

OWOSSO CITY COUNCIL

JUNE 15, 2009

7:30 P.M.

PRESIDING OFFICER: MAYOR MICHAEL E. BRUFF

OPENING PRAYER: REVEREND SUSAN KINGSLEY
TRINITY UNITED METHODIST CHURCH

PLEDGE OF ALLEGIANCE: COUNCILPERSON CHRISTOPHER T. EVELETH

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 Forster to approve the agenda as presented.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 1, 2009

Motion by Councilperson Cline to approve the Minutes of the Regular Meeting of June 1, 2009 as presented.

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

Mayor Bruff asked everyone present to be thoughtful of others when making comments this evening noting there were many people and a limited amount of time and he wanted everyone to be heard. He also indicated he would allow two representatives from the Owosso Community Players to speak during the Item of Business concerning the Lebowsky Center.

SPECIAL PRESENTATION

CITIZEN COMMUNICATIONS - NIXLE

Deputy Police Chief Michael Rau detailed the introduction of Nixle, a service to distribute real time communication of information to citizens via email and text message at no cost to the City or its residents. He noted that anyone can sign up at Nixle.com.

PUBLIC HEARINGS

REZONING REQUEST – CHIPMAN STREET

Mayor Bruff indicated the applicants were pursuing new information regarding this parcel. The public hearing will be held but City Council will not be taking action until the new information is explored.

A public hearing was conducted to receive citizen comment regarding request to rezone the parcel(s) commonly known as 503 South Chipman Street, and described as follows:

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

from B-4, General Business District to R-1, Single Family Residential District.
There was no citizen comment.

Motion by Mayor Pro-Tem Owen to table the item.

Motion supported by Councilperson Cline.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Linda Keenan, Owosso Community Players Executive Director, requested Council approve the release of the VSCI grant funds for the Lebowsky Center façade project. She indicated OCP had secured funds from Chemical Bank to meet the matching requirement. She went on to note the

community support for the project as shown by the \$120,000 in current donations and pledges. Lastly she indicated their search for a development company is still underway. They anticipate interviewing 2 candidates this week.

Linda Perkin, 2025 West Brewer Road, representative from the Shiawassee Chamber Orchestra, noted her support for the Lebowsky Center rebuild effort saying the center would be an asset to the area. She also noted the Orchestra would possibly be looking at the Lebowsky Center as a permanent home should it be rebuilt.

Charles Keenan, Owosso Community Players member, noted OCP purchased the old theater with their own money and turned it into a successful venue saying they are a proven successful business in the downtown.

Donald Levi, Chemical Bank, indicated he had been approached to provide the matching funds required by the grant. He noted he had examined OCP's financials and in his opinion the project was viable. He went on to say he hoped City Council would release the grant funding to support this important project in the downtown.

Jerry Jones, 640 North Ball Street, indicated he was not in support of the issuance of a special use permit for the proposed foster care facility on North Ball Street saying there were already two homes in the area used for that purpose.

Bozena Bienias, 1432 Mallard Circle, stated she hoped City Council would declare July 23, 2009 as the Great Owosso No Burn Day. Her hope was that police would issue no citations that day, just ask the fire be extinguished. She spoke of how people have changed their habits to better their lives and the lives of other people.

Burton Fox, 216 East Oliver Street, expressed his concern that the State had announced the reconstruction of south M-52 only to retract the statement a short time later. He indicated he had circulated a petition to area residents asking the State to reconstruct south M-52. He submitted the petitions to the City Clerk.

Thomas Newton, 803 North Water Street, indicated his entire family was involved with the Lebowsky Center. He went on to read aloud a letter from his son Patrick who got his start in performance at the Lebowsky Center and is now performing with the Blue Man Group out of Las Vegas. Patrick noted what an asset to the community the performance center was.

Roger Hart, 318 Cass Street, inquired if Cass Street would be reopened if Ball Street is closed at the railroad tracks.

Michelle Warth, 207 West Oliver Street, indicated she is the owner of an adult foster care facility on West Oliver Street and is also the owner of the property at 639 North Ball Street and is the applicant for the special use permit to be discussed later in the meeting. She noted there are only 7 privately owned adult foster care facilities in the county and more were needed as many seniors and disabled persons cannot afford care facilities such as Oliver Woods.

Jeff Washburn, 1381 Jackson Drive, indicated he supports the Lebowsky Center rebuild. He and his wife own a local dance studio and would be excited to make use of the new performing arts center.

Garrett Bradley indicated he grew up in Owosso but now lives in New York, he spoke of the success of various Lebowsky Center youth programs and how they have affected his life. He noted those participants that have gone on to professionally participate in the arts.

Betty Coon, 1204 Palmer Avenue, indicated she found it ironic that the proposed No Burn Day was suggested for the first day of the Train Festival, as the trains produce huge amounts of smoke. She also said she felt that giving up one burning day would open the door to having to give up more burning days.

Cindy Popovitch, Blue Ribbon Committee Chairperson, indicated she had been asked to speak to the Council on behalf of the Blue Ribbon Committee in regard to the Lebowsky Center. She noted the Blue Ribbon Committee Report did not specifically address the Lebowsky Center as the report was designed to suggest possible new ways to improve the city and it was felt the Lebowsky Center rebuild was a project already underway. She went on to note the report recommended supporting the arts in a general fashion and asked the City to consider partnering with OCP to further the arts.

Helen Griffus, 609 Alger Avenue, indicated she serves as the OCP youth outreach coordinator and many students that have participated in OCP programs are now considering the performing arts in college.

Jim Peterson, co-chair of the Lebowsky rebuild committee, indicated he felt there were many people that think the rebuilding of the Lebowsky Center would be a great addition to the community, noting performances could draw people to the area and the center could be of use to outside organizations. He went on to say the rebuilding effort starts with a step of faith and

without that faith we would miss out on all of the good things the Lebowsky Center could do for the community.

The 30 minute time limit was reached.

Motion by Councilperson Cline to extend the time limit for citizen comment by 15 minutes.

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

Paul Kuhlman, 746 Riverlane Drive, indicated he was a part of the Rebuild Committee and was a part of OCP when they first purchased the Lebowsky Center. He noted the organization was fiscally responsible and paid off the building early. He also said the intention for the Center was not to house OCP alone but to share it with other organizations in the area.

City Manager Fivas responded to Mr. Fox's concern with the reconstruction of south M-52. He said he had contacted Representative Ball's office and they indicated the project was still slated for the 2010 construction season. He went on to note that due to budget issues the State was not guaranteeing the project for 2010, but had not removed it from the schedule entirely. He also responded to the inquiry regarding the re-opening of Cass Street at Washington Street. He said there had been discussions as to the options available once Ball Street is closed at the railroad tracks and there are active efforts to find a way to get a street through the area.

Councilperson Frederick thanked Mr. Fox for his efforts in getting petition signatures to request the reconstruction of south M-52.

Councilperson Cline noted applications for entry to the Big Mike Fishing Tournament are now available. The cost is \$5.00. His goal is to have every child participant walk away with a prize. He also noted there will be a large tagged fish that will net \$100 to the child that catches it. Lastly, he indicated the site would have an area specifically set aside to accommodate those with handicaps.

Councilperson Martenis submitted the first two applications for entry to the Fishing Tournament to Councilperson Cline and noted 100% of the proceeds from the tournament would go toward the Bentley Park playscape.

CITY MANAGER REPORT

City Manager Fivas reported on another successful Curwood Festival. He thanked Public Safety Director Compeau for all his efforts in coordination. He also thanked the police department for sacrificing time off to accommodate the festival.

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CONSENT AGENDA

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

Bid Award. Accept low bid from Kemira Co., Inc. for Ferric Chloride in the amount of \$.76 per pound of iron, with an estimated annual contract of \$54,720.00, and authorize payment based on the bid unit prices for actual quantities required for the fiscal year ending June 30, 2010.

Bid Award. Accept low bid from KA Steel for bulk Sodium Hypochlorite in the amount of \$.485 per gallon plus \$60 per truck load for split delivery and authorize payment based on the bid unit prices for actual quantities required for the fiscal year ending June 30, 2010.

Bid Award. Accept low bid from Carmeuse for Quicklime in the amount of \$116.13 per ton, with an estimated annual contract of \$92,900.00 and authorize payment based on the bid unit prices for actual quantities required for the fiscal year ending June 30, 2010.

Bid Award. Authorize low bid of The Argus Press Company in the amount of \$2.00 per column inch for legal notice and minutes synopsis printing services.

Payment Authorization. Authorize Progress Payment No. 1 to Perrin Construction for Phase III of the Vibrant Small Cities Initiative Grant Project in the amount of \$18,132.46.

Payment Authorization. Authorize payment to the Michigan Department of Transportation for the City portion of the Elevated Walkway Project in the amount of \$112,139.87.

Boards and Commissions Appointments. Approve the following Mayoral appointments:

Name	Board/Commission	Term Expires
Christopher Eveleth	Zoning Board of Appeals (to fill the unexpired term of J. Simmons)	Term of Office
Daniel Jozwiak*	Zoning Board of Appeals	06-30-2012
Sandy Harvey*	Zoning Board of Appeals	06-30-2012
William Wascher*	Planning Commission	06-30-2012
James Gutting*	Cable Access Advisory Commission	06-30-2012
Marsha Ladd*	Parks and Recreation Commission	06-30-2011
Alice Morris*	Westtown Corridor Improvement Authority	06-30-2013
Kevin McGinity*	Westtown Corridor Improvement Authority	06-30-2013

*Indicates reappointment

Warrant No. 386. Accept Warrant No. 386 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional Services May 12, 2009 through June 8, 2009	General	\$8,419.32

Motion supported by Councilperson Forster.

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

NAYS: None.

ITEMS OF BUSINESS

LEBOWSKY CENTER – VSCI GRANT FUNDING

City Manager Fivas detailed the history of the situation saying the City signed an agreement with the Owosso Community Players to provide grant funding with the condition they escrow matching funds. The deadline for obtaining the match was December 2008. As that deadline approached OCP indicated they would not be able to raise the necessary monies. MSHDA was approached to negotiate a change in the deadline. All the parties involved agreed to a new May 2009 deadline. On May 4, 2009 it was determined OCP did not have the matching funds available and City Council instructed City staff to explore other options for the grant funding. On May 28, 2009 OCP notified the City they would be securing a loan to cover the remaining necessary funds for the match. It was anticipated the loan funds would be available within a few weeks. Because the second deadline had already passed Council was faced with 3 options as to how to use the original grant funding: send the money back to the State of Michigan, release the funds to OCO as originally planned, or release the funds for other projects.

City Manager Fivas noted MSHDA had indicated that if OCP defaulted on their loan or ownership of the Lebowsky Center changed within the following 5 years the City would be responsible for repayment of the grant funding. He also noted that many of the tax abatements available for the Lebowsky Center require the property be owned by a taxable entity, which OCP is not, thus potentially requiring the property to change hands. There was also concern that the \$700,000 in total funding available to the OCP may fall short of the funds necessary to complete a rehabilitation of the façade. In their negotiations, MSHDA had indicated its interest in seeing the Lebowsky project move forward and offered to help secure a current estimate of the costs for the project. Further MSHDA indicated there was a possibility that additional grant funding would be available for the project in the future.

There was discussion regarding the risk involved in the Lebowsky façade project and the timeline for any restoration of the building.

The Council briefly recessed at 9:03 p.m.

The Council reconvened at 9:07 p.m.

There was significant discussion regarding who would manage the project if the City went forward with the release of funds to OCP, the eventual hire of a project finance consultant by OCP, the timeline for the hire of such a firm, and the timeline for realistically completing the façade project. The Council expressed concern that the lender of the matching funds would secure first interest in the property should the loan be issued. The lending representative indicated he felt the project was viable and the risk for the City would be reduced each year of the loan. Concern was also expressed regarding the probability of meeting the MSHDA required December 31, 2009 deadline for the Lebowsky façade project. There was also concern regarding handling the funds in a way that best benefits the community as well as staying in good standing with MSHDA. Lastly, the Council discussed the idea that pursuing a different project with the VSCI Grant funding would not eliminate the possibility of the Lebowsky façade project moving forward.

Motion by Councilperson Cline to pursue Option #3 restructuring the grant agreement with MSHDA potentially releasing the remaining \$350,000 in VSCI Grant funding for a project(s) to be named later.

Motion supported by Mayor Pro-Tem Owen.

Roll Call Vote.

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

NAYS: Councilperson Frederick.

CITY BUDGET AMENDMENT - 2008-2009

City Manager Fivas noted there was an overrun of approximately \$29,000 that was covered by fund balance, but that he was pleased as the City was able to handle a series of large unanticipated costs throughout the year with little overrun.

Motion by Mayor Pro-Tem Owen to adopt the 2008-2009 Amended Budget as follows:

	2007-2008 ACTUAL	2008-2009 ADOPTED	2008-09 AMENDED	2009-2010 ADOPTED
GENERAL FUND REVENUE SUMMARY:				
Property Taxes	3,680,631	3,649,225	3,649,550	3,526,550
Local Sources	1,162,133	1,180,100	1,074,125	895,900
Federal Grants	280	746,025	699,400	53,000
State Shared	1,777,844	1,825,000	1,713,100	1,770,700
Other Financing Sources	661,498	-	206,575	-
TOTAL REVENUES	7,282,386	7,400,350	7,342,750	6,246,150
Management	1,672,669	1,908,500	1,683,350	1,659,950
Public Safety	3,937,501	3,276,350	3,253,800	3,483,350
Community Development	248,808	338,200	264,200	372,475
Public Services	1,078,209	1,111,700	1,363,275	1,047,025
Recreation	286,133	1,307,425	1,209,300	213,000
Transfers	645,266	238,425	247,525	280,100
Administrative Reimbursement	(663,849)	(780,250)	(678,700)	(809,750)
TOTAL EXPENDITURES	7,204,737	7,400,350	7,342,750	6,246,150
SPECIAL REVENUE SUMMARY:				
Major Fund				
Special Assessments	89,406	24,300	57,925	75,575
Federal Grant	-	-	-	610,850
State Sources	2,385,257	802,600	768,525	866,300
Local Sources	590,231	37,450	-	-
Other Financing Sources	98,707	141,625	-	314,250
Total Major Fund	3,163,601	1,005,975	826,450	1,866,975
Local Fund				
Special Assessments	43,326	87,550	64,775	98,275
State Sources	274,402	274,800	263,900	262,400
Local Sources	374,858	284,850	364,225	342,650
Other Financing Sources	-	176,900	-	-
Total Local Fund	692,586	824,100	692,900	703,325
CDBG Fund				
Federal Grant	-	-	-	-
Local Sources	56,564	9,200	13,700	17,000
Other Financing Sources	-	62,300	-	-
Total CDBG Fund	56,564	71,500	13,700	17,000
Historical Fund				
Local Sources	62,183	65,325	43,550	51,500
Other Financing Sources	-	33,200	17,725	42,300
Total Historical Fund	62,183	98,525	61,275	93,800

Major	3,161,575	1,005,975	826,450	1,866,975
Local	692,587	824,100	692,900	703,325
CDBG	4,228	71,500	5,300	3,000
Historical	54,413	98,525	61,275	93,800

COMPONENT UNITS REVENUE SUMMARY

Brownfield Authority				
Property Taxes	15,076	40,875	46,025	47,100
Grant	-	-	-	-
Other Financing Sources	233,230	12,500	12,975	12,500
Total Brownfield Authority	248,306	53,375	59,000	59,600
LDFA				
Property Taxes	80,541	107,425	107,600	-
Local Sources	-	-	-	-
Other Financing Sources	-	-	-	-
Total LDFA	80,541	107,425	107,600	-
DDA				
Property Taxes	280,910	346,175	351,275	340,650
Local Sources	6,094	-	-	-
Other Financing Sources	-	27,275	20,475	-
Total DDA	287,004	373,450	371,750	340,650
Brownfield Authority	268,779	53,375	59,000	59,600
LDFA	46,980	73,875	42,100	-
DDA	323,629	373,450	371,750	340,650

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

CABLE ACCESS ADVISORY COMMISSION BY-LAWS

Motion by Councilperson Frederick to approve the Cable Access Advisory Commission By-laws as follows:

**BYLAWS
OF
OWOSSO CABLE ACCESS ADVISORY COMMISSION**

ARTICLE 1. GENERAL

Owosso Community Television (OCTV) has been established to provide support services necessary for video casting locally produced television programs.

It is the purpose of Owosso Community Television to provide the people of the city and organizations in the Owosso area with an opportunity to be involved in using the television medium to inform, communicate, educate, and entertain by providing locally produced program of public interest.

The Cable Access Advisory Commission (CAAC) has been established as an advisory body to the City Council with regard to all aspects of Owosso Community Television and public access cable service in the City.

ARTICLE 2. PURPOSE AND DUTIES

The purpose of CAAC shall be to serve as an advisor to the Owosso City Council.

The commission shall have the following specific duties:

- (1) Advise the City Council regarding general policy matters related to the services provided to public access producers and viewers pursuant to the Code of Ordinances of the City.

- (2) Encourage the use of public access channels among the widest range of institutions, groups, and individuals within the city.
- (3) Make an annual report to the City which shall include, but not be limited to, a summary report on the utilization of any public access channels and a summary report of the commission's deliberations throughout the year.
- (4) Request comments and encourage suggestions from the public regarding public access channels.
- (5) Perform such other functions as the City Council may direct.
- (6) Conduct public hearings at the request of the City Council.

ARTICLE 3. ORGANIZATION

Section 1. Members.

The members of the Commission shall be appointed in accordance with the provisions of Section 9-105 of the Code of Ordinances of the City of Owosso. Membership of the commission shall consist of seven (7) citizen at large voting members possessing the qualifications to hold appointed office as stated in Charter Sections 4.2 and 4.3. Whenever possible, members shall be cable subscribers.

A person from the administrative staff of the city who has been designated by the city manager as the OCTV coordinator shall be an ex officio member of the commission but without the right to vote.

Section 2. Terms.

Each at large member of the commission shall be appointed for a term of three (3) years commencing on July 1 except that the members at the time of this reorganization shall begin their terms immediately with two (2) of said members being appointed for term ending June 30, 2009, two (2) said members being appointed for terms ending June 30, 2010, and three (3) said member being appointed for terms ending June 30, 2011. Terms for current members previously appointed annually will be determined by drawing. Seats originally assigned to members representing local organizations will convert to citizen at large positions upon the expiration of their assigned term.

Section 3. Vacancies.

Vacancies are to be filled through appointment by the Mayor, with the approval of City Council.

Section 4. Officers.

- (a) The officers of the commission shall be a chairperson and a vice-chairperson, who shall be members of the commission and a secretary, who shall be the City Staff Liaison as appointed by the City Manager.
- (b) The officers shall be selected by the voting members of the Commission annually during the first regular meeting of the commission in July of each year.
- (c) The terms of office for the officers shall be one year or such longer period as is necessary until a successor is appointed and assumes the office.
- (d) If an office shall become vacant before the officer has served his complete term, the commission shall appoint another officer to serve for the remainder of the term of office.

Section 5. Duties of officers.

(a) The chairperson shall be the presiding officer at all regular and special meetings of the commission, shall call special meetings under the by-laws, sign CAAC documents, and shall be the spokesperson for the commission in all contacts with the City administration, City Council, and the news media.

(b) The Vice Chairperson shall assist the Chairperson in his/her duties and shall serve as the Chairperson in the absence of the elected Chairperson. In the absence of both the Chairperson and Vice Chairperson, the members of the Commission shall elect a temporary Vice Chairperson to carry out the duties of the Chairperson.

(c) The secretary shall have custody of the records of the commission, shall prepare and distribute the agenda for each meeting, and shall take minutes of all meetings of the commission,

Section 6. Meetings.

(a) The commission shall schedule regular meetings and shall approve the date, time, and place of such meetings. Special meetings may be called by the Chairperson or by a majority of the voting members of the Commission. All meetings of the commission shall be held in accordance with the Open Meetings Act (P.A. 267 of 1976, as amended).

(b) A majority of the voting members of the Commission shall constitute a quorum.

(c) Any decision of the commission shall require the concurrence of four (4) members.

(d) The Chairperson shall be the presiding officer at all meetings of the commission. In the absence of the Chairperson, the Vice-Chairperson shall serve as Chairperson for that meeting.

ARTICLE 4. FINANCE

Section 1. Budget.

(a) The Commission shall annually prepare and recommend to the council a budget for the fiscal year commencing July 1, which budget will show the anticipated revenues and expenditures for the operation of OCTV.

(b) The Staff Liaison shall present a proposed budget for consideration by the commission at its first regular meeting during the month of February.

(c) The Commission shall approve a budget for the ensuing fiscal year not later than the first meeting of March.

Section 2. Purchases.

The Staff Liaison shall have the authority to make purchases of such supplies and services as are necessary to carry out the activities of the Commission. Purchases not exceeding one hundred dollars may be made without prior approval of the Commission of the specific purchase. Purchases in excess of one hundred dollars necessitated by an emergency which must be addressed prior to the next regular meeting of the Commission may be made by the Staff Liaison after consultation with the Chairperson of the Commission.

ARTICLE 5. APPROVAL AND AMENDMENTS

Section 1. Approval.

These by-laws shall become effective following their approval by the Commission and by the City Council.

Section 2. Amendments.

The Commission shall annually during its first regular meeting in July review these by-laws and determine the need to make any changes, additions, or deletions. These by-laws may be amended as deemed necessary by the Commission. Such amendments shall be approved as provided in Section 1.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

HOLLY COURT BLOCK PARTY PERMISSION

Motion by Mayor Pro-Tem Owen to approve the application of the Osburn Lakes Board members for closure of the cul de sac on Holly Court from 3:30 p.m. to 11:00 p.m. on June 20, 2009 for a block party and authorized Traffic Control Order No. 1218 formalizing the action.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

ARTISAN MARKET PERMISSION

Motion by Councilperson Eveleth to approve application of the DDA for use of the Main Street Plaza from 1:00 p.m. to 8:00 p.m. on consecutive Thursdays from June 25, 2009 through August 27, 2009 for an artisan market and authorize Traffic Control Order No. 1219 formalizing the action.

Motion supported by Councilperson Forster.

City Attorney William C. Brown indicated he had spoken with Councilperson Cline regarding a possible conflict of interest in voting on this item. It was his opinion that there was no conflict as Councilperson Cline stood to gain nothing monetarily from the proposed event.

Jeff Reeves, DDA Member, briefly detailed the event saying all the featured products would be Michigan made and he hoped the artisan market would be a complement to the Saturday Farmer’s Market. Some entertainment for the venue had been secured and monies received from vendors would be dedicated specifically for the promotion of the market.

It was noted the DDA would have to develop guidelines to determine what vendors could display their wares, they would also be required to include an appeals process within those guidelines. There was a brief discussion regarding whether it would be advantageous to close the plaza starting at 6:00 am.

Motion by Mayor Pro-Tem Owen to amend the previous motion to include a waiver of the insurance requirement.

Motion supported by Councilperson Frederick.

Roll Call Vote.

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

NAYS: None.

Roll Call Vote on amended motion to approve the application of the DDA for use of the Main Street Plaza from 1:00 p.m. to 8:00 p.m. on consecutive Thursdays from June 25, 2009 through August 27, 2009 for an artisan market, waive the insurance requirement, and authorize Traffic Control Order No. 1219 formalizing the action.

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

NAYS: None.

SPECIAL USE PERMIT – 639 NORTH BALL STREET

There was significant discussion regarding the following: the close vote at the Planning Commission (5-3 to approve), opposition by some neighbors regarding potential noise and parking issues, issues stemming from other adult care facilities in the area (no problems known), the difficulty in selling homes in proximity to an adult care facility, and general property values in neighborhoods with such facilities. There was further discussion regarding the small number of private adult care facilities in the County (seven), what the owner would do with the home if a special use permit was not granted (she indicated she would sell the home), and any precedence set by the granting of special use permits for other adult foster care facilities within the City.

Motion by Councilperson Martenis to approve the Special Use Permit request for an adult foster care facility at 639 North Ball Street.

Motion supported by Councilperson Frederick.

Roll Call Vote.

AYES: Councilpersons Frederick and Martenis.

NAYS: Councilpersons Forster, Cline, Eveleth, Mayor Pro-Tem Owen, and Mayor Bruff.

Motion fails for lack of affirmative votes.

COMMUNICATIONS

- Ward Coon. Announcement of annual Shriners Paper Sale.
- Gary M. Burk, Utilities Director. Annual Drinking Water Quality Report.
- John F. Archer, Building Official. May 2009 Building Department Report.

John F. Archer, Building Official. May 2009 Code Violations Report.
Michael T. Compeau, Public Safety Director. May 2009 Police Department Report.
Michael T. Compeau, Public Safety Director. May 2009 Fire Department Report.
Owosso Planning Commission. Minutes of Meeting of May 26, 2009.

CITIZEN COMMENTS AND QUESTIONS

Shelva Cebulski, 1243 Marion Street, commented that she had family in town for the Curwood Festival and they were impressed by the riverwalk and rides at the carnival.

Michael Tillotson, 1299 South Shiawassee Street, gave a picture to Councilperson Cline of Eddie Urban giving a donation to the fishing tournament.

Eddie Urban, 601 Glenwood Avenue, gave Councilperson Cline an application for entry to the fishing tournament. He also displayed the poster announcing the tournament.

Councilperson Martenis invited Council members to serve a two hour shift at Curwood Castle during the train festival.

NEXT MEETING

July 6, 2009

BOARDS AND COMMISSIONS OPENINGS

Zoning Board of Appeals – Alternate, term expires 06-30-2009
Historical Commission, term expires 12-31-2010
Cable Access Advisory Commission, term expires 06-30-2012

ADJOURNMENT

Motion by Mayor Pro-Tem Owen for adjournment at 10:25 p.m.

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

Michael E. Bruff, Mayor

Amy K. Kohagen, City Clerk