

**OWOSSO CITY COUNCIL**

**JULY 2, 2007**

**7:31 P.M.**

**PRESIDING OFFICER:** MAYOR LINDA L. ROBERTSON

**PLEDGE OF ALLEGIANCE:** MAYOR LINDA L. ROBERTSON

**PRESENT:** Mayor Linda L. Robertson, Councilpersons Michael E. Bruff, Michael N. Cline, Joni M. Forster, Matthew B. Harvey, and Justin R. Horvath.

**ABSENT:** Mayor Pro-tem Mark D. Owen.

**APPROVE AGENDA**

Motion by Councilperson Bruff to approve the agenda as presented with the addition of Item of Business #3:

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

<b>Name</b>	<b>Board/Commission</b>	<b>Term Expires</b>
Larry Cook	LDFA/Brownfield Authority	06-30-2011
Ronald Tobey	LDFA/Brownfield Authority	06-30-2011

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 18, 2007**

Motion by Councilperson Harvey to approve the Minutes of the Regular Meeting of June 18, 2007 as presented with correction to the comments from Gary Martenis during the second Citizen Comment period to reflect the address mentioned as 601 Lingle Avenue.

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

**CITIZEN COMMENTS AND QUESTIONS**

Bryan Fitch, 1470 Jackson Drive, commented on unmowed lots in the Osburn Lakes subdivision and inquired as to when the trails would be constructed, when the roads will be improved, and when a homeowners association will be formed.

Interim City Manager Cook indicated he would check with the DPW regarding unmowed lots and with the Engineering Department to find out when the roads will be improved. He also indicated that he would check to see if the required number of lots had been sold in regard to the establishment of a homeowners association.

Shelva Cebulski, 1243 Marion Street, inquired as to why there was still an administrative fee on her taxes. It was noted the administrative fee was removed for City levies only.

Cynthia Randt, 1400 Whitehaven Court, commented on street flooding in her neighborhood and her suggestion that better drainage for the High School parking lot would alleviate a large part of the problem.

Burton Fox, 216 East Oliver Street, handed out a picture of the base of a street lamp and suggested repairs for all street lamps.

County Commissioner Dan Stewart updated the Council on recent decisions of the County Board of Commissioners.

Councilperson Bruff inquired about gypsy moth treatment indicating the problem seems to be increasing again.

Councilperson Harvey inquired as to where homeowner association fees were being held. It was noted they are being held in escrow and would be checked on.

**CONSENT AGENDA**

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

Set Public Hearing – Corridor Improvement Authority.

The First Reading on the proposed ordinance amendment was held.

A public hearing was scheduled for July 16, 2007 to receive citizen comment regarding the proposed addition of Chapter 11, *Community Development*, Article III, Corridor Improvement

Authority, Sections 11-55 through 11-65 of the Code of Ordinances of the City of Owosso, regarding the establishment of a Corridor Improvement Authority as follows:

AN ORDINANCE TO ADD CHAPTER 11, COMMUNITY DEVELOPMENT, ARTICLE III, *CORRIDOR IMPROVEMENT AUTHORITY*, SECTIONS 55-65 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN, REGARDING THE ESTABLISHMENT OF A CORRIDOR IMPROVEMENT AUTHORITY

THE CITY OF OWOSSO ORDAINS:

Section 1. That, Chapter 11, Community Development, Article III, *Corridor Improvement Authority*, Sections 55-65 of the Code of Ordinances of the City of Owosso, Michigan shall be and the same is hereby added to read as follows:

### **Article III, Corridor Improvement Authority**

#### **Sec. 11.55. Purpose and Intent**

The City Council (the "Council") of the city is strongly committed to the revitalization and redevelopment of commercial properties that have historically developed along the city's major arterial roadways ("commercial corridors"). The Council believes that revitalization and redevelopment of existing commercial corridors in maturing communities is preferable to the negative effects associated with the continual consumption of vacant land for commercial purposes in growth communities.

There presently exist within the city a number of commercial corridors which could greatly benefit from the new Corridor Improvement Authority Act, Act 280 of PA 2005 (the "Act"), through analysis, short and long-term planning, construction, renovation, repair, remodeling, rehabilitation, restoration, preservation and reconstruction of buildings and facilities. Tax incremental financing is one of many tools available to finance these activities under the Act.

The Council, having heard and considered testimony regarding the public need and potential benefits that are to be realized through the Act; and, having determined that it is necessary for the best interests of the public to redevelop and promote economic growth within commercial corridors; resolves to proceed with the creation and provide for the operation of a corridor improvement authority ("authority") within the City pursuant to and in accordance with the provisions of the Act.

#### **Sec. 11.56. Title.**

This Division shall be known as "The City of Owosso Corridor Improvement Authority Ordinance."

#### **Sec. 11.57. Creation of Authority.**

There is created pursuant to the Act a corridor improvement authority for the city. The authority shall be known and exercise its powers under the name "Corridor Improvement Authority of the City of Owosso." The authority shall possess all of the powers provided within this Division and the Act. The enumeration of a power in this Division or in the Act shall not be construed as a limitation upon the general powers of the authority.

#### **Sec. 11.58. Board.**

Except as otherwise provided in the Act, the authority shall be under the supervision and control of a seven member Board consisting of the Mayor or his or her designee and six members appointed by the Mayor, subject to approval by the Council. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the development area. At least one of the members shall be a resident of the development area or of an area within one-half mile of any part of the development area. The Board shall elect a chairperson from among its members.

Of the members first appointed, two members shall be appointed for a term of one year, two members for a term of two years, one member for a term of three years, and one member for a term of four years. After the initial appointment, each member shall serve for a term of four years. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. A member shall hold office until the member's successor is appointed. An appointment to fill a vacancy shall be made by the Mayor for the unexpired term only. After having been given notice and an opportunity to be heard, a member of the Board may be removed for cause by the Council.

Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

#### **Sec.11.59. Designation of Development Area.**

The authority shall exercise its powers within the "Development Area," designated as the real property particularly described in Exhibit A and as depicted in the map on Exhibit B attached to

The City of Owosso Corridor Improvement Authority Ordinance and made a part hereof, subject to such amendments as may be made in accordance with this Division and the Act.

**Sec. 11.60. Open Meetings Act.**

The proceedings and rules of procedure of the Board are subject to the open meetings act, Act 267 of PA 1976, MCL 15.261 to 15.275, as amended. The Board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the Council. Special meetings may be held if called in the manner provided in the approved rules of procedure.

**Sec. 11.61. Freedom of Information Act.**

A writing prepared, owned, used, in the possession of, or retained by the Board in the performance of an official function is subject to the freedom of information act, Act 442 of PA 1976, MCL 15.231 to 15.246, as amended. All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

**Sec. 11.62. Director's Bond.**

In the event the Board elects to employ a director as authorized by Section 9(1) of the Act, the director, before entering upon the duties of office, shall, in addition to any other requirements of law, post a bond in the penal sum of \$10,000.00, payable to the authority for the use and benefit of the authority, which shall be approved by the Board and filed with the city clerk. The premium on the bond furnished by the director shall be considered an operating expense of the authority, payable from funds available to the authority for expenses of operation.

**Sec. 11.63. Filing Ordinance with Secretary of State.**

The City of Owosso Corridor Improvement Authority Ordinance and any amendments shall be filed with the Secretary of State promptly after adoption.

**Sec. 11.64. Approval of Budget.**

The Board shall prepare annually a budget and shall submit it to the Council for approval. The Board shall not adopt a budget for any fiscal year until the Council has approved the budget.

**Sec. 11.65. Termination.**

Upon completion of its purposes for which it was organized, the authority shall be dissolved by ordinance of the Council. The property and assets of the authority remaining after the satisfaction of the obligations of the authority shall revert to the city.

Section 2. All other provisions of the Code of Ordinances not specifically amended shall remain in full force and effect.

Section 3. This ordinance shall become effective twenty days following its adoption.

Section 4. 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.

Clerk's Note: Full text of the ordinance amendment, including Exhibits A & B are available in the Clerk's Office.

Set Public Hearing-Street Closure

**Resolution No. 35-2007**

Whereas, the City Council of the City of Owosso has determined it advisable to consider the necessity of vacating, discontinuing, and abolishing a portion of the Public Street described as that portion of Elm Street lying between Lots 11 & 12, Block 26 and Lots 1 & 2, Block 27, AL & BO Williams Addition to the City of Owosso, Shiawassee County, Michigan, and

Whereas, provision for local authority in vacating a street section is made in the Michigan Constitution, the Land Division Act, PA 288 of 1967 as amended, and in the City Code of Ordinances, Section 29-154, Vacating Streets, and

Whereas, the City Planning Commission has recommended closure of the aforesaid street section and the Council deems it advisable to grant the petition for closure,

Now Therefore be it Resolved, that the City Council advises closure of that portion of Elm Street lying between Lots 11 & 12, Block 26 and Lots 1 & 2, Block 27, AL & BO Williams Addition to the City of Owosso, Shiawassee County, Michigan ; and Furthermore,

Be it Resolved that a public hearing shall be scheduled for July 16, 2007 at 7:30 p.m. at City Hall when the Council shall meet and hear objections thereto; and Furthermore,

Be it Resolved that notice of the hearing, in addition to the required newspaper publication, shall be mailed to abutting property owners and to the property owners north of the closure location on Elm Street.

Special Assessment Agreement Special Assessment District No. 2007-08  
Approved a ten (10) year special assessment, by property owner voluntary agreement, for hardsurfacing of Cass Street from Cedar Street to Shiawassee Street (M-52) at \$12.00/front foot and further to authorize the City share of \$209,665.00.

Special Assessment District No. 2007-08. Authorized Resolution No. 4 setting a public hearing for July 16, 2007 to receive citizen comment regarding Special Assessment District No. 2007-08 for Cass Street from Cedar Street to Shiawassee Street (M-52) for street reconstruction as follows:

**RESOLUTION NO. 36-2007**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, July 16, 2007 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing.
4. The notice of said hearing to be published shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW  
SPECIAL ASSESSMENT ROLL  
CITY OF OWOSSO  
COUNTY OF SHIAWASSEE, MICHIGAN

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

CASS STREET FROM CEDAR STREET TO SHIAWASSEE STREET (M-52)

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements: Street Reconstruction.

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, July 16, 2007 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

Purchase Authorization. Authorized the purchase of one StormCeptor catch-basin for the City Hall parking lot in the amount of \$6750.00, with 75% of the purchase and installation costs being reimbursed by a grant from the Clean Michigan Initiative.

Discharge of Mortgage. Authorized Discharge of Mortgage as it relates to the following addresses:

114 Oakwood Avenue – Reynold A. Batteen and Judith A. Batteen  
805 - 805-1/2 Grand Avenue – Steven C. Walther and Betty J. Walther  
419 Grover Street - Steven C. Walther and Betty J. Walther

701 Lingle Avenue – Jerome G. & Lynette M. Polmounter  
1307 Henry Street - Jerome G. & Lynette M. Polmounter  
508 E. Mason Street – David S. Kelly  
1319 W. Stewart Street – Larry L. Judson  
325 W. Stewart Street – Frank & Suellen Hernandez  
1315 & 1315-1/2 W. Main Street – Dannell W. Kari L. Dickinson  
1510 W. Stewart Street – Cathy Devine  
820 Isham Street – Shirley A. Chalker  
432 - 432-1/2 Cass Street – Douglas W. & Carol S. Cochrane

and further authorized the Mayor and City Clerk to execute appropriate documents.

Traffic Control Order No. 1191. Authorized Traffic Control Order No. 1191 to prohibit parking on the former Vaungarde property (bordered by Main Street, Beehler Street, Lyon Street and the RR property).

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

### **ITEMS OF BUSINESS**

#### **LINGLE AVENUE BLOCK PARTY – STREET CLOSURE PERMISSION**

Motion by Councilperson Forster to approve the application of Gary Martenis for closure of the 700 block of Lingle Avenue from 2:00 p.m. to 8:30 p.m. on August 18, 2007 for a block party and authorized Traffic Control Order No. 1192 formalizing such.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

#### **SATA CONTRIBUTION** (Tabled from the meeting of June 18, 2007)

SATA Executive Director Larry Alpert was present to answer questions regarding SATA funding and how it is spent.

There was extensive discussion regarding the efficiencies and inefficiencies of the system, the perception that buses were too large and often empty, consideration of a fixed route, the desire for SATA to cultivate new revenue sources, the advantages and disadvantages of providing on-call services, approaching the SATA Board with City concerns, asking the SATA Board to consider crediting the value of in-kind services toward the City contribution, how the arrangement with in-kind service providers was reached, State and Federal restrictions on the type of services SATA can provide, the City's representation on the SATA Board, possible effects of reducing the City contribution, and establishing a public relations plan.

Motion by Councilperson Cline to table the issue until the SATA Board can take up consideration of a credit for in-kind services provided by the City of Owosso.

Motion supported by Councilperson Bruff.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

### **BOARDS AND COMMISSIONS APPOINTMENTS**

Motion by Councilperson Harvey to approve the following Mayoral appointments:

<b>Name</b>	<b>Board/Commission</b>	<b>Term Expires</b>
Larry D. Cook	L DFA/Brownfield Authority	06-30-2011
Ronald J. Tobey	L DFA/Brownfield Authority	06-30-2011

Motion supported by Councilperson Horvath.

Roll Call Vote.

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

NAYS: None.

ABSENT: Mayor Pro-Tem Owen.

**COMMUNICATIONS**

Owosso Township Fire Department. Invitation to 40<sup>th</sup> Anniversary Open House.  
Owosso Planning Commission. Minutes of Meeting of June 25, 2007.  
Owosso Historical Commission. Minutes of Meeting of June 19, 2007.

**CITIZEN COMMENTS AND QUESTIONS**

Mayor Robertson read aloud a letter from Eddie Urban indicating his opposition City-wide garbage service.

Betty Coon, 1204 Palmer Avenue, commented on her desire to keep garbage service as it is and SATA serving people that need a ride home from the bar.

Burton Fox, 216 East Oliver Street, handed out a letter in opposition to City-wide garbage service.

Mayor Robertson reminded all to attend the Corunna Firecracker Parade.

Councilperson Horvath commented that SATA service is a benefit to City residents and his desire to see SATA spend its funding wisely.

Councilperson Bruff commented on his disappointment with tonight’s SATA discussion and his desire to engage in a discussion about garbage service, not necessarily change it.

There was general discussion regarding the temperament of the SATA Board.

Mayor Robertson reminded everyone of the County-wide softball tournament July 27<sup>th</sup>, gave an update on the City Manager search, and announced citizen comment on the search for the new manager will be taken at 6:00 p.m. on July 16<sup>th</sup>.

**ADJOURNMENT**

Motion by Councilperson Bruff for adjournment at 9:10 p.m.

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

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Linda L. Robertson, Mayor

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Amy K. Kohagen, City Clerk