50/week for service and can't afford more because he's on disability.

Bruce Bentley, 318 Gilbert Street, said he pays \$1.00 to drop off a bag of trash at his hauler's location and asked that people like him be able to opt out of dedicated weekly service.

Former City Councilmember Burton Fox, 216 E. Oliver Street, clarified for residents how special assessment amounts are determined noting that people are only paying for the pavement and a wide street will cost more per foot than a narrow street. In regard to trash Mr. Fox asked if the City had refuse problem or an ordinance problem. He outlined further concerns about local trash haulers, enforcement of the ordinance, and potential changes to the ordinance before he ran out of time to speak.

Eddie Urban, 601 Glenwood Avenue, said he has trouble with the single hauler service that is provided to his property up north and he is concerned about what such a change might do to small local haulers.

Hanora Bignall, 1004 Hanover Street, described the issue she has with her special assessment saying the house behind her accesses their home from Hanover Street but was not assessed for any of the work done to the street last year. She feels this is unfair and would like someone to look into the matter. She said she had discussed it with staff but no resolution was found. Mayor Eveleth took her information so the matter could be looked into further.

City Manager Henne defended the fact that he did not have any concrete information as to how much a single service hauler would cost the average homeowner because he does not have the authority to seek bids until the ordinance is changed. In lieu of hard numbers he had done his best to gather information from other communities to fill the gap.

In response to Ms. Reed's comment, Mayor Eveleth noted that everyone pays special assessments; churches, schools, Consumers Energy, etc. So the Schools will be paying a special assessment as well. He further noted that special assessments are based on the amount of front footage a property has, which is why some people are assessed more than others.

Councilmember Pidek asked that the problems with Herman Street be looked at so they don't get any worse.

Councilmember Law inquired whether there was something that City Council could do to authorize the City Manager to obtain bids for trash service for the purposes of discussion. He said he didn't feel right about telling residents we have no idea what the potential cost would be. Councilmember Fear indicated that Council would have to agree on the scope of service before quotes could be sought.

There was a brief discussion about putting the question on a ballot. Councilmember Haber suggested waiting to make any decisions until the public forum is held, saying he thinks there is a lot to learn from one another before moving forward. Mayor Eveleth will work with Councilmember Haber to determine how the forum will work and will bring their suggested format to the next regular meeting for consideration. Mayor Eveleth said he welcomed any Council feedback on the topic so they are able to determine the proper scope for the forum.

CITY MANAGER REPORT

City Manager Henne detailed the latest Project Status Report for City Council.

CONSENT AGENDA

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

Set Public Hearing – Industrial Facilities Exemption Certificate. Set a Public Hearing for Monday, October 21, 2019 to receive citizen comment regarding the application of Covenant Eyes, Inc. for an Industrial Facilities Exemption Certificate for real property improvements at 1525 West King Street as follows:

RESOLUTION NO. 141-2019

SETTING PUBLIC HEARING TO CONSIDER APPLICATION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FOR COVENANT EYES, INC. 1525 W KING ST

WHEREAS, a tax abatement application was received September 16, 2019 from Covenant Eyes, Inc. per the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, application was also received September 16, 2019 from Covenant Eyes, Inc. for a Real Property Industrial Facilities Tax Exemption Certificate; and

WHEREAS, an Industrial Development District was established June 19, 2000 for property described as:

PT OF N 1/2 OF SE 1/4 SEC 14 T7N R2E COM S 1*32 1/2' W 33' & E 418.73' FR CEN SEC 14 TO POB TH N90*00'00"E, ON S LN OF KING ST, 398.06, TH S42*7'30"E, 529.09', TH S49*29'16"W, 295.26", TH N42*07'00"W, 787.58' TO POB. 4.46 AC M/L (EX ESMTS OF RECORD); and

WHEREAS, the Industrial Facilities Tax Exemption certificate, being part of Act 198 of 1974, is available to the city of Owosso; and

WHEREAS, city of Owosso is a qualified local governmental unit and permits the city of Owosso to grant an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, it was determined by city staff that the Industrial Facilities Exemption Certificate is within the guidelines of the City of Owosso Tax Abatement Policy of June 7, 2010; and

WHEREAS, notification will be sent to all taxing jurisdictions per the City of Owosso Tax Abatement Policy of June 7, 2010.

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

FIRST: the Owosso City Council sets a public hearing for October 21, 2019 on or about 7:30 p.m. in the council chambers for the purpose hearing comments for those within the proposed district, governmental taxing jurisdictions and any other resident or taxpayer, of the city of Owosso.

SECOND: the city clerk gives the notifications as required by law.

Proposed Special Assessment Project – North Street. Authorize Resolution No. 2 setting a public hearing for Monday, October 21, 2019 for proposed Special Assessment District No. 2020-03 for North Street from Hickory Street to Gould Street for street reconstruction as detailed:

RESOLUTION NO. 142-2019

**NORTH STREET
FROM HICKORY STREET TO GOULD STREET
SPECIAL ASSESSMENT RESOLUTION NO. 2**

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

NORTH STREET, A PUBLIC STREET, FROM HICKORY STREET TO GOULD STREET;
STREET RECONSTRUCTION

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 \$1,343,777.40 and determines that \$196,884.33 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 \$1,146,893.07 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 Monday, October 21, 2019 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:

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

**North Street, a Public Street, from Hickory Street to Gould Street
Street Reconstruction**

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 Monday, October 21, 2019 for the purpose of hearing any person to be affected by the proposed public improvement.

First Reading & Set Public Hearing – Zoning Ordinance Amendment. Conduct first reading and set a public hearing for Monday, October 21, 2019 to receive citizen comment on the proposed amendments to Section 38-390, Site Plan Review, of Article XVII, *General Provisions*, of Chapter 38, Zoning, of the Code of Ordinances, to allow staff approval of select site plans as shown below:

RESOLUTION NO. 143-2019

**SETTING A PUBLIC HEARING TO
AMEND CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES
TO ALLOW ADMINISTRATIVE SITE PLAN REVIEW**

WHEREAS, the city of Owosso Planning Commission currently reviews every site plan per Chapter 38, Article XVII, Section 390; and

WHEREAS, an Administrative Site Plan Review ordinance would allow the Zoning Official to review certain site plans; and

WHEREAS, an Administrative Site Plan Review protocol would reduce the amount of time necessary to approve minor site plans; and

WHEREAS, the Owosso Planning Commission has met, discussed and authored amendments to the Zoning Ordinance to allow Administrative Site Plan Review in select circumstances; and

WHEREAS, the Planning Commission held a public hearing on September 23, 2019 at its regularly scheduled meeting regarding the proposal to amend various sections of Chapter 38, Zoning, in which no citizen comments were received; and

WHEREAS, the Planning Commission further recommends adoption of the following amendments to the Zoning Ordinance to allow for the administrative review of select site plans; and

WHEREAS, the City Council is required to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments.

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

SECTION 1. AMENDMENT. That Sec. 38-390, Site plan review, be amended to read as follows:

Sec. 38-390. - Site plan review.

When provisions of this chapter require submission of a site plan ~~to the planning commission~~, it shall be submitted in accordance with the provisions of this section. Site Plans may be approved Administratively or by the Planning Commission, depending on the proposal.

- (1) Submission for approval. A site plan shall be required for the following:
 - a. Any use or development for which the submission of a site plan is required by any provision of this chapter;
 - b. Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in section 38-380, off-street parking requirements;
 - c. Any use in an RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, I-1, I-2, P-1 or PUD district;
 - d. Any use except single- or two-family residential which lies contiguous to a major thoroughfare or collector street;
 - e. All residentially related uses permitted in single-family districts such as, but not limited to, churches, schools, colleges, institutions, and public facilities;
 - f. Accessory buildings or building additions which require additional off-street parking.
- (2) All site plans must be reviewed and approved by the Planning Commission, with the exception of the following, that may qualify for an Administrative Site Plan Review.
 - a. The Zoning Official, at his discretion, may send a development otherwise eligible for Administrative Site Plan Review to the Planning Commission for review and approval.
 - b. The following development/construction/activity within the City is eligible for Administrative Site Plan Approval:
 1. New construction of any Principally Permitted non-residential or multiple family development that is less than 2,000 square feet in floor area;
 2. Construction of an additional less than 2,000 square feet in floor area in a non-residential district;
 3. Construction of expansion of an impervious surface less than 5,000 square feet in area;
 4. Changes in use from a non-conforming use to a more conforming use;
 5. A vacant existing building or site to be re-occupied by a use permitted and

- will not require any significant changes in existing site facilities such as parking, landscaping, lighting, or sidewalks;
- 6. Installation of pavement or curbing improvements provided the number of spaces remain constant and the plans and construction are approved by the City Engineer;
- 7. Relocation of a waste receptacle or screening around the waste receptacle;
- 8. Accessory structures in non-residential districts;
- 9. Temporary uses, sales, and seasonal events;
- 10. Erection of a tower, antenna, or other community facility, essential public service building
- 11. Minor revisions to an approved site plan, limited to:
 - a) changes to façade or architectural features
 - b) alterations/substitutions/expansions of approved landscaping areas consistent with the other requirements of the Ordinance;
- c. Site Plan Application and Submittal Requirements are required for Administrative Site Plan Approval, consistent with Section 38-390 (3).

- (3) Any person seeking site plan approval hereunder shall submit a site plan, application, and the applicable filing fee to the building department. Application should be made a minimum of 30 days prior to the next regularly scheduled Planning Commission meeting. The building department shall provide application forms and graphic standards for the site plan. Said site plan shall be prepared by a professional architect, engineer, landscape architect or land planner and must contain the following information:
- a. A scale of not less than one (1) inch equals fifty (50) feet if the subject property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more;
 - b. Date, north point, scale, and area of the site in acres;
 - c. The dimensions of all lot and property lines, showing the relationship of the subject property to the abutting properties;
 - d. The location of all existing and proposed structures and utilities on the subject property and all existing structures within one hundred (100) feet to the subject property;
 - e. The location and layout of all existing and proposed drives and parking areas;
 - f. The location and right-of-way widths of all abutting streets and alleys;
 - g. The names and addresses of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan.
 - h. The number, location, and layout of off-street parking spaces to include all access roads and the manner in which they are to be surfaced;
 - i. The provision of internal site drainage and necessary city utilities complete with existing and proposed elevations;
 - j. The proposed site landscaping complete with a planting plan to include all proposed walls, fences, and screening in compliance with the provisions of this chapter;
 - k. The elevation of the site in relation to the identified flood hazard area. All proposed construction, reconstruction, or demolition shall be in compliance with local, state, and federal ordinances, laws, or regulations with regard to flood hazard areas;
 - l. A copy of the permit from the local enforcing agency on soil erosion and sedimentation control if the earth change activity involves more than one (1) acre or is within five hundred (500) feet of a lake or stream.

~~(43)~~ Upon receipt of a complete site plan, application, and application fee the building department shall forward said documents to the ~~community development department~~ Zoning Official for distribution to appropriate City departments for comment. Staff comments shall be made with respect to compliance with the minimum technical requirements of City ordinances and the quality of the development consistent with the intent of the building codes, zoning codes and ~~comprehensive plan~~ Master Plan. Upon receipt of all staff comments, the ~~community development department~~ Zoning Official shall either complete the site plan review under the administrative site plan approval process or review the site plan and make its recommendation to the Planning Commission which shall consider the application, site plan, all staff, City, and consultant comments, ~~and community development department and recommendations~~ at the next scheduled meeting.

(5) A Final approval of site plan. Every site plan submitted to the ~~planning commission~~ City shall be in accordance with the requirements of this chapter. ~~Three (3) copies~~ Copies of the site plan shall be submitted to the building department ~~ten (10) 30 days~~ prior to the City Planning Commission's regular meeting. No site plan shall be approved until and unless a letter of assurance has been received from the building inspector that the site plan has been reviewed by and is in conformance with all applicable standards of the building department, police department, fire department, engineering department, and city utility department. Further, no construction, reconstruction, demolition, or other site work may progress during the interim, and no building permit(s) shall be issued prior to the final approval of the site plan by the Zoning Official or by the the Planning Commission. Upon granting final approval of a site plan, ~~the chairman of the planning commission shall sign all three (3) copies of the site plan~~ will be stamped and signed for

approval, returning one (1) copy to the petitioner, and delivering two (2) copies to the building inspector. The site plan submitted for final approval by the planning commission shall include:

- a. The number, location, and layout of off-street parking spaces to include all access roads and the manner in which they are to be surfaced;
 - b. The provision of internal site drainage and necessary city utilities complete with existing and proposed elevations;
 - c. The proposed site landscaping complete with a planting plan to include all proposed walls, fences, and screening in compliance with the provisions of this chapter;
 - d. The elevation of the site in relation to the identified flood hazard area. All proposed construction, reconstruction, or demolition shall be in compliance with local, state, and federal ordinances, laws, or regulations with regard to flood hazard areas;
 - e. A copy of the permit from the local enforcing agency on soil erosion and sedimentation control if the earth change activity involves more than one (1) acre or is within five hundred (500) feet of a lake or stream.
- (6) In the process of reviewing the site plan, the Zoning Official or Planning Commission shall consider:
- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic;
 - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 1. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
 2. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods;
 - c. The Zoning Official or Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant;
 - d. In those instances wherein the Zoning Official or Planning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfares, the planning commissionCity may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the planning commissionCity may recommend that money in escrow be placed with the City so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or moneys have been deposited with the clerk.
 - e. Whether the site is located within a designated historic overlay district, and whether the proposed action would have an adverse impact on the resources of the historic overlay district, as defined in subsection 38-32(b)(4). The Planning Commission may deny the proposed action if the action would have an unacceptable adverse impact on the historic resource or the historic overlay district itself. The Planning Commission may also require landscaping or other reasonable methods to minimize the adverse impact any proposed action may have on a historic resource or on the historic overlay district itself.
- (7) An approved PUD site plan shall be required before applicable permits may be issued for any form of construction or removal or disturbance of any natural feature for all planned unit developments.
- a. *Procedure for PUD site plan review.*
 1. The applicant for PUD site plan approval shall file with the community development director (hereinafter "director")City Zoning Official all drawings and other materials required for site plans in this chapter, all drawings and other materials required in Section 38-395 for PUD zoning district approval, and the additional information listed below. A PUD site plan application shall not be considered filed until all drawings and other required materials have been submitted and may be rejected if the materials submitted are inadequate to make the foregoing determinations.
 2. If requested by the Planning Commission or City Council, additional graphics, models, three-dimensional or electronic, or written materials shall be submitted to assist the City in visualizing and understanding the proposal. Additional detailed information, including but not limited to plans, elevations, building and site sections, or existing and proposed building materials, if submitted, shall become a part of the PUD site plan.
 3. The directorZoning Official will distribute these materials to the appropriate City departments and other reviewing agencies for review and comment regarding compliance with the PUD zoning district supplemental regulations and conceptual PUD plan, and compliance with all applicable local, state, or federal laws, ordinances, standards and regulations and to determine the need for a development agreement as provided in this chapter. The directorZoning

Administrator will notify the applicant of any questions raised by the City departments and other reviewing agencies and negotiate a development agreement with the applicant if it is determined that such an agreement is

4. needed. The director shall submit a report and recommendation to the planning commission based on this review.
 5. The Planning Commission, after holding a public hearing on the PUD site plan with notification as required by this chapter, shall transmit its recommendation based on the standards below, together with any recommended conditions of approval and all related reports and minutes to City Council.
- b. *Standards for PUD site plan review.* City Council, after holding a public hearing on the PUD site plan with notification as required by this chapter, and after receiving all related reports and minutes and a recommendation from the Planning Commission, shall approve, with conditions, or deny a PUD site plan. A PUD site plan shall be approved by City Council only after it determines that:
1. The development would comply with the PUD zoning established pursuant to the requirements of section 38-395, and with all applicable local, state, or federal laws, ordinances, standards and regulations; and
 2. The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in this chapter; and
 3. The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare.
- c. *Development Agreement.*
1. Upon obtaining approval of a site plan, the applicant and the City Council may enter into a Development Agreement that describes the terms and conditions of the approval and the rights and obligations of each party. The City Council may approve the Development Agreement immediately following approval of a site plan or it may be placed on a *subsequent agenda of the City Council*. *The applicant shall reimburse the City for all fees for City legal counsel and consultant participation in the Development Agreement.*
 2. The approved Development Agreement shall be recorded with the county Register of Deeds.
 3. In the event the site plan requires a major amendment, the development agreement shall be amended to reflect the approved changes and recorded as provided in subsection (5)c.2. above.
- d. *Effect of PUD site plan approval.* For three (3) years from the date of approval of a PUD site plan, permits may be issued and the land developed consistent with the PUD site plan and the regulations, laws and ordinances in effect as the time of approval, unless new regulations, laws and ordinances have been made applicable to previously approved developments. After three (3) years from PUD site plan approval, no permits shall be issued unless the PUD site plan is reconsidered in the manner provided for new PUD site plans and is determined to meet the standards of the PUD zoning district or has been extended as provided under administrative amendments to approved PUD site plans.
- e. *PUD site plan amendments.* A minor change to an approved PUD site plan may be approved by the Planning Commission as provided in this chapter except that the proposed changes shall not alter the fundamental design, conceptual integrity, natural features shown to be preserved, any specific conditions of the PUD development program, the conceptual PUD plan or the supplemental regulations. The following restrictions shall also apply:
1. Adjustment in approved phases of development shall not result in a change greater than ten percent of the total gross area in any phase, or ten percent of the number of approved lots, or ten percent of the approved maximum building square footage.
 2. For residential buildings the size may be reduced or increased by five percent, provided the overall density of units does not increase and the minimum square footage requirements are met.
 3. Gross floor area of non-residential buildings may be decreased or increased by up to five (5) percent or ten thousand (10,000) square feet whichever is smaller.
 4. Floor plans may be changed if consistent with the character of the use.
 5. Horizontal and/or vertical elevations may be altered by up to five (5) percent.
 6. Relocation of a building is permitted by up to ten (10) feet, if consistent with required setbacks and other standards.
 7. Designated "areas not to be disturbed" may be increased.
 8. Plantings approved in the final PUD site plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved, which are lost during construction, may be replaced by at least two (2) trees of the same or similar species.
 9. Improvements or slight relocation of site access or circulation patterns are minor changes, such as inclusion of deceleration lanes, boulevards, curbing, and pedestrian or bicycle paths.
 10. Changes of building materials to another of higher quality can be made, with determined of quality a judgment of the building inspector.
 11. Slight modification of sign placement or reduction of size may be made.
 12. Internal rearrangement of a parking lot is possible if the change does not affect the number of parking spaces or alter access locations or design.
 13. Changes required by the City, county or state for safety reasons are a basis for a minor change.

(87) It shall be understood that the petitioner agrees to install and/or construct all improvements in the approved site plan within twelve (12) months from the initiation of on-site construction, and to provide for their continued maintenance.

(98) The Planning Commission may modify the foregoing requirements or waive them if it can be shown that no good purpose would be served in the preparation of a site plan.

(109) The Planning Commission may require that a bond be posted by a developer(s) to assure that improvements connected with an approved site plan are made as proposed.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, October 21, 2019 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed amendments to Chapter 38, Zoning, Section 38-390, *Site Plan Review*.

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 20 days after approval.

First Reading & Set Public Hearing – Sign Ordinance Amendment. Conduct first reading and set a public hearing for Monday, October 21, 2019 to receive citizen comment on the proposed repeal and replacement of Chapter 26, Signs, of the Code of Ordinances as shown below:

RESOLUTION NO. 144-2019

SETTING A PUBLIC HEARING TO REPEAL AND REPLACE CHAPTER 26, SIGNS, OF THE CODE OF THE CITY OF OWOSSO

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Planning Commission believe Chapter 26, Signs, of the Code of the City of Owosso, also known as the Sign ordinance, to be content based posing potential liability to the city of Owosso; and

WHEREAS, the planning commission held a public hearing at their September 23, 2019 regularly scheduled meeting regarding the proposal to repeal and replace Chapter 26, Signs, in which no citizen comments were voiced or received; and

WHEREAS, the planning commission seeks the repeal and replacement of Chapter 26, Signs, in its entirety.

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

SECTION 1. REPEAL. That Chapter 26, Signs, of the Code of Ordinances of the City of Owosso, is hereby repealed in its entirety.

SECTION 2. REPLACEMENT. The new Chapter 26, Signs, shall read as follows:

ARTICLE I. - IN GENERAL

Sec. 26-1. – Short title.

This ordinance shall be known as and may be cited as the City of Owosso Sign Ordinance.

Sec. 26-2. - Purpose.

- a. The purpose of this article is to regulate signs and to minimize outdoor advertising within the city so as to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in the City of Owosso Master Plan and this article; and enhance the aesthetic appearance and quality of life within the city. The standards contained herein are intended to be content neutral.
- b. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city so as to:
 1. Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
 2. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
 3. Reduce visual pollution and physical obstructions caused by a proliferation of signs which would diminish the city's image, property values, and quality of life.
 4. Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names,

- or off-premises activities; alternative channels of advertising communication and media are available for advertising which do not create visual blight and compromise traffic safety.
5. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
 6. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
 7. Protect the public right to receive messages, especially noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- c. The regulations and standards of this article are considered the minimum necessary to:
1. Achieve a substantial government interest for public safety, aesthetics, protection of property values, and are intended to be content neutral.
 2. Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.
 3. Prevent off-premises signs from conflicting with other allowed land uses.
 4. Maintain and improve the image of the city by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
 5. Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.
 6. Preserve and enhance the image of the City
 7. To prohibit all signs not expressly permitted by this chapter.
 8. To provide for the permitting of signage and the enforcement of the provisions of this chapter.
 9. Permit signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

Sec. 26-3. – 26-4. - Reserved.

ARTICLE II. - DEFINITIONS

Sec. 26-5. - Sign Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

Abandoned sign. Any sign which is still on the premises six (6) months after a business ceases to operate or moves from the location.

Address sign: Address numbers attached to the building or sign which are readily visible from the street.

Administrator. The City Manager or his designated representative within the City of Owosso.

Alteration. Any construction or repair which significantly changes a sign, including additions or deletions to the sign structure.

Accessory sign: A sign which pertains to the use of the premises on which it is located.

Animated sign: A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

Awning: A roof like cover, typically constructed of canvas, vinyl or similar fabric stretched over a framework, that projects from the wall of the building for the purpose of shielding a doorway, a window, or pedestrians from the elements.

Awning sign: A permanent sign painted on, printed on, or attached flat against the surface of an awning.

Balloon sign: A type of temporary, portable sign filled with air or gas.

Banner: A fabric, plastic or other sign made of non-rigid material without enclosing structural framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banner signs.

Building marker. Any sign indicating the name of a building and date of construction which is typically cut into a masonry surface and part of the building wall construction.

Barber pole sign: A permanent sign attached to the building in a vertical cylinder shape with moving and/or alternating colors.

Business or campus center: A grouping of two or more buildings on one or more parcels of property which may share parking, access and are linked by ownership giving the appearance of a unified grouping of uses.

Changeable message sign: A sign on which the message is changed mechanically, electronically or manually. The elements may be internally illuminated or may be illuminated by reflected light. The sign may be framed by permanent, nonmoving signage. Reference Electronic message sign (EMS) definition.

Community special event sign: Signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal, school or other non-profit activities.

Commemorative plaque: A memorial tablet, commemorative plaque, or sign including historical identification sign, designating the name and date of significance, cut into or raised on any masonry surface, or when constructed of cast metal, with a total maximum sign area of ten (10) square feet.

Construction sign: A temporary sign identifying the name(s) of project owners, contractors, developers, realtors representing developers, architects, designers, engineers, landscape architects, and financiers of a project being constructed or improved; and not including any advertising of any product or announcement of availability of leasing space.

Directional sign: A sign which assists motorists in determining or confirming a correct route such as, enter, exit and parking signs...

Display time: The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Double faced sign: Signs with two parallel or nonparallel sign surfaces not more than 24 inches apart at any point on the opposite face.

Downtown Historic District boundary: As shown in the map.



Electronic message sign (EMS): A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

Fade: A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Feather or flutter sign: Any sign that is comprised of material that is suspended or attached in such a manner to a pole or stake as to attract attention by waving, moving or fluttering from natural wind currents. It also includes similar signs that do not move or flutter. Feather or flutter signs are considered temporary signage.

Festoon: Temporary signage that is a string of ribbons, tinsel, small flags, pinwheels, streamer, pennants, or balloons, typically strung overhead.

Flag. Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

Flashing sign: A sign which contains an intermittent or sequential flashing light source.

Gas station canopy: A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

Gas station canopy sign: Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure.

Ground or monument sign: A sign extending upward from grade that is attached to a permanent foundation with either stone or masonry or is wrapped in a material so that the support structure is concealed.

Historical marker: A historical marker or historic marker is an indicator such as a plaque or sign to commemorate an event or person of historic interest and to associate that point of interest with a specific locale one can visit. Historical marker designation and plaque or sign size and placement may be regulated by local, state, or federal regulations and standards.

Illegal sign: A sign which does not meet the requirements of this article and does not have legal nonconforming status.

Illuminated sign. Any sign that provides artificial light directly on or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light with a source so obscured and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.



Incidental sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

Inflatable sign: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

Institutional uses: Meaning a use by public or quasi- public institution such as a religious organization, church, nonprofit organization, academic institution, library or hospital.

Mansard: A sloped roof or roof-like façade. Signs mounted on the face of a mansard roof shall be considered roof signs.

Maintenance. For the purposes of this chapter, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Marquee: A permanent roof-like structure or canopy, supported by and extending from the face of the building.

Marquee sign: A permanent sign attached to any part of a marquee other than the roof.

Menu board sign: A sign oriented to the drive through lane for a restaurant that advertises the menu available from the drive through window.

Moving sign: A sign in which the sign itself, or any portion of the sign, moves or revolves. A "rotating sign" is a type of moving sign. This definition does not include "changeable message signs."

Mural: A design or representation which is painted or drawn on the exterior surface of a structure and which does not advertise a business, product, service, or activity.

Nonconforming sign: A sign that does not comply with the size, placement, construction or other standards or regulations of this article, but were lawfully established prior to its adoption. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as nonconforming.

Obsolete sign: A sign that advertises a product that is no longer made or that advertises a business that has closed.

Off-premises sign: A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located, e.g. billboards.

On-premises sign: A sign providing the address and name of owner of a parcel of land; a sign advertising a business, service or product sold or produced on the same site or parcel.

Outline tubing sign: A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it including neon and luminous tube. Outline tubing signs shall also apply to signs consisting of LED tubing. Accent lighting not spelling words shall not be considered signage.

Owosso Historic District Commission: Formed in the fall of 2010, this regulatory commission is responsible for reviewing all applications for exterior work that is completed in within the Downtown Historic District Commission (HDC) boundaries.

Owner. A person regarded as such on city tax records, or a tenant of the premises so designated by the administrator.

Parapet: The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.

Pennant. A flag or banner that tapers to a point. A pennant is considered a temporary sign.

Pole sign: A sign supported on the ground by a pole, braces, and not attached to any building or other structure.

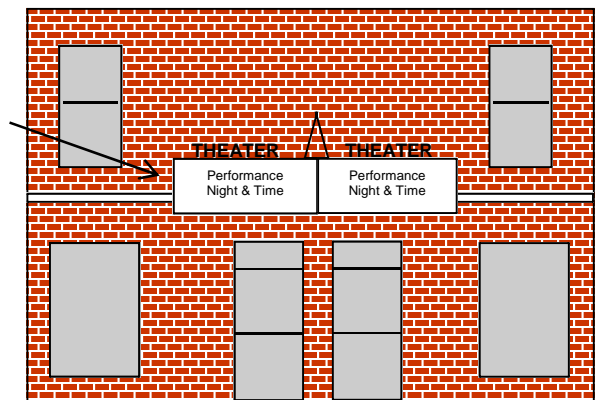
Permanent sign: A sign designed to be installed permanently in the ground or wall of a building that is constructed out of durable materials.

Portable sign: A temporary sign designed to be moved from place to place by wheels, whether or not it is attached to the ground or a structure. Portable may include changeable signage area.

Premises. The contiguous land in the same ownership or control which is not divided by a public street.

Principal building. The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Marquee Sign



Pole Signs

Projecting sign: A sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than 12 inches beyond such building or wall. The leading edge may extend over the public right of way.

Public sign: A sign erected in the public interest by or upon orders from a city, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

Real estate development sign: A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.

Real estate sign: An on-premises temporary sign advertising the property or structure's availability for sale or lease.

Regulatory sign: A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.

Residential entranceway sign: A permanent sign which marks the entrance to a subdivision, apartment complex, condominium development, or other residential development.

Roof line: The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Roof sign: A temporary sign or permanent sign erected upon, against, or directly above a roof or on top of or above the parapet of a building, or signs where any portion of the sign extends above the roof of the building where the sign is located.

Sandwich board sign: A temporary sign containing two separate faces which are attached to one another at the top by one or more hinges or fasteners and which when placed upon the ground will stand upright without any additional support.

Sign: A sign means any structure or wall or other object used for the display of any message, and includes but is not limited to any bill, poster, placard, handbill, flyer, painting, balloon, streamer or other similar object in any form whatsoever which may contains printed or written matter in words, symbols, or pictures, or in any combination thereof attached to or affixed to the ground or any structure.

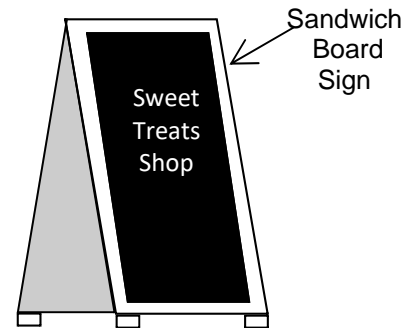
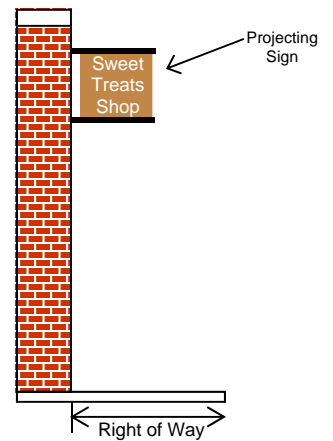
Temporary sign: A sign constructed of paper, cloth, canvas, plastic, cardboard, wall board, plywood, or other like material that are constructed for limited time use, lack a permanent foundation or mounting, or is determined by the Ordinance Enforcer to be displayed for a limited time.

Time and temperature sign: Signs which display the current time and/or temperature only.

Vehicle sign: Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes. This does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation on a daily basis.

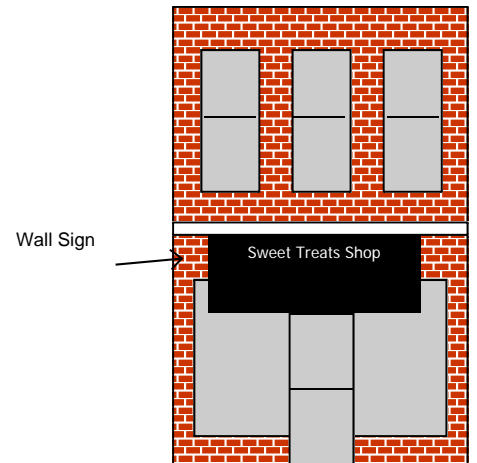
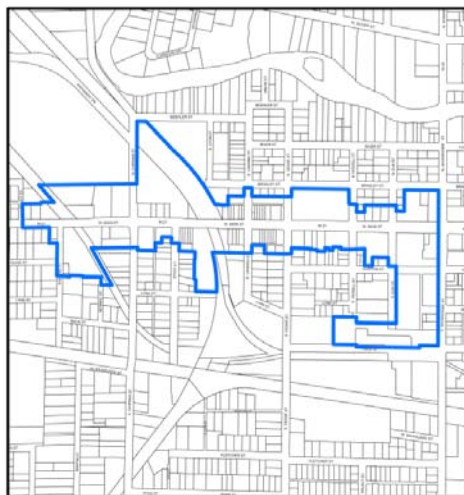
Wall sign: A sign attached parallel to and extending not more than 12 inches from the wall of a building.

Westown boundary: As shown in the map.



Westown Boundary

- Legend
- Westown
- City Parcels



Window sign: A sign located in or on a window which is intended to be viewed from the outside. This includes TV or computer screens placed in the window visible from the outside.

ARTICLE III. - GENERAL PROVISIONS

Sec. 26-6. Applicability; effect and scope.

The regulations of this chapter shall apply to all signs visible from a public right-of-way, private road, public park or residentially zoned property located within the City of Owosso.

Sec. 26-7. – Sign permits.

- a. All signs are subject to the general and specific regulations of this chapter whether they require a permit or not. Any sign permitted under the ordinance may contain either a commercial or noncommercial message.
- b. Any signs within the Downtown Historic District shall meet and be reviewed for all requirements of the Owosso Historic District Commission prior to submittal of a permit to the City of Owosso.
- c. It shall be unlawful for any person to erect, re-erect, change panels, make an alteration, or relocate any sign unless a permit shall have been first obtained from the administrator, and a permit fee paid in accordance with the schedule adopted by resolution of the city council. Electrical signs shall, in addition, require an electrical permit.
- d. Applications for sign permits and the appropriate nonrefundable fee shall be made upon forms provided by the building department for this purpose and in accordance with application specifications published by the administrator. These specifications shall be as complete in form as necessary for evaluation of the sign in relationship to the requirements of this chapter.
- e. Within ten (10) days of receiving an application for a sign permit, the administrator shall review it for completeness. If the administrator finds that it is complete, the application shall then be processed. If the administrator finds that it is incomplete, the administrator shall, within such ten (10) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this chapter. If it is discovered that the sign permit application contains any false information, the administrator may revoke the permit or deny the application, whichever is appropriate.
- f. The administrator shall issue a permit within ten (10) days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the city. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.
- g. When a permit is denied, the administrator shall within ten (10) days, give a written notice to the applicant along with a brief statement of the reasons for denial, citing code sections and interpretation of possible nonconformity.
- h. Unless otherwise indicated, no person shall conceal any portion of such work until it has been inspected and approved by the administrator. The administrator shall inspect the work completed in conformance with the approved permit and applicable codes. If the construction is not complete within six months of the permit issuance date, the permit shall expire.

Sec. 26- 8. – Signs exempt from permit regulations.

The following signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter:

- a. Address signs
- b. Building marker
- c. Commemorative plaque
- d. Historical marker sign
- e. Directional signs
- f. Public signs and regulatory signs
- g. Temporary signs as detailed in this chapter
- h. Time and temperature signs
- i. Window signage

Sec. 26-9. - Prohibited signs.

The following signs are prohibited in all districts:

- a. Abandoned signs
- b. Balloon signs
- c. Festoons
- d. Flashing signs
- e. Illegal signs
- f. Inflatable signs
- g. Moving signs excluding barber shop poles
- h. Obsolete signs
- i. Off-premise signs, unless otherwise specified in this chapter
- j. Outline tubing signs
- k. Pennants
- l. Portable signs
- m. Roof signs
- n. Vehicle signs
- o. Non-regulatory signs placed in any public right-of-way; attached to a utility pole; or affixed to a tree, street furniture, or waste receptacles.
- p. Any sign which simulates or imitates in size, color, lettering, or design, any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the drivers of motorized vehicles.
- q. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
- r. Signs which obstruct the minimum 5 feet of clearance required for Barrier Free accessibility.

- s. Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters

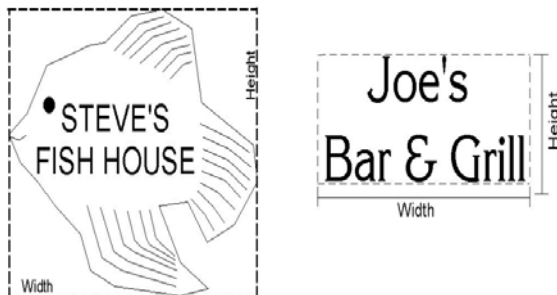
Sec. 26-10. - General standards for permitted signs.

The following regulations shall apply, unless otherwise specifically stated in this chapter, to all signage erected or located in any zoning district within the city:

- a. The current edition of the Michigan Building Code shall be in full force and effect in the City as if set out fully herein. Complete printed copies of the code are available for public use and inspection at the office of the city clerk.
- b. Sign setbacks.
 - 1. All signs, unless otherwise provided for, shall be set back a minimum of five feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
 - 2. Side yard setbacks for signs shall be the same as that required for the main structure or building.
- c. Adequate sight distance. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
- d. Illumination.
 - 1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to the sign.
 - 2. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.
 - 3. External sources of illumination shall be shielded and directed to prevent glare onto neighboring properties or the public right of way.
 - 4. Underground wiring shall be required for all illuminated signs not attached to a building.
- e. Maintenance, construction and design.
 - 1. All signs shall be maintained in good structural condition at all times...
 - 2. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.
 - 3. All signs, including any cables, guide wires, or supports shall have a minimum clearance of four feet from any electric fixture, electric line, street light, or other public utility pole or standard.
 - 4. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
- f. Addresses. Addresses shall be in compliance with the International Fire Code requirements for number size and visibility from the public right of way.
- g. Noncommercial speech. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
- h. Directional Signs.
 - 1. Private On-premise directional signs.
 - a) Not more than one directional sign shall be permitted for each approved driveway entrance from a right of way, with a maximum sign area of six square feet per sign, and a maximum height of six feet.
 - b) Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage.
 - c) Directional signage located within a business center not adjacent to a public right of way shall be governed by the property owner.
 - 2. Private Off-Premise Directional Signs. Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located on a primary street within the city shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with the city of Owosso.
 - a) Off-premise directional signs shall be no greater than twelve (12) square feet.
 - b) Sign lettering may only display the off-premise business name, address, and an arrow indicating direction.
 - c) Off-premise directional signs shall only be located on B-2, B-3, B-4, I-1, and I-2 Districts.
 - 3. Public Off-Premise Directional Signs: Public off-premise directional signs erected by the City, City affiliated organization or State of Michigan shall be permitted in the street right-of-way
- i. Temporary signs. Temporary signs as defined in Sec. 26-5 are allowed with a permit subject to the following:
 - 1. Size of Temporary Signs: The total aggregate sign area of all temporary signs on any one site shall not exceed 30 square feet. The maximum size of individual temporary signs shall not exceed twenty 20 square feet in area. Temporary signs shall not be higher than 42 inches above average mean grade of the yard on which it is placed.
 - a) Exceptions:

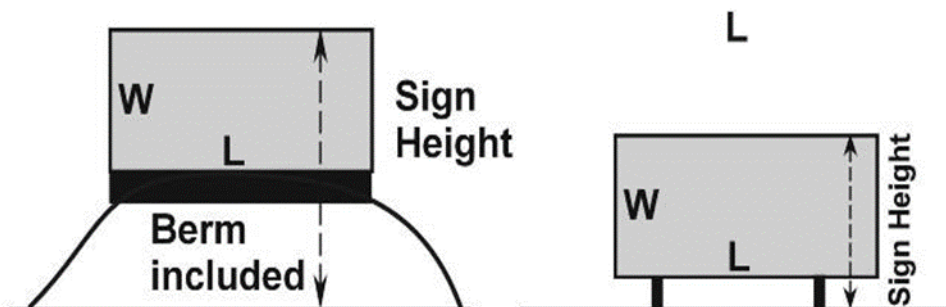
- 1) For uses other than one and two family dwellings, temporary signs for buildings under construction shall be a maximum size of 10% of the square foot area of the front of the structure, and not more than 20 feet in height.
 - 2) One temporary sign located on vacant land that is for sale or for lease, when the parcel exceeds two acres in area, shall be allowed to have a size equal to 64 square feet of sign area (total), but not more than 32 square feet per sign face and not more than 8 feet in height.
- b) Location of Temporary Signs:
- 1) Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.
 - 2) Temporary signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.
 - 3) Temporary signs cannot be placed or constructed so as to create a hazard of any kind.
 - 4) Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.
 - 5) Signs shall be located so as to comply with the corner clearance requirements of the ordinance.
 - 6) Temporary signs shall not be illuminated.
- c) Time Limitations for Temporary Signs: Temporary signs shall be removed within 60 days of placement, except for temporary signs that are located on real property that is for sale or lease. Temporary signs are permitted for 60 days in a 120-day period.
- j. Measuring sign area and height.
1. Measurement of allowable sign area (see Figure 26.1 Guidelines for Measuring Sign Face Square Footage below).

Figure 26.10a. How to Measure Sign Face



2. The sign area shall include the surface area which encloses the extreme limits of the sign copy together with the frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
3. Measurement of sign height. Sign height shall be the vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments. Where the ground elevation beneath a sign varies, the average grade of the ground within a five-foot radius of the sign structure shall be used. The average grade shall be the highest point within said radius plus the lowest point within said radius, divided by two. Any filling, berming, mounding or excavating solely for the purpose of locating the sign shall not be included in the calculation of average grade.

Figure 26.10b. How to Measure Sign Height



Sec. 26-11. - Nonconforming signs.

Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this chapter, but were lawfully established prior to its adoption. Signs for which the board of appeals has granted a variance are exempt and shall not be defined as nonconforming. It is the intent of this article to encourage eventual elimination of nonconforming signs in a timely manner. This objective is considered as much a subject of public health, safety and welfare as the prohibition of new signs in violation of this article. Therefore, the

purpose of this article is to remove illegal nonconforming signs while avoiding any unreasonable invasion of established private property rights. A nonconforming sign may be continued and shall be maintained in good condition as described elsewhere in this article, however, the following alterations are regulated:

- a. A nonconforming sign shall not be structurally altered or repaired so as to prolong its useful life or so as to change its shape, size, type or design unless such change shall make the sign conforming.
- b. A nonconforming sign shall not be replaced by another nonconforming sign.
- c. A nonconforming sign shall not be reestablished after abandonment as defined in section 26-22, dangerous, unsafe, abandoned, and illegally erected signs.
- d. A nonconforming sign must not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the building official/zoning administrator or if 50 percent or more of the face of the sign is damaged or destroyed.

Sec. 26-12. - Dangerous, unsafe, abandoned, and illegally erected signs.

- a. Dangerous signs. Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the city and the cost thereof charged against the owner of the property on which it was installed.
- b. Unsafe signs. Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the building official/zoning administrator to the health or safety of the public shall be removed or repaired according to the process outline in paragraph 5. below.
- c. Abandoned signs. Any sign that advertises a business that has been discontinued for at least 90 days or that advertises a product or service that is no longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six months. An abandoned sign shall be removed by the owner or lessee of the premises. If the owner or lessee fails to remove the sign, the building official/zoning administrator shall initiate the process noted in paragraph e. below.
- d. Illegally erected signs. The building official/zoning administrator shall order the removal of any sign erected illegally in violation of this article, according to the process outlined in paragraph e. below.
- e. Process for enforcing violations of section 26-5, dangerous, unsafe, abandoned, and illegally signs. For violations of section 26-5, the building official/zoning administrator shall notify the owner of the property on which the sign is located. Verbal notices or those sent by first class mail shall be sufficient notice. Where a sign erected in violation of this article is considered dangerous or unsafe, the notice shall inform the owner to remove said sign(s) immediately and property owners of other illegal signs on private property shall be granted a reasonable period of time within which to remove the sign, as determined by the building official/zoning administrator. Should the property owner fail to remove the sign(s) within the time specified, or if a sign is erected within any right-of-way or public property, the building official/zoning administrator, or their designee, shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof.

Sec. 26-13. - Administration of sign ordinance standards.

- a. Generally. The regulations of this article shall be administered and enforced by building official/zoning administrator.
- b. Signs in the public right of way. In addition to the penalties prescribed below, any sign erected in the public right of way may be removed by the ordinance enforcer and stored in a safe location for at least 48 hours. During this period of time, the sign owner may obtain the sign from the City upon request and payment of a fee established in the City's Fee Schedule which will cover the cost of removal and storage. After 48 hours, the City may dispose of the sign.
- c. Violations. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, use or maintain any sign in the city, or cause or permit the same to be done, contrary to or in violation of any of the standards and regulations of this article. Any such violation, including the failure to remove a sign when directed under the authority of this article, shall constitute a misdemeanor punishable in accordance with section 34-231 of the Owosso Code of Ordinances.

Sec. 26-14. – Board of Appeals

- a. Organization. The sign board of appeals shall be the zoning board of appeals as organized in chapter 38.
- b. Powers and duties.
 1. Hear and decide appeals by the sign permit applicant from a decision of the administrator denying, or failing to grant a sign permit within 30 days of application.
 2. Grant variances from the requirements of this chapter as part of the disposition of an appeal from action of the administrator denying or failing to grant a sign permit.
 3. Hear and decide appeals of a determination by the administrator that a sign must be removed for noncompliance with this chapter.
 4. Interpret the provisions of this chapter.

- c. Grounds for variance. The board of appeals may grant a variance from the provisions or requirements of this chapter only where:
 - 1. The literal interpretation and strict application of the provisions and requirements of this chapter would cause undue and unnecessary hardship to the sign user because of unique or unusual conditions pertaining to the specific building or parcel of property in question.
 - 2. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
 - 3. The unusual conditions applying to the specific property do not apply generally to other properties in the city.
 - 4. The granting of the variance will not be contrary to the general objective of this chapter of moderating the size, number and obtrusive placement of signs and the reduction of clutter.
 - 5. Support for hardship. Where there is insufficient evidence, in the opinion of the board of appeals, to support a finding of “undue and unnecessary hardship” under subsection (a) of this section, but some hardship does exist, the board may consider the requirement fulfilled if:
 - a) The proposed sign is of particularly good design and in particularly good taste.
 - b) The entire site has been or will be of particularly good design and in granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this chapter in the public interest.
 - 6. Notice of hearing. Shall be done in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006 and any amendments to said Act.

Sec. 26-15—26-19. - Reserved.

ARTICLE IV. – SPECIFIC SIGN STANDARDS

Sec. 26-20. - Signs Permitted in Residential One-family Residential (R-1), Two-family Residential (R-2), Attached One-family Residential (R-T), Multiple-family Residential (RM-1) and Multiple-family Residential – High rise (RM-2) Districts Signage Table.

TYPE	# ALLOWED	MAX HEIGHT	MAX SIZE
Wall	1 per business		Not exceed 10% facade
Awning	1 per business		Not exceed 10% facade
Ground	1 per parcel	6 feet	24 square feet per side
EMS	Institutional use only *		50% of allowed ground sign
Subdivision/Development Entrance	Entrance to development	6 feet	24 square feet per side
Business Placard (B & B)	1 per residence		2 feet x 3 feet

Sec. 26-21. - Signs Permitted in Residential One-family Residential (R-1), Two-family Residential (R-2), Attached One-family Residential (R-T), Multiple-family Residential (RM-1) and Multiple-family Residential – High rise (RM-2) Districts Signage.

- a. The following signs are permitted in the R-1, R-2, R-T, RM-1 and RM-2 zoning districts subject to the following requirements:
 - 1. Wall Sign.
 - a) One wall sign per business not to exceed 10% of front façade for all uses other than single family homes, duplexes, and attached condominiums.
 - b) No wall sign shall extend above the roof or parapet of the structure to which it is attached. No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
 - c) No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.
 - 2. Awning signs may be used as an alternative or in addition to wall signs for all uses other than single family homes, duplexes, and attached condominiums, provided that they meet the following standards:
 - a) Awning signs and wall signs must not exceed 10% of front façade
 - b) Any sign area on an awning shall be included in calculations of maximum wall sign square footage.
 - c) Awning signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
 - d) No awning sign shall extend above the roof or parapet of the structure to which it is attached.
 - e) Awning signs shall not be internally illuminated.
 - 3. Home Occupations as allowed and defined in Sec. 38-394 shall be permitted a sign not to exceed a size of 2' x 3' mounted flush to the building. The sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of oncoming vehicles, or on any adjacent premises. In no

- event, shall any home occupation sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
4. Bed and breakfast signs as detailed in Chapter 7 of the Owosso City Code.
 5. Ground Sign shall be permitted as follows for all uses other than single family homes, duplexes and attached condominiums:
 - a) Not more than one ground sign is permitted per parcel.
 - b) The top of the ground sign shall be no more than six feet above ground level.
 - c) A ground sign shall not extend closer than 5 feet to any part of the public right of way and shall meet the adequate sight distance requirements of this chapter.
 - d) No ground sign shall have an area exceeding 24 square feet per side.
 - e) A ground sign shall be located on the same parcel as the use.
 - f) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
 6. One electronic message sign, meeting the above requirements, may be permitted for institutional uses located in a residential district when meeting the following requirements:
 - a) The institutional use is located on a major or minor arterial or collector road.
 - b) The size of the electronic message sign shall be no greater than 50% of the allowable ground sign square footage.
 7. Residential Entryway/Ground Sign shall be permitted as follows at the entrance of a residential subdivision:
 - a) Entryway Sign:
 - 1) The top of the ground sign shall be no more than six feet above ground level.
 - 2) A ground sign shall not extend closer than 5 feet to the adjacent public right of way and shall meet the adequate sight distance requirements of this chapter.
 - 3) No ground sign shall have a single surface area exceeding 24 square feet per side.
 - 4) A ground sign shall be located on the same parcel or at the vehicular entrance to identify a subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, or similar residential uses.
 - b) Real Estate Sales Sign:
 - 1) One temporary sign located on vacant land that is for sale or for lease or a residential development that has site plan approval and is under construction, and when the parcel exceeds two acres in area, shall be allowed to have a size equal to 64 square feet of sign area (total), but not more than 32 square feet per sign face and not more than 8 feet in height.
 - 2) Real Estate Sales signs must be removed after the last lot/parcel/residence is sold/leased in the development.
 8. Temporary signs per Sec. 26-10(i) of this chapter and:
 - a) Temporary signs include, but are not limited to the following:
 - 1) For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premises for sale, rent or lease.
 - 2) An on-site sign advertising an on-going garage, estate or yard sale.
 - 3) Noncommercial signs which contain noncommercial information or directional messages.
 - 4) Political signs.
 - 5) Holiday or other seasonal signs.
 - 6) Construction signs for buildings under construction. See Real Estate Development Sign requirements.
 - 7) All temporary signs must comply with the sign size and height standards as specified in the sign dimensional standards and regulations table.
 - b) Location of temporary signs shall comply with the following:
 - 1) Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.
 - 2) Temporary signs shall not be located closer than 20 feet to the edge of the traveled portion of the roadway, nor shall they be located within any dedicated right-of-way.
 - 3) Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.
 - 4) Temporary signs cannot be placed or constructed so as to create a hazard of any kind.
 - 5) Temporary signs may not be posted on private property without first obtaining the permission of the property owner.
 - 6) Signs shall not be located within any clear vision triangle, as described in section 38-388 Corner Clearance.
 - c) Time limitations for temporary signs. Each temporary sign shall be removed within 60 days of placement. Furthermore, no sign may be erected on a single parcel for more than 60 calendar days out of every 120 calendar days.

Section 26-22. - Signs Permitted in Local Business (B1), Planned Shopping Center (B2), Central Business (B3) and General Business (B4) Districts Signage Table.

¹ Lots fronting on two (2) or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one (1) street in excess of that allowed for lots with only one street frontage.

² Additional wall signage is permitted per Section 26.23.a.2.c

³ Additional pole sign may be permitted per Section 26.23.e

⁴ The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.

Zone District											
Sign Type	OS-1	B-1	B-2	B-3	B-4	I-1	I-2	P C D	P 1	C-OS	
Pole sign ^{1,3} (number allowed)	NA	1	1	1	1	1	1	Signage as permitted in B-1, B-2, B-3 and B-4	See Section 38-333		
Pole sign area (square feet)		40	40	40	40	40	40				
Pole sign height max (feet)		20 or building height	20 or building height	20 or building height	20 or building height	20 or building height	20 or building height				
Sign Setback (feet)(c)	5	5	5	5	5	5	5				
Ground Sign ¹ (number allowed)	1	1*	1*	1*	1*	1	1				1*
Ground sign height max (feet)	NA	6	6	6	6	6	6				6
Ground Sign area (square feet)	40 per side	40 per side	40 per side	40 per side	40 per side	40 per side	40 per side				40 per side
Wall sign ^{1,2} (number allowed)	1	1 per business	1 per business	1 per business	1 per business	1	1				
Wall area ⁴	10%	10% or 100 square feet, whichever is less	10% or 100 square feet, whichever is less	10% or 100 square feet, whichever is less	10% or 100 square feet, whichever is less	20% or 200 square feet, whichever is less	20% or 200 square feet, whichever is less				
EMS sign as part of pole sign or ground sign (% of sign changeable)	50%	50%	50%	50%	50%	50%	50%				
Window Signs (max square ft)		25% first floor window	25% first floor window	25% first floor window	25% first floor window						

Sec. 26-23. Signs Permitted in Local Business (B1), Planned Shopping Center (B2), Central Business (B3) and General Business (B4) Districts Signage.

a. Wall Sign:

1. Any signs within the Downtown Historic District shall meet and be reviewed for all requirements of the Owosso Historic District Commission prior to submittal of a sign permit, and prior to installation of new signage or modification of existing signage.
2. Wall signs may be used provided that they meet the following standards:
 - a) One wall sign per business not to exceed 10% of front façade or 100 square feet, whichever is less is permitted.
 - b) No wall sign shall extend above the roof or parapet of the structure to which it is attached.
 - c) Businesses located on a second public right of way, public parking lot or public alley shall be allowed up to two wall signs, one for each front façade. The maximum wall sign area shall not exceed ten percent of the front façade of the building per use or business establishment.

- d) Additional wall sign square footage is permitted when the following is met:
 - 1) 201 - 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 150 square feet.
 - 2) Greater than 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 200 square feet
 - e) No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
 - f) No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.
- b. Ground Sign
- 1. Ground Sign may be used provided that they meet the following standards:
 - a) The top of the ground sign shall be no more than six feet above ground level.
 - b) A ground sign shall not extend closer than 5 feet to the public right of way.
 - c) No ground sign shall have an area exceeding 40 square feet per side.
 - d) A ground sign shall be located on the same parcel as the building or use to which it is accessory.
 - e) An additional ground sign may be permitted if access to the parcel is provided from two public streets.
 - f) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
- c. Changeable or electronic message sign
- 1. Changeable or electronic message signs as part of a wall or ground sign when the following requirements are met:
 - a) Changeable or electronic message signs are not permitted within the historic district boundary.
 - b) One changeable or electronic message signs sign shall be permitted per premises, but not both.
 - c) The area of a changeable or electronic message sign shall not exceed half the total area of the sign.
 - d) Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
 - e) Electronic messages shall not flash, fade in or out, or scroll.
 - f) Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.
 - 2. One gasoline price sign is permitted for a gas station canopy with an area not to exceed ten percent of the canopy façade.
- d. Pole Signs
- 1. Pole signs may be used provided that they meet the following standards:
 - a) Pole signs are not permitted within the historic district boundary.
 - b) A pole sign may stand no higher than the building it represents or 20 feet above the level of the ground, upon which the sign is mounted, whichever is less.
 - c) A pole sign shall not extend closer than 5 feet to the public right of way.
 - d) The lower edge of the pole sign shall be is eight feet or more above the ground level.
 - e) No pole sign shall have a single surface area exceeding 40 square feet per side.
 - f) A pole sign shall be located on the same parcel of property as the building or use to which it is accessory.
 - g) Changeable or electronic message signs as part of a pole sign when the following requirements are met:
 - 1) Changeable or electronic message signs are not permitted within the historic district boundary.
 - 2) One changeable or electronic message sign sign shall be permitted per premises, but not both.
 - 3) The area of a changeable or electronic message sign shall not exceed half the total area of the sign.
 - 4) Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
 - 5) Electronic messages shall not flash, fade in or out, or scroll.
 - 6) Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.
 - h) One gasoline price sign is permitted for an overhead gas pump awning with an area not to exceed ten percent of the awning façade.
 - e. Number of pole or ground signs. Not more than one pole or ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein; provided however, a property may have two pole or ground signs when the following is met:
 - 1. If fronting along two or more right of ways, 1 ground sign is allowed on each right of way
 - 2. If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.

- f. Awning
 - 1. Projecting and awning signs may be used as an alternative or in addition to wall signs provided that they meet the following standards:
 - a) Any sign area of an awning or projecting sign shall be included in calculations of maximum wall sign square footage.
 - b) Awning or projecting signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
 - c) No awning or projecting sign shall extend above the roof or parapet of the structure to which it is attached.
 - d) Wood posts or supporting arms shall not be used in conjunction with any projecting sign.
 - e) Awning signs shall not be internally illuminated.
 - f) If any projecting sign is suspended over a public property, public street, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
 - g) If at any time the insurance policy obtained to subsection (9)(G) is canceled, the projecting sign shall be immediately removed. In the event the projecting sign is not removed, the City of Owosso shall have the right to remove the sign and repair the façade at the expense of the property owner.
- g. Marquee
 - 1. Marquee signs shall be permitted within the Historic district and Westtown district for theater uses as follows:
 - a) The bottom of the marquee sign shall be a minimum of eight feet above the ground.
 - b) A marquee shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.
 - c) A marquee sign shall not project greater than 48 inches beyond the property line. In measuring the sign's projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.
 - d) One marquee shall be permitted per public entrance.
 - e) The total size of a marquee sign shall not exceed one and one-half square feet per lineal foot of building frontage. The total square feet of a marquee sign shall be subtracted from the total allowable wall signage square footage for the district.
 - f) No marquee sign shall project into an alley or truck service driveway.
 - g) If any marquee sign is suspended over a public property, public street, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
 - h) If at any time the insurance policy obtained to subsection (9)(G) is canceled, the marquee shall be immediately removed. In the event the marquee is not removed, the City of Owosso shall have the right to remove the sign and repair the façade at the expense of the property owner.
- h. Menu Boards
 - 1. Menu board signs may be used provided that they meet the following standards:
 - a) Menu display boxes shall be constructed of high-quality materials, and their size, location, and design shall be appropriate to the character of the building and the restaurant.
 - b) Menu signs, including display box, shall not exceed 25 square feet in area and 6 feet in height.
- i. Sandwich Board
 - 1. Sandwich board signs are permitted within the Historic District and Westtown district subject to the following requirements:
 - a) One sign per entrance shall be permitted regardless of the number of tenants on the premises.
 - b) The sign shall be located on the sidewalk.
 - c) The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
 - d) Each sign shall not exceed an overall height of 4 feet and a maximum square footage of 8 per side.
 - e) No sign shall be located in such a manner as to interfere with vehicular traffic flow or visibility.

- f) Sign placement shall permit for the minimum 5 feet of clearance required for Barrier Free accessibility, which includes but is not limited to placement on a sidewalk.
 - g) No sign shall be placed as to obstruct any door or opening used as a means of egress or as to prevent free passage.
 - h) All signs must be constructed of weather-proof, durable material, have a professionally-made appearance and be kept in good repair.
 - i) Sandwich board signs may not be illuminated by any means and may not have moving parts.
 - j) The owner of a sidewalk/sandwich board sign shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
 - k) If at any time the insurance policy obtained pursuant to subsection (8)(J) is canceled, the sidewalk/sandwich board sign shall be immediately removed. In the event the sign is not removed, the City of Owosso shall have the right to remove the sign at the expense of the property owner.
- j. Temporary signs per Sec. 26-10(i) of this chapter.

Sec. 26-24. - Light Industrial (I1) and General Industrial (I2) Districts Signage.

The following signs are permitted in the I1 and I2 zoning districts subject to the following requirements:

- a. Wall signs
 - 1. Wall signs may be used provided that they meet the following standards:
 - a) One wall sign per business not to exceed 20% of front façade or 200 square feet, whichever is less is permitted.
 - b) No wall sign shall extend above the roof or parapet of the structure to which it is attached.
 - c) Businesses located on a corner lot shall be allowed up to two wall signs, one for each front façade. The maximum wall sign area shall not exceed ten percent of the front façade of the building per use or business establishment.
 - d) Additional wall sign square footage is permitted when the following is met:
 - 1) 201 - 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 150 square feet.
 - 2) Greater than 400 linear feet of building frontage facing a public street and having a public entrance is allowed a maximum wall sign area of 200 square feet
 - e) No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
 - f) No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.
 - 2. Projecting signs and awning signs may be used as an alternative or in addition to wall signs provided that they meet the following standards:
 - a) Any sign area of an awning or projecting sign shall be included in calculations of maximum wall sign square footage.
 - b) Awning or projecting signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
 - c) No awning or projecting sign shall extend above the roof or parapet of the structure to which it is attached.
 - d) Wood posts or supporting arms shall not be used in conjunction with any projecting sign.
 - e) Awning signs shall not be internally illuminated.
- b. Pole signs.
 - 1. Pole signs may be used provided that they meet the following standards:
 - a) A pole sign may stand no higher than the building it represents or 20 feet above the level of the ground, upon which the sign is mounted, whichever is less.
 - b) A pole sign shall not extend closer than 5 feet to any part of the public right of way.
 - c) The lower edge of the pole sign shall be eight feet or more above the ground level.
 - d) No pole sign shall have a single surface area exceeding 40 square feet for a single face sign.
 - e) A pole sign shall be located on the same parcel of property as the building or use to which it is accessory.
 - f) Changeable or electronic changeable message signs as part of a pole sign when the following requirements are met:
 - 1) One changeable message sign shall be permitted per premises.
 - 2) Message changes may occur electronically or manually.
 - 3) The area of a changeable message sign shall not exceed half of the total area of the sign.

- 4) Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
 - 5) Electronic messages shall not flash, fade in or out, or scroll.
 - 6) Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.
- c. Ground Sign
1. Ground signs may be used provided that they meet the following standards:
 - a) The top of the ground sign shall be no more than six feet above ground level.
 - b) A ground sign shall not extend closer than 5 feet to any part of the public right of way.
 - c) No ground sign shall have an area exceeding 40 square feet per side.
 - d) A ground sign shall be located on the same parcel as the building or use to which it is accessory.
 - e) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
 - f) Changeable or electronic message signs as part of a ground sign when the following requirements are met:
 - 1) One changeable message sign shall be permitted per premises.
 - 2) Message changes may occur electronically or manually.
 - 3) The area of a changeable message sign shall not exceed half of the total area of the sign.
 - 4) Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
 - 5) Electronic messages shall not flash, fade in or out, or scroll.
 - 6) Any voids or burned out bulb in an electronic display shall be replaced within 10 days of city notification.
 - d. Number of pole or ground signs.
 1. Not more than one pole or ground sign may be erected accessory to any single building or structures regardless of the number of separate parties, tenants or uses contained therein; provided however, a property may have two pole or ground signs when the following is met:
 - a) If fronting along two or more right of ways, 1 ground sign is allowed on each right of way
 - b) If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.
 - e. Temporary signs per Sec. 26-10(i) of this chapter.

Sec. 26-25. Planned Unit Development District (PUD) Signage.

- a. The following signs are permitted in the PUD subject to the following requirements:
 1. Signage in PUD zoning districts established prior to the adoption of this amendment shall utilize the sign regulations for the B1, B-2, B-3 and B-4 zoning districts.
 2. PUD zoning districts established after the adoption of this chapter amendment will state allowable signage in the approved development program for the PUD.

Sec. 26-26. Vehicular Parking District (P1) Signage.

- a. The following signs are permitted in the P1 zoning district subject to the following requirements:
 1. Signage per Sec. 38-333 - No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking area per the directional signage requirements of this chapter.

Sec. 26-27. Conservation/Open Space District (C-OS) Signage.

- a. The following signs are permitted in the C-OS zoning district subject to the following requirements:
 1. Ground signs may be used provided that they meet the following standards:
 - a) The top of the ground sign shall be no more than six feet above ground level.
 - b) A ground sign shall not extend closer than 5 feet to any part of the public right of way.
 - c) No ground sign shall have an area exceeding 40 square feet per side.
 - d) A ground sign shall be located on the same parcel.
 - e) In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.
 2. Number of ground signs. Not more than one ground sign may be erected; provided however, a property may have two ground signs when the following is met:
 - a) If fronting along two or more right of ways, 1 ground sign is allowed on each right of way.

- b) If there is greater than 300 feet of frontage along one right of way, 2 ground signs are allowed on such right of way.
- 3. Temporary signs per Sec. 26-10(i) of this chapter.

Sec. 26- 28—26-31. - Reserved.

SECTION 3. PUBLIC HEARING. A public hearing is set for Monday, October 21, 2019 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed repeal and replacement of Chapter 26, Signs, of the Code of the City of Owosso.

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 20 days after approval.

Boards and Commissions Appointments. Approve the following Mayoral Boards and Commissions appointments:

Name	Board/Commission	Term Expires
Steve Flayer	Historical Commission	12-31-2021
Mark Erickson	Historical Commission	12-31-2021
Justin Steckbauer	SATA Board	10-01-2022

Oktoberfest Permission. Approve request from the Shiawassee Regional Chamber of Commerce for use of the Ball/Exchange Parking Lot (Lot#5) and various downtown streets at assorted times from October 10, 2019 at 5:00am through October 13, 2019 at 5:00pm for Oktoberfest 2019 and approve Traffic Control Order No. 1428 formalizing the request.

Change Order No. 1 – 2019 Street Program Engineering Services Contract. Authorize Change Order No. 1 to the contract with Fleis & Vandenbrink, Inc. (Change Order No. 1 to Amendment No. 5 of Addendum No. 4) adding \$42,500.00 for the provision of additional construction monitoring and administration services for Street Program Contract Nos. 1 & 3 for the City's 2019 Street Resurfacing Program, and further authorize payment for the original amount of the contract plus Change Order No. 1 as follows:

RESOLUTION NO. 145-2019

AUTHORIZING CHANGE ORDER NO. 1 TO AMENDMENT NO. 5 OF THE CONTRACT FOR ENGINEERING SERVICES WITH FLEIS & VANDENBRINK ENGINEERING, INC. FOR THE 2018 STREET PROGRAM ENGINEERING SERVICES CONTRACT

WHEREAS, the City of Owosso, Shiawassee County, Michigan, approved Amendment No. 5 to a Contract with Fleis & Vandenbrink Engineering Inc. on January 7, 2019 for Design Engineering and Construction Administration Services for the 2019 Street Program in the amount of \$137,500.00; and

WHEREAS, the city requests additional services of the consultant in the amount of \$42,500.00 to provide construction engineering and administration services for the City's 2019 Street Resurfacing Program, that are beyond the original contractual scope of services due to unforeseen delays; and

WHEREAS, the Director of Public Services has reviewed the proposal submitted by Fleis & Vandenbrink as requested, and has determined the scope of additional services to be fair and reasonable.

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 change the contract with Fleis & Vandenbrink Engineering Inc. for an additional cost to the city of Owosso in the amount of \$42,500.00 as outlined in the proposal.
- SECOND: The mayor and city clerk are requested and authorized to sign Change Order No. 1 to Amendment No. 5 of Addendum No. 4 to the Engineering Services Contract between the City of Owosso, Michigan and Fleis & Vandenbrink Engineering, Inc.
- THIRD: The Accounts Payable department is authorized to make payment up to the contract amount, including the change order, totaling \$180,000.00 for the 2019 Street Rehab Program upon successful completion of said additional services.

FOURTH: The above expenses shall be paid from the 2016 Unlimited Obligation Bond Proceeds Account Nos. 202-451-818.000 (\$9,700.00) and 203-451-818-000 (\$32,800.00).

Purchase Authorization - Road Salt. Waive competitive bidding requirements, authorize purchase order with The Detroit Salt Company, LLC, via State of Michigan Contract No. 171-180000000768, in the amount of \$21,094.40 for early delivery of 400 tons of road salt at \$65.92/ton, plus an additional quantity of 1,400 tons in the amount of \$57,905.60 at \$60.36/ton to be delivered as needed during the 2019-20 contract period, and further authorize payment up to \$88,700.00 upon satisfactory receipt of the product as detailed below:

RESOLUTION NO. 146-2019

**AUTHORIZING THE EXECUTION OF A PURCHASE ORDER WITH
THE DETROIT SALT COMPANY, LLC
FOR THE 2019-2020 WINTER SUPPLY OF ROAD SALT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has a responsibility to keep its streets safe during the winter months, and that this winter ice control maintenance is advisable, necessary and in the public interest; and

WHEREAS, the most efficient way to remove ice from the streets is the application of road salt onto the icy pavements; and

WHEREAS, in order to obtain the best price for road salt material, it is in the best interest of the city of Owosso to waive competitive bidding requirements and utilize State of Michigan Contract number 171-180000000768 effective September 1, 2018, provided by The Detroit Salt Company, LLC for the purchase of road salt at \$65.92 per ton for early delivery and \$60.36 per ton for seasonal as needed bulk.

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 purchase 1,800 tons of road salt from The Detroit Salt Company, LLC.
- SECOND: The contract between the City and The Detroit Salt Company, LLC shall be in the form of a Purchase Order, with reference to State of Michigan Contract No. 171-180000000768.
- THIRD: The accounts payable department is authorized to pay The Detroit Salt Company, LLC for road salt delivered in the amount of \$88,700.00.
- FOURTH: The above expenses shall be paid from Local and Major Street Fund and State Trunk-line accounts 202/203.478.728.000 and 202.497.728.000.

Bid Award – Fire Hydrant Painting. Approve bid award to David Hamilton d/b/a American Flo Blasting for hydrant restoration and painting services for hydrants located in Caledonia and Owosso Charter Townships in the amount of \$21,700.00 and authorize payment to the contractor upon satisfactory completion of the work or portion thereof as detailed:

RESOLUTION NO. 147-2019

**AUTHORIZING THE EXECUTION OF A CONTRACT WITH
AMERICAN FLO BLASTING OF CLIMAX, MICHIGAN
FOR FIRE HYDRANT RESTORATION SERVICES FOR
OWOSSO CHARTER TOWNSHIP AND CALEDONIA CHARTER TOWNSHIP**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has responsibility by water agreement to maintain municipal fire hydrants for Owosso Charter Township and Caledonia Charter Township; and

WHEREAS, the fire hydrants for Owosso and Caledonia Charter Townships are in need of corrosion protection and restoration; and

WHEREAS, these services were competitively bid, with David Hamilton d/b/a American Flo Blasting of Climax, Michigan submitting the lowest and responsible bid for these services; and

WHEREAS, the Director of Public Services & Utilities has determined that David Hamilton d/b/a American Flo Blasting is qualified to perform these restoration services.

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 provide corrosion control and restoration of municipal fire hydrants for Owosso and Caledonia Charter Townships.
- SECOND: The Director of Public Services & Utilities has reviewed the competitive bids received, and recommends authorizing a services agreement between the city of Owosso and David Hamilton d/b/a American Flo Blasting of Climax, Michigan in the amount of \$21,700.00.
- THIRD: The mayor and city clerk are hereby authorized and instructed to sign the contract, substantially in the form attached. Contract for Services between the City of Owosso, Michigan and David Hamilton d/b/a American Flo Blasting.
- FOURTH: The accounts payable department is authorized to pay David Hamilton d/b/a American Flo Blasting for hydrant restoration services in the amount not to exceed \$21,700.00.
- FIFTH: The above expenses shall be paid from Water Fund account 591-901-972.000.

Warrant No. 575. Authorize Warrant No. 575 as follows:

Vendor	Description	Fund	Amount
Caledonia Charter Township	Caledonia Utility Fund Payment 7/1/19 – 9/30/19	Water	\$36,415.14
Owosso Charter Township	Owosso Charter Township 2011 Water Agreement Payment	Water	\$14,973.59
Michigan Municipal Risk Authority	Building & Property Insurance 2 of 3 installments for FY 19/20	Various	\$62,482.50

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

ITEMS OF BUSINESS

General Engineering Services Contracts for Utilities

Utilities Director Glenn M. Chinavare explained that these contracts will function much like the group of engineers that are contracted by the Engineering Department.

Motion by Mayor Pro-Tem Osika to authorize agreements with Tetra Tech, OHM Advisors, C2AE and Jones & Henry to provide professional engineering services for future utilities projects in accordance with the City Purchasing Policy for a period, renewed annually, through October 30, 2025 as follows:

RESOLUTION NO. 148-2019

**AUTHORIZING THE EXECUTION OF AGREEMENTS
FOR PROFESSIONAL ENGINEERING SERVICES WITH
C2AE, OHM ADVISORS, TETRA TECH, JONES & HENRY**

WHEREAS, the city of Owosso, Michigan, has determined that it is advisable, necessary and in the public interest to secure professional engineering services for various public utility improvement projects in the city; and

WHEREAS, a quality based selection process was developed to select qualified engineering firms; and

WHEREAS, C2ae, OHM Advisors, Tetra Tech, and Jones & Henry have been determined as most qualified to perform engineering services for water and wastewater utilities through this process.

NOW THEREFORE BE IT RESOLVED by the council of the city of Owosso, county of Shiawassee, state of Michigan:

- FIRST: The city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ the firms of Capital Consultants, Inc. d/b/a C2AE, OHM Advisors, Tetra Tech of Michigan, P.C., and Jones & Henry Engineers, Ltd. to provide professional engineering services for future water and wastewater utility projects; and

- SECOND: The mayor and city clerk of the city of Owosso is hereby instructed and authorized to sign the document attached as; Exhibit A, Agreement for Professional Engineering Services with Capital Consultants, Inc. d/b/a C2AE; and
- THIRD The mayor and city clerk of the city of Owosso is hereby instructed and authorized to sign the document attached as; Exhibit B, Agreement for Professional Engineering Services with OHM Advisors; and
- FOURTH The mayor and city clerk of the city of Owosso is hereby instructed and authorized to sign the document attached as; Exhibit C, Agreement for Professional Engineering Services with Tetra Tech of Michigan, P.C.; and
- FIFTH The mayor and city clerk of the city of Owosso is hereby instructed and authorized to sign the document attached as; Exhibit D, Agreement for Professional Engineering Services with Jones & Henry Engineers, Ltd.; and
- SIXTH The city manager of the city of Owosso is hereby instructed to receive cost proposals from each of these four firms for future projects and make recommendation to the City Council for acceptance and award in accordance with the city of Owosso Purchasing Policy for a period renewed annually through October 30, 2025.

Motion supported by Councilmember Haber.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilmember Bailey.

The meeting was briefly recessed at 8:41 p.m. and resumed at 8:50 p.m.

Closed Session (This item was removed from the agenda.)

Professional Services Contract – Public Relations (This item was added to the agenda.)

City Manager Henne indicated the proposed contract was borne out of the idea that the trash discussion is a very important topic and he wants to include as many points of view as possible. He said Council has been critical of the City's past efforts at communication and in light of the fact they tabled a decision on the trash issue he is looking for direction from Council as to whether the PR help would be better used now or later.

Councilmember Fear indicated she would abstained from voting due to the fact that she has been employed on a contractual basis by Rathbun Public Relations for the past four years. Ms. Fear was excused from the room at 8:53 p.m.

Individual members expressed support for immediately moving forward with the contract, with one Councilmember suggesting the scope of the contract be increased to include items outside the trash discussion.

Motion by Mayor Pro-Tem Osika to approve a contract with Carrie Rathbun-Hawks for educational and public relations services in relation to the trash collection issue as detailed below:

RESOLUTION NO. 149-2019

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT
WITH RATHBUN PUBLIC RELATIONS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, Community Development Department wishes to contract with Rathbun Public Relations for community outreach efforts regarding the city's trash and recycling discussion; and

WHEREAS, the City of Owosso City Council listed improvements to the city's trash collection and recycling program as an annual goal in January, 2019; and

WHEREAS, City staff wishes to expand public outreach, fact finding, and communications for such an important topic as city wide trash collection and recycling; and

WHEREAS, the City purchasing ordinance Section 2-343 allow for the city manager to make purchases up to \$10,000 without Council approval; and

WHEREAS, the City purchasing ordinance Section 2-346 does not require competitive bidding for professional services but does require council approval.

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 enter into a professional services agreement for public relations with Rathbun Public Relations for a cost to the City of Owosso not to exceed \$10,000.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Rathbun Public Relations not to exceed \$10,000.

THIRD: The above expenses shall be paid from the General Fund, account # 101.728.818.000.

Motion supported by Councilmember Pidek.

Roll Call Vote.

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

NAYS: Councilmember Fear.

ABSENT: Councilmember Bailey.

Councilmember Fear returned to the meeting at 9:04 p.m.

COMMUNICATIONS

Jake Adams, Planning Commission. Letter of resignation.

Jed Dingens, Historical Commission. Letter of resignation.

Karen Marumoto, Historical Commission. Letter of resignation.

Randy Woodworth, Parks & Recreation Commission. Letter of resignation.

Cheryl A. Grice, Finance Director. August 2019 Revenue & Expenditure Report.

Downtown Development Authority/Main Street. Minutes of September 4, 2019.

Historical Commission. Minutes of September 9, 2019.

Planning Commission. Minutes of September 23, 2019.

WWTP Review Board. Minutes of September 24, 2019.

CITIZEN COMMENTS AND QUESTIONS

Pete Yerian, 1471 Jackson Drive, said he pays \$36 per quarter for trash service in the Osburn Lakes neighborhood. He said he can see both sides of the trash collection argument.

Alan Thompson, 1210 George Street, reminded Council to keep in mind that the bigger haulers usually have bigger trucks that cause more damage to the streets.

Former Councilmember Burton Fox, 216 E. Oliver Street, recommended the public forum be held in a location capable of holding at least 200 people, he also suggested that Council stop the clock after each citizen question to provide an answer and they not restrict the amount of time people would like to comment.

Eddie Urban, 601 Glenwood Avenue, showed off the Shiawassee County newsletter saying it has lots of great information.

Scott Hoenshell, 1331 S. Cedar Street, said he was confused about what is going on with special assessments and better communication from the City is necessary. He also said he is looking forward to the public forum on trash collection.

NEXT MEETING

Monday, October 21, 2019

BOARDS AND COMMISSIONS OPENINGS

Building Board of Appeals – Alternate - term expires June 30, 2019
Building Board of Appeals – Alternate - term expires June 30, 2021
Brownfield Redevelopment Authority – term expires June 30, 2022
Historical Commission – term expires December 31, 2019
Historical Commission – 2 terms expire December 31, 2020
Parks & Recreation Commission – term expires June 30, 2021
Planning Commission – term expires June 30, 2019
SATA Board of Directors – term expires October 1, 2022

ADJOURNMENT

Motion by Mayor Pro-Tem Osika for adjournment at 9:13 p.m.

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

Christopher T. Eveleth, Mayor

Amy K. Kirkland, City Clerk