

OWOSSO CITY COUNCIL

JUNE 5, 2006

7:30 P.M.

PRESIDING OFFICER: MAYOR LINDA L. ROBERTSON

PLEDGE OF ALLEGIANCE: MAYOR LINDA L. ROBERTSON

PRESENT: Mayor Linda L. Robertson, Mayor Pro-Tem Mark D. Owen, Councilpersons Michael E. Bruff, Michael N. Cline, Joane E. Ford, and Matthew B. Harvey.

ABSENT: Councilperson Justin R. Horvath.

APPROVE AGENDA

Motion by Mayor Pro-Tem Owen to approve the Agenda as presented. Motion supported by Councilperson Harvey and concurred by unanimous vote.

APPROVE MINUTES – MAY 15, 2006

Motion by Councilperson Ford to approve the Minutes of the Regular Meeting of May 15, 2006 as presented. Motion supported by Councilperson Bruff and concurred by unanimous vote.

APPROVE MINUTES – MAY 30, 2006

Motion by Councilperson Bruff to approve the Minutes of the Special Meeting of May 30, 2006 as presented. Motion supported by Councilperson Cline and concurred by unanimous vote.

CITIZEN COMMENTS AND QUESTIONS

Betty Coon, 1204 Palmer Avenue, inquired as to the cost of the Ball Street parking project, the Oliver Street bridge project, and if Curwood paid the police division for overtime incurred during the festival.

Gary Martenis, 705 Lingle Avenue, inquired about closing Lingle Avenue for a block party.

Burton Fox, 216 East Oliver Street, commended Police Sergeant Larry Arbogast for his service to the City, thanked the entire police division for their work during the Curwood Festival, and commented on weed/grass cutting ordinance violations.

Lee Mills, 1221 North Gould Street, commented on the condition of the building at 317 South Elm Street and his job at Target Industries.

Dale Strimple, 12143 West Coldwater Road Flushing, commented on the condition of the building at 317 South Elm Street and his job at Target Industries.

Gary Jacobs, Jacobs Insurance in Owosso, commented on his desire to purchase the property at 102 South Washington Street.

Heather Dumond, 904 East North Street, commented on the condition of the building at 317 South Elm Street and her job at Target Industries.

Attorney Patrick Kirby, representing the current owners of 317 South Elm Street, commented on the condition of the building at 317 South Elm Street, personal agendas for seeking condemnation of his client's property, and the negative financial effect recent comments have made on his client's prospects for selling the building.

Doris Carson, 623 Adams Street, commented on the condition of the building at 317 South Elm Street and her job at Target Industries.

John Davis, 1117 Mohawk Avenue Flint, commented on the condition of the building at 317 South Elm Street and his job at Target Industries.

Community Development Director Philip Hathaway commented on the cost of the Ball Street parking project and reimbursement for clean up incurred during the project.

Public Safety Director Michael Compeau commented on police division overtime during the Curwood Festival and negotiating with Curwood for reimbursement in the future.

City Manager Gregg Guetschow commented on the cost of the Oliver Street bridge reconstruction, closing streets for block parties, and grass/weed ordinance violations.

Building Official John Archer commented on a schedule of repairs for the building at 317 South Elm Street and the ongoing repairs in that building.

Councilperson Bruff thanked an audience member for sharing another perspective of the situation at 317 South Elm Street.

Mayor Robertson thanked Council for participating in the Curwood Parade.

CONSENT AGENDA

Motion by Councilperson Ford to approve the Consent Agenda as follows:

Conduct First Reading and Set Public Hearing – Ordinance Amendment

The first reading of the proposed ordinance amendment was held.

A public hearing was set for June 19, 2006 to receive citizen comment regarding proposed changes to Sections 34-82 and 34-83, of Article III, *Water*, of Chapter 34, *Utilities and Services*, of the Code of Ordinances of the City of Owosso as follows:

AN ORDINANCE TO AMEND SECTION 34-82 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN, TO UPDATE PROVISIONS FOR THE CITY WATER SUPPLY CROSS CONNECTION PROGRAM TO PROTECT THE CITY WATER SUPPLY THROUGHOUT THE DISTRIBUTION SYSTEM FROM CONTAMINATION, AND TO ADD SECTION 34-83 TO CLARIFY HOW VIOLATIONS OF ARTICLE 3 OF CHAPTER 34 ARE TO BE HANDLED.

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 34, *Utilities and Services*, Article III, *Water*, Sections 34-82 and 34-83, of the Code of Ordinance of the City of Owosso, Michigan, shall be and the same is hereby amended to read as follows:

Sec. 34-82. Water supply cross connection rules.

(a) The Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being R 325.11401 to R 325.11407 of the Michigan Administrative Code, are adopted by reference as part of this article.

(b) It shall be the duty of the city to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the public services department and as approved by the Michigan Department of Environmental Quality.

(c) A representative of the city shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(d) The public services department of the city is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this article exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this article.

(e) All testable backflow prevention devices shall be tested initially upon installation to assure the device is working properly. Subsequent testing of devices shall be conducted at the time interval specified by the public services department and in accordance with requirements of the Michigan Department of Environmental Quality and the Michigan Plumbing Code. The owner of the water service and device shall be responsible for testing and maintenance or replacement of the device. Device testing is to be done by an individual approved by the public services department. Approval is to be based on evidence of proper training, equipment, and certification as required and issued by the State of Michigan. The approved tester shall certify the device test results to the public services department on forms provided or approved by the department.

(f) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this article and by the Michigan Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

(g) This article does not supersede, but is supplementary to, the Michigan Plumbing Code.

Sec. 34-83. Violations.

(a) Any person found to be violating any provision of this article shall be served by the public services director with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) A violation of the provisions of this article shall be considered a public nuisance per se and any action authorized or permitted by law for the abatement of public nuisances may be instituted by the city in regard to such violation.

(c) Whenever a person has violated any provision of this article, the city may take any legal action necessary to recover damages sustained by the city as a result thereof.

Section 2. This ordinance shall take effect 20 days after its adoption.

Section 3. 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.

Boards and Commissions Appointments. Accept Mayoral appointment/re-appointment of the following:

<i>Appointee (a) / Re-appointee (r)</i>	<i>Board/Commission</i>	<i>Term Expiration</i>
John Hankerd (r)	Downtown Development Authority	06/30/2010
Rich Collins (a) To fill unexpired term of James Howe	Downtown Development Authority	06/30/2009
David Lazar (a) To fill unexpired term of Cindy Popovitch	Downtown Development Authority	06/30/2006
David Lazar (r)	Downtown Development Authority	06/30/2010
Michael Dvorak (r)	Zoning Board of Appeals	06/30/2009
Shea Usher (a)	Zoning Board of Appeals-Alternate	06/30/2009
Francis Livingston (r)	Planning Commission	06/30/2009
Tracy Butcher (r)	Planning Commission	06/30/2009
Amy Six-King (r)	Planning Commission School Representative	06/30/2008
Michael Bazelides (r)	Local Development Finance Authority	06/30/2010
Philip Hathaway	Building Authority	06/30/2009
Carl Ludington (a) To fill unexpired term of Calvene Morel	Building Board of Appeals	06/30/2008
Carl Lamphere (r)	Building Board of Appeals	06/30/2009
Ed VanStrate (r)	Building Board of Appeals	06/30/2009

Warrant No. 326. Accepted Warrant No. 326 as follows:

Vendor	Description	Fund	Amount
Orchard, Hiltz & McCliment, Inc.	Professional Services through May 6, 2006	Sewer	\$22,788.50

Motion supported by Councilperson Harvey.

Roll Call Vote.

AYES: Councilpersons Bruff, Ford, Harvey, Mayor Pro-Tem Owen, Councilperson Cline and Mayor Robertson.

NAYS: None.

ABSENT: Councilperson Horvath.

ITEMS OF BUSINESS

HOLMAN POOL OPERATING AGREEMENT EXTENSION

There was general discussion about citizens renting the pool for private parties.

Motion by Mayor Pro-Tem Owen to authorize a one-year extension of the Operating Agreement with the YMCA for Holman Pool and further authorize the Mayor and City Clerk to execute the documents.

Motion supported by Councilperson Ford.

Roll Call Vote.

AYES: Councilpersons Bruff, Harvey, Mayor Pro-Tem Owen, Councilpersons Cline, Ford and Mayor Robertson.

NAYS: None.

ABSENT: Councilperson Horvath.

CONDUCT FIRST READING AND SET PUBLIC HEARING – ORDINANCE AMENDMENT

There was general discussion regarding how the planning commission reached agreement on the proposed ordinance, times of operation in residential districts, and options for action at tonight's meeting.

The First Reading on the proposed Ordinance Amendment was held.

AN ORDINANCE TO AMEND SECTIONS 26-9 and 26-30 OF CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 26, *Signs*, Article III, *Definitions*, Section 26-9 and Chapter 26, *Signs*, Article VI, *Schedule of Sign Regulations*, Section 26-30, of the Code of Ordinance of the City of Owosso, Michigan, shall be and the same is hereby amended to read as follows:

Section 26-9, Definitions and interpretation

Animated sign. Any sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene. For the purposes of this chapter, this term does not refer to flashing, changeable copy signs or programmable message centers.

Programmable Display Sign. An animated sign, including LED's, made up of a field of individual electronic elements or mechanical grids that, when programmed and activated, create still or moving images or words. The elements may be internally illuminated or may be illuminated by reflected light. The sign may be framed by permanent, nonmoving signage.

Section 26-30, Permitted sign characteristics by zoning district-Chart VI.

CHARACTERISTIC	ZONE DISTRICT											
	R-1, R-2, R-T	RM-1, RM-2	OS-1	B-1	B-2	B-3	B-4	I-1	I-2	C-OS	PUD	INS
Animated	N	N	N	N	N	S	N	N	N	N	N	N
Changeable Copy	N	N	N	S	S	S	S	S	S	N	S	S
Illumination, internal (a)	N	N	S	S	S	S	S	S	S	N	S	S
Illumination, external (a)	N	N	S	S	S	S	S	S	S	N	S	S
Illumination, exposed bulbs	N	N	N	N	N	S	N	N	N	N	N	N
Programmable display sign (a) (e)	N	N	S(b), (d)	S(b)	S	S	S	S	S	N	S(c)	S(b), (d)

S-Allowed only with sign permit.

N-Not allowed.

- (a) No direct light or significant glare from the sign shall be cast onto any adjacent zone lot that is zoned and used for residential purposes.
- (b) Except for an unanimated, fixed message, the sign functions shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.
- (c) A programmable display sign is subject to approval and standards established within the site plan review provisions of Chapter 38, Zoning, Section 38-390.
- (d) A programmable display sign shall have a 75-foot setback from a residentially zoned and occupied structure.
- (e) The message interval shall be three seconds and the flashing background feature behind changeable copy shall not be activated.

Motion by Mayor Pro-Tem Owen to set a public hearing for June 19, 2006 to receive citizen comment regarding the above proposed changes to Section 26-9, of Article III, *Definitions* and

Section 26-30, of Article VI, *Schedule of Sign Regulations*, of Chapter 26, *Signs*, of the Code of Ordinances of the City of Owosso.

Motion supported by Councilperson Ford.

Roll Call Vote.

AYES: Councilperson Harvey, Bruff, Cline, Mayor Pro-Tem Owen, Councilperson Ford and Mayor Robertson.

NAYS: None.

ABSENT: Councilperson Horvath.

PROPERTY SALE

There was general discussion regarding local interest in the property, other Dixie Development properties in the City, allowing local interest the time to develop detailed plans, and reasons for the City financing the purchase of the property.

Motion by Councilperson Cline to table the issue for 60 days.

Motion failed for lack of support.

There was continued discussion regarding the history of the proposed transaction, the value of the proposed building, paying back the State grant, asking for an extension on the grant, and Council as a part of the site plan review.

City Attorney William C. Brown reminded Council five affirmative votes were needed to sell property.

Motion by Councilperson Ford to accept the proposed purchase agreement with Dixie Development for city-owned vacant property at 102 South Washington Street in the amount of \$45,000.

Motion supported by Councilperson Bruff.

Roll Call Vote.

AYES: Councilperson Ford, Mayor Pro-Tem Owen, Councilpersons Bruff, and Mayor Robertson.

NAYS: Councilpersons Cline, and Harvey.

ABSENT: Councilperson Horvath.

Motion failed for lack of affirmative votes.

WATER RATE CONSIDERATIONS

There was general discussion regarding continuing to put off capital improvements, the cost of debt service, how frequently to review water rates, Owosso water rates as compared to other areas, the effect of the new water district agreement, and the availability of grant monies.

Utilities Director Burk was directed to develop a resolution for the June 19, 2006 meeting.

WELL PUMP REPLACEMENT

There was general discussion regarding the life expectancy and the cost of overhaul of a well pump and the cost to replace an entire well.

Motion by Mayor Pro-Tem Owen to approve the replacement of the well pump at Palmer Well #3 in an amount not to exceed \$25,000.

Motion supported by Councilperson Ford.

Roll Call Vote.

AYES: Councilperson Ford, Mayor Pro-Tem Owen, Councilpersons Harvey, Cline, Bruff, and Mayor Robertson.

NAYS: None.

ABSENT: Councilperson Horvath.

COMMUNICATIONS

Information on outdoor wood burners.

Thomas P. Sheridan. Thank you letter from the Shiawassee Community Credit Union.

Steve Corey, Mayor of Corunna. Letter of invitation to Corunna Firecracker Parade.

Owosso Historical Commission. Minutes of Meeting of May 16, 2006.

CITIZEN COMMENTS AND QUESTIONS

Rod Spencer, 1617 Allendale Avenue, commented on his desire to move Target Industries to a more efficient structure and the condition of the building at 317 South Elm Street.

James Griesen, president of Target Industries, 222 South Elm Street, commented on the condition of his facility as compared to the building at 317 South Elm Street and personal motives for seeking condemnation.

Mayor Robertson reminded members of the audience to direct their comments to the Council or City Staff.

ADJOURNMENT

Motion by Councilperson Bruff for adjournment at 9:18 p.m.

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

Linda L. Robertson, Mayor

Amy K. Kohagen, Deputy City Clerk