

OWOSSO CITY COUNCIL

AUGUST 21, 2006

7:30 P.M.

PRESIDING OFFICER: MAYOR LINDA L. ROBERTSON

OPENING PRAYER: MAYOR LINDA L. ROBERTSON

PLEDGE OF ALLEGIANCE: MAYOR LINDA L. ROBERTSON

PRESENT: Mayor Linda L. Robertson, Councilpersons Michael E. Bruff, Michael N. Cline, Joane E. Ford, Matthew B. Harvey, and Justin R. Horvath.

ABSENT: Mayor Pro-Tem Mark D. Owen (arrived at 7:59 pm).

APPROVE AGENDA

Motion by Councilperson Harvey to approve the agenda as presented. Motion supported by Councilperson Cline and concurred in by unanimous vote.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF AUGUST 14, 2006

Motion by Councilperson Harvey to approve the Minutes of the Regular Meeting of August 14, 2006 as presented.

Motion supported by Councilperson Horvath and concurred in by unanimous vote.

PUBLIC HEARINGS

REZONING REQUEST – 1460 NORTH SHIAWASSEE STREET

Director of Community Development Philip Hathaway, reported that owners and residents within 300' of the parcel to be rezoned were notified of the public hearing and the Planning Commission recommended approval of the rezoning request based upon the following finding of facts:

- The conditions of the original and existing zoning designations did not properly account for the highway commercial use there, and that an error in judgment was made that now justifies the change.
- It was learned and relied upon that the rezoning matches the land use of a shopping center district for the adjoining parcels to the south in Owosso Township.

The public hearing was conducted to receive citizen comment regarding request to rezone the parcel commonly known as 1460 North Shiawassee Street from RM-1 Multiple Family Residential District to B-2 Planned Shopping Center District.

There were no public comments.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Ford that the following ordinance be adopted:

ORDINANCE NO. 676

AN ORDINANCE TO AMEND SECTION 38-27 OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

SECTION 1. That Section 38-27 of Chapter 38 of Article II of the Owosso City Code, District Boundaries, is hereby amended by changing the designation of the following lots and parcels of land designated in a zoning map of the City of Owosso, and referred to in said Section and made a part thereof, which said lots and parcels hereby intended to be redesignated are not described in body of said Section as in certain zone districts; said designation being as follows:

APPLICANT: Gregory Kanan
305 East Haven Drive
Owosso, MI 48867

PROPERTY ADDRESS: 1460 North Shiawassee Street

PROPOSED REZONING: FROM: RM-1 Multiple Family Residential District – Low Rise
TO: B-2 Planned Shopping Center District

PROPERTY DESCRIPTION: PART OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SECTION 12, T7N, R2E, CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN, BEGINNING ON THE NORTH-SOUTH ¼ LINE 1,313.91 FEET NORTH OF THE SOUTH ¼ CORNER OF SECTION 12, T7N, R2E, THENCE

EAST 300 FEET, SOUTH 187 FEET, WEST 300 FEET, AND NORTH 187 FEET TO THE POINT OF BEGINNING, EXCEPT THE RIGHT-OF-WAY FOR STATE HIGHWAY M-52

LOT SIZE: 187' X 300'

SECTION 2. The changes made in the zoning in the lots and parcels of land hereinbefore described are hereby ordered to be redesignated on said map in accordance with this Ordinance.

SECTION 3. This Ordinance shall take effect September 10, 2006.

Motion supported by Councilperson Bruff.

Roll Call Vote.

AYES: Councilpersons Horvath, Cline, Harvey, Bruff, Ford, and Mayor Robertson.

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

ORDINANCE AMENDMENT – ZONING

The public hearing was conducted to receive citizen comment regarding proposed ordinance amendment to Chapter 38, Zoning, Article XII, B-4 General Business Districts, Section 268, of the Code of Ordinances of the City of Owosso, Michigan.

The following persons addressed the City Council regarding the proposed amendment:

Tom Lennox, applicant, owner of 718 South Chipman Street, commented on how the attitude of Council affects business development in the area and his feeling that improving the property will be a benefit to the surrounding properties.

Burton Fox, 216 East Oliver Street, inquired as to the area affected by the ordinance amendment. (All Dutchtown properties zoned B-4)

Doug Perry, owner of 710 South Chipman Street, commented the building has been vacant for some years, welcomes the improvements and feels the proposed construction will fit the character of the area.

Council was reminded that notices were mailed to all property owners and residents within 300' of the applicant's property informing them of the proposed change and the public hearing per their request.

There was general discussion regarding how the proposed improvements will fit with the character of the neighborhood.

Councilperson Bruff stated his opposition to the proposed ordinance amendment. He indicated he felt the wording of the amendment was inappropriate, the proposed construction would not be harmonious with the area, the comparison of Dutchtown and Westtown was incongruous, approving the amendment would be tantamount to spot zoning of which he is an opponent, and his opinion that construction work has been started without the required permits.

There was general discussion regarding the adequacy of parking. It was stated the parking needs were adequate for the property's current use and would need to be reviewed at the time permits for construction are issued.

Building Official Archer commented on the types of projects that do not require a permit.

There was general discussion regarding how high the finished structure would be. It was stated the walls would be approximately 3' higher than they are currently plus the additional height of a pitched roof.

Motion by Councilperson Ford to adopt the proposed ordinance amendment. (For full text see minutes of July 31, 2006 or Item of Business # 5 below.)

Motion supported by Councilperson Horvath.

Roll Call Vote.

AYES: Councilpersons Ford, Horvath, and Mayor Robertson.

NAYS: Councilpersons Bruff, Harvey, and Cline.

ABSENT: Mayor Pro-Tem Owen.

Tie vote. Motion fails.

CITIZEN COMMENTS AND QUESTIONS

Gary Martenis, 705 Lingle Avenue, commented on his desire to have Council answer every question posed during the Citizen Comments and Questions periods, his opinion the City Manager authorized street improvements without Council approval, his disappointment regarding an unmowed lot in his area, and his desire to see the bill for mowing the lot.

(Mayor Pro-Tem Owen arrived at 7:59 pm.)

John Fogus, 1403 George Street, commented that emergency vehicles did not seem to have difficulty reaching his home during a recent fire on his property despite South Street being blocked off. He reiterated his desire to have George Street blocked off at the south end.

Burton Fox, 216 East Oliver Street, inquired as to whether a better offer was received and turned down by the City for property recently sold on North Hickory Street.

Mayor Robertson indicated more of an effort will be made to answer questions posed at meetings, that Council was aware of construction on Palmer Avenue and the City was not obligated to pay for improvements. In reference to the City mowing unkempt lots, she indicated that the bill for work performed by City workers on private property can be added to property taxes.

Director of Community Development Hathaway indicated he was not aware of a better offer for the Hickory Street property, offers were being handled by a local real estate company. He further indicated a prior Council had previously established architectural standards for the lot and the inability to meet those standards may have been the reason other offers would have been dismissed.

There was general Council/Staff discussion regarding the hiring of real estate companies to market City property, other City properties listed with real estate agents, and the manner in which real estate agents are chosen.

Councilperson Cline inquired as to why the City purchased the Lions Park a few years ago.

There was general discussion regarding the City practice of purchasing lots in that area to stop/prevent development until drainage problems were resolved, when and if such lots would be available for sale, when the floodplain will be redrawn, and the effects of problems in the County Drain Office.

Mayor Robertson expressed her disappointment with negative attitudes, stating she felt the recent decision on the Zoning text amendment hurt small business.

Councilperson Bruff stated his belief that no small business was injured through the decision, that he felt it was spot zoning and he would continue to oppose such.

Pro-Tem Owen apologized for his tardiness and expressed disappointment at missing the vote on the text amendment.

CONSENT AGENDA

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

Set Public Hearing – Brownfield Redevelopment Plan. A Public Hearing was set for September 18, 2006 to receive citizen comment regarding proposed Brownfield Redevelopment Plan--"District #12, Woodard Station Lofts, LLC."

Set Public Hearing – DDA Boundary Amendment.

The First Reading on the proposed ordinance amendment was held.

A public hearing was scheduled for September 18, 2006 to receive citizen comment regarding proposed changes to Chapter 11, *Community Development*, Article II, Downtown Development, Section 11-16, "Boundaries Designated", of the Code of Ordinances of the City of Owosso, regarding the amendment of the Owosso Downtown Development District Boundary and the 2004 Downtown Development and Tax Increment Financing Plan Boundary as follows:

AN ORDINANCE TO AMEND CHAPTER 11, COMMUNITY DEVELOPMENT, ARTICLE II, *DOWNTOWN DEVELOPMENT*, SECTION 16, "BOUNDARIES DESIGNATED", OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN, REGARDING THE AMENDMENT OF THE OWOSSO DOWNTOWN DEVELOPMENT DISTRICT BOUNDARY AND THE 2004 DOWNTOWN DEVELOPMENT AND TAX INCREMENT FINANCING PLAN BOUNDARY.

THE CITY OF OWOSSO ORDAINS:

Section 1. That, Chapter 11, Community Development, Article II, *Downtown Development*, Section 16, "Boundaries Designated", of the Code of Ordinances of the City of Owosso, Michigan shall be and the same is hereby amended to read as follows:

Sec. 11-16. Boundaries Designated.

(19) Part of A.L. Williams Addition to the City of Owosso, Williams and Lyons Addition to the city, Louisa Merell's Addition to the Village (now City) of Owosso and J.L. Wright's Addition to the City, all in Section 24, Township 7N, Range 2E, City of Owosso and Section 19, T7N, R3E, City of Owosso, Shiawassee County, Michigan, described as beginning at a point on the East line of Washington Street which is N01°04'16"E 178.33' from the southwest quarter of Reserve #8 of said A.L. Williams Addition to the City; thence N88°58'17"E 58.87'; thence S87°29'00"E 141.47'; thence S80°59'30"E 208.51'; thence N79°53'15"E 249.61'; thence N84°44'04"E 98.81'; thence S83°12'46"E 107.12'; thence S69°48'57"E 185.83'; thence S87°18'35"E 285.30'; thence S80°22'21"E 184.20'; thence N78°09'52"E 88.58'; thence S86°52'31"E 65.28'; thence S73°37'20"E 230.94'; thence S72°36'38"E 136.78'; thence S56°07'29"E 85.61'; thence S54°32'48"E 156.92'; thence S43°19'04"E 100.70'; thence S36°46'08"E 53.67'; thence S39°18'45"E 84.17'; thence S23°55'42"E 93.89'; thence S20°30'21"E 98.80'; thence S30°45'56"E 89.82'; thence S30°03'46"E 94.95'; thence S40°48'33"E 87.92'; thence S58°16'37"E 179.85'; thence S70°38'55"E 75.50' to the westerly line of Oakwood Avenue; thence Northwesterly to the water's edge of the Shiawassee River; thence Northwesterly along said water's edge to the east line of Washington Street; thence southerly along said east line to the Point of Beginning. (3,214.43 lineal feet), EXCEPT the above described lands lying within a parcel of land commencing at the intersection of the center line GTWRR track and the east line of Washington Street; thence northerly 168 feet +/- along the street line to the point of beginning, thence 39 feet to the southerly bank of the Shiawassee River, thence easterly 144 feet, thence southerly 39 feet parallel west of said street line, thence westerly 142 feet +/- to the east line of Washington Street to the point of beginning, A. L. Williams Addition to the Village (now City) of Owosso.

(20) All street Right-of-Way within the area described as beginning at the northeast corner of the intersection of Hickory Street right-of-way and the Jerome Street Right-of-Way, proceeding easterly to the East line of Oakwood Street, thence southerly to the south bank of the water's edge of the Shiawassee River, thence easterly along said water's edge to the West line of Oakwood Street.

(21) That Portion of Land South of Jerome Street and north of the Shiawassee River, East of the Extended Park Street and West of the West Line of Stafford, Gardner, & Trankles Addition to the City of Owosso, Shiawassee County, Michigan, EXCEPT that section west of the intersection of the east line of Hickory Street extended south to the south bank at the water's edge of the Shiawassee River.

(22) Lot 74 of Stafford, Gardner and Trankles Central Addition to the City of Owosso, Shiawassee County, Michigan.

Section 2. This Ordinance shall become effective 20 days following 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.

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 September 5, 2006 to receive citizen comment regarding proposed changes to Section 18-92, of Article IV, *Noise Control*, of Chapter 18, *Nuisances*, of the Code of Ordinances of the City of Owosso as follows:

AN ORDINANCE TO AMEND SECTION 18-92, OF ARTICLE IV, *NOISE CONTROL*, OF CHAPTER 18, *NUISANCES*, OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 18, *Nuisances*, Article IV, *Noise Control*, Section 18-92, of the Code of Ordinance of the City of Owosso, Michigan, shall be and the same is hereby amended to read as follows:

Sec. 18-92. Animal and bird noises.

The keeping of any animal or bird which by causing frequent or long continued noise shall **unreasonably** disturb the comfort or repose of any person is hereby prohibited.

Section 2. This Ordinance shall become effective 20 days following 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.

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 September 5, 2006 to receive citizen comment regarding proposed changes to Section 5-28, of Article II, *Dogs*, of Chapter 5, *Animals*, of the Code of Ordinances of the City of Owosso as follows:

AN ORDINANCE TO AMEND SECTION 5-28, OF ARTICLE II, *DOGS*, OF CHAPTER 5, *ANIMALS*, OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 5, *Animals*, Article II, *Dogs*, Section 5-28, of the Code of Ordinance of the City of Owosso, Michigan, shall be and the same is hereby amended to read as follows:

Sec. 5-28. Noise restriction.

No person shall own any dog which by loud or frequent or habitual barking, yelping or howling, shall **unreasonably annoy or disturb the quiet, comfort or repose of persons in the vicinity.**

Section 2. This Ordinance shall become effective 20 days following 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.

Bid Award. Approved low bid of Michigan Pavement Solutions, LLC for the 2006 Slurry Seal and Seal Coat Program in the amount of \$153,517.90 and authorized payment up to the bid amount.

Bid Award. Approved low bid of Highway Maintenance and Construction Co. Inc. for AMZ filling of cracks on South M-52 in the amount of \$11,103.00 and authorized payment up to the bid amount.

Warrant No. 330. Accepted Warrant No. 330 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart PC	Professional Services for the period of 07-12-06 to 08-10-06	General	\$15,694.30
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$20,131.00

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ITEMS OF BUSINESS

RESCIND SPECIAL ASSESSMENT RESOLUTIONS

Motion by Councilperson Ford to approve the rescinding of Resolutions No. 3 and No. 5 for Special Assessment District No. 2006-03 for River Street from Cedar Street to Lansing Street as follows:

RESOLUTION NO. 03-2006

A RESOLUTION TO RESCIND RESOLUTIONS AUTHORIZING A STREET RECONSTRUCTION PROJECT AND AUTHORIZING SPECIAL ASSESSMENTS

WHEREAS, City staff proposed a street reconstruction project for the block of River Street between Cedar Street and Lansing Street to repair the street surface following installation of new water and sewer lines; and

WHEREAS, on January 17, 2006, following public hearing, Resolution No. 3 for Special Assessment District 2006-03 for River Street from Cedar Street to Lansing Street was adopted approving this project; and

WHEREAS, on April 3, 2006, following public hearing, Resolution No. 5 for Special Assessment District 2006-03 for River Street from Cedar Street to Lansing Street was adopted approving the special assessment roll for this project; and

WHEREAS, after further investigation and review, City staff has determined that installation of new water and sewer lines is not necessary at this time and the condition of the street surface does not warrant reconstruction; and

WHEREAS, section 28-8 of the Owosso City Code provides, in part, that “no deviation from original plans or specifications as adopted shall be permitted by any officer or employee of the city without authority of the council by resolution”;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that resolutions No. 3 and No. 5 for Special Assessment District 2006-03 for River Street from Cedar Street to Lansing Street are rescinded and City staff is directed not to undertake the reconstruction project nor to levy special assessments.

Motion supported by Councilperson Horvath.

Roll Call Vote.

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

NAYS: None.

PROPOSED INDUSTRIAL USE

Council was reminded this is a proposed use only. The building is currently for sale and has not yet been purchased.

There was general discussion regarding what sort of permission is being sought and the downsides, if any, of approving such use.

Motion by Mayor Pro-Tem Owen to approve the proposal to locate a sandblasting and paint shop business at 1500 McMillan Street with the following conditions:

The following documentation must be properly obtained and filed with the City of Owosso Building Department:

- A. State of Michigan license and registration
- B. State of Michigan (Air Quality Control Division) requirements for building exhaust air filtering systems
- C. State of Michigan DEQ requirements for appropriate floor drains
- D. State of Michigan DEQ allowable quantities of paints and solvents to be stored on site
- E. Appropriate plumbing and mechanical permits be applied for with the City of Owosso and inspections conducted
- F. Business owner to request an occupancy inspection by the City of Owosso Building Official upon complete of all State of Michigan Air Quality Control and DEQ requirements

Motion supported by Councilperson Ford.

Roll Call Vote.

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

NAYS: None.

SANITARY SEWER OVERFLOW CORRECTION PROGRAM

Motion by Councilperson Bruff to approve an increase in the not-to-exceed amount of the Sanitary Sewer Overflow Correction Program, originally approved at the meeting of April 3, 2006, from \$84,300 to \$195,800 and authorize staff to proceed with Tasks 5-9, contingent on available funding, as follows:

City of Owosso

Sanitary Sewer Overflow Correction Program

Work Plan

March 28, 2006

Base Tasks (1-4)

1. Field Work — First Phase Manhole Inspections
 - Condition of structures will be assessed and documented
 - Drops will be measured and pipe size and direction recorded
 - First phase includes inspection of 350 manhole
 - Owosso will provide staff support when needed for traffic control and assistance in locating problematic manholes

2. Analysis of Field Data and Construction Specifications and Details

- Develop a new numbering system for manholes
- Incorporate results into a database/GIS and prepare maps depicting results
- Review results of manhole inspection and prepare recommendation and cost estimates
- Develop a brief report that summarizes findings, recommendations and costs
- Prepare standard details, specification and a map for rehabilitation of structures that the City can use for procurement of a rehabilitation contractor

3. Modeling

- Collect and review historic metering data, WWTP flow data and system model
- Develop antecedent moisture hydrologic model for 2 sub-areas
- Prepare calibration, validation and accuracy of from 2-3 years of available flow data
- Develop trunk sewer hydraulic model from the known SSO points to the WWTP
- Perform continuous model for a 20 year period and perform statistical analysis on peaks
- Utilize the model to evaluate sizing of an EQ basin and system capacity upgrades
- Meet with MDEQ to review results

4. Alternative Analysis & Report

- Develop a list of feasible alternatives for achieving SSO correction
- Prepare preliminary cost estimates and perform a cost effectiveness analysis
- Prepare a technical report that summarizes the findings
- Present results to MDEQ and City Council

Grant Tasks (5-6)

5. Inspect and Analyze Remaining Manholes & Perform GPS Survey

- Perform manhole inspections for the remaining approximately 700 manholes in City
- Task includes performing GPS survey of all 1,050 manholes
- Incorporate analysis of field data for remaining manholes into report

6. Project Plan Development

- Coordinate a pre-project meeting with MDEQ
- Prepare required sections of project plan
- Assist with public participation, including public hearing and comments
- Assist with coordination with MDEQ throughout the project planning process

Optional Assistance Tasks (7-9)

7. SRF Grant Application

- Assist the City in preparing the grant application documents
- Assumed that the grant application is simple and can be prepared from existing materials

8. Pilot Footing Drain Removal

- Identify several homes that are good candidates for a pilot footing drain removal
- Prepare plans, specs and contract documents for construction
- Provide construction oversight and coordination during construction
- Perform post removal monitoring and an analysis to show effectiveness

9. Assist with Additional Sewer Investigations

- Assistance with smoke testing field work or analysis
- Review televising tapes to identify locations where physical condition requires upgrades
- Assist with prioritizing improvements for rehabilitation, maps, specs and details
- Assist with the development of the Final Work Plan required in the ACO
- Assistance with other elements of the ACO implementation

Motion supported by Councilperson Harvey.

Roll Call Vote.

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

NAYS: None.

COMMUNICATIONS

Holman Pool Financial Statement. July 2006.

Ronald G. Baker, City Engineer. George Street count information.

Association of Public Treasurers. Letter announcing award of CPFA Credential for City Treasurer Ronald J. Tobey.

Association of Public Treasurers. Letter announcing award of CPFA Credential for Deputy City Treasurer Francis M. Kukulis.

Owosso Historical Commission. Minutes of Meeting of August 15, 2006.

Items received at meeting:

Holman Pool Detail Report. 04/01/2006 through 08/17/2006.

Richard Lischefski. Letter against closing George Street.

Joyce Jones. Letter against closing George Street.

Mayor Robertson congratulated the Treasurer and Deputy Treasurer on receiving their certifications.

City Manager Guetschow explained the detail report for Holman Pool indicating what has already been paid for and what expenses to anticipate, he also indicated that the cost for running the pool this year was lower than usual.

CITIZEN COMMENTS AND QUESTIONS

John Fogus, 1403 George Street, commented on skid marks on the road near his house and his desire for a barricade at the end of George Street.

Gary Martenis, 705 Lingle Avenue, inquired about the recent history and status of various City owned properties.

There was general Council/Staff discussion regarding the status of the properties inquired about.

William Owen, 1309 Herman Street, inquired about the traffic counts on George Street. He was given a copy of City Engineer Baker's report.

Don Forester, 1221 Adams Street, inquired about a water agreement with the business being constructed near Delaney Road.

Utilities Director Burk replied City water service does not extend out that far.

Mayor Robertson commented on working with Owosso Township officials to set up a meeting to discuss water issues.

Ed Urban, 601 Glenwood Avenue, wanted to know why pontoons with outboard motors were allowed on Hopkins Lake.

City Manager Guetschow responded saying the City assisted Maurell Products conduct their boat show by approving limited use of Hopkins Lake to demonstrate their products.

Joni Forster, 1221 Adams Street, inquired about progress in opening up the Farmer's Market.

Burton Fox, 216 East Oliver Street, gave suggestions for improving the Farmer's Market including changing its location to a larger lot. He also commented that those with dissenting opinions keep the Council from being a rubber stamp.

There was general discussion regarding speeding issues on George Street, relocating the driveways to the mobile home park off South Street, and increasing police patrols in the area.

Public Safety Director Compeau indicated he felt the issues on George Street were not different from issues on other streets.

Councilperson Bruff inquired as to where rental revenues would show up in the City budget. It was thought it would appear in Miscellaneous Revenues. He went on to say that he felt construction/demolition was being done on the building at 718 South Chipman Street without permits, that commercial buildings require special diligence on the part of the building official, and that better enforcement was needed.

Building Official Archer indicated he was not aware of work was being done that required a permit at this point. He also indicated that the building code is determined by the State and enforcement is done based on State law. He went on further to say permits are not issued based on the monetary value of improvements and that individuals could call his office to inquire if permits are required.

Councilperson Horvath inquired whether the zoning text amendment could be brought before the Council again since all members were now present.

There was some discussion regarding how the procedure would be handled.

RECONSIDER ORDINANCE TEXT AMENDMENT

Motion by Councilperson Ford to move to reconsider "Ordinance Amendment – Zoning" with full Council present.

Motion supported by Councilperson Horvath.

Roll Call Vote.

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

NAYS: Councilpersons Harvey and Cline.

There was general discussion recapping citizen comments and what factors influenced individual council members.

ORDINANCE AMENDMENT – ZONING

ORDINANCE NO. 677

WHEREAS, the City Council, after due and legal notice, has met and having received citizen comments previously, motion by Councilperson Ford that the following ordinance be adopted:

AN ORDINANCE TO AMEND CHAPTER 38, ZONING, ARTICLE XII, *B-4 GENERAL BUSINESS DISTRICTS*, SECTION 268, "PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS", OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN, TO EXTEND THE SUNSET DATE OF LOCAL PREFERENCE PROVISIONS.

THE CITY OF OWOSSO ORDAINS:

Section 1. That, Chapter 38, Zoning, Article XII, *B-4 General Business Districts*, Section 268, "Principal Uses Permitted Subject to Special Conditions", of the Code of Ordinances of the City of Owosso, Michigan shall be and the same is hereby amended to read as follows:

Sec. 38-268. Principal uses permitted subject to special conditions.

The following uses shall be permitted in a B-4 district subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the site plan by the planning commission in accordance with section 38-390:

- (1) Gasoline service stations including rustproofing/undercoating as an incidental use, subject further to the conditions of section 38-199;
- (2) Outdoor sales for exclusive sale of new and secondhand automobiles, housetrailers, or rental of trailers and/or automobiles, and undercoating/rustproofing as an incidental use, all subject to the following:
 - a. The lot or area used for sales or display shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
 - b. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
 - c. No major repair or major refinishing shall be done on the lot.
 - d. All lighting shall be shielded from adjacent residential districts.
- (3) Motel, subject to the following conditions:
 - a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.
 - c. No guest shall establish residence at a motel for more than thirty (30) days within any calendar year.
- (4) Business in the character of a drive-in or open front store, subject to the following conditions:
 - a. A setback of at least sixty (60) feet from the right-of-way of any existing or proposed street must be maintained.
 - b. Access points shall be located at least sixty (60) feet from the intersection of any

two (2) streets.

- c. All lighting shall be shielded from adjacent residential districts.
 - d. A six-foot high, completely obscuring wall shall be provided when abutting or adjacent districts are zoned for any residential, OS-1, B-1, B-2, B-3 or B-4 districts. The wall shall further meet the requirements of article XVII, general provisions.
- (5) Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least two hundred (200) feet from abutting residential districts on the same side of the street;
- (6) Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions:
- a. The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
 - b. All loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer, or other loose unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
- (7) Auto wash when completely enclosed in a building. Drainage of water onto adjacent property or toward buildings shall be precluded through the proper grading of the site;
- (8) Bus passenger station;
- (9) Public buildings;
- (10) One-, two-, and multiple-family dwelling units within a business structure with frontage on Main Street from Chipman Street intersection east to Water Street **and the Dutchtown area for land within Stewart Street, Chipman Street, and the Huron Eastern Railroad** and subject to conditions of section 38-173.

Section 2. This Ordinance shall take effect September 10, 2006.

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.

Motion supported by Councilperson Horvath.

Roll Call Vote.

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

NAYS: Councilpersons Harvey, Bruff and Cline.

There was further discussion regarding allowing property owners to improve their property, following procedure, how the surrounding neighborhood felt about the proposed changes, and what specific use the owner has in mind for the building.

There was general discussion regarding the status of the purchase of a new fire truck and when bids would be presented to Council.

ADJOURNMENT

Motion by Councilperson Ford for adjournment at 9:25 p.m.

Motion supported by Councilperson Harvey and concurred in by unanimous vote.

Linda L. Robertson, Mayor

Amy K. Kohagen, Deputy City Clerk