

OWOSSO CITY COUNCIL

NOVEMBER 16, 2009

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: PASTOR KEVIN MCGINITY
CONNECTION CHRISTIAN CHURCH

PLEDGE OF ALLEGIANCE: BRIAN BERRY

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth, Joni M. Forster, and Gary W. Martenis.

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda as presented with the following changes:

Move Item of Business 6. Community Standards Violation to Item of Business 1.
Add Item of Business 7. Boards and Commissions Appointments.
Move Consent Item 1. Payment Authorization to Item of Business 8.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilperson Forster, Mayor Pro-Tem Popovitch, Councilpersons Erfourth, Cook, Martenis, Eveleth, and Mayor Frederick.

NAYS: None.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF NOVEMBER 2, 2009

Motion by Councilperson Cook to approve the Minutes of the Regular Meeting of November 2, 2009, noting the correction to the spelling of Abbie Cook.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Mayor Pro-Tem Popovitch, Councilpersons Martenis, Erfourth, Eveleth, Forster, Cook, and Mayor Frederick.

NAYS: None.

APPROVAL OF THE MINUTES OF ORGANIZATIONAL MEETING OF NOVEMBER 9, 2009

Motion by Councilperson Forster to approve the Minutes of the Organizational Meeting of November 9, 2009, noting the adjustment to the Rules of Procedure.

Motion supported by Councilperson Martenis.

Roll Call Vote.

AYES: Councilperson Cook, Mayor Pro-Tem Popovitch, Councilpersons Eveleth, Martenis, Erfourth, Forster, and Mayor Frederick.

NAYS: None.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

CURWOOD FESTIVAL DONATION

Curwood Festival Treasurer Lee Mills presented the City with a check for \$1000 from the Curwood Festival for upkeep of Curwood Castle.

PROCLAMATION - LIZ SCHAUTZ

Mayor Frederick read aloud the following proclamation recognizing Liz Schautz for her years of service leading the Owosso Farmers Market.

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING THE SERVICE OF
ELIZABETH SCHAUTZ**

WHEREAS, Elizabeth "Liz" Schautz has served the greater Owosso community as the Market Master for the Owosso Farmers Market for 29 years; and

WHEREAS, Liz's love of nature and community led her to become involved in the Farmers Market in the mid 1970's, sharing her baking talents with visitors from Owosso and areas all over the State; and

WHEREAS, Liz's obvious leadership skills led to her selection as the Market Master in 1980; and

WHEREAS, Liz has shown an undying dedication to her position leading the Market year after year, rain, shine, or snow! Helping it to grow to its current size and distinction; and

WHEREAS, Liz's boundless energy allowed her to further serve the community, working for years in the 4-H food stand and providing leadership as the superintendent of poultry at the Shiawassee County Fair, and chairing the Shiawassee Conservation Association's education fundraiser dinner; and

WHEREAS, It is the intent of this Office that her Honorable and Distinguished Service be recognized on the occasion of her retirement.

NOW, THEREFORE, BE IT PROCLAIMED that I, Benjamin R. Frederick, Mayor of the City of Owosso, on behalf of the citizens of Owosso, hereby recognize and thank Liz Schautz for her many, many years of contribution of honorable, loyal service to our community and wish her all the best wishes for a long, health and happy retirement.

Proclaimed this 16th day of November, 2009.

PROCLAMATION – MICHAEL E. BRUFF

Mayor Frederick read aloud the following Mayoral Proclamation honoring former Mayor Michael Bruff for his years of service to the City.

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING
MICHAEL E. BRUFF**

WHEREAS, Michael E. Bruff was first elected to the City Council in November of 2005, rising to the rank of Mayor in November 2007 and serving in that capacity for two years; and

WHEREAS, Mr. Bruff has faithfully discharged the duties of the offices of Councilman and Mayor during his four years of service to the City by regularly attending meetings, serving on various boards and commissions, performing 45 weddings as Mayor, and proudly representing the City at official and community events; and

WHEREAS, Mr. Bruff always had the citizens and staff in mind in his actions; being available at all times and letting them know they were a valuable part of the community; and

WHEREAS, It is fitting that this record of dedicated community service devoted to the interests of the citizens of Owosso be officially recognized.

NOW, THEREFORE, I, Mayor Benjamin R. Frederick, on behalf of my fellow Councilmembers and the residents of Owosso, do hereby acknowledge Mr. Bruff's years of service to Owosso and thank him for contributing his time and energy to improving his community.

Proclaimed this 16th day of November, 2009.

PROCLAMATION – MICHAEL N. CLINE

Mayor Frederick read aloud the following Mayoral Proclamation honoring former Councilperson Michael N. Cline for his years of service to the City.

**A PROCLAMATION
OF THE MAYOR'S OFFICE OF THE CITY OF OWOSSO, MICHIGAN
RECOGNIZING
MICHAEL N. CLINE**

WHEREAS, Michael N. Cline was first elected to the City Council in November of 2005; and

WHEREAS, Mr. Cline has faithfully discharged the duties of the offices of Councilman during his four years of service to the City by regularly attending meetings, serving on various boards and commissions, and representing the City at official and community events; and

WHEREAS, Mr. Cline fought hard for those he felt were underrepresented and was always available to city residents day or night ; and

WHEREAS, It is fitting that this record of dedicated community service devoted to the interests of the citizens of Owosso be officially recognized.

NOW, THEREFORE, I, Mayor Benjamin R. Frederick, on behalf of my fellow Councilmembers and the residents of Owosso, do hereby acknowledge Mr. Cline's years of service to Owosso and thank him for contributing his time and energy to improving his community.

Proclaimed this 16th day of November, 2009.

PUBLIC HEARINGS

PUBLIC HEARING - ORDINANCE AMENDMENT

The public hearing was held to receive citizen comment regarding the proposed amend Chapter 2, Administration, Section 2-51, *Division of the Administrative Service*, and Section 2-81, *Department of Public Safety*, of the Code of Ordinances of the City of Owosso, Michigan as follows:

SECTION 1. THE CITY OF OWOSSO ORDAINS: That Chapter 2, Administration, Article III, *Administrative Plan of the City*, Division 1, Generally, Section 2-51 and Division 2, Administrative Offices and Departments, Section 2-81, are hereby amended to read as follows:

Sec. 2-51. Division of the administrative service.

The administrative service of the city shall be under the supervision and direction of the city manager, except as provided by the City Charter, and shall be divided into the following offices and departments, each of which shall be the responsibility of and under the control of an administrative officer or department director as listed below opposite such office or department:

Department	Department Director(s)
Department of public safety	Police chief Fire chief
Department of utilities, engineering and public services	Director of utilities, engineering and public services
Department of economic development and neighborhood services	Director of economic development and neighborhood services
Department of financial and customer services	Director of financial and customer services

Office	Officer/Director
Assessor's office	City assessor
Attorney's office	City attorney
Planning, building safety and code enforcement office	Director of planning, building safety and code enforcement
Clerk's office	City clerk
Human resources office	Director of human resources
Finance office	Finance director
Manager's office	City manager
Treasurer's office	City treasurer

Sec. 2-81. Department of public safety.

(a) The department of public safety shall be headed by a qualified police chief and a qualified fire chief who shall have the duties and responsibilities detailed for the offices of police chief and fire chief in the City Charter, this Code and state statutes and such other duties and responsibilities associated with management of police, fire and emergency medical response

services in the city, and for such other responsibilities that shall be designated from time to time by the city manager to be performed by the department.

(b) The department of public safety shall consist of a police department and a fire department.

(c) The police department shall have the duties and responsibilities detailed for police departments in the City Charter, this Code and state statutes.

(1) The police chief shall promulgate rules for the government of police officers of the city, subject to approval by the city manager, which shall be entered in a book of police department rules and orders and may be amended or revoked by the police chief upon written notice to and approval of the city manager. Such rules may establish one (1) or more bureaus within the police department. Any such bureau shall be supervised by an officer of the police department who shall be responsible for the particular functions of the police department assigned to the particular bureau by the safety police chief or his designee. It shall be the duty of all members of the police department to comply with such rules and orders while effective.

(d) The fire department shall have the duties and responsibilities detailed for fire departments in the City Charter, this Code and state statutes.

(1) The fire chief shall promulgate rules and regulations for the government of the fire department, subject to the approval of the city manager, which shall be entered in a book of fire department rules and which may be amended or revoked by the fire chief upon written notice to and approval of the city manager. It shall be the duty of all members of the fire department to comply with such rules and orders while effective.

Section 2. This ordinance shall become effective twenty days after 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.

The following people addressed the Council regarding the proposed amendment:

Shelva Cebulski, 1243 Marion Street, indicated she supported the Public Safety Director, saying a lot of what he does goes unrecognized.

Burton Fox, 216 East Oliver Street, indicated he was the originator of the petition to remove the Public Safety Director position. He said approximately 1600 people signed the petition and the position should be eliminated. He went on to say he felt Attorney General Opinion No. 6383 defines the ordinance establishing the position is legislative in nature and should be subject to petition. He continues to feel the position should be eliminated to prevent a budget shortfall.

Joe Ibarra, 1950 Owosso Avenue, president of Community Radio Watch, indicated his group had worked closely with the Public Safety Director over the years. He stressed the importance of having someone in his position that recognizes the value of the CRW and the money that they save the City by providing essential services during large events. He also pointed out there were a number of people employed by the City that are paid more than the Public Safety Director.

Jack Davis, 536 Randolph Street, noted that when he first ran for City Council he was convinced there was corruption in the administration. He watched and learned over time what it takes to run the City. He ended his Council tenure with lots of respect for City Staff. He encouraged the current Council to not rush into any decisions and listen to Staff. Lastly, he noted that as a leader you cannot please everyone.

Michael Bruff, 707 West King Street, noted that when he was first elected to City Council he looked into the Public Safety Director position thinking the City was heavy on administration. He went on to say he came to realize that it was an important position. He felt the petition originated in one department of the City because the members of that department do not like their boss. He encouraged the current Council to research overtime issues in the Fire Department, to continue to explore options with MMR to save money, and not to concentrate all their efforts on one position saying the elimination of one position would not fill the projected shortfall.

Linda Durfee, 984 Ryan Street, indicated she felt that citizens should have the right to amend the organizational structure of the City through a petition. She also noted an instance where she felt her civil rights had been violated by the Public Safety Director. She went on to say she did not feel the Public Safety Director should be entirely without a job but citizens should have the right to eliminate the position. Lastly, she said she didn't think managers should lead by intimidation and she asked the Council to look into why the City Manager does not live in the City.

James Duntley, 1119 South Shiawassee Street, indicated it had been a pleasure working with the Public Safety Director. He also pointed out that Council should consider the cost of changing signs and stationary should the Public Safety Department be dissolved. Lastly, he said he hoped the Council would look at the entire budget before making a decision on the Public Safety issue.

Jan Laurin, 656 Ada Street, said the discussion this evening should be about the position of Director of Public Safety, not the person, saying if the position needed to be cut it should be cut and the Director should realize it was nothing personal.

The Council took the comments into consideration. There was significant discussion and Council asked staff for a comprehensive report on the advantages of various organizational structures, the idea of a true public safety department, the possibility of partnering with other communities, contracting with private entities, providing services to other communities, cooperating with the Sheriff's Office and the State Police, utilizing grant sources, and using volunteers.

There was further discussion regarding benchmarking and comparing our services to that of comparable communities and setting a timeline for the report. City Manager Fivas indicated staff will research the topic. It was anticipated the subject would be touched on during the budget discussion planned for November 30th, with a full report presented at the 2nd December meeting.

CITIZEN COMMENTS AND QUESTIONS

Mayor Frederick noted the large number of people present for the item regarding the Rainbow Bar. He asked for patience from the audience. He also noted that the only action before the Council this evening in regard to the bar was to consider setting a public hearing, no recommendation on the liquor license would be made tonight.

Tim Law, owner of Rainbow Bar, indicated he has tried to combat the problems at his bar by establishing anti-fighting plans, installing surveillance cameras, among other changes. He went on to say that he thought he would be warned should his business find itself on the verge of violating the Community Standards and he was not. Lastly, he asked the Council to review his business report prior to making any decision.

Debbie Law, 1221 Willow Street, former owner of the Rainbow Bar, indicated she felt the problems at the bar lie in the fact that customers can call 911 from their cell phones. In her day the bar staff tried to handle fight situations, she felt people really don't know what is going on and get involved anyway. She went on to say she hoped the Council would agree to talk about things before taking punitive action.

Shelva Cebulski announced a blood drive on November 25th from 10:00 am to 4:30 pm at the Knights of Columbus hall, saying blood is always in short supply around the Holidays.

Jan Laurin, 656 Ada Street, wanted to know how many of the calls to 911 originated with bar staff as opposed to patrons. She went on to say no one could expect the bar staff to control the public and that no one should impose rules on a bar tender unless you've worked in a bar.

Michael Law, 182 West Wilkinson Road, indicated his mother had previously owned the bar. He said calls to police do not originate with bar staff but from patrons. He also pointed out the community service Tim Law has performed as the bar owner, including opening the bar in the early hours of the morning to feed firefighters fighting the Vaungard fire. He said Mr. Law is 110% behind the community and is trying to make it a better place. He asked Council to consider what it takes to own a bar and what Mr. Law has done for the community.

Rex Button III noted the money spent on refurbishing the Exchange Street area, saying the money should have been used for other things.

Michael Cline asked that Council look into the status of the burned out house on Prindle Street. He also asked that Council consider providing water service to the house located at 1218 Nafus Street.

Jeff Hetfield, Fire Department employee, indicated he was offended by former Mayor Bruff's comments saying the Fire Department had been given many challenges over the years and had not only met them but exceeded them. He also noted the longer response times for MMR as compared to the City crews. Lastly, he noted he felt the City should resume doing ambulance transfers to raise money.

Sheryl Migota indicated she lives next door to the burned out house on Prindle Street and she hoped the issue would be handled soon.

Mark Hanna, local business owner, asked Council to consider not setting a public hearing on the Community Standards violation issue. He felt the standards needed to be more specific as to what constitutes a criminal complaint. He went on to say he felt a criminal complaint should be defined as an altercation in which the Prosecutor decides charges are warranted, not just phone calls to 911.

Karen Losey, 900 South Chestnut, a day shift employee at the bar indicated she had never witnessed a fight while she was working, nor has she seen many fights during her 15 years as a patron. She said Mr. Law treats everyone well and order is established if things get out of hand. She felt it would be a great injustice if the Council set a public hearing on the matter.

Michael Brady, 527 Clyde Street, Rainbow Bar employee, said the large volume of customers in proportion to the number of complaints should show how little trouble the bar really has. He also said the bar tries to provide a place like home for those that don't have one.

Tammy McNamara, 5120 Morrice Road, indicated she heard a number of people remark at the number of people present at the meeting to defend the Rainbow Bar. She asked Council to look at the show of support when they consider the Community Standards Violation item.

Christy Moorman, 5120 Morrice Road, said she did not understand how City Council could dictate how many times the police can be called to an establishment in a month's time. She felt the rules forced bar owners not to call the police even when they needed them. She also said the police sit in the parking lot behind the business talking with patrons. Lastly, she noted that the State makes a lot of money from beer and liquor sales.

Carolyn Mitchem, 1204 Orchard Street, praised the City Fire Department for their immediate response when her husband needed help.

Motion by Councilperson Martenis to extend Citizen Comments and Questions by 10 minutes.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilpersons Eveleth, Forster, Mayor Pro-Tem Popovitch, Councilpersons Erfourth, Cook, Martenis, and Mayor Frederick.

NAYS: None.

Brian Berry, Chair of Preservation Owosso, lent his support to the establishment of a historic district study committee.

Kevin McGinity, Westtown Corridor Improvement Authority Chairman, indicated he is opposed to setting a hearing for the Rainbow Bar. He asked Council to consider who might buy the Rainbow's liquor license should they lose it. He went on to say that Tim Law is an asset to Westtown and their efforts to improve area.

Linda Durfee, 984 Ryan Street, stated she had previously worked at the Rainbow Bar. She asked what the City would do when patrons move to another establishment should the Rainbow Bar be closed. She indicated shutting down the bar would harm all of the other bar owners in town.

James Carmody, 123 West Main Street, indicated he has been a bartender off and on over the years and that there are always people that will try to cause trouble. He felt that if staff was alert trouble makers could be spotted and asked to leave. He also suggested bar owners exchange lists of those they have barred from their establishments.

City Manager Fivas indicated staff will report back on the Prindle Street and Nafus Street issues raised this evening.

A brief recess was held at 9:00 p.m. The meeting resumed at 9:08 p.m.

CITY MANAGER REPORT

City Manager Fivas reported that he spoke with the Deputy Fire Chief and he indicated the demolition of the Prindle Street home was being held up due to an insurance company investigation. He went on to note the City had received a grant to plant trees along the river. He also handed out information on a business incubator in East Lansing saying he was trying to organize site visits for Council members. He also noted the communication from Public Safety Director Compeau updating the Council on the status of the exhaust extraction system bid. Lastly, he indicated the Council should consider setting a 7:00 p.m. start time for the December 21st meeting to hear the annual audit presentation. It was noted this will be handled at the December 7th meeting.

CONSENT AGENDA

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

Payment Authorization. Authorize payment to Mike & Son Asphalt for the 2009 Thin Overlay Project in the amount of \$55,387.78.

Payment Authorization. Authorize Final Payment to Glaeser Dawes for the 2009 Water Main Installation Contract in the amount of \$9,630.00.

Emergency Payment Authorization. Authorize payment to Glaeser Dawes for emergency repairs to the sanitary sewer line in the 400 block of Corunna Avenue in the amount of \$10,758.00.

Boards and Commissions Appointment. Approve the Mayoral reappointment of Crystal Smith to the Historical Commission for a term ending December 31, 2012.

Warrant No. 393. Accept Warrant No. 393 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional Services October 13, 2009 – November 9, 2009	General	\$9,281.48
Michigan Municipal League Workers' Compensation Fund	Workers' Compensation Insurance	General	\$28,127.00

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

ITEMS OF BUSINESS

COMMUNITY STANDARDS VIOLATION

City Manager Fivas indicated that in January of 2008 Council passed a set of Community Standards by which all bar owners need to abide. These rules were instituted to allow the Council the authority to recommend to the Liquor Control Commission for the revocation of a liquor license if they deem necessary. The Rainbow Bar has exceeded the standards, and per the standards, the issue has been brought before Council for review. Council has the option of continuing informal discussions with the owner of the bar, setting a public hearing to collect citizen comment, or refraining from action.

It was noted the Public Safety Director had talked with the owner of the Rainbow Bar in the past in regard to issues at his bar. It was also noted the Public Safety Department is not focused on the number of convictions that result from fights at bars but rather safety in general. It was felt Council should also factor in the time and money spent handling matters at the bar.

There was question where the model rules derived its standard establishing the threshold for assaults at 5.

Councilperson Eveleth noted that the City could recommend a bar be shut down but it would only cause the patrons to gather at another location. He went on to say that he felt Tim Law was a responsible owner and the standards themselves were vague, saying some revision may be necessary. He wanted the Council to work with Mr. Law not set a public hearing.

There was discussion regarding the number of 911 calls, how many of those calls were legitimate and not vindictive in nature, and how many of the calls come from bar staff. There was also question as to whether Council could set a public hearing at a later date if they choose not take formal action tonight. It was noted they could.

It was noted Council has no intention of closing down a business in town but concern about the safety of patrons and officers has warranted the discussion. It was further noted that no officers have been injured handling calls at the bar to this point, though it was the officers that brought the issue to light.

City Council requested staff work with the owners of the Rainbow Bar in an effort to stem the police calls associated with the bar. They also requested a review of the Community Standards Policy.

OWOSSO CARES FOOD DRIVE PERMISSION

Motion by Councilperson Martenis to grant the request from the Owosso Public Schools for use of the Main Street Plaza Tuesday, December 15, 2009 from 3:00 pm to 6:00 pm for the Owosso Cares Food Drive concluding celebration and media event and authorize Traffic Control Order No. 1227 formalizing the action.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilperson Martenis, Mayor Pro-Tem Popovitch, Councilpersons Erfourth, Forster, Eveleth, Cook, and Mayor Frederick.

NAYS: None.

GLOW OWOSSO PERMISSION

There was a brief description of the events including the Glow Parade, the tree lighting ceremony, and free hot chocolate for the kids.

Motion by Councilperson Forster to grant the request from Owosso Main Street (DDA) for use of the Main Street Plaza Friday, November 27, 2009 from 1:00 pm to 11:00 pm for a holiday event and further grant the request to close Oliver Street between Dewey and Washington, Washington Street between Oliver and Jerome, and Jerome Street between South Washington and South Hickory between the hours of 6:15 pm and 7:15 pm for the Owosso Glow Parade and authorize Traffic Control Order No. 1228 formalizing the action.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Forster, Martenis, Mayor Pro-Tem Popovitch, Councilpersons Cook, Eveleth, Erfourth, and Mayor Frederick.

NAYS: None.

PROPERTY OBJECTION

City Manager Fivas explained that in the past the City has accepted these parcels from the State but found that they came with hidden costs such as fees and back taxes. This particular piece is a small land locked parcel and will be of little value to the City when trying to recoup the costs of transferring and ultimately selling the property.

Motion by Councilperson Eveleth to formally object to the receipt of tax-foreclosed property, parcel # 050-547-000-013-00, from the State of Michigan Department of Treasury and direct the City Clerk to give written notice of said objection.

Motion supported by Mayor Pro-Tem Popovitch.

There was some concern as to where exactly the property was located and whether the parcel could be added to Holman Park. It was noted the parcel was not contiguous to the park property.

Motion by Councilperson Cook to table the issue.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

AYES: Councilperson Eveleth, Mayor Pro-Tem Popovitch, and Councilperson Cook.

NAYS: Councilpersons Martenis, Forster, Erfourth, and Mayor Frederick.

The motion fails for lack of affirmative votes.

Vote on original motion to object to the receipt of the property.

Roll Call Vote.

AYES: Councilperson Erfourth, Mayor Pro-Tem Popovitch, Councilpersons Forster, Martenis, Eveleth, Cook, and Mayor Frederick.

NAYS: None.

OFFICIAL PAYMENTS AGREEMENT

City Manager Fivas explained this contract had come about at the request of Council to institute a method for accepting electronic payments. He went on to note that the City cannot collect fees from credit cards, thus the consideration for hiring a third party to administer the collection of e-payments.

There was question whether there would be a \$3.00 charge or a 3% charge for making an e-payment. Director of Financial and Customer Services Frances Kukulis indicated the \$3.00 charge was for electronic checks, while the 3% fee was for the use of credit cards. It was further noted the proposed agreement does not affect automatic payments set up previously. Ms. Kukulis went on to say that if Council approves the agreement the next step will be testing which could take up to 6 weeks. Lastly, she noted that other billable items, such as permits and invoices, may be added to the list of items payable through the agreement after the testing process is completed.

There was question whether there were plans to set up a payment kiosk in City Hall. It was noted this option is being explored using the current public assessing terminal.

Councilperson Erfourth noted that he had researched the fees as stated in the proposal and found them to be fair compared to industry standards.

Motion by Councilperson Eveleth to authorize agreement with Official Payments to accept credit card, "pin-less" debit card, and e-check payments via the City website and further accept payments through telephone Interactive Voice Response (IVR).*

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Eveleth, Erfourth, Forster, Martenis, Cook, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: None.

*Full text of the agreement is on file in the Clerk's Office.

HISTORIC DISTRICT STUDY COMMITTEE

City Manager Fivas indicated this had presented to Council previously, at the time it was recommended support be gained and efforts be coordinated with the downtown businesses prior to the formation of a study committee.

Mayor Frederick noted his appreciation for the work done on this project up to this point. He also noted that should an historic district be formed the commission would have no authority to require work, nor would it review interior work or dictate the color scheme of the downtown to provide a unified look. He went on to say he would like to see a wide range of voices included on the committee.

City Manager Fivas indicated an application would be developed for those people interested in sitting on the committee. He also assured the Council the proper procedures would be followed once the committee completes its research and makes any recommendations.

Motion by Councilperson Erfourth to approve the formation of a Historic District Study Committee to explore the idea of establishing a Historic District in the downtown.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilperson Erfourth, Mayor Pro-Tem Popovitch, Councilpersons Eveleth, Forster, Martenis, Cook, and Mayor Frederick.

NAYS: None.

BOARDS AND COMMISSIONS APPOINTMENTS

There was concern whether Michael Cline could remain on the SATA Board. City Manager Fivas indicated Clerk Kohagen would look into the issue.

Motion by Councilperson Cook to approve the following Mayoral boards and commissions appointments:

Name	Board/Commission	Term Expires
Thomas Cook	Mid-County Wastewater Treatment Plant Review Board	11-12-2013
Thomas Cook	Local Development Finance Authority / Brownfield Redevelopment Authority	11-12-2013
Christopher Eveleth*	Zoning Board of Appeals	11-14-2011
Christopher Eveleth	Historical Commission	11-14-2011
Cindy Popovitch	Planning Commission – Ex Officio	11-12-2013

* indicates reappointment

Motion supported by Councilperson Eveleth.

Roll Call Vote.

AYES: Councilpersons Forster, Martenis, Mayor Pro-Tem Popovitch, Councilpersons Cook, Eveleth, Erfourth, and Mayor Frederick.

NAYS: None.

PAYMENT AUTHORIZATION

Councilperson Erfourth inquired why there was \$100,000 still remaining, asking if it was being held for work that has already been performed. City Engineer Ronald Baker indicated that a

portion of the money would cover work performed since September 25th (the date of the invoice up for consideration).

Mayor Frederick inquired why the project was not finished already, saying it was started with clear time tables. City Engineer Baker indicated the project was more complicated than originally projected and the original dates were probably not realistic, but he also noted that given even the complexity of the project he had hoped the work would have been completed sooner. City Manager Fivas also noted that the project was held up several weeks due to other contractors.

Councilperson Cook noted the importance of finding a way to manage similar issues so that businesses will be interrupted for an absolutely minimal amount of time in the process of reconstructing a streetscape.

Motion by Councilperson Erfourth to authorize Progress Payment No. 7 to Perrin Construction for work performed on Phase III of the Vibrant Small Cities Initiative Grant Project in the amount of \$52,121.18.

Motion supported by Councilperson Forster.

Roll Call Vote.

AYES: Councilperson Erfourth, Mayor Pro-Tem Popovitch, Councilpersons Martenis, Forster, Eveleth, Cook, and Mayor Frederick.

NAYS: None.

COMMUNICATIONS

Michael T. Compeau, Public Safety Director. Exhaust Extraction Bid Update.

Gary Palmer, Building Official. October 2009 Building Department Report.

Gary Palmer, Building Official. October 2009 Code Violations Report.

Michael T. Compeau, Public Safety Director. October 2009 Police Department Report.

Michael T. Compeau, Public Safety Director. October 2009 Fire Department Report.

CITIZEN COMMENTS AND QUESTIONS

Shelva Cebulski, 1243 Marion Street, thanked Lorraine Weckwert for the beautiful flower baskets on the Main Street bridge. She went on to remind people not to burn their trash. Lastly, she congratulated the new Council members on their election, saying they seemed to be doing a good job.

Tim Law, Rainbow Bar owner, thanked Council for their decision not to hold a public hearing. He indicated he would like to put together a committee of fellow bar owners in cooperation with the Public Safety Department to try to improve the environment in bars around town. He also asked Council to further define the Community Standards.

Marsha Ladd, Parks and Recreation Chairperson, introduced herself and updated the Council on the planning progress for the Bentley Park playscape. Her hope is to see construction start in the late spring or early summer of 2010. She also noted her hope that as many people would show up to Council meetings to support children's recreation as those that came out this evening to support adult recreation.

Jan Laurin, 656 Ada Street, hoped the Council would consider the volume of patrons and the hours of operation when re-examining the Community Standards.

Debbie Law, 1221 Willow Street, suggested having police officers walk through the local bars on occasion to make sure customers are behaving.

Michael Law, 182 West Wilkinson Road, indicated he thought it was a great idea for the police to walk through the bars on occasion. He went on to say he felt the police shouldn't be scared of places like the Rainbow.

Theresa Trecha, Capitol Bowl owner, said she supports the idea of a committee saying it was important for all bar owners to know the law and to support one another.

Michael Tillotson, 1299 South Shiawassee Street, spoke of the day he toured Owosso with his veteran step son. He also announced that he got a deer this year.

Eddie Urban, 601 Glenwood Avenue, thanked everyone for coming and encouraged them to keep coming back. He also mentioned that we would have been home earlier this evening had Council voted to start meetings at 7:00 pm.

Kevin McGinity, Westown Corridor Improvement Authority Chairman, thanked the police for faithfully visiting the Westown area. He also said he felt volunteers could be utilized on the weekends at the Rainbow or at other establishments in Westown.

Lorraine Weckwert, 1011 North Shiawassee Street, indicated she had been working toward the formation of a Historic District Study Committee for quite some time. She presented the Council with a map of the downtown showing property owners that were in support of the idea.

Tammy McNamara, 5120 Morrice Road, asked what the bottom line is with the Rainbow Bar. Mayor Frederick said the Council would be looking at the Community Standards Policy, the Public Safety Department will be working directly with Tim Law to try to alleviate the problems at the bar, and there was no pending action on their liquor license at this time.

Public Safety Director Compeau indicated officers were not scared of going into the Rainbow but were concerned about patron safety and the possibility of injury to patrons or officers. He went on to say concern with problems at the bar had been raised by the third shift police lieutenant.

Councilperson Eveleth indicated his frustration was not with the police, saying they were only enforcing the law as written. He went on to say his frustration is with the law itself and he was looking forward to a review of the policy.

Councilperson Erfourth indicated he is looking into employee residency issues and that the matter is complicated by State law. He went on to say that there were many people present this evening to support topics close to their hearts, the Council needs this type of support on all kinds of topics. He encouraged people to bring their ideas to Council not just write about them on line. He said it would be essential to bring all ideas to the table in the face of the current economic and fiscal crisis.

Mayor Frederick commended the public for their involvement. He went on to say he welcomes the work ahead and looks forward to making progress on many issues.

DISCUSSION ITEMS

Due to the late hour Council postponed the discussion on the budget process until the November 30th meeting.

NEXT MEETING

November 30, 2009 – 5th Monday meeting
December 7, 2009 – Regular meeting

BOARDS AND COMMISSIONS OPENINGS

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

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 10:32 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kohagen, City Clerk