

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 4, 2009**

Clark called the meeting to order at 7:34 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Johnson led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Naeyaert, Johnson, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwierniewicz, Deputy City Clerk

APPROVAL OF MINUTES: April 20, 2009

The regular meeting Minutes of April 20, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of \$258,420.09 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

PUBLIC HEARING

FY 2009-2010 Budget

Colburn gave a brief overview of the FY 2009-2010 Budget.

Clark opened and closed the public hearing at 8:00 p.m. as there were no comments.

Resolution No. 2009-20 – Adoption of the FY 2009-2010 Budget

MOTION by Naeyaert, second by Johnson,
to consider Resolution No. 2009-20 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-20 was introduced by Naeyaert and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION 2009- 20
ADOPTION OF THE FY 2009-2010 BUDGET
May 4, 2009**

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2009-2010 fiscal year budget on Monday, May 4, 2009 as prescribed by law;

NOW THEREFORE BE IT RESOLVED, that the proposed 2009-2010 Operating Budget is filed with the City Clerk, providing for the sums of \$12,427,380 to expend for municipal purposes of the General Fund, Special Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental

funds, and Special Assessment Funds for the 2009-2010 fiscal year, and the said amount of \$3,204,255 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason.

RESOLVED FURTHER, that whereas the Downtown Development Authority (DDA) budget for 2009-2010 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the DDA District is \$3,515,493 the sum of \$46,580 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments.

RESOLVED FURTHER, that whereas the Local Development Finance Authority (LDFA) budget for 2009-2010 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the LDFA District is \$42,963,878; the sum of \$159,310 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments.

RESOLVED FURTHER, that the 2009-2010 Governmental Fund Budgets shall be automatically amended on July 1, 2009 to re-appropriate encumbrances outstanding and reserved on June 30, 2009.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2009-2010 proposed fiscal year budget which is currently on file in the office of the City Clerk.

RESOLUTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Presentation – Capital Area District Library (CADL) – Participating Membership

Colburn introduced Margaret Bossenbery, CADL Chairperson, and Debora Bloomquist, CADL Out-County Representative, presented the notification letter from Nancy R. Robertson, State of Michigan State Librarian, noting that the CADL agreement has been amended and the Library of Michigan (LM) acknowledges that Mason is a participating municipality in the agreement.

Second Reading – Ordinance No. 171 - An Ordinance to Amend Article II, Planning Commission, of Chapter 50, Planning, of the Code of the City of Mason to Conform the Provisions of the Planning Code to the Michigan Planning Enabling Act

MOTION by Naeyaert, second by Waltz,
to consider Ordinance No. 171 read for the second time and adopted

MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 171

AN ORDINANCE TO AMEND ARTICLE II - PLANNING COMMISSION - OF CHAPTER 50 -
PLANNING - OF THE CODE OF THE CITY OF MASON TO CONFORM THE PROVISIONS
OF THE PLANNING CODE TO THE MICHIGAN PLANNING ENABLING ACT

THE CITY OF MASON ORDAINS:

Article II of Chapter 50 of the Code of the City of Mason is hereby amended to read as follows:

Sec. 50-31. Created.

For the purpose of cooperating with the governments of the United States and of the state and region, and to promote the comfort, convenience, health, safety, and general welfare of the city and its environs, a city planning commission is created with powers and duties as prescribed by the Michigan Planning Enabling Act, 2008 PA 33, which shall be designated and known as "The Mason Planning Commission." In general, the planning commission shall have such lawful powers as may be necessary to enable it to promote local planning and otherwise carry out the purposes of the Michigan Planning Enabling Act, 2008 PA 33.

Sec. 50-32. Terms and qualifications.

The planning commission shall consist of nine members. Not less than eight members shall be qualified

electors of the city. Eight members shall be appointed by the mayor with the approval of the city council. One member shall be selected from the city council by resolution of the council to serve ex officio. The membership of the commission shall be representative of important segments of the community, including agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the city. The term of each member shall be three years, except that the term of the ex officio member shall be stated in the resolution selecting said member, but the term shall not extend beyond the term of office for said member as member of the city council.

Sec. 50-33. Bylaws, meetings and records.

The commission shall hold at least one regular meeting in each month. It shall keep a public record of its resolutions, transactions, findings and determinations as minutes in accordance with the Michigan Open Meetings Act, MCL 15.261 et seq. A writing prepared, owned, used, in the possession of, or retained by the planning commission in the performance of its official function shall be made available to the public in compliance with the Michigan Freedom of Information Act, MCL 15.231, et seq. The planning commission shall adopt bylaws for the transaction of its business.

Sec. 50-34. Expenditures.

The expenditures of the planning commission, exclusive of gifts, shall be within the amounts appropriated for such purposes by the council.

Sec. 50-35. Functions, duties, master plan.

The planning commission shall make and approve a master plan as a guide for the development of the city, including any areas outside of its boundaries which in the commission's judgment bear relation to the planning of the city. In the preparation of a master plan, the planning commission shall do all of the following, as applicable:

(1) Make careful and comprehensive surveys and studies of present conditions and future growth within the city with due regard to its relation to neighboring jurisdiction.

(2) Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.

(3) Cooperate with all departments of the state and federal governments and other public agencies concerned with programs for economic, social, and physical development within the city and seek the maximum coordination of the city's programs with these agencies.

(4) In the preparation of the master plan, the planning commission may meet with other governmental planning commissions or agency staff to deliberate.

(5) If an airport approach plan or airport layout plan has been filed with the planning commission by the airport manager, the planning commission shall incorporate the airport approach plan or airport layout plan into any amendments or revisions to the city master plan and shall receive and consider comments from the airport manager at or before a public hearing held to consider any amendment to the zoning ordinance or zoning use district map which affects property within the airport approach plan or airport layout plan filed with the city.

(6) The planning commission may, by a majority vote of its members, adopt a sub-plan for a geographic area less than the entire city if, because of the unique physical characteristics of that area, more intense planning is necessary for the purposes set forth in section 50-31 and section 7 of the Michigan Planning Enabling Act, 2008 PA 33.

Sections 50-36 through 50-40 are hereby added to read as follows:

Sec. 50-36. Contents of master plan.

A master plan shall address land use and infrastructure issues and may project 20 years or more into the future. A master plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission's recommendations for the physical development of the city. A master plan shall also include those of the following subjects that reasonably can be considered as pertinent to the future development of the city.

(1) A land use plan that consists in part of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes.

(2) The general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and waterfront developments; sanitary sewers and water supply systems; facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels; and public utilities and structures.

(3) Recommendations as to the general character, extent, and layout of redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of streets, grounds, open spaces, buildings, utilities, or other facilities.

(4) A zoning plan for various zoning districts controlling the height, area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.

(5) Recommendations for implementing any of the master plan's proposals.

(6) If a master plan is or includes a master street plan, the means for implementing the master street plan in cooperation with the county road commission and the state transportation department shall be specified in the master street plan in a manner consistent with the respective powers and duties of and any written agreements between these entities and the city.

Sec. 50-37. Functions and duties; zoning commission.

The planning commission shall have and exercise all those powers and duties of a zoning commission as provided by Article III of the Michigan Zoning Enabling Act, 2006 PA 110, and such other authority and duties as shall be detailed and set forth by law.

Sec. 50-38. Functions, duties; capital improvements.

(a) *Construction of streets, squares, parks, public buildings, or other public way, ground, or open space.* A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by the municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the city council or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than 2/3 of its entire membership.

(b) *Rescission of authorization for opening, widening or extension of streets or acquisition or enlargement of park or other open space.* If the opening, widening, or extension of a street or the acquisition or enlargement of any square, park, playground, or other open space has been approved by the planning commission and authorized by the city council as provided above, the council shall not rescind its authorization unless the matter has been resubmitted to the planning commission and the rescission has been approved by the planning commission. The planning commission shall hold a public hearing on the matter. The planning commission shall submit its reasons for approval or disapproval of the rescission to the council. If the planning commission disapproves the rescission, the council may overrule the planning commission by a vote of not less than 2/3 of its entire membership. If the planning commission fails to act within 63 days after submission of the proposed rescission to the planning commission, the proposed rescission shall be considered to be approved by the planning commission.

(c) *Capital improvements program.* To further the desirable future development of the city under the master plan, the planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements. The capital improvements program shall show those public structures and improvements, in the general order of their priority, that in the commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the city for all types of public structures and improvements. Consequently, each agency or department of the city with authority for public structures or improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.

Sec. 50-39. Subdivision review.

(a) The planning commission may recommend to the city council provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105.

(b) Recommendations for a subdivision ordinance or rule may address plat design, including the proper arrangement of streets in relation to other existing or planned streets and to the master plan; adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air; and the avoidance of congestion of population, including minimum width and area of lots. The recommendations may also address the extent to which streets shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of a plat.

(c) Before recommending an ordinance or rule described in subsection (a), the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the city.

(d) The planning commission shall review and make recommendations on plats before action thereon by the city council under section 112 of the Land Division Act, 1967 PA 288, MCL 560.112.

Sec. 50-40. Annual report.

The planning commission shall make an annual report to the city council concerning its operations and the status of planning activities, including recommendations regarding actions by the city council relating to planning and development.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and supported by Council Member Waltz with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 5th day of May, 2009.
ORDINANCE ADOPTED UNANIMOUSLY

Second Reading - Ordinance No. 172 – An Ordinance to Amend Sections 74-76 and 74-78 of Article II, Subdivisions, of Chapter 74, Subdivisions and Other Divisions of Land of the Code of the City of Mason to Conform the Provisions of the Subdivision Code to the Michigan Planning Enabling Act

MOTION by Naeyaert, second by Waltz,
to consider Ordinance No. 172 read for the second time and adopted
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 172

AN ORDINANCE TO AMEND SECTIONS 74-76 AND 74-78 OF ARTICLE II -
SUBDIVISIONS - OF CHAPTER 74 - SUBDIVISIONS AND OTHER DIVISIONS OF LAND
OF THE CODE OF THE CITY OF MASON TO CONFORM THE PROVISIONS OF THE
SUBDIVISION CODE TO THE MICHIGAN PLANNING ENABLING ACT.

THE CITY OF MASON ORDAINS:

Sections 74-76 and 74-78 of Article II of Chapter 74 of the Code of the City of Mason are hereby amended to read as follows:

Sec. 74-76. Filing of preliminary plat with planning commission.

(a) Before a preliminary plat is submitted to the city council, it shall first receive the recommendations of the planning commission in conformance with the regulations of this section.

(b) The subdivider or developer shall submit a preliminary plat to the secretary of the planning commission at least 20 days prior to the regular planning commission meeting at which he is scheduled to appear. In

filing, the subdivider shall submit the following:

- (1) Ten copies of a letter of application for a preliminary plat review.
- (2) Ten copies of a preliminary plat.

Sec. 74-78. Preliminary plat review by planning commission.

(a) The proposed preliminary plat shall be placed on the agenda of the next regular planning commission meeting which follows the submittal, by no less than 20 days. Should any required data be omitted, the proprietor shall be notified in writing of the specific data required; and the planning commission shall delay further action until the data are received.

(b) The planning commission shall not take action on a proposed plat without affording an opportunity for a public hearing thereon. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. It shall be the duty of the planning commission via the city clerk's office, to send notice by first class mail to the proprietor and to property owners immediately adjacent to the property to be platted, of presentment of the preliminary plat and the date, time and place of the meeting of the planning commission to consider the preliminary plat. The notice shall be sent not less than fifteen days before the public hearing date and shall be published in a newspaper of general circulation in the city.

(c) The planning commission shall recommend approval, conditional approval, or rejection of the preliminary plat. The planning commission shall review the preliminary plat in the following manner:

(1) All details of the proposed preliminary plat shall be reviewed with reference to the requirements of the zoning ordinance, the various elements of the plan, and the design standards set forth in this article. The planning commission may, at its discretion, transmit copies of the preliminary plat to the city engineer and the city administrator for their review. The planning commission shall transmit copies of the preliminary plat to all city departments concerned with the development, and may transmit a copy to the school board for review and recommendation.

(2) The planning commission shall act on the preliminary plat in sufficient time to permit the city council to act within the time limit required by section 112 of the Land Division Act (MCL 560.112).

a. Should the recommendation be a conditional approval and, therefore, tentative, and if the proprietor shall in writing have waived the time requirement set forth by this article, the preliminary plat shall not be forwarded to the city council until the conditions have been satisfied by the proprietor. The revised preliminary plat shall be marked as a revision and shall follow the filing procedure set forth in this article.

b. Should the planning commission recommend rejection of the preliminary plat, it shall record the reasons in the minutes of that meeting. A copy of the minutes and all copies of the preliminary plat shall be forwarded to the city council.

c. Should the planning commission find that all standards under the Land Division Act, 1967 PA 288, the design standards of this article, the requirements of the zoning ordinance, and the applicable elements of the master plan are met and all conditions have been satisfied, it shall recommend approval of the preliminary plat. The chairman or secretary of the planning commission shall make a notation to that effect on each copy of the preliminary plat, returning one copy to the proprietor, forwarding four copies to the city council via the city clerk's office, and retaining one copy for its files.

(3) The planning commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the planning commission. If the planning commission fails to act within the required period, the plat shall be considered to have been recommended for approval and a certificate to that effect shall be issued by the planning commission upon request of the proprietor. However, the proprietor may waive this requirement and consent to an extension of the 63-day period.

Sec. 74-104. Review of the final plat by the city council.

(a) Upon receipt of the final plat from the planning commission, the city council shall review the final plat and all recommendations of the planning commission and shall take action to approve or disapprove the final plat at its next regular meeting, or at a meeting called within 20 days of the date of receipt.

(b) The city council shall require of the proprietor, as a condition of final plat approval, a cash deposit, certified check or irrevocable bank letter of credit, whichever the proprietor elects, running to the city to insure, within the time specified in the contract, the performance of any contract relation with the city relative to improvement of public places that have not been completely installed or constructed at the time of final plat approval, and shall require either a cash deposit, certified check, or irrevocable bank letter of credit, whichever the proprietor elects, running to the city for the full cost, as estimated pursuant to section 74-163(b)(1), of any required public improvements that have not been completely installed or constructed at the time of final plat approval, to insure the installation of such required public improvements within the time specified in the contract, after approval of the plat; provided the city shall refund to the proprietor as the work progresses, amounts of any cash deposits, or allow the appropriate reduction in security, in amounts equal to the cost of completed units of work stipulated in the agreement prepared pursuant to section 74-163(b)(1), and satisfactory accomplishment of the construction milestones noted in that section.

(c) After the city council has approved the final plat, no change shall be made in the plat unless the plat is resubmitted for review and approval in accordance with all the provisions of this article.

(d) Upon approval of the final plat, the subsequent approvals shall follow the procedure set forth in the Land Division Act (MCL 560.101 et seq.).

(e) A certificate of approval of the final plat shall be affixed to the plat by the surveyor, and all copies of the final plat signed by the city clerk on behalf of the city council upon approval of the final plat by that body.

(f) Once the final plat has been approved by the city and recorded under section 172 of the Land Division Act, 1967 PA 288, MCL 560.172, it shall be considered to be an amendment to the master plan of the city and a part thereof. Approval of a plat by the city does not constitute or effect an acceptance by the public of any street or other open space shown upon the plat.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and supported by Council Member Waltz with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 5th day of May, 2009.

ORDINANCE APPROVED UNANIMOUSLY

Second Reading - Ordinance No. 176 – An Ordinance to Amend Sections 94-101, 94-361 and 94-397 and to Add New Section 94-231 of Chapter 94, Zoning, of the Code of the City of Mason to Conform the Mason Zoning Ordinance to the Recent Amendments to the Michigan Zoning Enabling Act

MOTION by Naeyaert, second by Waltz,
to consider Ordinance No. 176 read for the second time and adopted
MOTION APPROVED UNANIMOUSLY

**CITY OF MASON
ORDINANCE NO. 174
AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT
TO SECTION 94-62 OF THE MASON CODE, TO CONDITIONALLY REZONE 0.225
ACRES LOCATED AT 514 WEST COLUMBIA STREET FROM R2F TWO FAMILY
RESIDENTIAL TO C-2 GENERAL COMMERCIAL WITH THE CONDITION THAT THE
USES ON THE PROPERTY BE LIMITED TO PARKING**

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as:

LOT 3, BLOCK 7, SMITH AND PEASE ADDITION TO THE CITY OF MASON, ACCORDING TO THE RECORD PLAN THEREOF AS RECORDED IN LIBER 35 OF DEEDS, PAGE 186, INGHAM COUNTY, MICHIGAN RECORDS, CONTAINING 0.225 OF AN ACRE OF LAND.

be conditionally rezoned from R2F Two Family Residential to C-2 General Commercial subject to the following conditions voluntarily offered by the applicant and accepted by the City pursuant to MCL 125.3405:

1. The existing structure on the rezoned property shall be demolished and applicant shall construct the improvements and install and maintain the landscaping as shown in the Conditional Use Plan dated January 12, 2009 and received January 19, 2009 with the property owner's application for rezoning within one year from the effective date of this ordinance.

2. Implementation of the conditional use plan described in paragraph 1 above is conditioned upon the applicant receiving all necessary variances from the Mason Zoning Board of Appeals so as to allow the construction of the access drive as shown on the plan.

3. The development and use of the rezoned land shall be restricted to employee parking for the employees of the commercial business located at 110 N. Cedar Street, Mason, Michigan. No commercial vehicles as defined in Chapter 1 of the Mason City Code shall be allowed on the property.

4. The applicant shall make application to the Zoning Administrator for lot combination within the time frame described in subsection 5 below to combine lots 3 thru 6, including the southerly ½ of lots 7 and 8 as shown in the survey with the revised date April 24, 2000, as filed with their application for variance.

5. Should the approved redevelopment and/or use of the rezoned land not occur within the timeframe specified in paragraph 1 above, then the subject land shall automatically revert to its former zoning classification of R2F – Two-Family Residential, as provided by MCL 125.3405(2) and the zoning administrator shall commence proceedings to amend the City's zoning use district map accordingly in the manner provided by Article XII of the Mason Zoning Code.

6. The approved conditions of rezoning set forth in this ordinance or an affidavit or memorandum giving notice thereof shall be filed by the City Zoning Administrator with the Ingham County Register of Deeds.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the municipal storm sewer is within a reasonable distance from the site, and if extended, would adequately serve the site; and

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance No. 174, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached, and

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published within fifteen days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and seconded by Council Member Waltz, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 16th day of March, 2009.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No 2009-21 - Mayoral Appointment to the Traffic Commission

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2009-21 as read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-21 was introduced by Naeyaert and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-21
MAYORAL APPOINTMENT TO THE TRAFFIC COMMISSION
MAY 4, 2009**

WHEREAS, the March 15, 2009, resignation of Scott Preadmore created an ex officio vacancy on the Traffic Commission;

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby appoint Neal Johnson (ex officio) to the Traffic Commission of the city commencing May 4, 2009 and expires on December 31, 2010.

RESOLUTION APPROVED UNANIMOUSLY

Report – Off-Road Recreation Vehicles (ORV) Dennis McGinty, City Attorney

McGinty stated that recent legislation allowing off-road recreation vehicles on local streets is restricted to municipalities and counties north of Claire County. It is experimental legislation and has a five year sunset. If the legislation is not repealed before or at that point, other communities could lobby to institute the ordinance. However, there would be a duty to maintain local streets for safe travel by ORVs. Currently, ORVs may be approved for limited use during special events. ORV exclusions in the law are defined as farm vehicles, military, fire, emergency, law enforcement purposes, oil and gas companies, and utility companies doing maintenance work on their systems.

UNFINISHED BUSINESS

Bruno stated that he was asked to participate in a tree planting ceremony organized by BlueGrass Landscape who is a member of Plant Michigan Green. In honor of Earth Day, BlueGrass donated and planted a Cleveland Pear tree at Hayes Park. Also, the Arbor Day Ceremony was held on the Hayhoe Riverwalk where a Katsura tree was planted for Arbor Day Honoree, Deborah Powers.

Clark informed Council regarding the Washington D.C. trip where he and Public Works Director Rolland Olney attended the National Rural Water Board Association's annual meeting. Mayor Pro Tem Robin Naeyaert and City Administrator Colburn joined them to lobby on behalf of the City to promote Mason's request for federal appropriations for the unfunded mandate of the new water treatment plant.

Naeyaert informed Council that Saturday, May 9 is Stamp Out Hunger Day.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed Council regarding current Planning Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 8:23 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor