

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 6, 2015**

Mayor Waltz called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan, 48854. Councilmember Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah J. Cwierniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
Ken Baker, DPW Director
Tom Silsby, DPW Superintendent
John Stressman, Chief of Police
Kerry Minshall, Fire Chief
Tom Hitch, City Attorney

ANNOUNCEMENTS

- National Day of Prayer – Courthouse Lawn – May 7, 2015
- Appreciation was offered to City Clerk Deborah Cwierniewicz, staff, and election inspectors for a flawless Election Day, May 5, 2015
- Appreciation was given for those who attended the first Spring Fling Swing Thing held at Rayner Park May 2, 2015, as well as organizations and clubs that support the event and Rayner Park

PEOPLE FROM THE FLOOR

Jill Leach of 955 West Columbia Street spoke in support of sidewalk installation along West Columbia.

Fire Chief Kerry Minshall expressed gratitude for those who supported the Mason Fire Association Pancake Breakfast and Rummage Sale.

PUBLIC HEARING

Fiscal Year 2015-2016 Budget

Waltz opened the public hearing at 7:37 p.m.

Colburn gave a brief overview of the Budget adjustments discussed at the Budget Work Sessions.

Russ Whipple of 322 Lawton Street is the Mason Softball Association League Director. He informed Council that the Mason Softball Association is a 501(c)(3) organization. Mr. Whipple is also the Fire Department Lieutenant. He asked Council to consider a sinking fund that would be managed by the Fire Chief for the fire department apparatus. He presented a proposed apparatus purchase plan he developed.

Seth Waxman of 424½ South Jefferson Street, No. 3, submitted a letter stating that he was unable to attend the public hearing and wanted to speak to the proposed Budget. He commended Council for broadcasting the Budget work sessions. He stated concern regarding the request for a tax increase. He feels that the surplus should be spent to enrich the community or be returned to the taxpayers and that the City fleet needs to be on a rotating schedule.

Waltz closed the public hearing at 7:53 p.m. being there were no further comments.

CONSENT AGENDA

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

- A. Approval of Minutes - Regular Council Meeting: April 20, 2015
- B. Approval of Bills: \$ 91,579.65

MOTION APPROVED

REGULAR BUSINESS

Second Reading – Ordinance No. 199 – To Amend the Use District Map

Haywood elaborated on his submitted report regarding a proposed ordinance to amend the use district map by rezoning 1.09 acres of land owned by Dart Bank from O-1 Office to C-1 Central Commercial. He informed Council that a reference was included regarding the specific zoning districts subject to the rezoning request in the first whereas, by the advice of City Attorney Hitch.

Ordinance No.199 was introduced by Droscha and second by Ferris.

CITY OF MASON ORDINANCE NO. 199

AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 1.09 ACRES OF LAND AFFECTING MULTIPLE PROPERTIES HAVING THE FOLLOWING PARCEL NUMBERS AND ADDRESSES 222 W. ASH ST. (PARCEL # 33-19-10-08-235-026), 237 W. MAPLE ST. (PARCEL # 33-19-10-08-234-004), 241 W. MAPLE ST (PARCEL # 33-19-10-08-235-003), 245 & 247 W. MAPLE ST. (PARCEL # 33-19-10-08-235-002), AND LOTS 4 AND 5, BLOCK 44 ORIGINAL PLAT OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 37 OF DEEDS, PAGE 234, INGHAM COUNTY RECORDS FROM O-1 OFFICE TO C-1 CENTRAL BUSINESS

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 to rezone the following property from O-1 Office to C-1 Central Business:

Lots 1, 2, 3, 4 and 5, Block 44, Original Plat of the City of Mason, Ingham County, Michigan as recorded in Liber 37 of Deeds, page 234, Ingham County records; and

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 Planning Commission, at its April 14, 2015, meeting adopted Resolution No. 2015-01 recommending adoption of this ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the municipal water, sanitary sewer and storm sewer currently serves and are adequate for the site considering the proposed zoning district; and

THE CITY OF MASON FURTHER ORDAINS: That the official zoning map shall be marked evidencing this change, 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.

ORDINANCE APPROVED

Resolution 2015-19 – Honoring City of Mason Public Servants During Public Service Recognition Week

Brown commented that the City Council, on behalf of the residents, in recognition of City employees, would like to express gratitude to all City employees by honoring them with this resolution for Public Service Recognition Week.

MOTION by Droscha, second by Brown,
to consider Resolution No. 2015-19 read.

MOTION APPROVED

Resolution No. 2015-19 was introduced by Brown and seconded by Ferris.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-19
A RESOLUTION HONORING CITY OF MASON PUBLIC SERVANTS
DURING PUBLIC SERVICE RECOGNITION WEEK
MAY 6, 2015**

WHEREAS, the residents of Mason value the dedicated and hardworking men and women who deliver valuable government service to the City every day; and

WHEREAS, City of Mason employees deliver critical resources and services that residents have come to depend on; and

WHEREAS, these employees help make life better for the residents of Mason and ensure that our government is the best in the State; and

WHEREAS, Mason residents recognize the significant challenges these public servants encounter on a daily basis; and

WHEREAS, City of Mason public servants deserve our thanks and appreciation throughout the year.

BE IT HEREBY RESOLVED, that the Mason City Council, on behalf of the residents of the City of Mason, expresses deep gratitude for the commitment shown by City employees every day of the year and honors our public servants during Public Service Recognition Week, May 3 – 9, 2015.

RESOLUTION APPROVED

Motion – Request to Occupy the City Right-of-Way

Cwierniewicz spoke regarding the request submitted by Jamie Robinson, owner of Bestsellers, for use of the right-of-way in front of her building to host a Mother's Day Brunch. The request includes the parking spaces on the west side of Jefferson Street to allow Good Bites Food Truck to occupy those spaces. It is planned for Good Bites Food Truck to provide brunch for an 11:00 a.m. and 1:00 p.m. seating. She has also requested a temporary outdoor service permit from the Michigan Liquor Control Commission (MLCC), which would require roping from the door of Bestsellers, around the seating area to other side of "Extra" if approved. A pedestrian walkway will be open between the food truck and the seating area. Approval from the local body is required to apply for a temporary outdoor service permit by the MLCC. Staff views the request to be the same as the April 20, 2015 request of Good Bites Food Truck to occupy downtown, two-hour parking spaces for an extended number of hours. Council deliberated on this matter at its

April 20 meeting and determined to not allow the request and assigned staff with the task of drafting an ordinance to regulate the use. Although this is a one-time event, there is concern that precedence is being established.

Jamie Robinson, owner of Bestsellers and "Extra," commented on the request and the regulations of the MLCC. She stated that traffic cones would be used in the right-of-way around the food truck.

Discussion was held regarding whether a resolution was necessary to take action on the request to occupy the City right-of-way. It was the opinion of Mr. Hitch that for this request, a motion would be appropriate.

MOTION by Clark, second by Ferris,
to approve the request of Jamie Robinson, owner of Bestsellers, for the use of the
right-of-way in front of her businesses and the parking spaces.
Yes (4) Brown, Clark, Droscha, Ferris
No (3) Bruno, Mulvany, Waltz
MOTION APPROVED

Discussion – Third Update on Well No. 9 Progression

Baker informed Council that staff met with the Michigan Department of Environmental Quality (MDEQ) regarding an option to drill a large diameter well and screen the section of the well where the caving issues have taken place. The MDEQ suggested that a smaller diameter well could be drilled and a steel casing could be placed to prevent collapse of the unstable rock.

Discussion ensued regarding various solutions.

MOTION by Brown, second by Droscha,
to direct the Public Works Director to bid repair of Well No. 9 and drilling of a
second smaller diameter well.
Yes (5) Brown, Droscha, Ferris Mulvany, Waltz
No (2) Bruno, Clark
MOTION APPROVED

Discussion – Collection of Trash in Downtown Business District

Silsby informed Council that it is policy to empty all trash receptacles in the downtown business district every Monday and Friday. Staff met with DDA Chairperson Mark Howe to address the issue. It was determined to send letters to licensed outdoor business owners reminding them of the ordinance requirements.

UNFINISHED BUSINESS

Discussion was held regarding the apparatus purchase plan proposed by Russ Whipple

NEW BUSINESS

Discussion was held regarding an oil and gas company going door-to-door in the City to purchase mineral rights. The proper City permits were acquired by the company. Attorney Hitch is currently researching the matter. It was the consensus of Council to have Mr. Hitch review Chapter 38 of the Mason Code and report to Council when the research is completed.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Ferris informed Council regarding Tree Commission business. A Sugar Maple tree was planted for Arbor Day Honoree Dennis O'Brien, former City of Mason Cemetery Superintendent, at the Maple Grove Cemetery.
- Droscha informed Council regarding Traffic Commission business.

COUNCILMEMBER REPORTS

Watz reported that through Lansing Economic Area Partnership (LEAP) he attended a fundraiser for Lansing Promise Scholarship

ADMINISTRATOR'S REPORT

- Colburn informed Council regarding city business.

ADJOURNMENT

The meeting adjourned at 9:22 p.m.

Deborah J. Cwierniewicz, City Clerk

Mike Waltz, Mayor