

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 18, 2013**

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mulvany led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Clark, Droscha, Ferris, Mulvany
Absent: Councilmembers: Bruno, Naeyaert
Also present: Martin A. Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Michelle Wallo, Assistant Finance Director/Treasurer
David Haywood, Zoning & Development Director
John Stressman, Chief of Police

ANNOUNCEMENTS

- Mason Community Thanksgiving Day Dinner – Mason First United Methodist Church
- Rayner Park Clean Up – Thank you to November 9, 2013 volunteers

PEOPLE FROM THE FLOOR

None.

CONSENT AGENDA

MOTION by Droscha, second by Brown,
to approve the Consent Agenda as follows:

- A. Motion – Approval of Minutes – Regular Council Meeting: November 4, 2013
- B. Motion – Approval of Bills - \$53,268.69
- C. Motion – Request for Excused Absence – Mayor Pro Tem Robin Naeyaert
 - To excuse the absence of Mayor Pro Tem Robin Naeyaert from the November 18, 2013 City Council Meeting.

MOTION APPROVED UNANIMOUSLY

MOTION by Mulvany, second by Droscha,
to move Agenda Item No. 7(C) Discussion – Used Vehicle Sales as an Accessory Use to Auto Body Shops, to Agenda Item No. 7(A), and move the remaining agenda items accordingly.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Discussion – Used Vehicle Sales as an Accessory Use to Auto Body Shops

Discussion ensued regarding the process of amendments in accordance with city code and whether the amendment would be appropriate for all zoning districts. Haywood summarized the discussion held by the Planning Commission at its November 12, 2013, meeting.

Resolution No. 2013-50 – Resolution for Adopting MERS Defined Benefit Program

MOTION by Droscha, second by Brown,
to consider Resolution No. 2013-50 read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-50 was introduced by Mulvany and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2013-50
Defined Benefit Plan Adoption Agreement
November 18, 2013



The Company, in participating with MERS, is participating in the state of Michigan. MERS is not a party to this agreement. The MERS Defined Benefit Plan is administered by the MERS Plan Administrator. As authorized by FORM 100-001 in accordance with the MERS Plan Agreement, as such may be amended, subject to the terms and conditions herein.

i. Employer Name: City of Mason Municipality #: 330401
If new to MERS, please provide your municipality's fiscal year: 01/01 - 12/31

ii. Effective Date

Check one:

A. If this is the initial Adoption Agreement for this group, the effective date shall be the first day of 01/01/2014.

- The responsibility to disclose to new hires, as existing credit prior to the initial MERS effective date by each eligible participant shall be retained as follows:
 - No prior service from date of hire
 - Prior service proportional to assets transferred; all service credit for vesting
 - Prior service and vesting service proportional to assets transferred
 - No prior service but grant vesting credit
 - No prior service or vesting credit
- If this new election is effective for purposes of determining contributions (unless otherwise specified, the attached transfer rules apply)

B. If this is an amendment of an existing Adoption Agreement (defined benefit plan member 01/01/2014), the effective date will be the first day of 01/01/2014. Please note: You only need to make changes to your plan through the member's plan Agreement.

C. If this is a temporary benefit transfer (2-6 months), the effective date of this temporary benefit will be 01/01/2014 through 06/30/2014 for (defined benefit) pension member 01/01/2014. Please note: You only need to make changes to your plan through the member's plan Agreement.

D. If this is to re-engage employees from an existing Defined Benefit plan (defined benefit) pension member 01/01/2014. Please note: You only need to make changes to your plan through the member's plan Agreement. The effective date shall be the first day of 01/01/2014.

Defined Benefit Plan Adoption Agreement

ii. Eligible Employees

Only those employees eligible for MERS membership may participate in the MERS Defined Benefit Plan. A copy of ALL employee involvement forms must be submitted to MERS. The following groups of employees are eligible to participate:

Current Status: Full Time Hired After July 1, 2013
 Employees will be in this division.

These employees are (check one or both):

- in a collective bargaining or if both cover page, non-vest section, signature page
- Subject to the same personnel policy

To receive one month of service credit (check one):

- An employee shall work 10 0 hour days.
- An employee shall work 0 hour in a month.

All employees as classified under eligible employees, whether full or part time, who meet the criteria must be reported to MERS. If you change your status day of work reference to the most appropriate. Do not indicate only eligible in a non-vest section unless otherwise specified.

To further define eligibility, check all that apply:

- Probationary periods are allowed in one-month increments, no longer than 12 months. During this probationary period, the employee will not report or accrue service time for this period, including retroactively. Service will begin after the probationary period has been satisfied. The probationary period will be 0 months.
- Temporary employees in a position normally requiring less than a total of 12 whole months of work in the position may be excluded from membership. These employees shall be notified in writing by the participating municipality that they are excluded from membership within 30 business days of date of hire or re-employment of the Agreement. The temporary exclusion period will be 0 months.

19. Provisions

Effective Date: 01/01/2014 to 12/31/2014

1. This Adoption Agreement will be retroactively implemented with a current adjusted valuation certified by a MERS actuary to all active participants.
2. Notwithstanding to MERS actuary will conduct periodic valuations to determine the employee's contribution rates. Employees are responsible for payment of said contributions if the rate, in the form set at the time that MERS determines.

Official Document - Public Information
M-1 District
Ordinance No. 195
The following Ordinance is hereby adopted by the City of Mason, Ohio, on this 18th day of November, 2013.
I, _____, Mayor of the City of Mason, Ohio, do hereby certify that the foregoing is a true and correct copy of the Ordinance as adopted by the City Council of the City of Mason, Ohio, on this 18th day of November, 2013.
Date: November 18, 2013
Official Signature: _____
Printed Name: _____
Title: Mayor of the City of Mason, Ohio

Official Document - Public Information
M-1 District

RESOLUTION APPROVED UNANIMOUSLY

Second Reading and Adoption — Ordinance No. 195 – An Ordinance to Amend Section 94-151 of Chapter 94 – Zoning – of the Code of the City of Mason to Amend Subsection (D) to Add a New Subsection (4) to Permit the Sale of Repaired, Used Vehicles, by Special Use Permit as an Accessory Use to a Body and Paint Shop for Automobiles and Other Vehicles

MOTION by Droscha, second by Ferris,
to consider Ordinance No. 195 read for the second time and adopted as amended.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 195

AN ORDINANCE TO AMEND SECTION 94-151 OF CHAPTER 94 – ZONING – OF THE CODE OF THE CITY OF MASON TO AMEND SUBSECTION (d) TO ADD A NEW SUBSECTION (4) TO PERMIT THE SALE OF REPAIRED, USED VEHICLES, BY SPECIAL USE PERMIT AS AN ACCESSORY USE TO A BODY AND PAINT SHOP FOR AUTOMOBILES AND OTHER VEHICLES.

THE CITY OF MASON ORDAINS:

Section 94-151 of Chapter 94 of the Mason City Code is hereby amended to read as follows:

Sec. 94-151. M-1: Light manufacturing district.

- (a) Intent and purpose. It is the purpose of this district to provide opportunities for a variety of industrial activities that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise, fumes, vibrations, odors and traffic patterns, and resulting in limited demands for additional public services. Manufacturing operations in this district are generally intended to utilize previously prepared materials as opposed to the use, alteration, or manipulation of raw materials.
- (b) Uses permitted by right.
- (1) Industrial parks.
 - (2) Research, development, and prototype manufacturing facilities and offices.
 - (3) Warehousing, grain elevators, grain storage, refrigerated storage, bulk storage of petroleum products, and general storage.
 - (4) Local and regional transit and passenger transportation facilities, and trucking terminals, maintenance and service facilities.
 - (5) Laundry services.
 - (6) The manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, and food products.
 - (7) Assembly of merchandise such as electrical appliances, and electronic or precision instruments.
 - (8) Printing, lithographic, blueprinting, copying, and similar uses.

- (9) Light manufacturing activity which, by the nature of the materials, equipment, and processes utilized, is to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials:
 - a. Furniture and fixtures.
 - b. Paper and paperboard products.
 - c. Jewelry, silverware and plated ware.
 - d. Musical instruments and parts.
 - e. Toys and sporting goods.
 - f. Signs, advertising displays and canvas products.
 - g. Office computing and accounting equipment.
 - h. Jobbing and repair machine shops.
- (10) Body and paint shops for automobiles and other vehicles.
- (c) Permitted accessory uses. Accessory uses and structures as defined in this chapter.
- (d) Uses authorized by special use permit.
 - (1) Day care facilities serving the principal uses in the M-1 district if the planning commission determines that the nature of the principal use and/or the relative location of the principal use or other uses to the day care facility does not pose any significant threat to the safety of children attending the day care facility (refer to section 94-192(8)).
 - (2) Public buildings for governmental utility or public service use, including storage yards, transformer stations, and substations (refer to section 94-192(8)).
 - (3) Communication towers and antennas (refer to section 94-173(d)).
 - (4) Sale of repaired, used vehicles, by special use permit as an accessory use (refer to section 94-151(c)) to a paint and body shop for automobiles and other vehicles (refer to section 94-151(b)(10)) which meets and complies with the following conditions and criteria.
 - a. Only the sale of vehicles which have been purchased in a state of disrepair and then repaired at the premises operated as a body and paint shop pursuant to Sec. 94-151(b)(10).
 - b. The sale of repaired vehicles shall not exceed a total sum of eighteen (18) per calendar year.
 - c. No advertising shall occur or be placed on the premises indicating the sale of used vehicles. This shall include no "for sale" signage on the vehicle itself unless such vehicle is located on the premises where it is not readily visible to the general public from any nearby roads.
 - d. No repaired vehicles shall be kept or stored at the front of the site or at any location on the site where they are reasonably visible to the general public from abutting roadways.
 - e. The owner maintain accurate records on the premises for each vehicle purchased for repair reflecting the date of purchase, purchase price, seller, a brief description of repairs accomplished, and sale price. Such records shall be made available for inspection by the zoning official upon request.
 - f. Compliance with all other provisions of these Ordinances including the requirements for a Special Use Permit as well as Sec. 94-151(e).
 - g. ~~The owner complies with any federal, state, or county ordinances or~~ requirements relative to the sale of vehicles, obtains all required licenses and/or permits and maintains them in good standing at all times.
 - h. For purposes of this subsec. 94-151(d)(4), the following definitions shall apply:
 - 1. "Vehicles" shall mean and refer to automobiles, trucks, motorcycles, and similar items.
 - 2. "State of disrepair" shall mean that the vehicle in question had such damage or necessitated repairs to its power train, chassis, other non-exterior visible items and/or body work and where the necessary repairs, at normal retail pricing would exceed twenty-five percent (25%) of the retail value of the vehicle, after repair.
- (e) Development standards. Any use of land or structures in this district shall comply with the general development standards of section 94-121(c) of this chapter.

Effective Date. Notice of this ordinance shall be published in a newspaper of general circulation in the city within 15 days after its adoption and mailed in accordance with the requirements of MCL 125.3401. This ordinance shall take effect upon the expiration of 20 days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Droscha and supported by Council Member Ferris with a vote thereon being: YES (4) NO (1), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 18th day of November, 2013.

Yes (4) Brown, Droscha, Ferris, Mulvany

No (1) Clark

Absent (2) Bruno, Naeyaert

ORDINANCE APPROVED

Motion — 2014 Tree Service Plan

Colburn stated that Express Tree Services had submitted a quote for the removal of trees and stumps, as well as 120 hours of tree trimming for 2014.

MOTION by Droscha, second by Ferris,
to approve the quote of Express Tree Services for the year 2014 in the amount of \$18,705.00.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Brown commented on a newspaper article regarding the Sparrow Urgent Care facility located in Mason.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Clark informed Council regarding Downtown Development Authority business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business. He presented a plaque to Mayor Clark and the Council from the University of Michigan, Dearborn, through their college of business, in recognition of the practices of the City of Mason and the policies established by the Council and the good works the city is doing on behalf of private industry and business.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Deborah J. Cwiertniewicz, City Clerk

Leon R. Clark, Mayor