CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 6, 2016

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz
Absent: Councilmember: None
Also present: Deborah S. Stuart, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

ANNOUNCEMENTS

- Councilmember Bruno stated that he attended the Veterans Freedom Park dedication in Harrison, Michigan, whose theme was to remember, honor, and reflect. He thought this should be a model our community could consider.
- Councilmember Clark was congratulated as he was installed as the Commander of American Legion Post 148 on May 27, 2016.
- Blood Drive – St James Catholic Church – Thursday, June 16, 2016
- Thursday Night Live – Mason Orchestral Society – June 9, 2016

PEOPLE FROM THE FLOOR

Jack Carmichael of 519 South Rogers commented on various topics including West Bay and Consumers Energy. He stated that he feels the City of Mason should inform residents of elevated levels of copper in public buildings in Mason.

Seth Waxman, Planning Commission Secretary, stated support for the Food Truck Ordinance.

PRESENTATION

Jeff Mills from Arts Initiative of Mason (AIM) and artist Doug DeLind presented the art piece fashioned by Mr. DeLind to the City of Mason that will be placed at the trailhead of Hayhoe Riverwalk Trail.

CONSENT AGENDA

It was the consensus of Council to move Agenda Item 7(C) Motion – Approval of Street Closure for Movies by Moonlight,to Regular Business as Agenda Item No, 8(B), adjusting the remaining items accordingly.

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

A. Approval of Minutes: Regular Council Meeting: May 16, 2016
B. Approval of Bills: $786,462.01
C. Motion: Approval of Street Closure for Relay for Life
Approval for the street closure of Maple Street between Jefferson and Ash Streets to allow holding the Relay for Life event Friday June 17, 5:00 p.m. through Saturday, June 18, 2016, 6:00 p.m.

MOTION APPROVED

REGULAR BUSINESS

Resolution – Authorizing an Application to the Ingham County Regional Trails and Parks Millage and to Rehabilitate Two Pedestrian Bridges in the City of Mason

Stuart explained that the City is eligible to apply for Ingham County Trails and Parks millage funds for the first round related to existing bridges. Mason has three bridges prioritized for replacement:

MOTION by Brown, second by Ferris,
to approve City Council Resolution – Authorizing an Application to the Ingham County Regional Trails and Parks Millage and to Rehabilitate Two pedestrian Bridges in the City of Mason.
MOTION APPROVED

City Council Resolution – Authorizing an Application to the Ingham County Regional Trails and Parks Millage und to Rehabilitate Two Pedestrian Bridges in the City of Mason was introduced by Brown and seconded by Ferris.

CITY OF MASON
CITY COUNCIL RESOLUTION 2016-15
A RESOLUTION AUTHORIZING AN APPLICATION TO THE INGHAM COUNTY REGIONAL TRAILS AND PARKS MILLAGE FUND TO REHABILITATE TWO PEDESTRIAN BRIDGES IN THE CITY OF MASON
June 6, 2016

WHEREAS, the City of Mason is eligible to apply for Ingham County Trails and Parks Millage funds for the purpose of regional recreational amenity maintenance;

WHEREAS, the Ingham County Trails and Parks Comprehensive Report identifies two existing pedestrian bridges on the Hayhoe Riverwalk Trail as eligible for funding, those being: 1) north of West Elm Street and 2) near West South Street;

WHEREAS, the City Engineer has confirmed that the most fiscally prudent step is to rehabilitate the bridges with a goal of maintaining the quality infrastructure that was already in place;

WHEREAS, the rehabilitation of these two bridges is critical to the functionality of the Hayhoe Riverwalk Trail as a major regional connector trail to Delhi and Vevay Townships, as supported by the City's Master Plan and Recreation Plan;

WHEREAS, the City of Mason supports the submission of an application to the Ingham County Regional Trails and Parks Millage Fund for the rehabilitation of two pedestrian bridges over the Sycamore Creek to bring them to acceptable safety and design standards with no required match from the local jurisdiction; and

WHEREAS, the project cost is estimated at $100,000, including both bridges, it is requested to be fully funded by the Ingham County Regional Trails and Parks Millage Fund.

NOW THEREFORE BE IT RESOLVED, the City Council hereby authorizes the City Administrator to submit a grant request to the Ingham County Trails and Parks Millage Fund for the rehabilitation of two pedestrian bridges over the Sycamore Creek and negotiate final terms of the grant agreement consistent with this resolution, if selected for funding.

RESOLUTION APPROVED

Motion – Approval of Street Closure for Movies by Moonlight
A brief discussion was held regarding the request for a street closure to allow the Movies by Moonlight event relating to the placement of the movie screen.

MOTION by Brown, second by Droscha,
to approve the street closure of Jefferson Street between Maple and Ash Street for Movies by Moonlight, which will provide seating, on June 24, July 29, and August 19, 2016 from 7:30 p.m. – 11:00 p.m.

MOTION APPROVED

UNFINISHED BUSINESS
Motion – Second Reading – Mobile Food Vending Regulation Ordinance

MOTION by Brown, second by Droscha,
to consider the Mobile Food Vending Regulation Ordinance read for the second time and adopted.

There was extensive discussion regarding the proposed mobile food vending regulation ordinance. Statements of support as well as opposition were made.

Motion by Clark, second by Droscha
to amend 10-74(c) by changing the paragraph to read as follows: Mobile Food vehicle vendors may provide a dining area no further than 10 feet from the mobile food vehicle including, but not limited to, tables and chairs, booths, benches, etc., on in the City right-of-way and not impeding pedestrian traffic on the sidewalk.

Yes (3) Clark, Droscha, Ferris
No (4) Brown, Bruno, Mulvany, Waltz
MOTION FAILED

Motion by Clark, second by Bruno
to amend 10-74(h) by inserting language after the first sentence as follows: Vehicles may not park any closer than two parking spaces, both angle and parallel parking spaces, from any intersection excluding alleys.
Yes (3) Bruno, Clark, Mulvany
No (4) Brown, Droscha, Ferris, Waltz
MOTION FAILED

VOTE ON THE MOTION:
Yes (4) Brown, Droscha, Ferris, Waltz
No (3) Bruno, Clark, Mulvany
MOTION APPROVED

City of Mason Ordinance No. 202, Mobile Food Vending Regulation Ordinance, was introduced by Brown and seconded by Droscha.

CITY OF MASON
ORDINANCE NO. 202
MOBILE FOOD VENDING REGULATION ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 10 – BUSINESSES – BY ADDING ARTICLE III, MOBILE FOOD VENDORS – WHICH DEFINES MOBILE FOOD VENDORS AND SETS FORTH REQUIREMENTS FOR COMPLIANCE

THE CITY OF MASON ORDAINS:

Chapter 10 of the Mason City Code is hereby amended by adding Article III to establish regulations for mobile food vendors, which amended, article shall read as follows:

ARTICLE III. Mobile Food Vehicle Vending

Section 10-70. Definitions

Mobile food vending means vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.

Mobile food vehicles means any motorized or non-motorized, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served or offered for sale.

Mobile food vendor means any entity engaged in the business of Mobile Food Vending; including individuals operating a food preparation stand, cart or other means of conveyance.

Section 10-71. Scope

The provisions of this article apply to mobile food vehicles engaged in the business of cooking, preparing and distributing food or beverage with or without charge on any public street or a stand open to the street. . This ordinance does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts and stands located on sidewalks.

Section 10-72. License Required

(a) It shall be unlawful for any person, including any religious, charitable or nonprofit organization, to operate within the City a mobile food vehicle without having obtained from the City Clerk a license for that purpose.

(b) A person desiring to operate a mobile food vehicle shall make written application for such license to the City Clerk. The application for a license shall be on forms provided by the City Clerk and shall include the following:

(1) Name, signature, phone number, email contact and business address of the applicant.

(2) Information on the mobile food vehicle to include year, make and model of the vehicle and dimensions, which shall not exceed 36 feet in length, and 9 feet inwidth.

(3) Information setting forth the proposed hours of operation, as defined in subsections 10-74(i) and (j), area of operations, plans for power access, water supply and wastewater disposal.

(4) Copies of all necessary license or permits issued by the Ingham County Health Department.

(5) Insurance coverage.

(c) Proof of General Comprehensive Liability policy with limits of no less than $2 million Combined Single Limit coverage issued by an insurer licensed to do business in this state and which names the City as an additional insured.

(d) Proof of Public Liability and Property Damage motor vehicle policy with limits of no less than $1 million issued by an insurer licensed to do business in this State.

(e) Each mobile food vehicle license shall expire upon the expiration of this ordinance.

(f) A license issued under this ordinance shall not be transferable from person to person.

(g) A license is valid for one vehicle only and shall not be transferred between vehicles.

(h) The license requirement for mobile food vendors shall not apply to vendors associated with special events approved by City Council or private catered events on private property.

Section 10-73. Fees

An application for a permit under this Article shall be accompanied by a fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. If operating on non-City property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Article.

Section 10-74. Regulations

(a) No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the city where the license holder has not been authorized to operate.

(b) The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb lawn or sidewalk when parked. No food service shall be provided on the driving lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles.

(c) No mobile food vehicle vendor shall provide a dining area, including but not limited to tables and chairs, booths, stools, benches or stand up counters.

(d) All mobile food vehicle vendors shall offer a waste container for public use, which the vendor shall empty at its own expense. Vendors shall monitor nearby City trash containers for overflow. All trash and garbage originating from the operation of mobile food vehicles, including overflow of the nearby City trash receptacles, shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.

(e) No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the city noise ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.

(f) Signage is only allowed when placed on mobile food vehicles. No separate free-standing signs are permitted.

(g) No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.

(h) Mobile food vehicles when parked on public streets shall be parked in conformance with all applicable parking restrictions, unless otherwise permitted, and shall not hinder the lawful parking or operation of other vehicles, with the exception of parallel parking. Mobile food vehicles may parallel park in angled parking, provided the vehicle occupies no more than four parking spaces

(i) A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time. At no time shall a mobile food vehicle be unattended and shall be in the process of setting up, open for business or closing up for the day. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

(j) A mobile food vendor may conduct business between the hours of 6am and 2am. This restriction shall not apply to Special Event Vendors operating under a separate event permit issued by City Council. A mobile food vendor may not reserve a parking space in advance of occupying the space with a mobile food vehicle.

(k) The issuance of a mobile food vehicle license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.

(l) A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle until a license has been obtained from the City Clerk.

(m) No mobile food vehicle shall use external signage, bollards, seating or other equipment not contained within the vehicle. When extended, awnings for mobile food vehicles shall have a minimum clearance of 7 feet between the ground level and the lowest point of the awning or support structure.

(n) Any power required for the mobile food vehicle located on a public way shall be self-provided and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. No power cable or equipment shall be extended at or across any City street, alley or sidewalk.

(o) Mobile food vendors may not operate or sell within a residentially zoned area, except when immediately adjacent to city owned property, including parks and parking lots.

(p) Mobile food vendors may operate in City parks. The hours of operation for mobile food vendors located within City parks shall be limited to park hours.

(q) Mobile food vendors may operate only in areas where brick and mortar business establishments or property owners have not objected to mobile food vendors locating on the street in front of their businesses. The City shall maintain a list of businesses or property owners within the City that object to a mobile food vendor locating within the public right of way immediately in front of their business or property. A local business or property owner may object at any time during the year. Businesses and property owners may not object to mobile food vendors locating on the opposite side of the street. Mobile food vendor permits shall include a copy of said list. The City Clerk shall be allowed 14 days to update and distribute the prohibited locations list to licensees.

Section 10-75. Enforcement

(a) Any license holder operating a mobile food vehicle in violation of any provision of this ordinance or any rules and regulations promulgated by the City shall be subject to a civil fine of $250 per day. Each day of violation shall constitute a separate and distinct offense.

(b) Once a license has been issued it may be revoked, suspended or not renewed by the City Clerk for failure to comply with the provisions of this ordinance and any rules or regulations promulgated by the City.

Section 10-76. Severability

If any portion of this Ordinance or the application thereof to any person is adjudged to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other portion of this Ordinance, or the application to any other portion of this Ordinance to any such person or other persons.

Sunset Provision. The provisions of this ordinance shall expire 18 months from the date the ordinance goes into effect.

Effective Date. This ordinance shall take effect upon the expiration of 20 days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Brown and supported by Council Member Droscha, with a vote thereon being: YES (4) NO (3), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 6th day of June, 2016. Ordinance No. 202 declared adopted this 6th day of June, 2016.

ORDINANCE APPROVED

UNFINISHED BUSINESS

Bruno asked for clarification on the informal evaluation of the City Administrator that is scheduled to take place in July. Mayor Waltz stated that the evaluation form has been completely reworked by Pat Price and he (Mayor Waltz) and Brown have been working with Mr. Price on a presentation that will be made to the Council at a later date so they can understand Mr. Price's rationale behind the new form.

Bruno inquired about the status of washing police vehicles at a city carwash. Stuart stated that she will give an update at the June 20 Council meeting.

NEW BUSINESS

Brown commented on curbside recycling for the city. Stuart stated that she researched the topic and intends to pursue the matter with Granger as well as other trash removal companies to consider letting a bid in 2017 .

Bruno informed Council that House Bill 4299 was enacted, allowing Outdoor Recreational Vehicles (ORV) on municipal streets. The Traffic Commission considered the matter recently but did not take any action. Droscha stated that it was not supported. Waltz suggested that Councilmember Bruno bring a proposal to the City Council for consideration.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

Waltz informed Council regarding Downtown Development Authority business.

COUNCILMEMBER REPORTS

Ferris informed Council that the Traverse Area Recreation and Transportation Trails (TARTT) made a presentation to the Friends of Lansing Regional Trails (FLRT) at their last meeting. FLRT is working to involve volunteers with the upkeep and public relations for the trails.

ADMINISTRATOR'S REPORT

Stuart informed the Commission regarding current City business.

Motion – Adjourn to Closed Session to Discuss AFSCME Contract Negotiations

MOTION by Brown
to adjourn to closed session to discuss AFSCME contract negotiations.

Yes (7) Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz
No (0)
MOTION APPROVED

The meeting adjourned to closed session at 9:13 p.m.

The meeting reconvened at 9:48 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:49 p.m.

Deborah J. Cwiertniewicz, City Clerk

Michael F. Waltz, Mayor