

**OWOSSO CITY COUNCIL**

**JUNE 1, 2009**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR MICHAEL E. BRUFF

**OPENING PRAYER:** MAJOR HENRY TEMPEL  
SALVATION ARMY

**PLEDGE OF ALLEGIANCE:** MAYOR MICHAEL E. BRUFF

**PRESENT:** Mayor Michael E. Bruff, Mayor Pro-Tem Mark D. Owen,  
Councilpersons Michael N. Cline, Christopher T. Eveleth, Joni M.  
Forster, Benjamin R. Frederick, and Gary W. Martenis.

**ABSENT:** None.

**APPROVE AGENDA**

Motion by Councilperson Cline to approve the agenda as presented. Motion supported by Councilperson Frederick. It was noted changes to the agenda need to be considered prior to approval. Councilpersons Cline and Frederick removed their motion and support respectively.

Motion by Councilperson Cline to approve the agenda as presented with the addition of Item of Business 4. Car Show Permission.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF MAY 18, 2009**

Motion by Councilperson Cline to approve the Minutes of the Regular Meeting of May 18, 2009 as presented.

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

**SPECIAL PRESENTATION**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

Bozena Bienias, 1432 Mallard Circle, distributed information on State law and library policy in regard to internet access and usage. She suggested City Council write a letter to the Library recommending they adopt an internet usage policy and implement filters on all computers.

Sheila Hockman, 705 Campbell Drive, repeated her long standing concerns with open burning in the city. She indicated she would like to see a ban on all outdoor burning, including outdoor wood burners. She would also like to see a city-wide recycling program implemented and the details of burning violations noted in a monthly report

Charles Kincaid, Library Board Secretary, indicated the Library is working on a solution to the internet access issue and will be pursuing options in the near future. He also indicated the Board stands behind Library Director Steven Flayer and entrusts he will take the proper actions.

George Hebert, 411 Curwood Drive, seconded Ms. Hockman's comments saying burning should not be allowed in the city.

Betty Coon, 1204 Palmer Avenue, inquired whether the City had purchased new cars. She also wanted to know why the license plates did not have an "x" indicating a municipal plate and if buying cars is cheaper than leasing. Lastly, she noted she was very happy with the current burning ordinance.

Richard Bowen, 217 Curwood Castle Drive, said he had tenants in the North Park Street area that have been continually bothered by neighbors at all hours of the night. He indicated visits by the police department have done nothing to curb the problem. He expressed his fear he would lose tenants over the issue.

Eddie Urban, 601 Glenwood Avenue, gave Councilperson Cline the promised donation check for the fishing tournament. He asked if there were any new leads on the recent breaking and enterings in the southeast corner of the city. Lastly he noted he felt the library had a good discussion regarding the internet access issue and was confident they would act on the situation.

Shelva Cebulski, 1243 Marion Street, said she had lost her friend Laura Rolando to cancer this past week. She hoped Council would act to clean the air in the city by banning burning. She also asked that a recycling program be implemented.

Burton Fox, 216 East Oliver Street, inquired when south M52 would be reconstructed. He indicated he had assembled the signatures of about 200 citizens for submission to the State asking for its immediate repair. He said he hoped stimulus package monies could be used for the project.

Councilperson Frederick noted City Council had sent two resolutions to the State asking for the reconstruction of south M52 along with a staff delegation dispatched to a recent MDOT Conference. He went on to note the State had scheduled the reconstruction for 2010. Lastly, he noted that burning violations are noted each month in the Police Report.

Councilperson Cline noted the City had not purchased any new cars as of late. He also said he knew of the neighborhood disturbance in the North Park Street area. He indicated he would be willing to help Mr. Bowen's tenants any time of day or night should they be disturbed again.

Mayor Bruff asked about curfew violations. Deputy Police Chief Rau noted the police had been called to the location on a number of occasions and had made arrests and given out tickets when appropriate.

Councilperson Martenis inquired about obstructions in the river near the Oakwood Street bridge noting that a local teacher had called him and asked that warnings be placed along the river to note the construction. He also asked that barricades be placed across the bridge to prevent children from playing on it until the decking is finished. It was noted the only construction items in the river at the current time were coffer dams. The dams should allow for clear passage through the area via the river. It was also noted the temporary styrofoam decking on the bridge had been removed making it impossible to cross the bridge and negating the need for barricades.

Councilperson Martenis moved to create an ordinance amendment banning the use of burn barrels within the city limits, similar to the ordinance recently passed by the city of Grand Ledge.

Mayor Bruff encouraged Councilperson Martenis not to rush the process and noted there may be other ideas that should be incorporated into such an amendment. City Manager Fivas agreed to research the amendment and report back to Council. Councilperson Martenis insisted the amendment move forward.

Motion failed for lack of support.

### **CITY MANAGER REPORT**

City Manager Fivas noted the City had received confirmation from MDOT that south M52 will be reconstructed starting in the spring of 2010. He went on to thank everyone for their participation in Community Pride Week saying it had been a very successful endeavor. He also wished the Curwood Festival success as they hold their annual event this weekend.

### **CONSENT AGENDA**

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

#### **Conduct First Reading and Set Public Hearing-Rezoning Request.**

The First Reading on the proposed Ordinance Amendment was held.

A Public Hearing was scheduled for June 15, 2009 to receive citizen comment regarding the proposed amendment to Section 38-27, Chapter 38, Article II, District Boundaries, of the Code of the City of Owosso, as follows:

**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. THE CITY OF OWOSSO ORDAINS:** That Section 38-27 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:** Michael and Kimberly Crawford

**PROPERTY ADDRESS:** 503 South Chipman Street

PROPOSED REZONING: FROM: B-4, General Business District  
 TO: R-1, Single Family Residential District.

PROPERTY DESCRIPTION: LOTS 1 & 2 & N 1/2 OF LOT 3 BLK 12 CITY ASSESSORS PLAT 3

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 twenty (20) days after passage.

Boards and Commissions Appointments. Approved the following Mayoral appointments:

Name	Board/Commission	Term Expires
Christopher Eveleth	Mid-County WWTP Review Board (to fill the unexpired term of J. Simmons)	Term of Office
Larry Cook*	Building Authority	06-30-2012
Trafton Jean	Planning Commission (to fill the unexpired term of B. Fitch)	06-30-2011
Susan Treen*	Downtown Development Authority	06-30-2013
Francis Livingston*	Planning Commission	06-30-2012
Cindy Popovitch*	Planning Commission	06-30-2012
Carl Lamphere*	Building Board of Appeals	06-30-2012

\* Indicates reappointment

Warrant No. 385. Accepted Warrant No. 385 as follows:

Vendor	Description	Fund	Amount
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$28,128.00

Motion supported by Councilperson Frederick.

Roll Call Vote.

AYES: Councilperson Frederick, Mayor Pro-Tem Owen, Councilpersons Forster, Martenis, Eveleth, Cline, and Mayor Bruff.

NAYS: None.

**ITEMS OF BUSINESS**

**MDOT CONTRACT**

It was noted there were no material changes in the proposed contract from past maintenance contracts other than the implementation of financial transactions via electronic means.

Motion by Councilperson Frederick to authorize contract with the Michigan Department of Transportation for maintenance of State trunklines within the City Limits, effective October 1, 2009 through September 30, 2014.\*

Motion supported by Mayor Pro-Tem Owen.

Roll Call Vote.

AYES: Mayor Pro-Tem Owen, Councilpersons Cline, Eveleth, Frederick, Forster, Martenis, and Mayor Bruff.

NAYS: None.

\*Full text of the contract is on file at the Clerk's Office.

**MEETING SCHEDULE CHANGES**

Motion by Councilperson Forster to approve proposed changes to the schedule of regular meetings as follows: schedule a special meeting for June 15, 2009 immediately following the regular City Council meeting, cancel the June 29, 2009 5<sup>th</sup> Monday meeting, and change the location for the July 6, 2009 and July 20, 2009 meetings (location to be announced).

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilpersons Martenis, Eveleth Frederick, Forster, Cline, Mayor Pro-Tem Owen, and Mayor Bruff.

NAYS: None.

### **EXECUTIVE SESSION**

Motion by Mayor Pro-Tem Owen to authorize holding Executive Session at the conclusion of regular business to discuss real property acquisition.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Frederick, Martenis, Eveleth Forster, Mayor Pro-Tem Owen, Councilperson Cline, and Mayor Bruff.

NAYS: None.

### **CAR SHOW PERMISSION**

It was noted the DDA is sponsoring this event and thus the insurance requirement is waived.

Motion by Mayor Pro-Tem Owen to authorize application of the DDA for use of the 100 and 200 blocks of North Washington Street and Exchange Street from Water Street to Park Street from 7:30am to 5:30pm on June 14, 2009 for a car show and authorize Traffic Control No. 1217 formalizing such.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Forster, Cline, Eveleth Martenis, Mayor Pro-Tem Owen, Councilperson Frederick, and Mayor Bruff.

NAYS: None.

### **COMMUNICATIONS**

Bryan Fitch. Letter of resignation from Planning Commission.

Owosso Historical Commission. Minutes of Meeting of May 19, 2009.

### **CITIZEN COMMENTS AND QUESTIONS**

Bozena Bienias, 1432 Mallard Circle, indicated she felt there were a number of options for the library to consider regarding the internet access issue. She urged Council to suggest a comprehensive filtering system and log in system to prevent access to pornographic websites.

Sheila Hockman, 705 Campbell Drive, thanked Councilperson Martenis for his attempt in banning burn barrels within the city. She urged Council to review the materials they had been given on burning and consider those that are suffering from the effects of burning.

Betty Coon, 1204 Palmer Avenue, inquired about the dates and times of the City Council meetings that were changed. She was given a list of the changes.

Charles Kincaid, Library Board Secretary, again indicated the Library would be looking in to resolutions to the internet access issue including consulting with local computer experts.

Mayor Pro-Tem Owen inquired whether the library could afford to turn away federal funds to avoid the internet access issue altogether.

Burton Fox, 216 East Oliver Street, indicated he felt more time was necessary to allow citizens to express their opinion during public hearings and asked Council to consider adding more time.

Eddie Urban, 601 Glenwood Avenue, inquired about the flower pot on the rail of the Main Street bridge. He also noted that burn barrels could be used efficiently if they have holes in them to allow air to flow and prevent smoldering.

Councilperson Frederick inquired about the status of the Lebowsky Center façade project. It was noted the Owosso Community Players were looking for loan funding but the process would take a few weeks. City Manager Fivas indicated he would be meeting with MSHDA the following day to talk about options available for the grant money. Councilperson Cline noted his feeling it was time to redirect the money and tell OCP the structure will have to come down. There was concern that if OCP received the grant money it would not be enough to enclose the building and would prevent a performance from being held by December 31, 2009 as required by the grant.

Mayor Pro-Tem Owen inquired about the status of the Habitat for Humanity house on Rain Street. City Manager Fivas noted he had contacted Habitat for Humanity and was awaiting a return phone call.

Mayor Bruff noted the flower basket on the Main Street bridge was the idea of the Friends and Neighbors organization and directed any questions on the subject to the group.

Councilperson Martenis noted he felt the current provisions allowing citizens to speak for two minutes during each public hearing were sufficient, indicating that citizens could be called upon by Council if further information was needed.

Mayor Bruff indicated he tries to be sensitive to speakers but encourages them to come prepared to make their point.

Mayor Pro-Tem Owen noted there was much more citizen participation during meetings than was allowed under previous councils.

**RECESSED TO EXECUTIVE SESSION AT 8:46 P.M.**

**RETURNED FROM EXECUTIVE SESSION AT 9:34 P.M.**

**APPROVAL OF EXECUTIVE SESSION MINUTES OF MAY 4, 2009**

Motion by Mayor Pro-Tem Owen to approve the Executive Session Minutes of May 4, 2009.

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

**NEXT MEETING**

June 15, 2009

**BOARDS AND COMMISSIONS OPENINGS**

Zoning Board of Appeals – Alternate, term expires 06-30-2009  
Historical Commission, term expires 12-31-2010

**ADJOURNMENT**

Motion by Mayor Pro-Tem Owen for adjournment at 9:37 p.m.

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

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Michael E. Bruff, Mayor

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Amy K. Kohagen, City Clerk