

**OWOSSO CITY COUNCIL**

**JULY 19, 2010**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK  
**OPENING PRAYER:** DONALD BURMAN  
**PLEDGE OF ALLEGIANCE:** DANNY MILLER  
OWOSSO CHARTER TOWNSHIP SUPERVISOR  
**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 Martenis to approve the agenda as presented amending Item of Business 3. Executive Session. to read: Authorize holding Executive Session at the conclusion of regular business to discuss an opinion from the City Attorney; adding Item of Business 4. MSHDA Grant Application; adding Item of Business 5. Charter Amendment Question Revision; and adding Communication 7. SATA Update.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JULY 6, 2010**

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of July 6, 2010 as presented.

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

**SPECIAL PRESENTATION**

None.

**PUBLIC HEARINGS**

**PUBLIC HEARING – ORDINANCE AMENDMENT**

A public hearing was conducted to receive citizen comment regarding proposed ordinance amendment to amend Chapter 38 Zoning, Section 38-33(b)(1) Main Street Office Overlay District, of the Code of Ordinances of the City of Owosso, Michigan.

The following people addressed the Council in opposition of the proposed amendment:

Burton Fox, 216 East Oliver Street  
Thomas Holley 507 South Washington Street  
Lynese Lewis, 202 North Dewey Street  
Lloyd Webster, 119 Stratford Drive  
Gary Meyers, 606 East Exchange Street  
Jerry Hebekeuser, 206 North Dewey Street  
Brent Smith, 811 East Exchange Street  
Bozena Bienias, 1432 Mallard Circle

The following people addressed the Council in favor of the proposed amendment:

Jean Roth, owner of 617 East Main Street  
Thomas Taylor, owner of Hardee's Restaurant  
Wally Powell, owner of 114 North Dewey Street  
Phillip Zimmerman 821 Abrey Avenue  
Tammy Van Sumeran, Family Video representative  
Karen Cape, Family Video representative  
Fai Mok, 534 East Exchange Street  
Roberto Larrivey, commercial real estate developer  
Jennifer Larrivey, 702 West Oliver Street

There was general discussion regarding the recommendation of the Planning Commission, the effects of development on area neighborhoods, and expanding the overlay district to include a retail designation. The Council took no action.

**INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE – COVENANT EYES, INC.**

A Public Hearing was conducted to receive citizen comment regarding the application of Covenant Eyes, Inc. for an Industrial Facilities Exemption Certificate for real property improvements at 1525 West King Street.

The following people addressed the Council regarding the proposed Certificate:

Bill Spencer, Covenant Eyes Vice President of Operations  
Justin Horvath, President/CEO Shiawassee Economic Development Partnership  
Bruce Robb, County Commissioner - District 2

City Assessor Larry D. Cook walked the Council through the Tax Abatement Policy to tally the number of years of exemption the company qualifies for.

Motion by Councilperson Cook to approve the following resolution authorizing and Industrial Facilities Exemption Certificate for Covenant Eyes, Inc.:

**RESOLUTION NO. 78-2010**

**APPROVING AN IFE APPLICATION  
Covenant Eyes, Incorporated  
1525 W. King Street**

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on June 19, 2000, this City Council, by resolution established GKN Industrial Development District No. 1; and

WHEREAS, Covenant Eyes, Incorporated has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility within the Industrial Development; and

WHEREAS, before acting on said application, the City of Owosso held a hearing on July 19, 2010, in City Hall, at 301 W. Main Street, Owosso, MI, 48867, at 7:30 p.m. at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility had not begun earlier than six (6) months before June 16, 2010, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Owosso; and

WHEREAS, the aggregate SEV of real property exempt from ad valorem taxes within the City of Owosso, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Owosso that:

1. The City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Owosso, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Owosso.
2. The application from Covenant Eyes, Incorporated for an Industrial Facilities Exemption Certificate, with respect to a New Facility on the following described parcel of real property situated within the Industrial Development District, to wit:

PART OF NORTH 1/2 OF SOUTHEAST 1/4 SECTION 14, T7N-R2E, COMMENCING S 1\*32 1/2' W 33' & E 418.73' FROM CENTER SECTION 14 TO POINT OF BEGINNING, THEN S 42\*7' E 1066.59', THEN N 48\*30' E 118.25', THEN S 77\*17' E 202.9', THEN N 42\*7' W945.24' TO SOUTH LINE OF KING STREET, THEN W 397.66' TO POINT OF BEGINNING, (EXCEPT EASEMENTS OF RECORD) (1525 W. King Street);

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of 12 years.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

**PERSONAL PROPERTY EXEMPTION – COVENANT EYES, INC.**

A public hearing was conducted to receive public comments on New Personal Property Exemption for Covenant Eyes, Inc., 1525 West King Street.

The following people addressed the Council in favor of the exemption:

Bill Spencer, Covenant Eyes Vice President of Operations  
Justin Horvath, President/CEO of the SEDP

There was discussion regarding the length of the potential exemption.

Motion by Councilperson Eveleth to approve a personal property tax exemption for Covenant Eyes, Inc. for a period of 20 years.

Motion dies for lack of support.

Motion by Councilperson Cook to approve the following resolution granting a personal property tax exemption to Covenant Eyes, Inc. for a period of 15 years.

**RESOLUTION NO. 79-2010  
TO APPROVE A NEW  
PERSONAL PROPERTY EXEMPTION APPLICATION  
P.A. 328 OF 1998, AS AMENDED  
Covenant Eyes Incorporated  
1525 W. King Street**

WHEREAS, pursuant to P.A. 328 of 1998, as amended, after a duly noticed public hearing held on June 19, 2000, the City Council of the City of Owosso, an eligible distressed area as defined in Section 11 of the State Housing Development Authority Act of P.A. 346 of 1966, by Resolution, established a Industrial Development District; and

WHEREAS, the applicant Covenant Eyes, Incorporated, a technology research & development eligible business, has filed an application for Exemption of New Personal Property; and

WHEREAS, before acting on said application, the City Council of the City of Owosso, held a public hearing held on July 19, 2010 at City Hall, 301 W. Main Street, Owosso, MI, 48867 at 7:30 p.m., at which the Applicant, the City Assessor, and a representative of the effected taxing units were given written notice and were afforded an opportunity to be heard on said Application; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Owosso finds and determines that the granting of the Exemption of New Personal Property currently in force under P.A. 328 of 1998, as amended, shall not have the effect of substantially impeding the operation, or impairing the financial soundness of the taxing unit which levies ad valorem property taxes in the City of Owosso; and

BE IT RESOLVED the New Personal Property Exemption when issued shall be, and remain in force and effective for a period of 15 years, beginning July 19, 2010, and ending December 30, 2015; and

BE IT RESOLVED that for the exemption to maintain its eligibility each year, the company shall submit two personal property statements annually to the City Assessor, one for the new personal property and another for all other personal property, And payment for real and personal property taxes must be current; and

BE IT RESOLVED the Application submitted by Covenant Eyes, Incorporated, is for an Exemption of New Personal Property that will be located in an Industrial Development District described as:

PART OF NORTH 1/2 OF SOUTHEAST 1/4 SECTION 14, T7N-R2E, COMMENCING S 1\*32 1/2' W 33' & E 418.73' FROM CENTER SECTION 14 TO POINT OF BEGINNING, THEN S 42\*7' E 1066.59', THEN N 48\*30' E 118.25', THEN S 77\*17' E 202.9', THEN N 42\*7' W945.24' TO SOUTH LINE OF KING STREET, THEN W 397.66' TO POINT OF BEGINNING, (EXCEPT EASEMENTS OF RECORD) (1525 W. King Street);

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

**PUBLIC HEARING – OBSOLETE PROPERTY REHABILITATION DISTRICT**

A Public Hearing to receive citizen comment regarding the establishment of an Obsolete Property Rehabilitation District at 307 North Ball Street.

Daystarr representative Jed Dingens made a presentation on the current status of the building and the proposed changes.

The following people addressed the Council in favor of establishing the district:

Justin Horvath, President/CEO of the SEDP  
Bill Spencer, Vice President of Operations – Covenant Eyes, Inc.

City Assessor Larry D. Cook indicated everything reported was accurate and it was his opinion that the building is functionally obsolete as it stands.

There was discussion regarding the order of approval for tax abatements and potential zoning issues. It was noted there was no potential conflict between the two no matter which occurs first.

Motion by Mayor Pro-Tem Popovitch to authorize the following resolution approving the establishment of an Obsolete Property Rehabilitation District at 307 North Ball Street.

**RESOLUTION NO. 80-2010**

**ESTABLISHING AN OBSOLETE PROPERTY REHABILITATION DISTRICT  
307 NORTH BALL STREET**

WHEREAS, request was received June 16, 2010, from Daystarr Development, LLC, doing business as Michigan Online Group, to establish an obsolete property rehabilitation district consisting of .12 acres and described as: S 3/4 OF LOT 9 (EX W 40' OF S 22') ALSO N 6" OF E 82' OF LOT 12 BLK 13 ORIGINAL PLAT; and

WHEREAS, the Obsolete Rehabilitation Act, Act 146 of 2000 is available to the city of Owosso; and

WHEREAS, the act permits the city of Owosso to establish an obsolete property rehabilitation district; and

WHEREAS, a public hearing was held for the purpose of hearing comments from those within the proposed district, and any other resident or taxpayer, of the city of Owosso; and

WHEREAS, the city clerk has given notification as required by law and this act, and

WHEREAS, the city council has determined that the qualifications of the act are satisfied.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that on this date, July 19, 2010, in accordance with the Obsolete Rehabilitation Act, Act 146 of 2000 does hereby approve this district.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

**CITIZEN COMMENTS AND QUESTIONS**

Michael Tillotson, 1299 South Shiawassee Street, said he had traveled on the newly construction portion of south M52 and it was very nice. He also distributed pictures of a water park in Mt. Pleasant he would like the City to emulate.

Justin Horvath, President/CEO of the SEDP, thanked Council for their actions on the tax exemptions. He went on to say he is working with the State for gain further tax advantageous for local businesses and local cooperation was very important to this effort.

Burton Fox, 216 East Oliver Street, commended Council for their decision tonight. He said it was important to make sure a project fits the area in which it is proposed.

Thomas Holley, 507 South Washington Street, asked the Council to read the letters from his doctors regarding riding his bike on the sidewalk.

David Green, 604 Ryan Street, thanked Council for instituting the brush pick up program.

Councilperson Eveleth thanked the Planning Commission for their consideration of a wind energy ordinance.

Councilperson Cook noted the people and businesses that have supported the downtown flower basket program.

Councilperson Martenis congratulated the City softball team on their victory at the recent All-Cities Softball Tournament.

### **CITY MANAGER REPORT**

Interim City Manager Crawford presented Council with an update on the various projects and efforts going on in town. Council indicated they would like an update on a monthly basis.

### **CONSENT AGENDA**

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

Receiving Board. Authorize the following resolution approving the establishment of Receiving Board(s) for all future elections in the City of Owosso.

#### **RESOLUTION NO. 81-2010**

#### **AUTHORIZING THE ESTABLISHMENT OF RECEIVING BOARD(S) FOR ELECTIONS WITHIN THE CITY OF OWOSSO**

WHEREAS, PA 256 of 2004 provides for the establishment of "receiving boards" in optical scan jurisdictions, and

WHEREAS, each of the City's precincts at the close of the polls, prepare the necessary paperwork to be sealed in specified envelopes, seal the ballots in the ballot box, and deliver the materials to the City Clerk's Office; and

WHEREAS, under Michigan law (MCL 168.679a), the legislative body of a City, by resolution, can authorize the Election Commission of the City to appoint receiving board(s) to accept and open the sealed envelopes and containers for review and verification.

WHEREAS, in accordance with MCL 168.679a, each board will consist of an equal number (or as near as possible) of inspectors from each major political party.

WHEREAS, the receiving board(s) will be authorized to open the sealed envelopes and ballot boxes to: (1) verify that the number of ballots issued equals the number of voters in the poll book and statement of votes; (2) confirm that the ballot box has been properly sealed and that nothing other than ballots are contained within; and (3) verify that all necessary documents and have been properly signed by the election inspectors of each precinct.

WHEREAS the receiving board, with the election inspectors, shall together take the necessary steps to correct any discrepancies, making notation of such correction in the poll book and shall notify the clerk of the board of canvassers of the corrective action taken. Upon review and correction, if necessary, the receiving board shall properly reseal the ballot boxes and envelopes.

NOW, THEREFORE, BE IT RESOLVED that the Election Commission of the City of Owosso is hereby authorized to appoint the necessary receiving board(s) to receive the materials (ballot boxes, poll books, and statement of votes) from the precincts at the close of the polls after each election.

BE IT FURTHER RESOLVED that the City of Owosso elects to use receiving board(s) in all future elections as provided for in PA 256 of 2004, until otherwise determined or resolved by the City Council upon the recommendation of the Election Commission.

Grant Agreement Authorization. Authorize the following resolution approving the execution of Housing Resource Fund Grant Agreement with the Michigan State Housing Development Authority for Community Development Block Grant funds and further authorized the listed signatories to execute necessary documents relating to the grant.

#### **RESOLUTION NO. 82-2010**

#### **AUTHORIZING EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CBDG) AGREEMENT BETWEEN THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY AND THE CITY OF OWOSSO**

WHEREAS, the Michigan State Housing Development Authority has established a program to assist communities with homeowner rehabilitation; and

WHEREAS, the city of Owosso applied for and has been approved for a grant for \$183,000;

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

- FIRST: the city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to enter into a *Community Development Block Grant (CBDG) Agreement Between the Michigan State Housing Development Authority and the city of Owosso* dated July 2, 1010;
- SECOND: the mayor, city manager and other city officials be instructed and authorized to execute for and on behalf of the city of Owosso a contract substantially in the form the attached Exhibit, *Community Development Block Grant (CBDG) Agreement Between the Michigan State Housing Development Authority and the city of Owosso*.
- THIRD: the city clerk be authorized and directed to attest to the signature of the mayor, city manager and other city officials on said agreement and retain in the city clerk's office a fully-executed original of said agreement for public inspection.

Bid Award. Authorize the following resolution accepting the high bid from Trumbull Auto Sales, Inc. for the sale of one 2005 Chevrolet Impala police vehicle in the amount of \$3,237.00.

**RESOLUTION NO. 83-2010**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE OF RETIRED POLICE CAR WITH TRUMBULL AUTO SALES, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has established a purchasing cycle to maintain a healthy police vehicle fleet; and

WHEREAS, as a part of this purchasing cycle older vehicles are retired and sold to the highest bidder; and

WHEREAS, a bid solicitation was advertised and a responsive bid was received from Trumbull Auto Sales, Inc.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

- FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to sell one 2005 Chevrolet Impala police vehicle to Trumbull Auto Sales, Inc.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Sale between the City of Owosso, Michigan and Trumbull Auto Sales, Inc. in the amount of \$3,237.00.

Warrant No. 406. Accept Warrant No. 406 as follows:

Vendor	Description	Fund	Amount
Netarx, LLC	Network Engineering Support June 2010	General	\$8,687.00
Brown & Stewart, PC	Professional Services June 15, 2010 – July 12, 2010	General	\$8,139.29

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

**ITEMS OF BUSINESS**

**FIRST READING AND SET PUBLIC HEARING – ORDINANCE AMENDMENT**

Interim City Manager Crawford noted that all property owners in the proposed district had been given notice of the public hearing. He went on to note the joint public hearing that will be held August 2, 2010 in conjunction with the Historic District Study Committee.

The First Reading on the amendment was held.

Motion by Councilperson Eveleth to set a public hearing for August 2, 2010 to receive citizen comment regarding proposed ordinance amendment to amend Chapter 8, Buildings and Building Regulations, Article IX, *Historic Districts*, of the Code of Ordinances of the City of Owosso, Michigan as follows:

**RESOLUTION NO. 84-2010**

**ORDINANCE AMENDING CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, *HISTORIC DISTRICTS*, OF THE CODE OF ORDINANCES CITY OF OWOSSO, MICHIGAN TO CREATE THE OWOSSO DOWNTOWN HISTORIC DISTRICT AND MODIFY OTHER PROVISIONS**

WHEREAS, the city council of the city of Owosso on May 3, 1999 adopted Ordinance 577 creating the historic districts ordinance, which was subsequently amended September 5, 2000 by Ordinance 598, all codified into the Code of Ordinances as Chapter 8, Article IX;

WHEREAS, an Owosso Downtown Historic District Study Committee was appointed and for the proposed district has:

1. conducted a photographic inventory of resources,
2. conducted basic research of the resources located within,
3. determined the total number of historic and non historic resources,
4. prepared a preliminary report,
5. transmitted copies of the preliminary report to the Owosso planning commission, the Michigan historical commission, and the Michigan state historic preservation review board,
6. made copies available to the general public,
7. after public notice and mailing written notice to property, owners held a public hearing; and

WHEREAS, the city council has received the report of the Owosso Downtown Historic District Study Committee and determined that it is in the public interest to establish the Owosso Downtown Historic District;

THEREFORE, THE CITY OF OWOSSO ORDAINS THAT Chapter 8, Buildings and Building Regulations, Article IX, Historic Districts, be amended as follows:

Section 1. The following definitions shall be deleted

Sec. 8-201. Definitions:

*Center* means the Michigan Historical Center of the Michigan Department of State.

*Notice to proceed* means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under section 8-208(f).

*Ordinary maintenance* means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this act.

*Standing committee* means a permanent body established by the city council to conduct the activities of a historic district study committee on a continuing basis.

The following definitions shall be added to

**Sec. 8-201. Definitions:**

*Department* means the department of history, arts and libraries

*Fire alarm system* means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.

*Notice to proceed* means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 399.205(6) of Public Act 169 of 1970, as amended.

*Ordinary maintenance* means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for the purposes of this article.

*Smoke alarm* means a single-station or multiple -station alarm responsive to smoke and not connected to a system. As used in this subdivision, a "single -station alarm" means an assembly incorporation a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple -station alarm" means two or more single-station alarms that are capable of interconnection such that actuation of one alarm causes all integrated separate audible alarms to operate.

Section 2. The following shall be added to

**Sec. 8-208. Permit required... ( C )(5):**

(5) Whether the applicant has certified in the application that the property where the work will be undertaken has, or will have, before the proposed project completion date, a fire alarm system or a smoke alarm system complying with the requirements of the Stille-DeRossett-Hale single state construction code act of 1972 (MCL 12.1501 to 125.1531).

Section 3. The title to Sec 8-212. Construction of act shall be changed to **Sec. 8-212. Ordinary maintenance.**

Section 4. Section 8.213. Appeal of decisions. Shall be deleted in its entirety and replaced with a new section as follows:

**Sec. 8-213. Appeal of a commission decision.**

(a) An applicant aggrieved by a decision of the commission concerning a permit application may file an appeal with the State Historic Preservation Review Board. The appeal shall be filed within sixty (60) calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The State Historic Preservation Review Board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the State Historic Preservation Review Board.

(b) Any citizen or duly organized historic preservation organization in the city of Owosso, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under this article may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.

Section 5. The following shall be added as Sec. 8-216. Owosso Downtown Historic District.

**Sec. 8-216. Owosso Downtown Historic District.**

The Owosso Downtown Historic District shall be described as follows:

The plat of J.H. Calkins Subdivision of Reserve Number 7 of the City of Owosso, also the following blocks in the Original Plat of the Village, now City of Owosso, 11, 12,14, 15, 16, 21, 22, 23, 24, 25, 26, Lots 11 through 18 in block 27, that portion of Reserve No. 1 and 2 south of the north line of Mason Street extended to the Shiawassee River and that portion of Reserve No. 3 that is north and west of a line perpendicular to the southwest line of Water Street that intersects the south line of Comstock Street and the Northeast line of Water Street and extends to the Shiawassee River. Also lots 8, 7, 3, and the west ½ of lot 2 in Block 17, and the west 82' of lot 11, and the west 82' of the south 33' of lot 10 in Block 10. This description also includes all street and alley right of ways in and adjoining these blocks and Reserves. Approximately 42.1 Acres.

A map of the Owosso Downtown Historic District is attached as Exhibit A.

Section 6. This ordinance shall become effective 20 days after its adoption.

Section 7. 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.

This ordinance shall take effect after its passage, approval, and publication in accordance with law.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

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

NAYS: None.

**PROPERTY LEASE – OSBURN LAKES SUBDIVISION**

Motion by Councilperson Ford to receive a lease agreement for vacant parcels at 1180 & 1190 Bluestem Court legally described as:

*Lots 56 and 57 of Osburn Lakes Subdivision, a part of the Southeast 1/4 of Section 18, Township 7 North, Range 3 East, city of Owosso, County of Shiawassee, Michigan,*

to the Osburn Lakes Residential Site Condominium Association for a period of 25 years for the establishment of a private park and file with the City Clerk until the meeting of August 16, 2010.

Motion supported by Councilperson Forster.

Roll Call Vote.

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

NAYS: None.

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

**EXECUTIVE SESSION**

Motion by Councilperson Eveleth to authorize holding Executive Session at the conclusion of regular business to discuss an opinion from the City Attorney.

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

**MSHDA GRANT APPLICATION**

Interim City Manager Crawford explained this was a last minute funding proposal that could allow the City to demolish the structure at 415 Bradley Street, abandon water and sewer lines, abandon utilities, and test for contamination.

Motion by Councilperson Cook to authorize the following resolution approving application for a Neighborhood Stabilization Program grant in the amount of \$15,000 from the Michigan State Housing Development Authority.

**RESOLUTION NO. 85-2010**

**TO APPROVE MICHIGAN STATE HOUSING AUTHORITY (MSHDA)  
NEIGHBORHOOD STABILIZATION PROGRAM  
GRANT APPLICATION**

WHEREAS, the City of Owosso is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the Michigan State Housing Development Authority established the Neighborhood Stabilization Program to facilitate such endeavors, allowing municipalities to apply for funds to improve neighborhoods within their jurisdiction; and

WHEREAS, the City Council finds it in the best interest of the City to participate in the Neighborhood Stabilization Program and apply for funding;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan:

FIRST: to submit an application for \$15,000.00 through the Michigan State Housing Authority's Neighborhood Stabilization Program for demolition of the City owned property at 415 Bradley St;

SECOND: to instruct and authorize Donald Crawford, Interim City Manager and Sarah Warren-Riley, Housing and Neighborhood Development Coordinator of the City of Owosso to submit the NSP direct funding request documents on behalf of the City of Owosso;

THIRD: that no project costs either NSP or non-NSP will be incurred prior to a formal grant award, completion of the environmental review procedures and formal written authorization to incur costs is received from MSHDA.

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

**CHARTER AMENDMENT QUESTION REVISION - BURNING**

City Attorney William C. Brown indicated he had heard from the Attorney General's Office earlier in the day and that minor changes to the wording of the November ballot question had been suggested.

Motion by Councilperson Eveleth to approve revising the charter amendment question for the November 2010 ballot per the suggestion of the Michigan Attorney General to read as follows:

**BURNING CHARTER AMENDMENT - OPTION 1  
BANS BURNING EXCEPT FOR RECREATIONAL FIRES AND GRILLING**

Chapter 5, Section 5.6 of the Owosso City Charter shall be amended to add subsection (d) which shall read as follows:

(d) Open outside burning shall not be allowed in the City except recreational fires and grilling. "Open outside burning" is defined as burning of unwanted waste materials such as: paper, garbage, refuse, brush, leaves, grass and other debris. "Recreational burning" is defined as: a fire for ceremonial purposes such as a church, school or special function; or a fire intended for recreation or cooking but not including a fire intended for disposal of waste materials. "Grilling" means a fire for cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances. The City Council shall adopt an ordinance or ordinances in compliance with this subsection.

**STATEMENT OF PURPOSE**

This Amendment would ban open outside burning except recreational fires and grilling.

**CHARTER AMENDMENT QUESTION**

Shall the City of Owosso Charter be amended to add Section 5.6(d) to ban open outside burning except recreational fires and grilling?

Yes

No

Motion supported by Councilperson Martenis.

Roll Call Vote.

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

NAYS: None.

**COMMUNICATIONS**

Gary Palmer, Building Official. June 2010 Building Department Report.

Gary Palmer, Building Official. June 2010 Code Violations Report.

Michael T. Compeau, Public Safety Director. June 2010 Police Department Report.  
Michael T. Compeau, Public Safety Director. June 2010 Fire Department Report.  
Owosso Planning Commission. Minutes of Meeting of June 28, 2010.  
Owosso Historical Commission. Minutes of Meeting of June 15, 2010.

Councilperson Martenis gave an oral report on the latest SATA Board meeting.

#### **RECESS TO EXECUTIVE SESSION**

Motion by Councilperson Eveleth to recess to Executive Session at 10:18 p.m.  
Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

#### **RETURNED FROM EXECUTIVE SESSION AT 10:49 P.M.**

#### **CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments.

Councilperson Martenis asked that the disc of the each City Council meeting be played contiguously on channel 95 throughout one day each week.

#### **APPROVAL OF THE MINUTES OF EXECUTIVE SESSION OF FEBRUARY 16, 2010**

Motion by Councilperson Eveleth to approve the Minutes of the Executive Session of February 16, 2010 as presented.

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

#### **APPROVAL OF THE MINUTES OF EXECUTIVE SESSION OF MARCH 15, 2010**

Motion by Councilperson Erfourth to approve the Minutes of the Executive Session of March 15, 2010 as presented.

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

#### **APPROVAL OF THE MINUTES OF EXECUTIVE SESSION OF JULY 6, 2010**

Motion by Councilperson Cook to approve the Minutes of the Executive Session of July 6, 2010 as presented.

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

#### **NEXT MEETING**

August 2, 2010

#### **BOARDS AND COMMISSIONS OPENINGS**

None.

#### **ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 10:53 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kohagen, City Clerk