

# CITY OF MASON

201 West Ash St.  
Mason, MI 48854-0370

City Hall 517-676-9155  
Fax 517-676-1330

Work Session - Storm Sewer  
6:30 p.m.

## CITY COUNCIL MEETING - COUNCIL CHAMBER

Monday, February 18, 2013

7:30 p.m.

### *Revised Agenda*

1. Call to Order
2. Roll Call
3. Pledge of Allegiance and Invocation
4. Announcements
5. People from the Floor
6. Presentations
  - A. City of Mason – Mission Statement – Martin A. Colburn, City Administrator
7. Public Hearing
  - A. Removal of Dead Trees from Private Property Located on Vacant Property Known as 33-19-10-08-151-006
    - Resolution No. 2013-07– Authorization to Remove Dead Trees from Private Property
8. Consent Agenda
  - A. Approval of Minutes Regular Council Meeting: February 4, 2013
  - B. Approval of Bills
9. Regular Business
  - A. Ordinance No. 193 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62 of the Mason Code, to Rezone 0.258 Acres of Land Located at 144 North Mason Street from R2F Two-Family Residential to RM Multiple Family Residential
  - B. Resolution No. 2012–08 – Approval of the Purchase of a 2013 Ford Expedition Special Service Vehicle
  - C. Resolution No. 2012–09 – Mayoral Appointment to the Traffic Commission
  - D. Motion – 2012 Annual Report – Fire Department - Chief Kerry Minshall
  - E. Motion – Bid for Auditing Services
  - F. Motion – Request to be Excused – City Council Member Leslie W. Bruno, Jr.
  - G. Discussion – WOW (Wide Open West) Service Disruptions
  - H. Discussion – 224 South Jefferson Street Property
10. Unfinished Business
11. New Business
12. Correspondence
  - Monthly Revenue and Expenditure Report
13. Liaison Reports
14. Councilmember Reports
15. Administrator's Report
  - State of Michigan v McQueen – Supreme Court Decision
16. Adjournment

# CITY OF MASON, MICHIGAN

## Mission Statement

Mason is a community founded upon a respect for our historic past, while encouraging an atmosphere that values family, business, the environment and arts, creating a sense of place for present and future generations.



# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

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**Meeting Date:** February 18, 2013

**Agenda Item:** 7(A)

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### **AGENDA ITEM**

- Public Hearing - Removal of Dead Trees from Private Property Located on Vacant Property Known as 33-19-10-08-151-006
- Resolution No. 2013-07 – Authorization to Remove Dead Hazardous Ash Trees from Private Property

### **EXHIBITS**

- Notice dated November 2, 2012, to Property Owner from the Mason Police Department Code Enforcement Officer
- Photographs of dead hazardous Ash trees
- Site map of the property
- Notice of Public Hearing dated February 7, 2013, to Property Owner from the Mason City Clerk

### **STAFF REVIEW**

- Mason Police Department Code Enforcement
- Department of Public Works

### **SUMMARY STATEMENT**

In accordance with Mason Code, staff has noticed a Mason property owner regarding the removal of dead Ash trees. Staff has spoken verbally, several times, with the property owner and the property owner's Power of Attorney, to no avail.

The Mason City Clerk noticed the property owner and his power of attorney as directed by Resolution No. 2013-06 in writing of a public hearing, inviting them to appear at the February 18, 2013, hearing and provide an opportunity to offer evidence, testimony, or a written statement as to why the Mason City Council should not take the action described in Resolution No. 2013-06.

In accordance with the Code, staff is reporting the failure of compliance and requesting the City Council to authorize the director of public works to cause the work to be done, with all costs assessed against the property.

### **RECOMMENDED ACTION**

Move to approve Resolution No. 2013-07.

Introduced:  
Second:

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2013-07**

**AUTHORIZATION TO REMOVE DEAD TREES FROM PRIVATE PROPERTY**

**February 18, 2013**

**WHEREAS**, stated in Mason Code, it is unlawful to maintain dead hazardous trees after receiving written notification by the City; and

**WHEREAS**, staff was made aware of hazardous trees located on vacant property known as 33-19-10-08-151-006 on October 22, 2012; and

**WHEREAS**, upon inspection of the trees, staff confirmed a total of 4 dead hazardous Ash trees and on November 5, 2012, mailed a letter of notice to the property owner requesting voluntary compliance in removal of the trees; and

**WHEREAS**, the property owner failed to comply in a reasonable and definite time with the order to remove the trees; and

**WHEREAS**, a public hearing was held by the Mason City Council at a regular City Council meeting on February 18, 2013, at 7:30 p.m. in the City Council Chambers, 201 West Ash Street, Mason, Michigan to receive public comment regarding said dangerous dead Ash trees; and

**WHEREAS**, notice of a public hearing was mailed to property owner Paul Hansen and his power of attorney, Mona Darling, inviting Mr. Hansen or his representative to appear at the hearing and provide an opportunity to offer evidence, testimony, or a written statement as to why the Mason City Council should not take the action described in Resolution No. 2013-06; now

**THEREFORE, BE IT RESOLVED**, that the City Council does hereby authorize the Director of Public Works to remove the 4 dead hazardous Ash trees located on vacant private property known as 33-19-10-08-151-006; now

**THEREFORE, BE IT FINALLY RESOLVED**, that the City Treasurer is hereby authorized to return the cost of cutting and removal to the July 2013 Tax Roll.

Yes

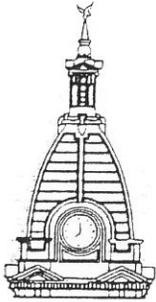
No

**CLERK'S CERTIFICATION:** I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, February 18, 2013, the original of which is part of the Council meeting minutes.

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Deborah J. Cwierniewicz, City Clerk  
City of Mason  
Ingham County, Michigan

Comp #  
12-CEO-0111



# Mason Police Department

201 W. Ash St.  
P.O. Box 370  
Mason, MI 48854-0370

JOHN STRESSMAN  
Chief of Police

Office: (517) 676-2458  
Fax: (517) 244-9024  
MASON\_PD@ingham.org

November 2, 2012

COPY

Paul Hansen  
1897 Schoolcraft Street  
Holt, Michigan 48842

Dear Mr. Hansen:

**RE: US 127 Lot in Mason, Michigan**

As you are the property owner of the lot listed as "US 127" on the City of Mason's property tax records, I am bringing to your attention some rather large dead ash streets located at this address. The property owners of 532 Middlebury Lane have made a complaint with me regarding these trees. The trees are in very close proximity to the property line in their backyard on the west side of the lot. They believe the dead trees present a danger to their property in the event the trees should fall over or portions should break off.

Back in March, 2011, I called on you to cut down other dead trees which bordered on other homeowners' property on Middlebury, and you were very cooperative and had the work done. Director of Public Works Martin Colburn and I are hoping we can again get your support in taking down these other trees. We are requesting that this work be done within the next 30 days.

If you should have any questions concerning this matter, please do not hesitate to contact me at 517-676-2458, extension 231, Monday through Thursday, from 12 noon to 5 p.m.

Sincerely,

MASON POLICE DEPARTMENT

James Duthie  
Code Enforcement Officer

JD/jal

Enclosure

By Authority of Chief of Police John Stressman

Comp # 12-CEO-0111 BEHIND 532 MIDDLEBURY

PHOTOS TAKEN BY  
SD 10/22/12



DEAD TREES



# City of Mason

201 W. Ash St.  
P.O. Box 370  
Mason, MI 48854-0370  
www.mason.mi.us



City Hall 517 676-9155  
Police 517 676-2458  
Fax 517 676-1330  
TDD 1-800-649-3777

February 7, 2013

Mr. Paul Hansen  
1897 Schoolcraft  
Holt, MI 48842

Dear Mr. Hansen,

A hearing date has been set by the Mason City Council to receive public comment regarding dangerous dead Ash trees located on your vacant property known as 33-19-10-08-151-006.

I am enclosing Mason City Council Resolution No. 2013-06, notice of a public hearing to be held on February 18, 2013 at 7:30 p.m. in the City Council Chambers, 201 West Ash Street, Mason, Michigan, for the purpose of receiving public comment, and to consider a resolution that the Director of Public Works be authorized to remove the hazardous trees and that the cost of cutting and removal be assessed to the property and placed on the July, 2013 city tax roll pursuant to section 86-74 of the Mason City Code.

You or your representative are invited to appear at the hearing and you will be provided an opportunity to offer evidence, testimony, or a written statement as to why the Mason City Council should not take the action described in the proposed resolution. A copy of Mason City Code sections 86-74 and 86-75 are enclosed.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Deborah J. Cwierniewicz". The signature is written in a cursive, flowing style.

Deborah J. Cwierniewicz  
City Clerk

Enclosures  
cc: Mona Darling w/encs

Introduced: Droscha  
Second: Brown

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2013-06**

**A RESOLUTION TO ESTABLISH A HEARING DATE TO  
CONSIDER DEAD HAZARDOUS ASH TREES ON VACANT  
PRIVATE PROPERTY KNOWN AS 33-19-10-08-151-006**

**February 4, 2013**

**WHEREAS**, as stated in Mason Code, it is unlawful to maintain dead hazardous trees after receiving written notification by the City; and

**WHEREAS**, staff was made aware of hazardous trees located on vacant property known as 33-19-10-08-151-006 on October 22, 2012; and

**WHEREAS**, upon inspection of the trees, staff confirmed a total of 4 dead hazardous Ash trees and on November 2, 2012, mailed a letter of notice to the property owner requesting voluntary compliance in removal of the trees; and

**WHEREAS**, the property owner failed to comply in a reasonable and definite time with the order to remove the trees;

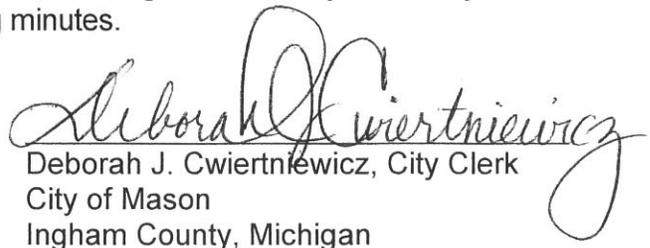
**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the City Council does hereby establish a hearing date of February 18, 2013 at 7:30 p.m. in the City Council Chambers, 201 West Ash Street, Mason, Michigan, for the purpose of receiving public comment, and to consider a resolution that the Director of Public Works be authorized to remove the hazardous trees and that the cost of cutting and removal be assessed to the property and placed on the July, 2013 city tax roll.

**RESOLVED FURTHER** that the City Clerk shall serve a copy of this resolution on the property owner of record by ordinary mail at the address shown on the city tax roll.

Yes (7) Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert

No (0)

**CLERK'S CERTIFICATION:** I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, February 4, 2013, the original of which is part of the Council meeting minutes.

  
Deborah J. Cwierniewicz, City Clerk  
City of Mason  
Ingham County, Michigan

(b) Any dead or diseased tree that constitutes a hazard to life and property or harbors insects or disease which constitute a potential threat to other trees within the city is declared to be a public nuisance, and it shall be unlawful for any person to maintain such tree on his property after notification as provided in this division.

(Ord. No. 66, § 1, 11-18-1963)

**Sec. 86-72. Removal of nuisance trees.**

Any nuisance trees located on public lands within the limits of the city shall be removed at city expense and under the direction of the director of public works.

(Ord. No. 66, § 2, 11-18-1963)

**Sec. 86-73. Right of entry of city employees.**

The director of public works or any employee of the city designated by him may enter upon private property to make field inspections, including the removal of specimens of nuisance trees for analysis.

(Ord. No. 66, § 3, 11-18-1963)

**Sec. 86-74. Notice of removal.**

(a) After inspection of a nuisance tree, the director of public works may require, by written notice, addressed either to the owner of the premises on which the tree is located or the occupant of such premises, the removal of such tree.

(b) If such notice is given, the person notified will be given a reasonable and definite time in which to comply with the order, which time shall be not less than ten days from the date of the notice. If such tree is not removed within the time given in the notice, the director of public works or authorized city employees shall report the failure to the city council. The city council may, without further notice, cause the work to be done. All costs involved in the cutting and removal of such trees shall be assessed against the property on the next general assessment roll of the city.

(Ord. No. 66, § 4, 11-18-1963)

**Sec. 86-75. Keeping of trees with diseases or infestations prohibited.**

No person shall keep or maintain any part of any elm tree infected with the Dutch Elm disease or any part of any ash tree infected with the Emerald Ash Borer within the city.

(Ord. No. 68, § 1, 6-10-1964; Ord. No. 170, 12-1-2008)

**Secs. 86-76–86-100. Reserved.**

DIVISION 2. RESERVED

**Secs. 86-101–86-130. Reserved.**

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF FEBRUARY 4, 2013**

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert  
Absent: Councilmember: None  
Also present: Martin A. Colburn City Administrator  
Deborah J. Cwiertniewicz, City Clerk  
David Haywood, Zoning & Development Director  
James Duthie, Code Enforcement Officer  
Dennis McGinty, City Attorney

**ANNOUNCEMENTS**

None.

**PEOPLE FROM THE FLOOR**

None.

**PUBLIC HEARING**

**Five-Year Recreation Plan**

Mayor Clark opened the public hearing at 7:35 p.m.

Pam Lower of 703 South Barnes Street stated that she is part of the Rayner Park Rally Club and asked questions regarding the budget and tree planting locations.

Meg Lechleitner of 402 ½ Apt. 3, South Jefferson Street, Bailey Cole of 785 East Maple Street, and Brianna Lound of 534 Maine Court stated that they are working toward their Girl Scout Silver Award. To accomplish this, they would like to build a dog park in the city of Mason and gave a variety of details that the park would include. A location has not been identified as yet.

Barb Tornholm of 703 Roosevelt Street elaborated on the points of her proposal she provided to Council regarding indoor physical fitness facilities.

Councilmember Ferris suggested identifying a space for artwork facilities as well as space in existing parks for public art.

Councilmember Brown stated that a resident who contacted him, asked that Council consider expansion of city trails within the city as well as connecting to trails in other communities.

Mayor Clark closed the public hearing at 7:50 p.m.

**CONSENT AGENDA**

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

- A. Approval of Minutes – Regular Council Meeting: January 21, 2013
- B. Approval of Bills: \$43,097.77

**MOTION APPROVED UNANIMOUSLY**

**REGULAR BUSINESS**

**Second Reading – Ordinance No. 192 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62 of the Mason Code, to Rezone 3.18 Acres of Land Located At 312 North Street from O-1 Office/M-2 General Manufacturing to C-1 Central Business**

MOTION by Naeyaert, second by Brown,  
to consider Ordinance No. 192 read for the second time and adopted.

**MOTION APPROVED UNANIMOUSLY**

It was discussed to remand the rezoning request back to the Planning Commission to demonstrate thorough consideration because the applicant is the city engineer, and to acquire clearer findings of fact on the matter.

VOTE:

Yes (5) Brown, Droscha, Ferris, Mulvany, Naeyaert

No (2) Bruno, Clark

**MOTION APPROVED**

**CITY OF MASON  
ORDINANCE NO. 192**

**AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 3.18 ACRES OF LAND LOCATED AT 312 NORTH STREET FROM O-1 OFFICE/M-2 GENERAL MANUFACTURING 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 as follows:

That property legally described as: A part of the East ½ of the Southeast ¼ of Section 5, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning at a point which is N00d01'04"W 760.47 feet along the North-South ¼ line and N89d44'03"E 1416.60 feet along the North line of North Street from the South ¼ Corner of Section 5; thence N00d23'30"W 268.00 feet; thence N17d34'41"W 236.33 feet; thence S85d51'19"E 344.89 feet; thence S00d13'22"E 467.10 feet to the North line of North Street; thence S89d44'03"W 272.61 feet along said North line to the point of beginning containing 3.18 acres of land more or less and subject to any easements or rights of way of record be rezoned from O-1 Office/M-2 General Manufacturing to C-1 Central Business.

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 January 15, 2013 meeting adopted Resolution No. 2013-01 recommending adoption of this ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the municipal water, sanitary sewer and storm sewer currently serves and is adequately 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 No. 2013-06 – A Resolution to Establish a Hearing Date to Consider Dead Hazardous Ash Trees on Vacant Private Property Known as 33-19-10-08-151-006**

MOTION by Naeyaert, second by Droscha,  
to consider Resolution No. 2013-06 read for the first time.  
**MOTION APPROVED UNANIMOUSLY**

Resolution No. 2013-06 was introduced by Droscha and seconded by Brown.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2013-06  
A RESOLUTION TO ESTABLISH A HEARING DATE TO CONSIDER DEAD HAZARDOUS  
ASH TREES ON VACANT PRIVATE PROPERTY KNOWN AS 33-19-10-08-151-006  
February 4, 2013**

**WHEREAS**, as stated in Mason Code, it is unlawful to maintain dead hazardous trees after receiving written notification by the City; and

**WHEREAS**, staff was made aware of hazardous trees located on vacant property known as 33-19-10-08-151-006 on October 22, 2012; and

**WHEREAS**, upon inspection of the trees, staff confirmed a total of 4 dead hazardous Ash trees and on November 2, 2012, mailed a letter of notice to the property owner requesting voluntary compliance in removal of the trees; and

**WHEREAS**, the property owner failed to comply in a reasonable and definite time with the order to remove the trees;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the City Council does hereby establish a hearing date of February 18, 2013 at 7:30 p.m. in the City Council Chambers, 201 West Ash Street, Mason, Michigan, for the purpose of receiving public comment, and to consider a resolution that the Director of Public Works be authorized to remove the hazardous trees and that the cost of cutting and removal be assessed to the property and placed on the July, 2013 city tax roll.

**RESOLVED FURTHER** that the City Clerk shall serve a copy of this resolution on the property owner of record by ordinary mail at the address shown on the city tax roll.

**RESOLUTION APPROVED UNANIMOUSLY**

**Motion – Farm Lease Agreement**

The City owns land adjacent to Temple Street and 56.77 acres at the northwest corner of Kipp Road and Dexter Trail. Historically, the City has leased the approximate 56 acres for the purpose of raising crops. Every three years, the City accepts bids from interested parties. The City let a bid for both pieces of land for farming purposes. A bid opening was held and the eight sealed bids submitted were publicly read, January 29, 2013 at 10:00 a.m.

MOTION by Naeyaert, second by Droscha,  
to accept the bid proposal from Mr. Craig Hamlin of Hamlin Farms in the amount of \$62,201.10 and authorize the City Administrator to enter into a lease agreement for three years.

**MOTION APPROVED UNANIMOUSLY**

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

Council requested to include a discussion item on the next regular meeting agenda regarding future use for the City owned parcel located at 224 South Jefferson Street.

**CORRESPONDENCE**

All correspondence was distributed.

**LIAISON REPORTS**

Droscha informed Council regarding Traffic Commission business.

**COUNCILMEMBER REPORTS**

None.

**ADMINISTRATOR'S REPORT**

Colburn informed Council regarding City business.

**ADJOURNMENT**

The meeting adjourned at 8:20 p.m.

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Deborah J. Cwierniewicz, City Clerk

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Leon R. Clark, Mayor

02/14/2013 03:27 PM  
User: TF  
DB: Mason City

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON

EXP CHECK RUN DATES 02/07/2013 - 02/20/2013  
BOTH JOURNALIZED AND UNJOURNALIZED  
BOTH OPEN AND PAID

COUNCIL REPORT  
MONDAY, FEBRUARY 18, 2013

Vendor Code Invoice GL Number	Vendor Name Invoice Description GL Description	Invoice Date	Amount
07800	BLUE CROSS BLUE SHIELD OF MICHIGAN		
GRP#7029499710DIV#00 750-000.00-231.015	MARCH HEALTH INS CITY EXP MARCH HEALTH INS CITY EXP	02/15/2013	6,527.50
GRP#7029499710DIV#02 750-000.00-231.015	MARCH HEALTH INS CITY EXPENSE MARCH HEALTH INS CITY EXPENSE	02/15/2013	14,723.55
GRP07029499DIV#0001 101-855.00-874.001	MARCH RETIREES INS CITY EXPENSE MARCH RETIREES INS CITY EXP	02/15/2013	6,437.16
		VENDOR TOTAL:	27,688.21
06474	CONSUMERS ENERGY		
FEB 2013 101-448.00-926.000	ELECTRICITY 1/1 - 1/31/13 ELECTRICITY 1/1 - 1/31/13	02/15/2013	8,360.84
FEB 2013 592-555.00-920.000	ELECTRICITY 12/21 - 1/23/13 ELECTRICITY 12/21 - 1/23/13	02/11/2013	9,553.45
		VENDOR TOTAL:	17,914.29
05164	INGHAM COUNTY TREASURER		
2307 592-557.00-818.000	2012 AT LARGE & CITY RD DRAIN ASSESMENTS 2012 AT LARGE & CITY RD DRAIN ASSESMENTS	02/15/2013	6,820.18
		VENDOR TOTAL:	6,820.18
05221	MCGINTY, HITCH, HOUSEFIELD, PERSON,		
FEB 2013 101-266.00-826.000	JAN 2013 LEGAL FEES JAN 2013 LEGAL FEES	02/15/2013	5,401.36
		VENDOR TOTAL:	5,401.36
07325	MERIDIAN TOWNSHIP		
2/5/13 101-265.00-818.000	BLDG INSPECTIONS 7/1 - 12/31/2012 BLDG INSPECTIONS 7/1 - 12/31/2012	02/15/2013	11,687.50
		VENDOR TOTAL:	11,687.50
		TOTAL - ALL VENDORS:	69,511.54

I hereby certify that I have reviewed the above bills and expenses and to the best of my knowledge and belief, they cover expenditures of City services and materials and are within current budget appropriations.



Martin A. Colburn  
City Administrator

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

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**Meeting Date:** February 18, 2013

**Agenda Item:** 9(A)

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### **AGENDA ITEM**

Ordinance No. 193 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62 of the Mason Code, to Rezone 0.258 Acres of Land Located at 144 North Mason Street from R2F Two-Family Residential to RM Multiple Family Residential

### **EXHIBITS**

- Planning Commission Resolution No. 2013-04
- Zoning Administrator's staff report to the Planning Commission, including attachments – January 11, 2013
- Draft Planning Commission Minutes – February 12, 2013

### **STAFF REVIEW**

Zoning and Development Department

### **SUMMARY STATEMENT**

Jeanette Feintuch is requesting the City rezone 0.258 acres of land located at 114 North Mason Street. The Planning Commission held a public hearing on February 12, 2013, to receive comments on the proposal. A summary of the public comments received are included in the attached draft Planning Commission minutes of February 12, 2013.

The Planning Commission did not support a recommendation to adopt an ordinance to rezone the subject property and provided the following findings of fact; that the requested zoning district is not consistent with Section 94-396(a) of the Zoning Ordinance and more specifically is not in keeping with the intended two-family residential density for the surrounding neighborhood, and that such a request would create a precedent that would negatively affect the intended two-family character of the surrounding neighborhood by way of increased noise, traffic, and building activity and density.

### **RECOMMENDED ACTION**

Move to receive the findings and report of the Planning Commission regarding the proposed Ordinance No. 193 as set forth in the Staff Agenda Report. Council should consider and vote on the proposed Ordinance No. 193.

Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

**CITY OF MASON  
ORDINANCE NO. 193**

**AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS  
ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON  
CODE, TO REZONE 0.258 ACRES OF LAND LOCATED AT 114  
NORTH MASON STREET FROM R2F TWO FAMILY  
RESIDENTIAL TO RM MULTIPLE FAMILY RESIDENTIAL**

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 rezoning the following property from R2F Two Family Residential to RM Multiple Family:

Parcel number: 33-19-10-05-479-008, legally describes as: Lot 6 and the South 1 Rod of Lots 7 and 10, Block 1, Smith and Pease Addition, City of Mason, State of Michigan, Ingham County.

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 \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, with a vote thereon being: YES ( ) NO ( ), 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 February, 2013.

Ordinance No.193 declared adopted this 18th day of February, 2013.

\_\_\_\_\_  
Leon Clark, Mayor

\_\_\_\_\_  
Deborah J. Cwierniewicz, City Clerk

Introduced: Green  
Second: Sabbadin

**CITY OF MASON  
PLANNING COMMISSION RESOLUTION NO. 2013-04**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE  
TO REZONE 0.258 ACRES OF LAND LOCATED AT 114 NORTH MASON STREET  
FROM R2F TWO FAMILY RESIDENTIAL TO RM MULTIPLE FAMILY RESIDENTIAL**

**February 12, 2013**

**WHEREAS**, a rezoning request has been received from Jeanette Feintuch to rezone parcel 33-19-10-05-479-008 consisting of 0.258 acres of land located at 114 North Mason Street from R2F Two Family Residential to RM Multiple Family Residential; and

**WHEREAS**, the subject property is further described as: Lot 6 and the South 1 Rod of Lots 7 and 10, Block 1, Smith and Pease Addition, City of Mason, State of Michigan, Ingham County.

**WHEREAS**, The request to rezone is consistent with the following standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance, which provide the following findings of fact:

1. *Compliance with the master plan of the City.*

A. The proposed zoning district meets the Residential Development Goal Objectives in the following way:

- That the existing public services provided to the site, and the surrounding land use conditions, encourage healthy residential environments, and
- The RM district will provide opportunities for varied housing types and patterns (single, two-family, and multiple-family) to address the varied housing needs of current and future residents, and
- The public facilities currently serving the site discourage residential development that relies on on-site sewage disposal, and
- The RM district affords the opportunity for mixed housing forms and the preservation of natural resource systems and open spaces, and
- By allowing multiple family residential near the City center, relieves the development pressure at the rural perimeter of the City, which contributes to the preservation of the City's rural and small-town character, and
- Would not contribute to random commercial encroachment into established residential neighborhoods, and

B. The requested zoning district meets the Future Land Use Strategy for residential development of the Master Plan in the following way:

- The Future Land Use Map identifies the subject property as residential, and
- The subject property provides an adequate buffer between the commercial property in the vicinity and the remaining residential neighborhood to the east, and
- The proposed district provides for a varying residential options by permitting single-, two- and multi-family residences, and
- The proposed district would not add an adverse amount of multiple-family housing to the “comfortable mix” of multiple-family developments of this nature, and
- The proposed district would support the existing mix-density development pattern of the City, and
- Multiple-family is a reasonable density transition between the commercial and industrial uses to the west and south to the mixed residential uses to the east, and

C. The requested zoning district meets the Future Land Use Strategy for commercial development of the Master Plan, in that increased densities in residential in the subject site and immediate vicinity would likely support the commercial businesses in the vicinity, and

2. *What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?* There does not appear to be any changes in the vicinity.
3. *What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner’s change in zoning?* There is no known error of this sort.
4. *What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?* Permitting RM zoning on one parcel where there is no other RM zoning in the general vicinity will establish a precedent by the PC that the continuance of this district is at least plausible in the general vicinity.
5. *What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?* There appears to be no impact of this type. The site is currently served with the necessary public utilities.
6. *Does the proposed amendment adversely affect the value of the surrounding property?* The proposed amendment will not adversely affect the value of the surrounding property.
7. *Are there any significant environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built?*
  - a. *Surface water drainage problems.*

- b. *Wastewater disposal problems.*
- c. *Adverse effect on surface or subsurface water quality.*
- d. *The loss of valuable resources, such as forest, wetland, historic sites, wildlife, mineral deposits or valuable agricultural land.*

Based on the correspondence from the City Engineer, Public Works Director, Public Works Supervisor and the Publicly Owned Treatment Works Supervisor, there are no know environmental impacts of this type.

- 8. *The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.* It is reasonable, as the property is designated residential on the Future Land Use Map, that multiple-family zoning is a legitimate land use given the existing residential and commercial density in the larger Downtown Center planning area.

**NOW THEREFORE BE IT RESOLVED**, that the City of Mason Planning Commission does hereby recommend that the City Council adopt Ordinance No. 193 to rezone 0.258 acres of land located at 114 North Mason Street from R2F Two Family Residential to RM Multiple Family Residential.

Yes (0)

No (6) Green, King, Naeyaert, Reeser, Sabbadin, Trotter

Absent (3) Barna, Cotter, Waltz

# City of Mason

201 W. Ash St.  
P.O. Box 370  
Mason, MI 48854-0370  
www.mason.mi.us



City Hall 517 676-9155  
Police 517 676-2458  
Fax 517 676-1330  
TDD 1-800-649-3777

## MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

SUBJECT: 114 North Mason Street (Feintuch) – Rezoning

DATE: January 11, 2013

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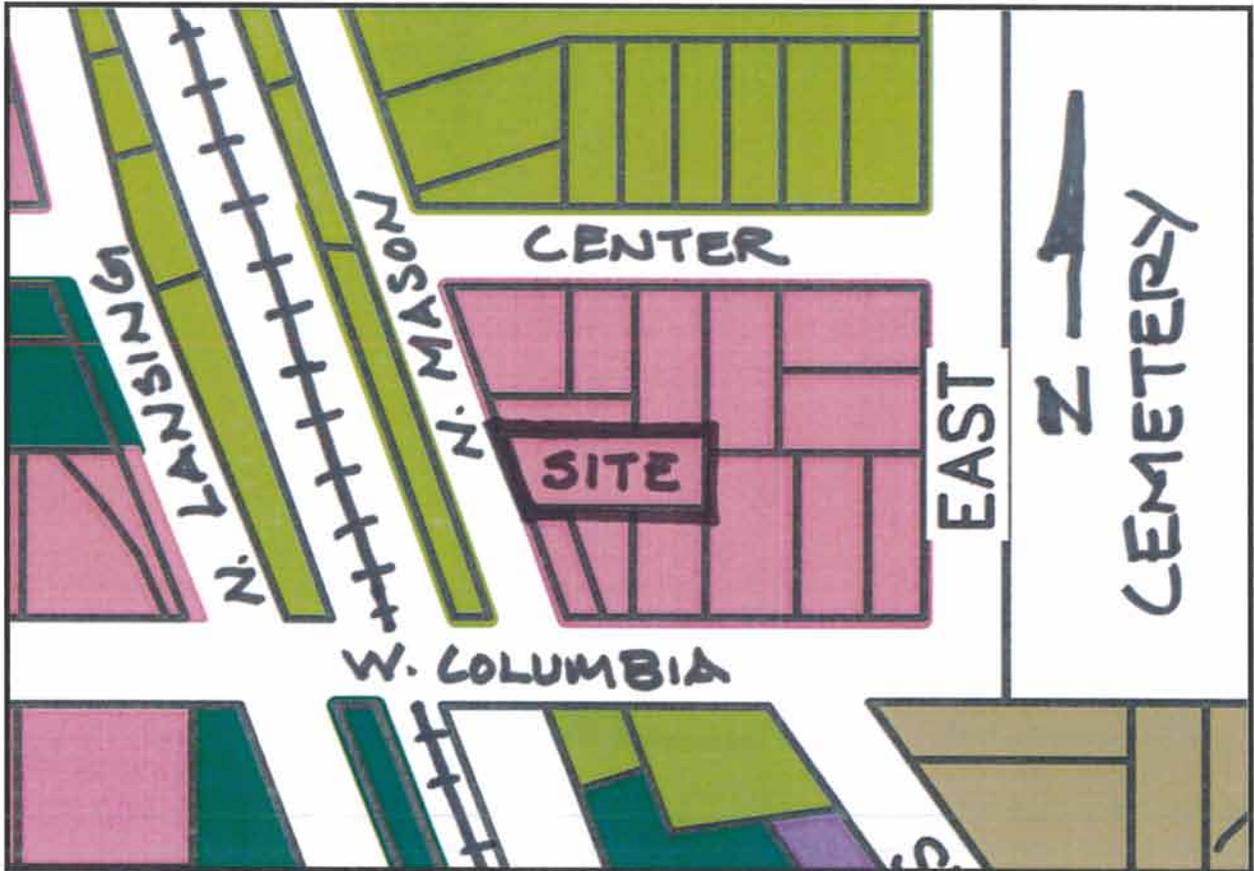
Staff is in receipt of a request from Jeanette Feintuch to rezone approximately \_\_\_ acres of land from R2F (Two Family Residential) to RM (Multiple Family). The subject property is located at 114 North Mason Street.

### EXISTING LAND USE AND ZONING:

The character of the area in the vicinity exists of a mix of zoning districts, land uses, and future land use classifications, primarily between residential and commercial. The site is bordered by David Automotive to the north, residential uses to the east and south, and the Depot Diner to the west. The current land uses and zoning for the immediately adjacent properties are as follows:

	<b>Current Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Commercial	R2F (Two Family Residential)	Commercial
<b>East</b>	Residential	R2F (Two Family Residential)	Residential
<b>South</b>	Residential	R2F (Two Family Residential)	Residential
<b>West</b>	Commercial	C-1 (Central Business)	Commercial

The following is an excerpt from the City Zoning Map that shows the current zoning of the subject site and the surrounding properties.



LEGEND	
	RS-1 SINGLE FAMILY RESIDENTIAL DISTRICT
	RS-2 SINGLE FAMILY RESIDENTIAL DISTRICT
	RS-3 SINGLE FAMILY RESIDENTIAL DISTRICT
	AG SINGLE FAMILY AGRICULTURAL DISTRICT
	MH SINGLE FAMILY MOBILE HOME DISTRICT
	R2F TWO FAMILY RESIDENTIAL DISTRICT
	RM MULTIPLE FAMILY RESIDENTIAL DISTRICT
	O1 OFFICE DISTRICT
	O2 SPECIALIZED OFFICE DISTRICT
	C1 CENTRAL BUSINESS DISTRICT
	C2 HIGHWAY COMMERCIAL DISTRICT
	M1 LIGHT MANUFACTURING DISTRICT
	M2 GENERAL MANUFACTURING DISTRICT
	PUD PLANNED UNIT DEVELOPMENT DISTRICT

The subject parcel is also located within the Downtown Development Authority (DDA) District. Please see the attached map showing the vicinity of the site relative to the DDA District. Nothing in the Master Plan discourages residential zoning in the DDA District.

The text of the Zoning Ordinance describes the intent and purpose of the respective zoning districts. The following represents the intent and purpose of the existing R2F Two Family Residential and proposed RM Multiple Family Residential zoning districts, as stated in the Code.

R2F Two Family Residential – “It is the primary purpose of this district to provide opportunities for two-family residential development patterns and lifestyles. It is the intent of this district that development ensure a stable and healthy residential environment with suitable open spaces and to prohibit uses that undermine this intent.”

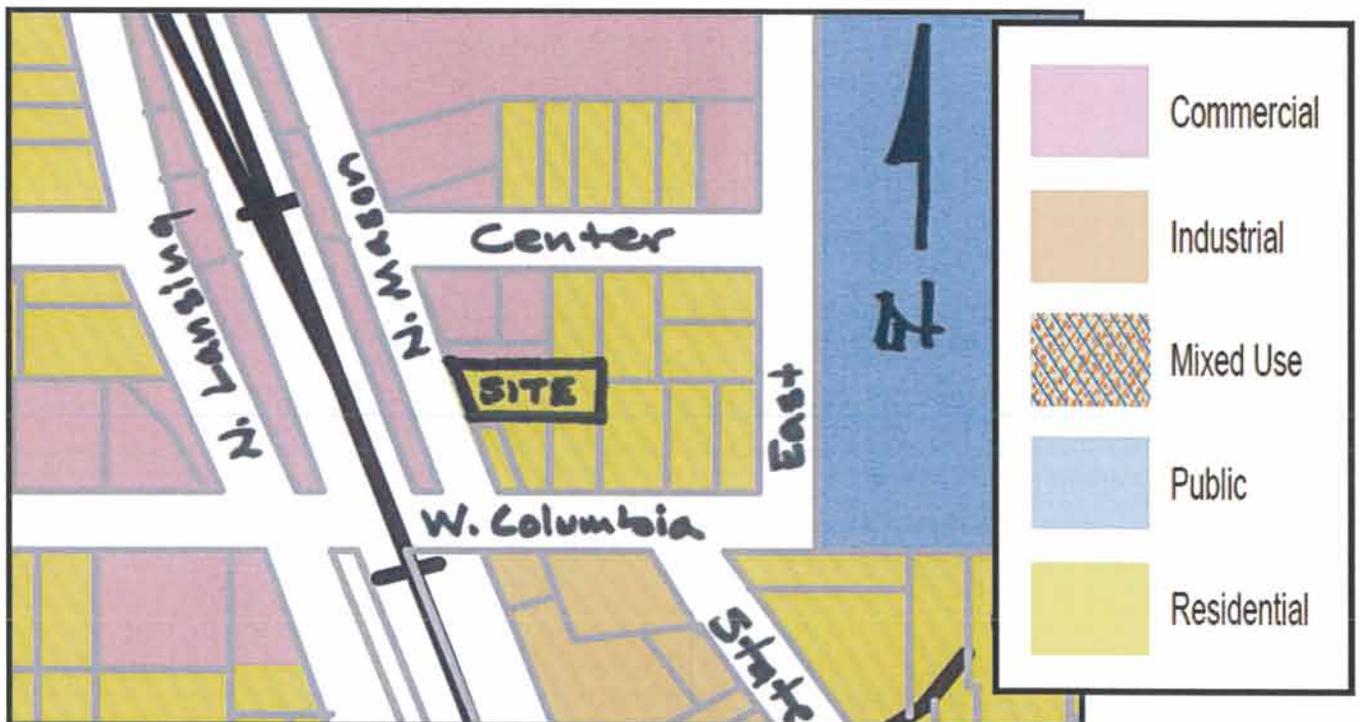
RM Multiple Family Residential – “It is the primary purpose of this district to provide housing opportunities and lifestyles in the form of multiple family dwellings, such as apartments and townhouses. It is the intent of this district that development ensure a stable and healthy residential environment with suitable open spaces and to prohibit uses that undermine this intent.”

The following table provides a “snapshot” comparison of the existing R2F and proposed RM zoning districts, including the uses allowed in the respective districts. Those uses that are allowed in both districts are **highlighted**.

	Existing Zoning R2F Two Family Residential	Proposed Zoning RM Multiple Family Residential
Uses Permitted by Right	<ul style="list-style-type: none"> <li>• Single family dwelling</li> <li>• Public or private park land (non-commercial)</li> <li>• Day care, foster care (up to 6 individuals)</li> <li>• Two-family dwelling</li> </ul>	<ul style="list-style-type: none"> <li>• Single family dwelling</li> <li>• Public or private park land (non-commercial)</li> <li>• Day care, foster care (up to 6 individuals)</li> <li>• Two-family dwelling</li> <li>• Multiple-family dwellings (up to 8 dwellings per building)</li> </ul>
Permitted Accessory Uses	<ul style="list-style-type: none"> <li>• Accessory structures as defined in Section 94-173(g)</li> <li>• Home occupations</li> <li>• Rooming houses</li> <li>• Family day care home (up to 7 children)</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory structures as defined in Section 94-173(g)</li> <li>• Home occupations</li> <li>• Rooming houses</li> </ul>
Uses Permitted by Special Use Permit	<ul style="list-style-type: none"> <li>• Religious institutions</li> <li>• Day care/foster care (6 to 12 individuals)</li> <li>• Public buildings including non-residential, governmental, utilities, etc.</li> <li>• Public or private educational uses</li> <li>• Planned residential developments</li> <li>• Bed and breakfast</li> <li>• Public or private recreation facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Religious institutions</li> <li>• Day care (6 to 12 individuals)</li> <li>• Public buildings including non-residential, governmental, utilities, etc.</li> <li>• Public or private educational uses</li> <li>• Planned residential developments</li> <li>• Bed and breakfast</li> <li>• Multiple-family dwellings (more than 8 units per building)</li> <li>• Public or private recreation facilities</li> </ul>

A request for rezoning is an amendment to the zoning ordinance and Mason Code of Ordinances. Section 94-396(a) provides the following standards that the Planning Commission must consider when evaluating an amendment to the zoning ordinance:

1. **Compliance with the Master Plan of the city.** There are two future land use designations within the vicinity of the site, residential and commercial. Below is an excerpt of the Future Land Use Map showing the future land use classification of the subject site and properties in the immediate vicinity.



**Residential Development Goal**

The following is the goal and objectives listed for the Residential Development in the Master Plan.

*“GOAL: Establish a residential environment that recognizes the varied economic and family structure conditions of current and future residents and affords persons and families with healthy and stable surroundings that nurture personal growth.”*

**“Objectives:**

- 1) *Identify areas for future residential use that, with appropriate levels of public services and surrounding land use conditions, encourage healthy residential environments.*
- 2) *Provide opportunities for varied housing types and patterns to address the varied housing needs of current and future residents.*

- 3) *Discourage residential development that relies on on-site sewage disposal. In the absence of public sewer, coordinate housing densities with the natural carrying capacity of the land.*
- 4) *Encourage innovative residential development that incorporates mixed housing forms, the preservation of natural resource systems and open spaces, and the preservation of the City's rural and small-town character.*
- 5) *Prevent random commercial encroachment into established residential neighborhoods.*
- 6) *Encourage the upkeep of residential structures and yards, and the rehabilitation of blighted areas.*
- 7) *Encourage the preservation of historically significant dwellings.*
- 8) *Discourage main thoroughfares through residential areas and the use of residential streets for commercial or industrial traffic."*

### **Future Land Use Strategy**

#### Residential Areas

Attached with this staff report is the Future Land Use Strategy for residential development as outlined in Chapter Three of the Master Plan. The following is a comparison of the requested zoning district to that strategy.

The Residential Future Land Use Strategy is summed up as the following:

- The majority of the land developed for housing is characterized by single family dwellings, with multiple family limited to the south central and northeast portions of the City
- The plan recommends continued opportunities for new and varying, integrate housing options
- The plan intends to accommodate varying development densities
- The plan recognizes that the current proportion of the City's dwelling units in multiple family and manufactured housing reflects a comfortable mix, the plan does not support large new developments of this nature.
- The plan supports a mixed-density development pattern, special care must be exercised during rezoning and development plan review to ensure compatibility
- Compatibility can be encouraged through reasonable density transitions, landscaping, etc.

It is not expected that rezoning to multi-family for the subject parcel or if expanded to the immediate parcels to the east and south would upset the City's comfortable mix of residential housing.

#### Commercial Areas

The subject property is located in the "Downtown Center" commercial planning area. The description of the Downtown Center includes the following: "The Plan strongly supports the continued role of the Downtown Center as a thriving center of commercial and community activity within the greater fabric of the City".

2. ***What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?*** There does not appear to be any changes in the vicinity.
3. ***What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner's change in zoning?*** There is no known error of this sort.
4. ***What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?*** The applicant has provided an analysis of the number of housing units in each structure in the general vicinity. Staff has not verified the claims made. However, many in the vicinity are likely to be two-unit structures and a few are known to have at least three units. The source of the base map is not clear. The written notes are those of the applicant. If the information is accurate it does appear that there are structures in the vicinity that have multiple units. However, it is unclear how many units there are in each of the "multiple units".

The question here is, is the requested district appropriate for the given location keeping in mind the goals, objectives and land use strategy described in the Master Plan? Additionally, the Planning Commission must ask itself, if the request is appropriate for the subject property, are we willing to see RM zoning on other properties in the vicinity. Permitting RM zoning on one parcel where there is no other RM zoning (regardless of existing zoning) in the general vicinity will establish a precedent by the PC that the continuance is at least plausible in the general vicinity.

There does not appear to be any area of the Master Plan that discourages multiple-family zoning in the general vicinity of the subject property.

5. ***What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?*** There appears to be no impact of this type. The site is currently served with the necessary public utilities.
6. ***Does the proposed amendment adversely affect the value of the surrounding property?*** Whether the request adversely affects the value of the surrounding property is up to the discretion of the Planning Commission. However, staff would argue that many of the structures are currently zoned for two family and many may have multiple units each. Additional residential units will bring more supporting value to local businesses in the vicinity.
7. ***Are there any significant environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built?***

- a. *Surface water drainage problems.*
- b. *Wastewater disposal problems.*
- c. *Adverse effect on surface or subsurface water quality.*
- d. *The loss of valuable resources, such as forest, wetland, historic sites, wildlife, mineral deposits or valuable agricultural land.*

Based on the correspondence from the City Engineer, Public Works Director, Public Works Supervisor and the Publicly Owned Treatment Works Supervisor, there are no known environmental impacts of this type.

8. *The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.* It is reasonable, as the property is designated residential on the Future Land Use Map, that multiple-family zoning is a legitimate land use given the existing commercial density in the larger Downtown Center planning area.

#### **PUBLIC SERVICES AND FACILITIES:**

##### **Streets and Traffic:**

This site has its frontage on North Mason Street. In the vicinity of the site, North Mason Street is a paved two-lane street and is under the jurisdiction of the City of Mason.

##### **Public Water/Sanitary Sewer/Storm Sewer:**

Public water, sanitary sewer, and storm sewer are available to the site via North Mason Street.

##### **Additional Agency Comments:**

Comments from additional agencies are attached. No additional concerns or objections to the request noted.

#### **NOTIFICATIONS:**

Fifty-one notices were sent to property owners and occupants within 300 feet of the subject site. At the time of this report no written comments were received.

#### **RECOMMENDATION:**

**The Planning Commission approve Resolution No. 2013-04.**

Attachments:

1. Resolution No. 2013-04
2. Draft Ordinance
3. Application
4. Future Land Use Strategy for Residential Development
5. Agency comments
  - a. City Engineer
  - b. Ingham County Drain Commissioner
  - c. City of Mason Fire Chief
  - d. City of Mason Chief of Police
  - e. City of Mason, City Administrator/Director of Public Works
  - f. City of Mason Public Works Supervisor
6. Site Plan
7. Downtown Development Authority District Map

Introduced:  
Seconded:

**CITY OF MASON  
PLANNING COMMISSION RESOLUTION NO. 2013-04**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE  
TO REZONE 0.258 ACRES OF LAND LOCATED AT 114 NORTH MASON STREET FROM  
R2F TWO FAMILY RESIDENTIAL TO RM MULTIPLE FAMILY RESIDENTIAL**

**February 12, 2013**

**WHEREAS**, a rezoning request has been received from Jeanette Feintuch to rezone parcel 33-19-10-05-479-008 consisting of 0.258 acres of land located at 114 North Mason Street from R2F Two Family Residential to RM Multiple Family Residential; and

**WHEREAS**, the subject property is further described as: Lot 6 and the South 1 Rod of Lots 7 and 10, Block 1, Smith and Pease Addition, City of Mason, State of Michigan, Ingham County.

**WHEREAS**, The request to rezone is consistent with the following standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance, which provide the following findings of fact:

**1. *Compliance with the master plan of the City.***

A. The proposed zoning district meets the Residential Development Goal Objectives in the following way:

- That the existing public services provided to the site, and the surrounding land use conditions, encourage healthy residential environments, and
- The RM district will provide opportunities for varied housing types and patterns (single, two-family, and multiple-family) to address the varied housing needs of current and future residents, and
- The public facilities currently serving the site discourage residential development that relies on on-site sewage disposal, and
- The RM district affords the opportunity for mixed housing forms and the preservation of natural resource systems and open spaces, and
- By allowing multiple family residential near the City center, relieves the development pressure at the rural perimeter of the City, which contributes to the preservation of the City's rural and small-town character, and
- Would not contribute to random commercial encroachment into established residential neighborhoods, and

B. The requested zoning district meets the Future Land Use Strategy for residential development of the Master Plan in the following way:

- The Future Land Use Map identifies the subject property as residential, and
- The subject property provides an adequate buffer between the commercial property in the vicinity and the remaining residential neighborhood to the east, and
- The proposed district provides for a varying residential options by permitting single-, two- and multi-family residences, and
- The proposed district would not add an adverse amount of multiple-family housing to the "comfortable mix" of multiple-family developments of this nature, and
- The proposed district would support the existing mix-density development pattern of the City, and
- Multiple-family is a reasonable density transition between the commercial and industrial uses to the west and south to the mixed residential uses to the east, and

C. The requested zoning district meets the Future Land Use Strategy for commercial development of the Master Plan, in that increased densities in residential in the subject site and immediate vicinity would likely support the commercial businesses in the vicinity, and

2. ***What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?*** There does not appear to be any changes in the vicinity.
3. ***What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner's change in zoning?*** There is no known error of this sort.
4. ***What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?*** Permitting RM zoning on one parcel where there is no other RM zoning in the general vicinity will establish a precedent by the PC that the continuance of this district is at least plausible in the general vicinity.
5. ***What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?*** There appears to be no impact of this type. The site is currently served with the necessary public utilities.
6. ***Does the proposed amendment adversely affect the value of the surrounding property?*** The proposed amendment will not adversely affect the value of the surrounding property.

7. **Are there any significant environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built?**
- a. **Surface water drainage problems.**
  - b. **Wastewater disposal problems.**
  - c. **Adverse effect on surface or subsurface water quality.**
  - d. **The loss of valuable resources, such as forest, wetland, historic sites, wildlife, mineral deposits or valuable agricultural land.**

Based on the correspondence from the City Engineer, Public Works Director, Public Works Supervisor and the Publicly Owned Treatment Works Supervisor, there are no known environmental impacts of this type.

8. **The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.** It is reasonable, as the property is designated residential on the Future Land Use Map, that multiple-family zoning is a legitimate land use given the existing residential and commercial density in the larger Downtown Center planning area.

**NOW THEREFORE BE IT RESOLVED**, that the City of Mason Planning Commission does hereby recommend that the City Council adopt Ordinance No. \_\_\_ to rezone 0.258 acres of land located at 114 North Mason Street from R2F Two Family Residential to RM Multiple Family Residential.

Yes ( )

No ( )

**CLERK'S CERTIFICATION:** I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Planning Commission at its regular meeting held Tuesday, February 12, 2013, the original of which is part of the Planning Commission minutes.

\_\_\_\_\_  
Deborah J. Cwierniewicz, Clerk  
City of Mason  
Ingham County, Michigan



# APPLICATION – REZONING

## City of Mason

Planning Department • 201 W. Ash Street, Mason, MI 48854

Phone: 517/676-9155 • Fax: 517/676-1330

www.mason.mi.us

Applicant– Please indicate the following:	
Current Zoning District(s):	RAF
Requested Zoning District(s):	RM

PLANNING DEPARTMENT USE ONLY
Application Received: <u>JAN. 15, 2013</u>
Tax ID: <u>05-479-008</u>
Fee: <u>300.00</u>
Receipt #: <u>100138610</u>

### I. APPLICANT INFORMATION

Name JEANETTE FEINTUCH

Organization ESTATE OF DAVID FEINTUCH

Address 604 S BARNES, MASON

Telephone Number 517-881-4106 Facsimile Number \_\_\_\_\_

Interest in Property (owner, tenant, option, etc.) OWNER

**Note: If applicant is anyone other than owner, request must be accompanied by a signed letter of authorization from the owner.**

### II. PROPERTY INFORMATION

Owner ESTATE OF DAVID FEINTUCH Telephone Number 517-881-4106

Property Address 114 MASON ST, MASON

Legal Description: If in a Subdivision: Subdivision Name \_\_\_\_\_ Lot Number \_\_\_\_\_

If Metes and Bounds (can be provided on separate sheet): 33-19-10-05-479-008

LOT 6 AND THE SOUTH 2 ROD OF LOTS 7 + 10, BLOCK 2, SMITH & PEASE ADDITION, CITY OF MASON, STATE OF MICHIGAN, INGHAM COUNTY



### APPLICANT CERTIFICATION

By execution of this application, the person signing represents that the information provided and the accompanying documentation is, to the best of his/her knowledge, true and accurate. In addition, the person signing represents that he or she is authorized and does hereby grant a right of entry to City officials for the purpose of inspecting the premises to determine compliance with the requirements of the Zoning Code district requested by the applicant and compliance with conditions precedent to the granting of the Zoning District change requested.

Signature  JEANETTE FEINTUCH Date 1/14/13

III. **REQUEST DESCRIPTION**

**A. Site Area**

Indicate the size of the site subject to the request for change of zoning:

In square feet (if under one (1) acre): 66 w x 170 d = 11,220 sf

In acres (if over one (1) acre): \_\_\_\_\_

**B. Master Plan**

Future Land Use Designation (from Master Plan): \_\_\_\_\_

Does the proposed Zoning District conform to this designation?  YES  NO

**C. Available Services**

Public Water  YES  NO

Paved Road(s) (Asphalt or Concrete)  YES  NO

Public Sanitary Sewer  YES  NO

Public Storm Sewer  YES  NO

Note: Health Department Certification may be required where public water and/or sanitary sewer are not available

**D. Current Use**

Are there any structures currently on the property?  YES  NO

If so, describe the number of structures and how the structures are used (attach additional sheets, if necessary):

ONE SINGLE FAMILY HOME

\_\_\_\_\_

\_\_\_\_\_

**E. Soils Data**

Has soil bearing capacity and septic suitability of the ground been tested?  YES  NO

If so, attach 30 copies. Note: such testing may be required if conditions warrant.

IV. **APPLICATION MATERIALS**

The following is a checklist of items that generally must be submitted with applications for Rezoning. The applicant must submit 30 copies. Incomplete applications will not be processed.

- Completed application form
- Plot Plan of area proposed for Rezoning (see "A" below)
- Legal description of area proposed for Rezoning
- Proof of ownership or owner authorization to request Rezoning
- Fee (see "B" below)
- Any other information deemed necessary

**A. Plot Plan**

The Plot Plan shall be drawn to a readable scale and shall show all of the following information:

1. Existing structures and parking areas, with setback dimensions from property lines
2. Survey pins or monuments
3. All easements on the property
4. Overhead and underground utilities
5. Floodplain and wetlands
6. Topography (where land characteristics have a bearing on the request)
7. Surface drainage, indicated by directional arrows
8. Existing zoning and use of surrounding properties

**B. Application Fee \$300.00** All requests must be accompanied by a fee, as established by City Council. (Effective October 16, 2006)

**V. APPLICATION DEADLINES**

Complete applications must be received at least 45 days in advance of a Planning Commission meeting. A public hearing will be scheduled at the next Planning Commission meeting after the 45 day period. At that time the Planning Commission will make a recommendation to the City Council, which has the final authority to approve or deny an application for Rezoning.

Planning Commission meetings are held on the second Tuesday after the first Monday of every month. The City Council will consider recommendations from the Planning Commission at their regular meeting on the third Monday of the month. If any Monday is a City recognized holiday, the meeting is held on the following day (Tuesday).

**VI. STAFF REPORT**

The Planning Department Staff will prepare a report to the Planning Commission regarding an application for Rezoning. The report will explain the request and review whether it complies with the standards in the Zoning Code and the Master Plan. Staff will present the findings of that report during the Planning Commission meeting. An applicant who wishes to obtain one (1) copy of that report, at no cost, prior to the meeting must provide a written request to the Planning Department. The report is generally complete on the Friday before the meeting and can be mailed to the applicant or picked up by the applicant in the Planning Department.

STATE OF MICHIGAN PROBATE COURT COUNTY OF INGHAM	LETTERS OF AUTHORITY FOR PERSONAL REPRESENTATIVE	FILE NO. 06- 1723 -DE
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Estate of David Feintuch, deceased

TO:

Name, address, and telephone no. Jeanette Anna Feintuch 604 S. Barnes Mason, MI 48854 517-881-4106
--

You have been appointed and qualified as personal representative of the estate on 3-28-06. You are authorized to do and perform all acts authorized by law except as to the following: Date

- Real estate or ownership interests in a business entity excluded from your responsibilities in your acceptance of appointment
- Restrictions and limitations:

These letters expire: N/A  
3-28-06  
Date

**GEORGE M. STRANDER**

Judge (formal proceedings)/Register (informal proceedings) Bar no.

SEE NOTICE OF DUTIES ON SECOND PAGE

George A. Sullivan P21139  
Attorney name (type or print) Bar no.  
160 E. Ash St., P.O. Box 147  
Address  
Mason, MI 48854-0147 517-676-2002  
City, state, zip Telephone no.

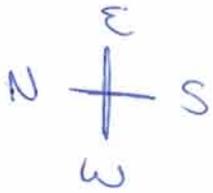
I certify that I have compared this copy with the original on file and that it is a correct copy of the original, and on this date, these letters are in full force and effect.

\_\_\_\_\_  
Date Deputy register

Do not write below this line - For court use only

A TRUE COPY:  
MARY LaRUE  
DEPUTY PROBATE REGISTER

114 MASON ST



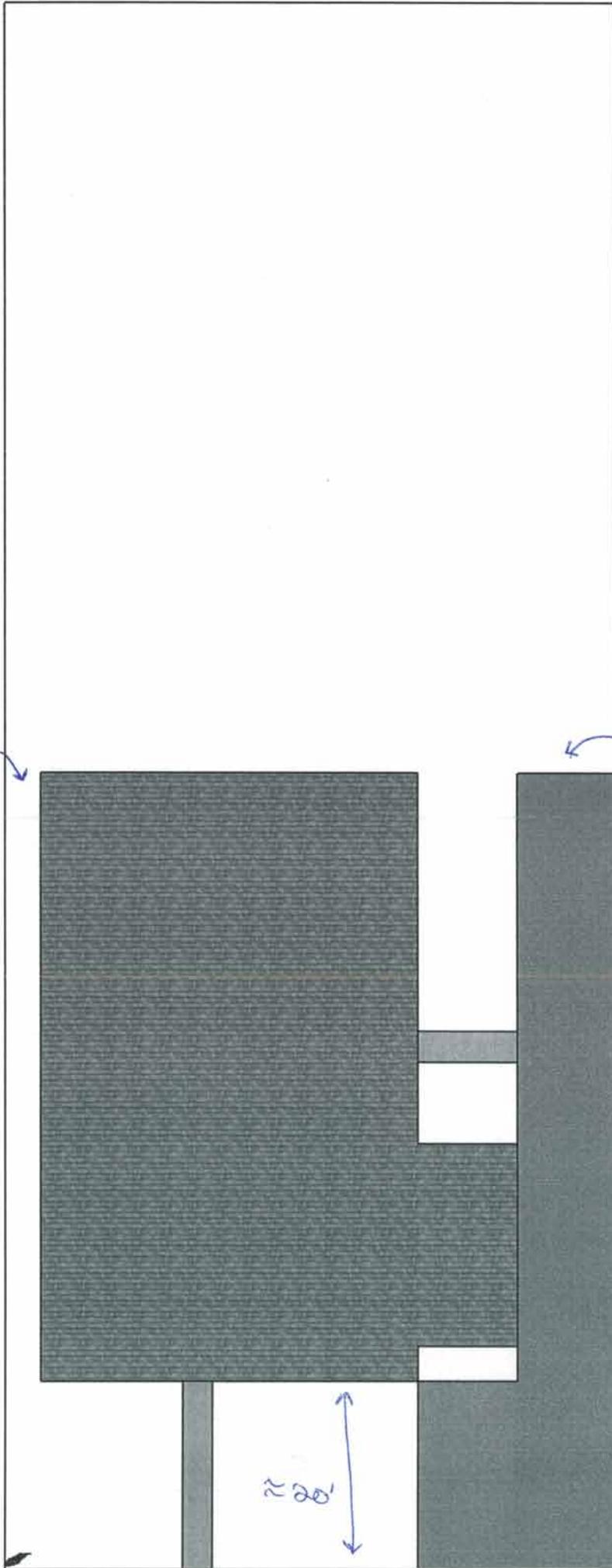
≈ 3'

≈ 8'

LOT DEPTH 170'  
LOT FRONT 66'

≈ 20'

← sidewalk





# Buildings Map



# Property Class Map



★ = RENTAL, NON-OWNER OCCUPIED

† = MULTIPLE UNITS

X = THESE STRUCTURES HAVE BEEN TORN DOWN BUT WHILE THEY STOOD THEY WERE ALSO NOT SINGLE FAMILY STRUCTURES.

classification is established to recognize the presence of these facilities, the critical services they provide to the City and regional area, and the Plan's support for their continued presence in the community.

The classification of properties as Public Areas is not intended to prohibit the conversion of these properties to alternative uses if sites of facilities become outdated or otherwise undermine the continued delivery of the public service in a cost-effective and sound manner. The conversion of such properties should generally coincide with the planned use of immediately surrounding properties to ensure compatibility. However, the conversion of the City and County owned park land or Fair Grounds to alternative uses is strongly discouraged as is any change to the function of the County Courthouse and its historical integrity. Conversion of the Fair Grounds to a park is compatible with the overall planned land use pattern for the City.

The presence of the Mason-Jewett airport in the Mason Planning Area presents unique conditions. The airport presents benefits to the surrounding communities. It facilitates regional access to the area and provides recreational pilots with the opportunity to pursue their interest. The airport encourages consumer spending in local business areas and encourages a stronger tourist economy. However, the proximity of the airport to the City itself and the increasing residential development in the area highlights the sensitive relationship between airport facilities and surrounding land use patterns. Future proposals for expansion or other changes in airport operations should be evaluated carefully within the framework of the existing and planned future land use pattern for the Mason Planning Area.

## Residential Areas

The Future Land Use Strategy identifies the largest portion of the Mason Planning Area as "Residential Area." The majority of the land developed for housing is characterized by single family dwellings, with multiple family dwellings primarily limited to the south central and northeast portions of the City. The Plan recommends continued opportunities for new and varying housing options and that the options be integrated with one another to encourage a cohesive community.

The Residential Area is to accommodate varying development densities. Because of the City's interest in facilitating an integrated and cohesive community, the Future Land Use Strategy does not specify particular areas for specific density ranges. The Future

Land Use Strategy encourages a mixed housing pattern of varying densities composed of predominantly single family dwellings, along with an appropriate mix of two-family and multiple family dwellings. Where comparatively large housing projects are proposed, the Plan supports the integration of these varying housing options on the project site. However, the Plan also recognizes that the current proportion of the City's dwelling units in multiple family and manufactured housing community developments (approximately 32.5% and 9.6% respectively) reflects a comfortable housing mix and exceeds the proportionate mix state-wide. The Plan does not support large new developments of this nature. To the extent that there is expansion of manufactured housing development in the City, such expansion should be limited in location to similar high-density housing areas.

As the Plan supports a mixed-density development pattern, special care must be exercised during rezoning and development plan review proceedings to ensure compatibility between existing and new development. This compatibility can be encouraged through reasonable density transitions, landscaping and screening, and other site design measures. The development densities and scale of future housing projects should be coordinated with available levels of public services including sewage disposal, potable water, and road infrastructure.

The provision of opportunities for new residential development on existing vacant and/or agricultural land should not detract from the importance of appropriate maintenance and improvements to the City's existing housing stock and neighborhood quality of life. It is the residents of Mason that shape its character and the quality and stability of the City's housing affects all persons and families residing within. The City's existing residential neighborhoods impact the real and perceived character of the City as a whole, thereby affecting the City's overall stability as a place of commerce and housing. The quality of the City's housing stock affects abutting and nearby property values. When deterioration becomes excessive, individuals and families lose a sense of pride in their community. Redevelopment of existing neighborhoods that may undergo excessive decline should be considered as a means to improve the City's housing environment. Such redevelopment includes encouraging the maintenance of existing homes; encouraging the enhancement of older, historic homes; as well as constructing new "in-fill" housing.

The outer regions of the Mason Planning Area classified as "Residential" are primarily characterized by active farm operations. Their residential classification is not intended to suggest that the farm operations are inappropriate or should otherwise be converted to residential use. Local farming activities have a positive impact in defining the overall character of the City and the greater Mason Planning Area. On the other hand, the Plan recognizes that some farm activities may not be compatible with encroaching high density residential areas. The Plan further recognizes that the long-term viability of these nearby farm operations may slowly decline due to the presence of the City and its future growth and development. Except where specifically recommended elsewhere in this Plan, residential development is the preferred alternative use where farm operations may give way to development. In light of the operational characteristics of large-scale intensive livestock operations, such uses are strongly discouraged in or near the City. Potential new residents in the Mason Planning Area should recognize that the traditional smells, noises, pesticide applications, and generally recognized agricultural activities associated with responsible farming may well continue on a long term basis.

In addition to the Plan's support for varied housing densities, the Plan supports varied development patterns to address housing preferences and market conditions. Two such options include "open space communities" and "traditional neighborhood design."

*Open Space Communities:* The residents of Mason have clearly expressed an interest in maintaining the City's small town character. This character is shaped in part by the abundant open spaces including farmsteads, open fields, farmlands, woodlots, and natural wildlife habitats that surround the City's urban fabric. As the City incrementally expands, the potential to undermine this small-town character and the area's natural resources significantly increases. Residents are concerned about being surrounded by suburban development that will eventually make it difficult to define Mason as different from nearby communities. Residents are equally concerned about the impact of suburban expansion on area creeks, wetlands, floodplains and other open spaces. While some of these resources are regulated by state and/or federal law, such as wetlands of five acres or more in size, the preservation of other open spaces are subject to the decisions of local officials and developers.

Development patterns that incorporate the preservation of open spaces are strongly encouraged. To this end, the Plan supports opportunities for what is frequently referred to as "clustering" and "open space communities." This form of development provides for the clustering of dwellings on a portion of the development parcel, so that the balance of the parcel can be retained in an open space status. The open space can include natural areas such as woodlands and wetlands, wildlife habitats, park areas, and in some cases, farmland. These open space areas can be reserved by the use of conservation easements, deed restrictions, or similar tools. Open space communities have been shown to be economically viable and perhaps more profitable than typical low-density subdivision developments, while simultaneously enhancing nearby property values and the preservation of the local environmental integrity. This form of development may be particularly beneficial in the outlying portions of the Mason Planning Area.

*Traditional Neighborhood Design:* There is another development alternative to typical subdivision design that is very different from open space communities yet is equally effective in fostering the preservation of Mason's small-town character. This form of development is frequently referred to as "traditional neighborhood design" (TND) and incorporates and fosters a unique sense of neighborhood. The principles of TND are reflected in traditional village development patterns, many of which are evident in Mason's core area. TND supports comparatively high density residential development centered around a town square consisting of a central public space devoted to commercial and civic uses. The residences include a mix of housing styles including single family, townhouses and apartments. Streets are very "walkable" and pedestrian linkages are evident throughout. Streets typically follow a grid-like pattern and alleys are encouraged instead of driveways.

These village development patterns are generally recognized as offering an exciting alternative to otherwise sprawling subdivisions of little character. These village nodes provide convenient consumer services, foster a sense of mutual caring for one another, and embody a sense of vitality and identity. They offer opportunities for cost-effective public services and housing for all family stages. The higher density residential development within these village patterns encourages less encroachment of housing in the more rural and farm-based surroundings.

What may be equally effective in accommodating residential development while preserving the overall small town character of the City is the incorporation of a sense of unique identity within each evolving neighborhood. This may be accomplished through housing design, open space buffers, pedestrian-friendly circulation and linkages to nearby civic areas, and other development tools.

### Mixed – Use Areas

In addition to differentiating between areas of the City for commercial, industrial, public and residential use, the Future Land Use Strategy establishes a number of planned "mixed-use" areas. As the phrase implies, these areas are recognized as being potentially appropriate for one or more land use types depending upon market conditions and the character and merits of specific development proposals. These areas are characterized by one or more conditions that support a heightened degree of flexibility as to their use and development. These include: 1) a surrounding land use pattern of a mixed character; 2) the absence of significant existing residential development; and 3) proximity to the highway interchanges and/or Mason-Jewett airport.

In light of the potential mixed-use development of these areas, special care must be exercised during all phases of the review and approval of specific development proposals. This will ensure that the arrangement of such uses and the interface between them enhances their compatibility and the viability of each. Where light industrial uses may be pursued, they should generally be limited to those with minimal external impacts such as service-oriented industries, communication and information technologies, and manufacturing operations that focus on the assembly of pre-made parts. Where commercial uses are pursued, emphasis should be upon non-retail development such as offices, lodging facilities, and conference centers. Commercial uses of a convenience nature, such as fast-food restaurants, service stations and convenience stores are generally discouraged unless they are intended to foster ease of access for neighborhood residents and local workers.

Five mixed-use areas are identified on the Future Land Use Map. Their locations, and recommended land use programs are as follows:

1) Cedar Street Interchange: This mixed use area is immediately southeast of the Cedar Street/US-127 interchange, situated between US-127 and the Cedar Street business corridor and extending south. Its development could be based upon one or a combination of uses including residential, re-

tail, office, industrial and institutional. However, it must be recognized that existing access from Cedar Street is limited due to, in part, the site's limited frontage and the presence of the Cedar Street boulevard just south of the interchange. Any future use of the site must be evaluated for access compatibility. Additional and/or improved points of access may be necessary to realize the full development potential of this site.

2) Kipp Road Interchange: This mixed-use area lies directly west of the Kipp Road/US-127 interchange, with frontage along Kipp Road, US-127 access ramps, and Jewett Road in Vevay Township. Frontage areas could be suitable locations for appropriately designed commercial and/or industrial use. However, commercial uses of a convenience nature, such as fast-food restaurants, service stations and convenience stores are not considered appropriate. As Kipp Road is a primary thoroughfare into the City, special care should be taken during the review and approval of development proposals in this area to ensure the Kipp Road corridor provides an attractive and inviting entrance into the City. This can be achieved through proper signage, lighting, placing of buildings and parking areas, and ample landscaping and open spaces along the road.

3) Airport: This mixed-use area is on the north side of Kipp Road, adjacent to the Mason-Jewett airport, and extending to Dexter Trail. This area also includes land on the east side of Dexter Trail across from the runway. The area may be used for light industrial, commercial and/or public park developments that would provide for high quality jobs with minimal negative impacts from traffic, noise or similar nuisances. Frontage areas could be suitable locations for appropriately designed commercial and/or industrial use. However, industrial uses should be situated closer to the Kipp Road frontage for access purposes, with appropriate commercial development to serve as a transition to the residential area planned to the north. Land uses east of the runway should function as a buffer between the airport and future residential development to minimize resident complaints about noise.

4) Alaiedon/Vevay Cedar Corridor: This mixed-use corridor follows Cedar Street from the US-127 interchange west into Vevay Township and across the southwest corner of Alaiedon Township. This area is intended to accommodate limited commercial and light industrial uses. The corridor is substantially developed in Vevay Township with highway-oriented uses and industrial uses along Legion Drive. In Alaiedon Township, this area contains several small businesses near College



# Wolverine Engineers & Surveyors, Inc.

312 North Street • Mason, Michigan 48854 • 517.676.9200 • Fax 517.676.9396

January 28, 2013

Mr. David Haywood, Zoning & Development Director  
City of Mason  
201 W. Ash Street  
Mason, MI 48854

RE: 114 Mason Street  
Rezoning Request



Dear Mr. Haywood:

We have received and reviewed the rezoning request for 114 Mason Street. The request is to rezone from R2F (Two Family Residential) to RM (Multiple Family Residential).

From an engineering perspective we take no exception to the rezoning request.

If you have any questions or have additional comments, please do not hesitate to call.

Sincerely,

WOLVERINE ENGINEERS & SURVEYORS, INC.

Donald B. Heck, P.E.

DBH:ood

201 W. Ash St.  
P.O. Box 370  
Mason, MI 48854-0370  
www.mason.mi.us

# City of Mason



City Hall 517 676-9155  
Police 517 676-2458  
Fax 517 676-1330  
TDD 1-800-649-3777

INGHAM COUNTY  
DRAIN COMMISSIONER

JAN 22 2013

RECEIVED

January 18, 2013

Re: Rezoning Request – 114 Mason Street, Mason

Dear Concerned Parties:

The Mason Planning Commission will conduct a public hearing on Tuesday, February 12, 2013, at 6:30 p.m., or as soon thereafter as possible, in the Council Chambers at City Hall, 201 West Ash Street, Mason, MI 48854. The purpose of the hearing is to take public comment on a rezoning request for property located at 114 Mason Street from R2F (Two Family Residential) to RM (Multiple Family Residential). The property is legally described as the following: Lot 6 and the South 1 Rod of Lots 7 and 10, Block 1, Smith and Pease Addition, City of Mason, State of Michigan, Ingham County.

Enclosed is a copy of the application and plot plan submitted by the applicant for your review.

Please provide written comments or concerns to this department on or before Tuesday, February 5, 2013. Should you have any questions regarding the request, please don't hesitate to call me at (517) 676-9155.

Sincerely,

David E. Haywood  
Zoning & Development Director

*No Comment or  
Concern*

Enclosure

*DL 2/5/13*

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# CITY OF MASON FIRE DEPARTMENT



CHIEF KERRY MINSHALL  
221 W. ASH  
MASON, MI 48854  
PH: 517-244-9025  
FAX: 517-244-9028

To: David E. Haywood  
Zoning & Development Director

From: Kerry Minshall  
Fire Chief *Km.*

Date: February 3, 2013

Re: Rezoning Request  
114 Mason Street, Mason



I have reviewed the rezoning request for the property located at 114 Mason Street and I do not have any concerns at this time.

If you have any questions, please contact me.

- 3.3.165.2\* Apartment Building.** A building or portion thereof containing three or more dwelling units with independent cooking and bathroom facilities. [5000, 2006]
- 3.3.165.3\* Assembly Occupancy.** An occupancy (1) used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses; or (2) used as a special amusement building, regardless of occupant load. [101, 2006]
- 3.3.165.4 Bulk Merchandising Retail Building.** A building in which the sales area includes the storage of combustible materials on pallets, in solid piles, or in racks in excess of 12 ft (3660 mm) in storage height. [5000, 2006]
- 3.3.165.5\* Business Occupancy.** An occupancy used for the transaction of business other than mercantile. [5000, 2006]
- 3.3.165.6\* Day-Care Home.** A building or portion of a building in which more than 3 but not more than 12 clients receive care, maintenance, and supervision, by other than their relative(s) or legal guardian(s), for less than 24 hours per day. [101, 2006]
- 3.3.165.7\* Day-Care Occupancy.** An occupancy in which four or more clients receive care, maintenance, and supervision, by other than their relatives or legal guardians, for less than 24 hours per day. [5000, 2006]
- 3.3.165.8\* Detention and Correctional Occupancy.** An occupancy used to house one or more persons under varied degrees of restraint or security where such occupants are mostly incapable of self-preservation because of security measures not under the occupants' control. [5000, 2006]
- 3.3.165.8.1 Detention and Correctional Use Condition.** For application of the life safety in Section 20.7, the resident user category is divided into the five use conditions.
- 3.3.165.8.1.1 Use Condition I — Free Egress.** Free movement is allowed from sleeping areas and other spaces where access or occupancy is permitted to the exterior via means of egress that meet the requirements of NFPA 101, *Life Safety Code*. [101, 2006]
- 3.3.165.8.1.2 Use Condition II — Zoned Egress.** Free movement is allowed from sleeping areas and any other occupied smoke compartment to one or more other smoke compartments. [101, 2006]
- 3.3.165.8.1.3 Use Condition III — Zoned Impeded Egress.** Free movement is allowed within individual smoke compartments, such as within a residential unit comprised of individual sleeping rooms and a group activity space, with egress impeded by remote-controlled release of means of egress from such a smoke compartment to another smoke compartment. [101, 2006]
- 3.3.165.8.1.4 Use Condition IV — Impeded Egress.** Free movement is restricted from an occupied space, and remote-controlled release is provided to allow movement from all sleeping rooms, activity spaces, and other occupied areas within the smoke compartment to another smoke compartment. [101, 2006]
- 3.3.165.8.1.5 Use Condition V — Contained.** Free movement is restricted from an occupied space, and staff-controlled manual release at each door is provided to allow movement from all sleeping rooms, activity spaces, and other occupied areas within the smoke compartment to another smoke compartment. [101, 2006]
- 3.3.165.9\* Dormitory.** A building or a space in a building in which group sleeping accommodations are provided for more than 16 persons who are not members of the same family in one room, or a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities. [101, 2006]
- 3.3.165.10\* Educational Occupancy.** An occupancy used for educational purposes through the twelfth grade by six or more persons for 4 or more hours per day or more than 12 hours per week. [5000, 2006]
- 3.3.165.11\* Health Care Occupancy.** An occupancy used for purposes of medical or other treatment or care of four or more persons where such occupants are mostly incapable of self-preservation due to age, physical or mental disability, or because of security measures not under the occupants' control. [5000, 2006]
- 3.3.165.12 Hospital.** A building or portion thereof used on a 24-hour basis for the medical, psychiatric, obstetrical, or surgical care of four or more inpatients. [101, 2006]
- 3.3.165.13\* Hotel.** A building or groups of buildings under the same management in which there are sleeping accommodations for more than 16 persons and primarily used by transients for lodging with or without meals. [101, 2006]
- 3.3.165.14\* Industrial Occupancy.** An occupancy in which products are manufactured or in which processing, assembling, mixing, packaging, finishing, decorating, or repair operations are conducted. [5000, 2006]
- 3.3.165.15\* Limited Care Facility.** A building or portion of a building used on a 24-hour basis for the housing of four or more persons who are incapable of self-preservation because of age; physical limitations due to accident or illness; or limitations such as mental retardation/developmental disability, mental illness, or chemical dependency. [101, 2006]
- 3.3.165.16 Lodging or Rooming House.** A building or portion thereof that does not qualify as a one- or two-family dwelling, that provides sleeping accommodations for a total of 16 or fewer people on a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants. [101, 2006]
- 3.3.165.17\* Mercantile Occupancy.** An occupancy used for the display and sale of merchandise. [5000, 2006]
- 3.3.165.17.1 Class A Mercantile Occupancy.** All mercantile occupancies having an aggregate gross area of more than 30,000 ft<sup>2</sup> (2800 m<sup>2</sup>) or occupying more than three stories for sales purposes. [101, 2006]
- 3.3.165.17.2 Class B Mercantile Occupancy.** All mercantile occupancies of more than 3000 ft<sup>2</sup> (280 m<sup>2</sup>), but not more than 30,000 ft<sup>2</sup> (2800 m<sup>2</sup>), aggregate gross area and occupying not more than three stories for sales purposes. [101, 2006]
- 3.3.165.17.3 Class C Mercantile Occupancy.** All mercantile occupancies of not more than 3000 ft<sup>2</sup> (280 m<sup>2</sup>) gross area and used for sales purposes occupying one story only. [101, 2006]
- 3.3.165.18 Nursing Home.** A building or portion of a building used on a 24-hour basis for the housing and nursing care of four or more persons who, because of mental or physical incapacity, might be unable to provide for their

**A.3.3.133 Hazardous Reaction or Hazardous Chemical Reaction.** These dangers might include, but are not limited to, toxic effects, reaction speed (including detonation), exothermic reaction, or production of unstable or reactive materials. [30: A.3.3.20]

**A.3.3.134 Heliport.** The term *heliport* applies to all sites used or intended to be used for the landing and takeoff of helicopters. [418: A.1.3.8]

**A.3.3.138 Immediately Dangerous to Life and Health (IDLH).** This level is established by the National Institute for Occupational Safety and Health (NIOSH). If adequate data do not exist for precise establishment of IDLH data, an independent certified industrial hygienist, industrial toxicologist, or appropriate regulatory agency should make such determination. [55: A.3.3.36]

**A.3.3.140 Incident Commander.** This is equivalent to the on-scene incident commander. [472: A.3.3.38]

**A.3.3.146.1 Ceiling Limit.** The ceiling limits utilized are to be those published in 29 CFR 1910.1000. [5000: A.3.3.355.1]

**A.3.3.146.2 Permissible Exposure Limit (PEL).** The maximum permitted time-weighted average exposures to be utilized are those published in 29 CFR 1910.1000. [55: A.3.3.38.2]

**A.3.3.146.3 Short-Term Exposure Limit (STEL).** STEL limits are published in 29 CFR 1910.1000. [55: A.3.3.38.3]

**A.3.3.147 Limited-Combustible (Material).** Materials subject to increase in combustibility or flame spread index beyond the limits herein established through the effects of age, moisture, or other atmospheric condition are considered combustible. (See NFPA 259 and NFPA 220.) [101: A.3.3.150.2]

**A.3.3.156.6 Highly Toxic Material.** Mixtures of highly toxic materials with ordinary materials, such as water, might not warrant classification as highly toxic. While categorization is basically simple in application, any hazard evaluation that is required for the precise categorization of highly toxic material is required to be performed by experienced, technically competent persons. [5000: A.3.3.388.18.1]

**A.3.3.156.12 Unstable (Reactive) Material.** Unstable (reactive) material is classified as follows:

- (1) Class 4 unstable (reactive) materials are those that, in themselves, are readily capable of detonation, explosive decomposition, or explosive reaction at normal temperatures and pressures and include, among others, materials that are sensitive to localized thermal or mechanical shock at normal temperatures and pressures.
- (2) Class 3 unstable (reactive) materials are those that, in themselves, are capable of detonation, explosive decomposition, or explosive reaction, but that require a strong initiating source or that must be heated under confinement before initiation, and include, among others, materials that are sensitive to thermal or mechanical shock at elevated temperatures and pressures.
- (3) Class 2 unstable (reactive) materials are those that readily undergo violent chemical change at elevated temperatures and pressures and include, among others, materials that exhibit an exotherm at temperatures less than or equal to 30°F (-1°C) when tested by differential scanning calorimetry.
- (4) Class 1 unstable (reactive) materials are those that, in themselves, are normally stable, but that can become unstable at elevated temperatures and pressures and include

among others, materials that change or decompose on exposure to air, light, or moisture and that exhibit an exotherm at temperatures greater than 30°F (-1°C), but less than or equal to 57°F (14°C), when tested by differential scanning calorimetry. [5000: A.3.3.388.19]

**A.3.3.156.13 Water-Reactive Material.** Water-reactive materials are subdivided as follows:

- (1) Class 3 materials are those that react explosively with water without requiring heat or confinement.
- (2) Class 2 materials are those that might form potentially explosive mixtures with water.
- (3) Class 1 materials are those that might react with water with some release of energy, but not violently. [5000: A.3.3.388.20]

**A.3.3.158 Maximum Allowable Quantity (MAQ).** Quantities are permitted to exceed the MAQ when they are located in an area complying with protection levels 1-5 in accordance with the building code.

**A.3.3.159 Means of Egress.** A means of egress comprises the vertical and horizontal travel and includes intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, elevators, enclosures, lobbies, escalators, horizontal exits, courts, and yards. [101: A.3.3.151]

**A.3.3.165.1 Ambulatory Health Care Occupancy.** It is not the intent that occupants be considered to be incapable of self-preservation just because they are in a wheelchair or use assistive walking devices, such as a cane, a walker, or crutches. Rather it is the intent to address emergency care centers that receive patients who have been rendered incapable of self-preservation due to the emergency, such as being rendered unconscious as a result of an accident or being unable to move due to sudden illness. [101: A.3.3.168.1]

**A.3.3.165.2 Apartment Building.** The Code specifies that, wherever there are three or more living units in a building, the building is considered an apartment building and is required to comply with either Chapter 30 or Chapter 31 of NFPA 101, as appropriate. Townhouse units are considered to be apartment buildings if there are three or more units in the building. The type of wall required between units in order to consider them to be separate buildings is normally established by the AHJ. If the units are separated by a wall of sufficient fire resistance and structural integrity to be considered as separate buildings, then the provisions of Chapter 24 of NFPA 101, apply to each townhouse. Condominium status is a form of ownership, not occupancy; for example, there are condominium warehouses, condominium apartments, and condominium offices. [5000: A.3.3.65.4]

**A.3.3.165.3 Assembly Occupancy.** Assembly occupancies might include the following:

- (1) Armories
- (2) Assembly halls
- (3) Auditoriums
- (4) Bowling lanes
- (5) Club rooms
- (6) College and university classrooms, 50 persons and over
- (7) Conference rooms
- (8) Courtrooms
- (9) Dance halls
- (10) Drinking establishments
- (11) Exhibition halls
- (12) Gymnasiums



# Mason Police Department

201 W. Ash St.  
P.O. Box 370  
Mason, MI 48854-0370

JOHN STRESSMAN  
*Chief of Police*

Office: (517) 676-2458  
Fax: (517) 244-9024  
MASON\_PD@ingham.org

## MEMORANDUM

To: David Haywood  
Planning and Development Director

From: John Stressman  
Chief of Police

Date: January 26, 2013

Ref: Re-zoning Request  
114 Mason Street



I have reviewed the request to re-zone 114 Mason Street and have no comments at this time.

If you have any questions, please contact me.

JS/jal

## MEMORANDUM

**To:** David Haywood, Zoning and Development Director

**From:** Marty Colburn, City Administrator & DPW Director

**CC:** Don Heck, City Engineer  
Sam Bibler, POTW Superintendent  
Ken Baker, DPW Superintendent

**Date:** February 8, 2013

**Re:** Rezone Request, 114 Mason Street, Mason

Having reviewed the rezoning request submitted for the property at 114 Mason Street, Mason, I have findings that are problematic.

Chapter 3 of the Mason Master Plan calls for “zoning development densities “ within the Residential Areas section of the Chapter. However, it is apparent the entire block, as well as the vast majority of housing within that section of town, is zoned R2F. Rezoning this single property to RM is not consistent zoning within the neighborhood.

Chapter 3 of the Mason Master Plan, Section Downtown Center: Referencing Development should be designed....to preserve the Downtown Center as a historic and pedestrian friendly commerce center. This project has not demonstrated this characteristic by taking a single family house and turning it into multiple family residential.

The City Public Works Department has adequate capacity to serve this property with both water and sanitary sewers.

In addition, it has come to my attention that this property currently has an outstanding water/sanitary bill in the amount of **\$4,242,04**. This was due to a water break on the property during the billing cycle of November 15, 2011 through February 15, 2012. Public Works staff confirmed that the water break was in the crawl space under the structure. The City has shut off the water to this property. There is a current outstanding bill for the public utilities in the amount of **\$4,274.63**.

It would be against best management practices to recommend pursuing approval of the rezone request for the previous listed reasons.

MAC/icn

## David Haywood

---

**From:** Ken Baker  
**Sent:** Friday, February 08, 2013 11:22 AM  
**To:** David Haywood  
**Subject:** RE: 114 N. Mason - Rezoning

Dave:

After reviewing the documents from the rezoning request for 114 N Mason Street I do not see and utility issues, and I have no other comments.

Thank You

Ken Baker

Superintendent of Public Works

---

**From:** David Haywood [<mailto:davidh@mason.mi.us>]

**Sent:** Friday, February 08, 2013 10:26 AM

**To:** Martin Colburn; Ken Baker

**Subject:** FW: 114 N. Mason - Rezoning

Now it's attached.

---

**From:** David Haywood

**Sent:** Friday, February 08, 2013 10:25 AM

**To:** Martin Colburn; Ken Baker

**Subject:** 114 N. Mason - Rezoning

FYI – Request for comments on the rezoning attached.

David E. Haywood  
Zoning & Development Director  
City of Mason  
201 W. Ash Street  
Mason, MI 48854  
517.676.9155



# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

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**Meeting Date:** February 18, 2013

**Agenda Item:** 9(B)

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### **AGENDA ITEM**

Resolution No. 2013-08– Approval of the Purchase of a 2013 Ford Expedition Special Service Vehicle

### **EXHIBITS**

None.

### **STAFF REVIEW**

Fire Department

### **SUMMARY STATEMENT**

On Christmas Eve day, 2012 the Mason Fire Department was responding with multiple agencies to numerous emergency calls along local streets as well as US127 due to a winter snow storm. During this response, the command vehicle 802 was hit from the rear. Fortunately there were no serious injuries, however, our liability carrier totaled the vehicle. Our liability carrier agreement has fire department vehicles as replacement value. This is allowing us to replace a vehicle minus the deductible. The new vehicle will be assigned to Chief Minshall and his current vehicle will be assigned to a command officer. These vehicles are used for approximately 100 emergency calls annually.

The replacement vehicle is recommended to be a versatile vehicle. The bid amounts are not much more than the value of the vehicle being replaced. The insurance claim value with vehicle salvage value of the damaged car is \$25,300. This is a \$3,615 difference which is manageable under the current budget.

Two bids were requested under the Oakland county bid, two were requested under State of Michigan bid, and two were requested from local dealers. The lowest price came in for \$28,915.00 from Signature Ford in Owosso Mi.

#### **Oakland County Bid Low Prices:**

Ford	Chevrolet
\$28,915.00	\$29,633.74

#### **State of Michigan Bid Low Prices:**

Chevrolet	Ford
\$29,717.00	Refused

#### **Local Dealer Bids:**

LaFontaine Ford of Lansing, MI
\$30,116.10

Shaheen Chevrolet of Lansing, MI
\$29,717.00

### **RECOMMENDED ACTION**

Approve Resolution No. 2013-07.

Introduced:  
Second:

**CITY OF MASON**  
**CITY COUNCIL RESOLUTION NO. 2013-08**  
**APPROVAL TO PURCHASE A 2013 FORD EXPEDITION**

**February 18, 2013**

**WHEREAS**, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the Fire Department; and

**WHEREAS**, A Fire Command vehicle was destroyed in an emergency response call on December 24, 2012; and

**WHEREAS**, the command vehicle was totaled in an accident, and the city insurance carrier is paying the amount of \$24,750.00 to replace the command vehicle and an additional \$550.00 for salvage; and

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council does hereby approve the purchase of one (1) 2013 Ford Expedition for \$28,915.00 from Signature Ford, as the primary command vehicle for the Mason Fire Department.

Yes

No

**CLERK'S CERTIFICATION:** I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, February 18, 2013, the original of which is part of the City Council minutes.

---

Deborah J. Cwierniewicz, City Clerk  
City of Mason  
Ingham County, Michigan

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

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**Meeting Date:** February 18, 2013

**Agenda Item:** 9(C)

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### **AGENDA ITEM**

Resolution No. 2013-09 – Mayoral Appointment to the Traffic Commission

### **EXHIBITS**

- Application

### **STAFF REVIEW**

City Clerk

### **SUMMARY STATEMENT**

The appointment of Jeff Haueter to the Traffic Commission would fill the vacancy left by the loss of Arthur Bush on Sunday, January 27, 2013.

### **RECOMMENDED ACTION**

Move to approve Resolution No. 2013-09.

Introduced:  
Second:

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2013-09  
MAYORAL APPOINTMENT TO THE TRAFFIC COMMISSION  
FEBRUARY 18, 2013**

**WHEREAS**, Mr. Arthur Bush served as a commissioner on the Traffic Commission;  
and

**WHEREAS**, Mr. Bush passed away on Sunday, January 27, 2013; and

**BE IT HEREBY RESOLVED**, that the Mayor, with confirmation by the City Council,  
does hereby appoint Jeff Haueter to the Traffic Commission commencing February  
18, 2013 and expiring December 31, 2013.

Yes

No

**CLERK'S CERTIFICATION:** I hereby certify that the foregoing is a true and  
accurate copy of a resolution adopted by the City Council at its regular meeting held  
Monday, February 18, 2013 the original of which is part of the City Council minutes.

---

Deborah J. Cwierniewicz, City Clerk  
Ingham County, Michigan



**CITY OF MASON  
APPLICATION FOR APPOINTMENT  
CITY BOARD OR COMMISSION**

Board /Commission Interest:	Traffic Commission
Name	Jeff Haueter
Address	533 E. Ash St
Home Phone:	517 676 4102
Other Phone:	517 599-1532
E-Mail:	Haueter jeffrey@sbcglobal.net
Occupation:	Area Manager A:W Restaurants
Employer:	Grand River A:W INC
Business Address:	628 N. Cedar St
Length of Residence Within The City of Mason:	24.5yrs
Education:	High school , some college
Relevant Organizations/Affiliations (if any):	Knights of Columbus, M.A.C.C., Optimist Club
Relevant Employment/Volunteer Experience (if any):	A:W Restaurants, Sign Ordinance Committee
Brief Statement As To Interest In Serving On This Board/Commission:	Would like to volunteer to serve my community

<p><u>Mail Completed Application To:</u></p> <p>City of Mason Office of the City Clerk P.O. Box 370 Mason, MI 48854</p>	<p>Preferred mailing address for agendas:</p> <p><input checked="" type="checkbox"/> Home Address    <input type="checkbox"/> Office Address</p>
---	--

If not appointed, I wish my application to be kept on file for six months. I understand after that time it is necessary to submit a new application to update my interest in serving.

Jeff Haueter  
Signature

2-13-13  
Date

Applicant must be resident of the City of Mason.  
Exception: Residency is not required to serve on E.D.C., L.D.F.A., or D.D.A.

**CITY OF MASON**  
**STAFF AGENDA REPORT TO CITY COUNCIL**

---

**Meeting Date:** February 18, 2013

**Agenda Item:** 9(D)

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**AGENDA ITEM**

Motion – 2012 Annual Report – Fire Department - Chief Kerry Minshall

**EXHIBITS**

None.

**STAFF REVIEW**

Fire Department

**SUMMARY STATEMENT**

The Fire Department is pleased to present its 2012 Annual Report.

**RECOMMENDED ACTION**

Move to accept the Mason Fire Department 2012 Annual Report and place it on file.



# Mason Fire Department 2012 Annual Report



## Mission Statements

**CITY OF MASON, MICHIGAN**

**Mission Statement**

Mason is a community founded upon a respect for our historic past, while encouraging an atmosphere that values family, business, the environment and arts, creating a sense of place for present and future generations.



**MASON FIRE DEPARTMENT  
MISSION STATEMENT**

*To strive to meet the needs of our community through Fire Prevention, Life Safety, Incident Stabilization, and Property Conservation, while being committed to creating pride, professionalism and a work place that nurtures the well-being and growth of our firefighters.*



Mason Fire Department  
2012 Officers



Chief Kerry Minshall



Assistant Chief Mark Howe



Captain Dennis Howe



Lieutenant Russell Whipple



Lieutenant John Sabbadin

# Mason Fire Department

## 2012 Personnel Roster

Member:	Position:	Years of Service For Mason:	Years of Experience In Fire Service:
Steven Armstrong	Engineer	38	38
Larry Martin	Engineer	37	43
Dennis Howe	Captain	34	34
Don Parsons	Engineer	34	34
Leon Clark	Engineer	33	33
Kerry Minshall	Chief	32	32
Mark Howe	Assistant Chief	30	30
Jim Hays	Engineer	29	29
Leon Langridge	Engineer	28	30
Debra Scutt	Firefighter	27	27
Jim Jones	Firefighter/Assistant Engineer	25	25
Michael Buckner	Engineer	24	24
Russell Whipple	1 <sup>st</sup> Lieutenant	23	23
Art Moul	Firefighter/Assistant Engineer	18	29
John Sabbadin	2 <sup>nd</sup> Lieutenant	17	17
Scott Etzel	Firefighter/Assistant Engineer	10	19
Dan Kennedy	Engineer	9	16
Matt Wood	Firefighter/Assistant Engineer	9	9
Scott Preadmore	Firefighter/Assistant Engineer	9	9
Dana Kennedy	Firefighter	8	9
John Scutt	Firefighter	7	10
Brian Jordan	Firefighter	7	18
Vaughn Vandecar	Firefighter	6	6
Jason Buckner	Firefighter	5	12
Brian Revels	Firefighter	5	5
Kevin Revels	Firefighter	5	5
Joshua Woodland	Firefighter/Assistant Engineer	4	13
Jacob Meyers	Firefighter	4	4
Brian Wood	Firefighter	3	3
Chad Chambers	Firefighter	2	17
Kirk Crawford	Firefighter	2	2
Tom Butcher	Firefighter	1	4
Scott Davidson	Firefighter	1	6
Tai English	Firefighter	1	1
Ken Hamel	Firefighter	1	1
John Hill	Firefighter	1	1
Jason Sigman	Firefighter	1	1
Colen Armstrong	**Trainee	0	0
Tim Scott	**Trainee	0	0
Total:		530	619
Average:		13.6	15.87

\* Fully certified as a Firefighter. All new members must fulfill a one year probationary period.

\*\* Currently in Firefighter training class and in their probationary period as a Trainee.

## Personnel Changes in 2012

### New Members

We had two new members join the Fire Department in 2012.

- Colen Armstrong started in August. Colen had worked for the fire department as a co-op student during high school. He is currently enrolled in the Ingham County Chief's Fire Academy.
- Tim Scott started in November. Tim had been a member of the Mason Fire Corp. He is currently enrolled in the Ingham County Chief's Fire Academy.

After successful completion of the Fire Academy in March, the students will be certified at Firefighter I & II, Hazardous Materials Operations Level, Vehicle Extrication, CPR and Emergency Vehicle Driving.

All new members must:

- Pass the interview process with our Selection Committee
- Pass all reference checks
- Pass a criminal background check
- Pass a driving record background check
- Pass a new hire physical including drug screening
- Pass by a majority vote of the membership in their 11<sup>th</sup> month of probation

The City of Mason is an equal opportunity employer.

### Exiting Members

There was only one member who left the Fire Department in 2012.

- Jim Jones Jr. resigned from the department as he moved out of state for his employment. He left as a member in good standing.



## The year in Review

By Chief Kerry Minshall

Besides responding to emergency calls and attending training, the members of the Fire Department stay busy all year by volunteering and participating in several community events and activities. This report highlights only a sampling of the many activities that we are involved in.

There was an increase in the total number of fire calls compared to 2011. Runs in the City were lower however both Aurelius and Vevay Townships had an increase as well as an increase for mutual aid requests.

It seems that one cannot pick up a fire department publication without reading about the lack of firefighter volunteers and the problems with membership retention. We are fortunate in Mason that we are outside of that trend. Our membership is at an all time high as well as our retention of current members. This speaks volumes to me about the fine community that we live in.

Mason Fire Department collaborates with several other departments and organizations such as Metro Fire Chiefs, Ingham County Fire Chiefs, Ingham County Hazardous Materials Team and the Ingham County Tanker Task Force. We do joint purchasing, share services, information, ideas and resources to provide better service to our communities and citizens. I also serve on the Ingham County 911 Advisory Board where I am currently serving as Chairperson.

Captain Dennis Howe serves as the Ingham County Training Coordinator and is also our fire department training officer as well. We continue to have a demanding training program for our members including topics such as fire suppression, search and rescue, vehicle extrication, hazardous materials mitigation, confined space rescue, water and ice rescue, carbon monoxide monitoring and more. We collaborate with the other Ingham County fire departments to offer seminars, joint trainings, Firefighter Academy and Fire Officer Classes.

The Mason Firefighter's Association is made up of all of the members of the Fire Department and retirees plus several honorary and auxiliary members. We also have the Mason Fire Corp that is made up from community volunteers. Both groups play an important support roll for the Mason Fire Department. Through fundraisers and events such as pancake breakfasts, the Saint Patrick's Day dance, and car shows the Mason Firefighter's Association raises funds for the purchase of equipment for the Fire Department as well as supports our other various activities in the local area such as scholarships.

The Mason Firefighters Association gave out two scholarships at the Mason High School annual awards night in May. High School Senior Shane Johnson was the recipient of the Chief James M. Pelton Memorial Scholarship and High School Senior Colen Armstrong received the

Mason Firefighters Association Memorial Scholarship. Mason High School Administration chooses the recipients based on our criteria and we present the scholarship at the awards night.

As Fire Chief and President of the MFA community involvement of the fire department remains a high priority. We continue to host the annual Fourth of July Fireworks program bringing thousands of people to the City of Mason.

Members of the department volunteer many hours to participate in the local parades such as Independence Day, Veteran's Day and the Light Parade. We also participate in parades at Dansville, Delhi and Leslie as they in turn have trucks in our parades.

During the annual fair at the Ingham County Fairgrounds many members volunteer their time to work at the James Malcom Fire Safety House, water the race track or provide fire protection at tractor pulls, demolition derbies and other infield events.

In August members worked at the Darrell's Car Show fundraiser with the proceeds going to the Firefighters Association to help with the purchase the rescue boat project.

The 11<sup>th</sup> annual Mason Cares Day was held on September 11<sup>th</sup> thanks to Dart Bank and Colleen Briggs. Several community members came to the fire station to paint, clean the station, work on landscaping and wash and wax the police and fire vehicles.

Also on September 11<sup>th</sup>, in remembrance of those who lost their lives during the tragic events of September 11, 2001, we held our 11<sup>th</sup> annual 9-11 ceremony. The newly renovated memorial garden was unveiled for the event held in the lower parking lot of the station.

October is National Fire Prevention Month. During October we hosted 18 classroom visits at the fire station and several scouting groups for fire safety education. Our annual open house was held during Fire Prevention Week and was well attended. Visitors could ride on a fire truck, tour the Fire Safety House, spray the fire hoses, watch a car get cut up and much more. It was a free fun filled afternoon of education for all ages.

# Breakdown of Incidents

## Breakdown by Area Served:

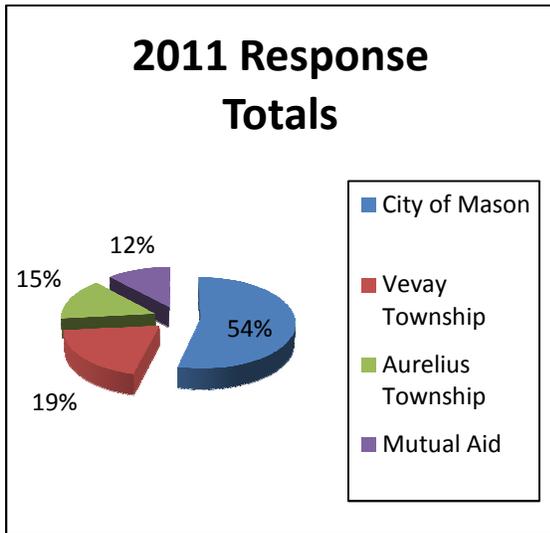
The Mason Fire Department responded to 174 incidents in 2012. This is a total increase of 5 responses compared to 2011. There was a decrease in responses in the City of Mason by 28 calls. Vevay Township had an increase of 11 responses and Aurelius Township had an increase of 10. Mutual aid to neighboring departments increased by 12 responses.

2011 response totals:

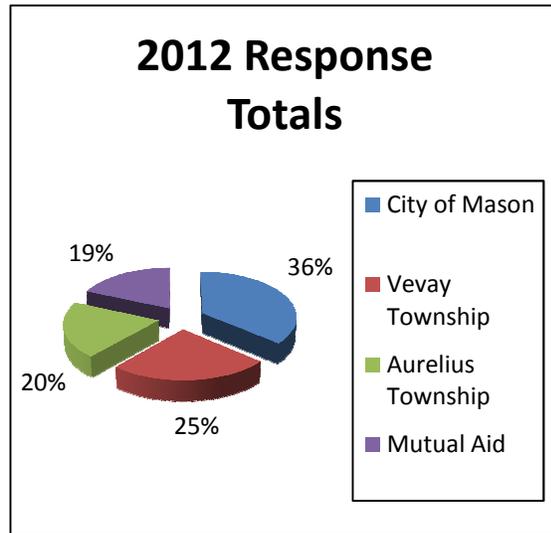
City of Mason	91
Vevay Township	33
Aurelius Township	25
Mutual Aid	<u>20</u>
Total	169

2012 response totals:

City of Mason	63
Vevay Township	44
Aurelius Township	35
Mutual Aid	<u>32</u>
Total	174



Total Responses 2011  
By percent



Total Responses 2012  
By percent

## Breakdown by Incident Type:

### City of Mason 2012:

Structure fires	5
Vehicle fires	4
PI accidents and extrications	1
False alarms: Systems, detectors, etc.	9
False alarms: Canceled, unable to locate etc.	4
Carbon Monoxide alarms	6
Miscellaneous: Power lines etc.	5
Miscellaneous: Odors, gas leaks etc.	3
Fires other: Minor fires, rubbish, unauthorized and authorized burning, fires out upon arrival, etc.	13
Severe weather	0
Wild land, grass fires	5
Missing persons	0
Medical assistance / rescue	2
Hazardous materials, fuel spills	6
Total	63

An average of 21.5 firefighters responded to structure fires.

An average of 12.1 firefighters responded to all other incidents.

This average includes 10 “Command car only” calls with 1 responder.

The average response time from dispatch to on-the-scene was 3.7 minutes.

Average time includes all calls, 29 emergency and 34 non-emergency responses.

There were 68.5 hours spent at runs in the City with a manpower total of 1002.5 hours.

## Aurelius Township 2012:

Structure fires	1
Vehicle fires	0
PI accidents and extrications	9
False alarms: Systems, detectors, etc.	2
False alarms: Canceled, unable to locate etc.	2
Carbon Monoxide alarms	1
Miscellaneous: Power lines etc.	4
Miscellaneous: Odors, gas leaks etc.	2
Fires other: Minor fires, rubbish, unauthorized and authorized burning, fires out upon arrival, etc.	10
Severe weather	0
Wild land, grass fires	2
Missing persons	0
Medical assistance / rescue	1
Hazardous materials, fuel spills	1
Total	35

An average of 30 firefighters responded to structure fires.

An average of 16.7 firefighters responded to all others.

This average includes 4 “Command car only” calls with 1 responder.

The average response time from dispatch to on-the-scene was 11.31 minutes.

Average time includes all calls, 25 emergency and 10 non-emergency responses.

There were 54.5 hours spent at runs in Aurelius Township with a manpower total of 848.5 hours.

## Vevay Township 2012:

Structure fires	2
Vehicle fires	2
PI accidents and extrications	4
False alarms: Systems, detectors, etc.	7
False alarms: Canceled, unable to locate etc.	4
Carbon Monoxide alarms	1
Miscellaneous: Power lines etc.	4
Miscellaneous: Odors, gas leaks etc.	3
Fires other: Minor fires, rubbish, unauthorized and authorized burning, fires out upon arrival, etc.	9
Severe weather	0
Wild land, grass fires	7
Missing persons	0
Medical assistance / rescue	0
Hazardous materials, fuel leaks	1
Total	44

An average of 29 firefighters responded to structure fires.  
 An average of 15.5 firefighters responded to all others.  
 This average includes 4 “Command car only” calls with 1 responder.

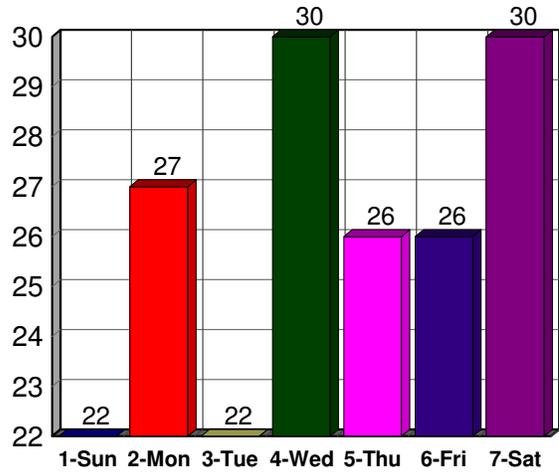
The average response time from dispatch to on-the-scene was 7.6 minutes.  
 Average time includes all calls, 25 emergency and 19 non-emergency responses.

There were 51.5 hours spent at runs in Vevay Township with a manpower total of 928 hours.

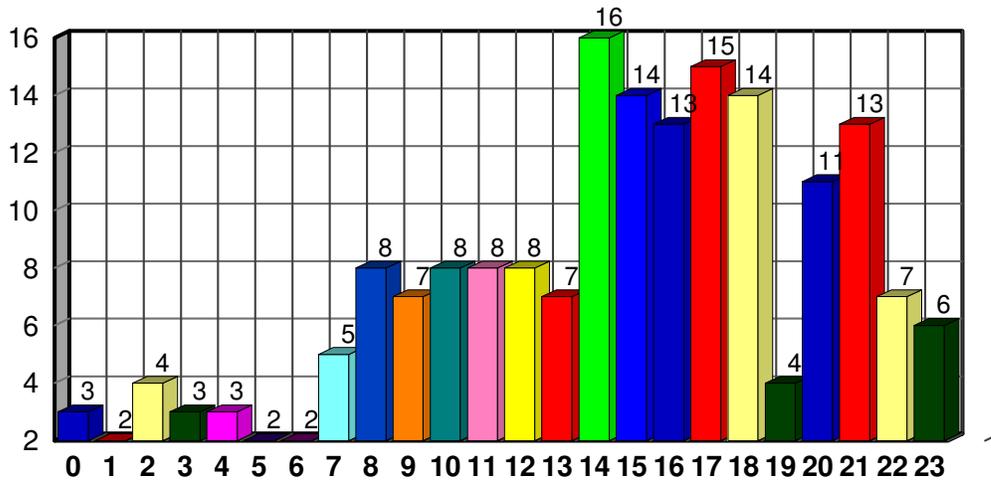
# *INGHAM COUNTY 911*

## *Number of Calls Report by Day of Week - Hour of Day*

**Calls By Day Of Week**



**Calls By Hour Of Day**



The above graphs were provided by the Ingham County Dispatch Center

Estimated Losses  
For Structure Fires

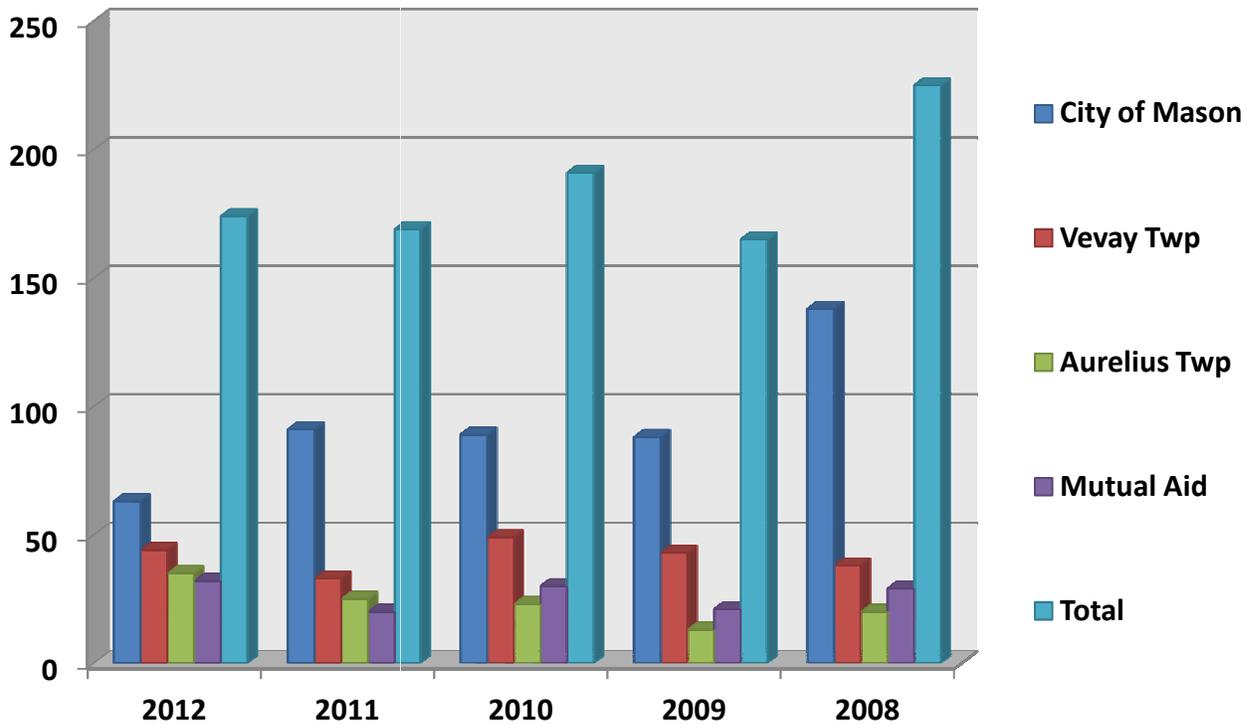
Service Area	Address	Type	Losses Property/Contents	Pre-Fire Value Property/Contents
City	1012 Carom Circle	Apartment	\$5,000 / \$100	\$750,000 / \$75,000
City	711 Randolph	Chicken Coop	\$1,000 / \$500	\$1,000 / \$500
City	210 State Street	Business	\$350,000 / \$100,000	\$405,666 / \$122,940
City	448 N. Barnes Street	House	\$47,640 / \$10,000	\$97,520 / \$20,000
City	130 Rayner Street	House	\$15,000 / \$2,000	\$32,000 / \$2,000
Aurelius	4896 Thurlby Road	House	\$118,900 / \$20,000	\$177,400 / \$25,000
Vevay	2271 Hawley Road	House	\$1,000 / \$1,000	\$140,000 / \$14,000
Vevay	2394 Rolfe Road	House	\$75,000 / \$15,000	\$131,598 / \$30,000

Losses are estimated at the time of the incident report by the information currently available.

## Five Years of Incidents

	2012	2011	2010	2009	2008	Average
City of Mason	63	91	89	88	138	93.8
Vevay Twp	44	33	49	43	38	41.4
Aurelius Twp	35	25	23	13	20	23.2
Mutual Aid	32	20	30	21	29	26.4
Total	174	169	191	165	225	184.8

The following chart represents responses by area over a five-year period.



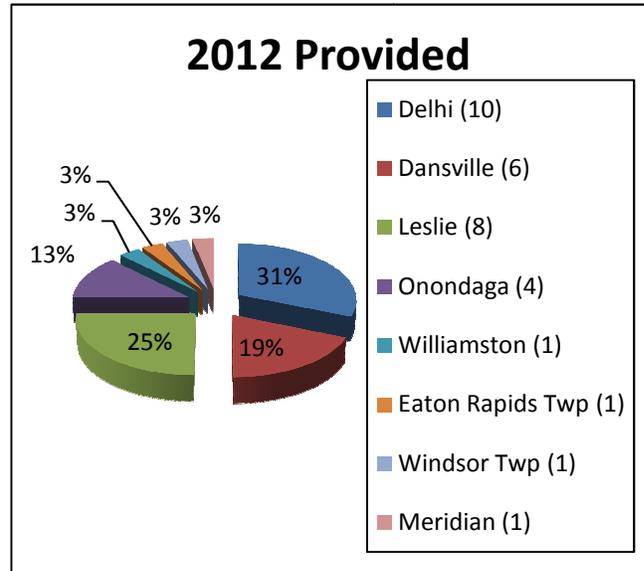
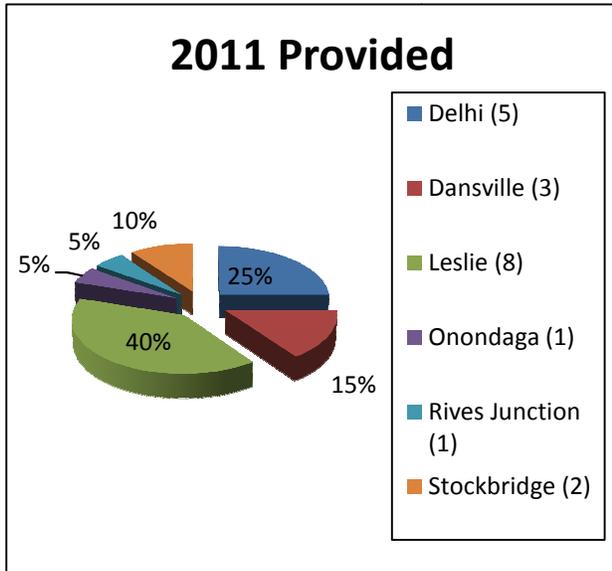
Mutual Aid

Through our Mutual Aid agreements we give and receive assistance for Incident Command support, manpower, equipment, water tankers and Rapid Intervention Teams or almost any other service requested. By collaborating and sharing our resources with other area departments, we are able to greatly enhance the services that we provide and receive.

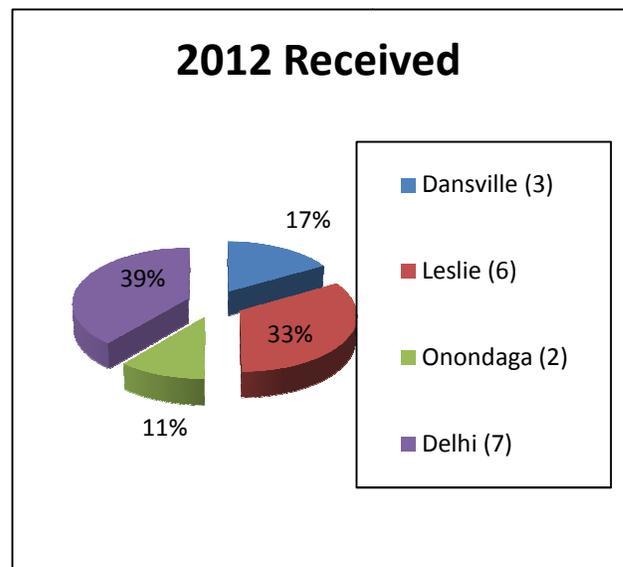
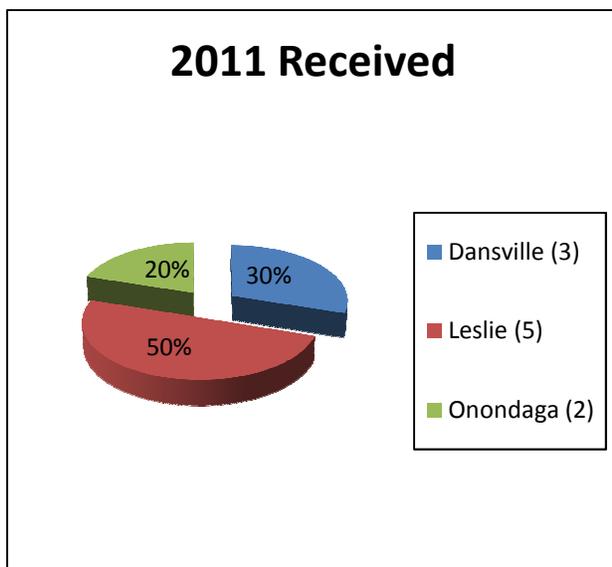
Mason Fire Department continues to participate with the Ingham County Tanker Task Force. A call for the Tanker Task Force will bring tankers from the East, West or all of Ingham County, part of Eaton County, and part of Livingston County. There was 1 TTF response in 2012.

In 2012, Mutual Aid was given 32 times and was received 18 times.

**Mutual Aid Given 2012:**



**Mutual Aid Received 2012:**





## Training & Education

By Dennis Howe  
Captain

The members of the Mason Fire Department are asked to leave their spouses, family, friends, and even their place of employment at a moment's notice to serve this community. In addition, these same members are required to take part in various training opportunities throughout the year. This training allows us to enhance our knowledge, sharpen our skills, and develops the teamwork necessary to maintain the high level of readiness that the citizens we serve have come to expect and deserve.

The Mason Fire Department takes training very seriously as shown by our mandatory practice policy. The first practice of each month is designated as a mandatory practice. The skills that are featured are required to be reviewed on a yearly basis by the NFPA or are ones that the department feels are crucial to its members. These include such subjects as Search & Rescue, HazMat, ICS, SCBA, and Extrication. If a department member misses a mandatory meeting due to work or family conflict, there are several means open to them to make this session up. The member can ask an officer to meet with them, attend a similar session at either the Leslie Fire Department or the Ingham Township Fire Department or in most instances, view a video of the presentation and take a test to show the necessary knowledge was obtained. It is not our intention to punish a member due to circumstances, but rather to insure the safety of the individual as well as the other members with whom they serve.

The Mason Fire Department has a regularly scheduled training practice every other Friday, for a total of 26 sessions per year. Fire practice begins with a business meeting at 7:00 PM, then we move to a training activity and concludes anywhere from 9:00-10:00 PM depending on the exercise. In 2012, approximately 1275 personnel hours were spent on Friday night trainings. This works out to an average of 33.8 hours per person. In addition to the regularly scheduled practices, we have instituted an optional practice that occurs once a month. This allows the members to get together to work on skills that they wish to hone. MFD members also attend training and specialized classes on their own time. The department furnishes each person with a subscription to *Firehouse* magazine. The magazine is filled with information and articles about the latest firefighting techniques, strategy, lessons learned from fires, and articles on items such as the advances in car making technology that will affect extrication practices.

The Mason Fire Department trains with other departments around the county each year. In 2012, there were approximately 1420 additional hours spent in training with the Tanker Task Force, Ingham County HazMat team, Ice Rescue, Extrication classes, Firefighter I & II classes, Fire Officer I, II, & III classes, teaching at other departments, and NIMS training as required by the Dept. of Homeland Security.

It is very important for us to train with other county departments, as we are increasingly working together at emergency scenes on mutual aid requests. We work closely with the Delhi Township, Leslie, Ingham Township and Onondaga Fire Departments. At some point each year, we do training with each of the aforementioned departments. Familiarization with each other's equipment and personnel are crucial to the success and safety of the firefighters and citizens. It is obvious that the members of the Mason Fire Department deem training important, as evidenced by the 79.5% attendance rate at fire practices for 2012. This is an increase of 6.5% over 2011. The over 2700 hours of training is done with very little, and in many cases, no compensation, save the satisfaction of knowing that one is improving his skills as a firefighter. The Mason Fire Department is extremely blessed to have dedicated people who understand the importance of training and the willingness to do so. This department has a very high standing within the fire department and emergency services community for its knowledge, actions, training, expertise, and professional manner with which we serve the citizens of Mason and the townships of Vevay and Aurelius.

As we look forward to 2013, there will be many efforts made to continue to grow our excellent reputation within the fire community due to our leadership, equipment, training, and professionalism. As I serve the Ingham County Fire Chiefs, as the Ingham County Training Coordinator, I have instituted monthly meetings with the Training Officers from the departments of Ingham County. Through this group, a set schedule of classes has been developed and implemented. We are currently hosting the Firefighter I/II classes for new firefighters. The class, which began the first Monday in December, will conclude with the candidates' graduation at Mason High School on April 4. With the assistance of Pete Zamora, the state's county coordinator, we have been able to have three of our members become certified state instructors. This brings our total for the Mason Fire Department to five certified instructors. Company Officer I/II, Fire Officer III, and NIMS 300/400 are also classes that are now being offered county wide on a regular basis. This will allow department heads, as well as the potential attendees, to plan their schedules and their budgets. We will also be hosting a state sanctioned class dealing with the Tanker Task Force later this year. In addition to the usual areas of training, there are several objectives that we hope to accomplish in 2013. We will be taking Tower 808 to the surrounding departments and give these departments hands-on training in the use of our apparatus. Incorporating the Fire Corp into certain aspects of our training is a priority. It keeps them informed and further helps to integrate them into our department. We have included the Fire Corp in at least two practices a year. They have been taught how to change SCBA, roll hose, and other tasks that are of great assistance to the department at major fires. Two major points of emphasis this year will be on firefighter safety and survival during May Day month in May, as well as our need to enhance our driving safety education component. The need to keep up with the ever changing technology and risks involved in being a firefighter in the 21<sup>st</sup> century, are challenges that we readily accept as members of the Mason Fire Department.

## Kosovo Project



Old Engine 806 leaves the station for the last time as it heads to Kosovo.



Acknowledgements from Kosovo are presented at City Council.

## Firefighter Graduation



Michigan State Fire Marshall Miller addresses the new cadets at their graduation ceremony held at the Mason High School.



Mason had four new firefighter graduates in 2012.

## Incidents



US 127 is shut down due to this early morning tanker rollover accident.



Crews arrive at a working house fire.



Tower 808 is put into service.



Firefighters finish up after this unseasonable field fire in January.



Mason Fire responded to several vehicle extrication accidents in 2012.

## Open house



Firefighters show off the rescue boat.



Visitors watch an extrication demonstration.



Spraying the fire hose is always a big hit.



Many visitors attended the open house.

## Car Show at Darrell's



Aerial view of the car show fundraiser held at Darrell's.

## Pancake Breakfast



## Parades

The Mason Fire Department participates in all of the local parades.



Decorating takes several hours.



Finished product.

## Mason Fire Department Fleet



Command 801 responded to 92 calls



Command 802 responded to 96 calls



Rescue 806 responded to 80 calls



Tower 808 responded to 23 calls



Engine 809 responded to 74 calls



Pumper/Tanker 811 responded to 91 calls



Tanker 807 responded to 19 calls



Brush 810 responded to 42 calls



Squad 815 responded to 26 calls

## Conclusion

It is an honor and a privilege to serve as Fire Chief for the City of Mason. I look forward to the challenges in the upcoming year along with the satisfaction that comes with meeting those challenges. In conclusion there are many people who have helped make the past year successful for the fire department.

Mason Fire Department and its members are highly respected in the fire community. As you have read or witnessed, we are very active in firefighting activities and training as well as very involved in the community. Without the support of the City of Mason and the community we would not be able to operate as efficiently and effectively as we are accustomed.

Our firefighters, officers, families and friends volunteer many hours away from home to work at fire calls, attend trainings, serve on committees and volunteer at community events and fundraisers. For all that they do I am thankful.

I thank the many local businesses and citizens that donate time, food and coffee at fire calls and supplies that help to support our operations throughout the year.

Thanks to the Honorable Mayor Clark and City Council for their continued support of Masons emergency services. Through their planning and budgeting process we are able to continue to provide top notch service to our community and to the surrounding area.

Thanks to City Administrator Marty Colburn for his leadership, guidance and support and for his continued commitment to the emergency services in Mason.

It takes the cooperation of many city departments and employees make the fire department function effectively. Thanks to the entire city staff who have helped in many ways throughout the year.

Respectfully submitted,

Kerry Minshall, Fire Chief

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

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**Meeting Date: February 18, 2013**

**Agenda Item: 9(E)**

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### **AGENDA ITEM**

Motion – Bid for Auditing Services

### **EXHIBITS**

- Proposals for Auditing Services Received
- Abraham & Gaffney Municipal Client List within Prior 3 Years

### **STAFF REVIEW**

Finance Department

### **SUMMARY STATEMENT**

The 2011/2012 audit ended a five year contract with Abraham & Gaffney. We have been very satisfied with the services provided throughout the entire contract; however, we felt it would be fiscally prudent to request for proposals due to the length of time since last asking for bids. The City received bids from Abraham & Gaffney, P.C., Layton & Richardson, P.C., and Rehmann.

After a thorough review of the submitted proposals, Abraham & Gaffney, P.C., submitted the proposal that would best serve the City of Mason. A primary factor that sets Abraham & Gaffney apart from other firms is their focus on small to medium-sized governments. It is this focus with comparable municipalities that assists in providing relevant experience and insight to the City of Mason. Abraham & Gaffney has demonstrated a high level of industry knowledge, communication skills, and professionalism over the past 5 years. They have continually made themselves available for questions and willing to help in problem solving throughout the year at no additional cost. Their auditing approach and procedures work well for the City of Mason further demonstrating the importance of a small to medium-sized government focus. I recommend that due to their familiarity with our policies, procedures, contracts, and agreements, the City would receive the greatest benefit for auditing services by accepting the proposal for auditing services from Abraham & Gaffney, P.C.

### **RECOMMENDED ACTION**

Move to accept the three year auditing services bid from Abraham & Gaffney for not more than \$60,600 with an option for the following two years as quoted.

**CITY OF MASON**  
**Request for Proposals -- Auditing Services**

Fiscal Years 2012/2013 through 2014/2015 (3 years)  
Option 2015/2016 through 2016/2017 (2 years)

**Abraham & Gaffney, P.C.**

	<u>Audit</u>	<u>Single Audit</u>	<u>Total</u>
2012/2013	18,500	1,700	20,200
2013/2014	18,500	1,700	20,200
2014/2015	<u>18,500</u>	<u>1,700</u>	<u>20,200</u>
	55,500	5,100	60,600
2015/2016	19,000	1,700	20,700
2016/2017	<u>19,000</u>	<u>1,700</u>	<u>20,700</u>
	<u>93,500</u>	<u>8,500</u>	<u>102,000</u>

**Rehmann Robson**

	<u>Audit</u>	<u>Single Audit</u>	<u>Total</u>
2012/2013	21,500	*	21,500
2013/2014	22,000	*	22,000
2014/2015**	<u>22,500</u>	<u>*</u>	<u>22,500</u>
	66,000	-	66,000
2015/2016	23,000	*	23,000
2016/2017	<u>23,500</u>	<u>*</u>	<u>23,500</u>
	<u>112,500</u>	<u>-</u>	<u>112,500</u>

\*Single audit not separated

\*\* Does not include time and fees for GASB 67 and 68 implementation (pension plan disclosure and liabilities)

**Layton & Richardson, P.C.**

	<u>Audit</u>	<u>Single Audit</u>	<u>Total</u>
2012/2013	17,000	2,000	19,000
2013/2014	17,500	2,000	19,500
2014/2015	<u>18,000</u>	<u>2,000</u>	<u>20,000</u>
	52,500	6,000	58,500
2015/2016	18,500	2,000	20,500
2016/2017	<u>19,000</u>	<u>2,000</u>	<u>21,000</u>
	<u>90,000</u>	<u>10,000</u>	<u>100,000</u>

# GOVERNMENTAL EXPERIENCE

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Our firm has considerable recent governmental accounting and auditing experience which is detailed in the following sections.

## **Auditing Governmental Units**

We have performed services for various governmental units throughout Michigan. Governmental auditing and accounting is a significant portion of our accounting practice and currently represents well over 70% of our gross fees. The following lists the governmental clients we are currently serving, have served, or have recently been appointed to serve:

### **Counties**

Branch County  
Gratiot County  
Montcalm County  
Van Buren County  
Missaukee County  
Isabella County  
Cass County  
Oceana County  
Sanilac County

Shiawassee County  
Ionia County  
Barry County  
Lake County  
Clinton County  
St. Joseph County  
Clare County  
Jackson County

### **Cities**

City of St. Johns  
City of DeWitt  
City of Portland  
City of Corunna  
City of Niles  
City of Laingsburg  
City of Montrose  
City of Fenton  
City of St. Clair  
Village of Grosse Pointe Shores, a Michigan City

City of Albion  
City of Linden  
City of Ann Arbor  
City of Mason  
City of Pleasant Ridge  
City of the Village of Douglas  
City of Ferndale  
City of Springfield  
City of Kalamazoo  
City of Watervliet

### **Townships**

Fulton Township  
Williamstown Township  
Essex Township  
Chippewa Township  
Ovid Township  
Washington Township  
Westphalia Township  
DeWitt Charter Township  
Dallas Township  
Duplain Township  
Vevay Township  
Lafayette Township  
Bath Charter Township

Lansing Charter Township  
Chester Township  
Williams Charter Township  
Brookfield Township  
Benton Township  
Bruce Township  
North Shade Township  
Montrose Charter Township  
North Star Township  
Lebanon Township  
Ypsilanti Charter Township  
Bingham Township  
Locke Township



# GOVERNMENTAL EXPERIENCE (CONTINUED)

## Auditing Governmental Units (Continued)

### Townships (Concluded)

Elba Township  
Eagle Township  
North Plains Township  
Olive Township

Bengal Township  
Seville Township  
East Bay Charter Township  
Ray Township

### Villages

Village of Ovid  
Village of Pewamo  
Village of Perrinton  
Village of Spring Lake  
Village of Eagle  
Village of Galien  
Village of Decatur

Village of Ashley  
Village of Fowlerville  
Village of Fowler  
Village of Maple Rapids  
Village of Westphalia  
Village of Brooklyn

### Libraries

Ovid Public Library  
Community District Library (Corunna)  
Ionia Community Library  
Charlotte Community Library  
Grand Ledge Area District Library  
Albion District Library  
Tecumseh District Library  
Potterville Benton Township District Library

Orion Township Public Library  
Maple Rapids Public Library  
Flat River Community Library  
Cromaine District Library  
Marshall District Library  
White Lake Community Library  
Detroit Public Library

### School Districts

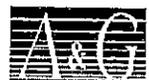
Clinton County Regional Educational Service Agency  
St. Johns Public Schools  
New Lothrop Area Public Schools  
Eaton Intermediate School District  
Montabella Community Schools  
Williamston Community Schools  
Charlotte Public Schools  
Lake City Public Schools  
Wexford-Missaukee Intermediate School District  
Dansville Public Schools  
Woodhaven - Brownstown Schools

Potterville Schools  
Fulton Schools  
Central Montcalm Public Schools  
Mason Public Schools  
Webberville Community Schools  
Tri County Area Schools  
Oneida Township School District #3  
Stockbridge Community Schools  
Melvindale/Northern Allen Park Schools  
Taylor School District  
Mesick Consolidated Schools

### Health Departments

Branch-Hillsdale-St. Joseph Community Health Agency  
Central Michigan District Health Department  
Van Buren-Cass County District Health Department  
Ionia County Health Department

District Health Department #10  
Mid-Michigan District Health Department  
Shiawassee County Health Department



## GOVERNMENTAL EXPERIENCE (CONTINUED)

### Auditing Governmental Units (Concluded)

#### Road Commissions

Ingham County Road Commission  
Sanilac County Road Commission

Shiawassee County Road Commission  
Oceana County Road Commission

#### Transportation Authorities and Agencies

Bay Metropolitan Transportation Authority  
St. Joseph County Transportation Authority  
Isabella County Transportation Commission  
Jackson Transportation Authority  
Saginaw Transit Authority Regional Services

Clinton Area Transit System  
Shiawassee Area Transportation Agency  
Barry County Transit  
Flint Mass Transportation Authority  
Kalamazoo Metro Transit System

#### Other Public Authorities and Agencies

Clinton Area Ambulance Authority  
Ovid-Middlebury Emergency Services Authority  
Traverse City & Garfield Township Recreation Authority  
Southern Clinton County Municipal Utilities Authority  
Meceola Consolidated Central Dispatch Authority

DeWitt Area Recreation Authority  
Fowlerville Area Fire Authority  
Tri-County Office on Aging  
DeWitt Area Emergency Services Authority  
Kalamazoo Area Transportation Study

### Single Audits

The "Single Audit" is required to be performed for governmental units that expend \$500,000 or more in federal financial assistance in a fiscal year. This type of audit covers compliance with grant regulations and contract provisions, along with financial areas.

We have attained extensive experience with governmental units related to grant funded programs, either by performing Single Audits or providing monitoring and technical assistance services. We have performed Single Audits for numerous governmental units and nonprofit organizations, and currently perform more than fifty (50) Single Audits annually. This experience would prove beneficial to the City of Mason in assisting in applying for and auditing of grants.

### Comprehensive Annual Financial Reporting

The Comprehensive Annual Financial Report (CAFR) of a governmental unit per NCGA Statement I should contain three (3) sections (Introductory, Financial, Statistical). Our review principal was the individual primarily responsible for the completion of the CAFR for the City of St. Johns while employed as the City Treasurer.

Clients we have assisted in the preparation of their CAFR are the Cities of St. Johns, Ann Arbor, Fenton, and Kalamazoo and Isabella and Cass Counties. All team members have also attended seminars concerning the process of preparing a CAFR and dealing with the common problem areas associated with gathering and reporting the data.



# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

---

**Meeting Date:** February 18, 2013

**Agenda Item:** 9(F)

---

### **AGENDA ITEM**

Motion — Request to be Excused – City Council Member Leslie W. Bruno, Jr.

### **EXHIBITS**

- Letter of Request

### **STAFF REVIEW**

City Clerk

### **SUMMARY STATEMENT**

Council Member Bruno is requesting be excused from both regular meetings in March and the first meeting in April.

### **RECOMMENDED ACTION**

Move to excuse the requested absences for Council Member Leslie W. Bruno, Jr. from the March 4, March 18, and April 1, 2013 regular council meetings.

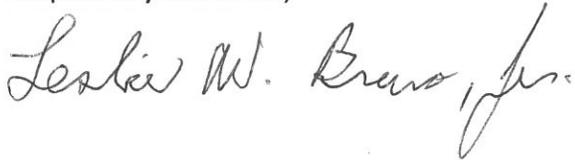
February 14, 2013

The Honorable Mayor Clark  
c/o Mason City Clerk  
201 West Ash Street  
Mason, MI 48854

Honorable Mayor Clark and Council members,

I, Leslie W. Bruno, Jr., am requesting as per section 5.2 (3) of City of Mason's charter to be excused from the council meetings of March 4, 2013, March 18, 2013 and April 1, 2013. I will be out of state on these dates. As always, I will be available by e-mail or by phone (517-896-1444).

Respectively submitted,

A handwritten signature in cursive script that reads "Leslie W. Bruno, Jr." with a stylized flourish at the end.

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

---

**Meeting Date:** February 18, 2013

**Agenda Item:** 9(G)

---

### **AGENDA ITEM**

Discussion – WOW (Wide Open West) Service Disruptions

### **EXHIBITS**

- February 7, 2013 letter to Ed Sesi, Manager at WOW

### **STAFF REVIEW**

Administration

### **SUMMARY STATEMENT**

Following requests from multiple City Council members, this issue was to be discussed. The City Administrator forwarded a letter to Mr. Sesi of WOW regarding their poor service, inviting a company representative to attend a City Council meeting. The letter is attached for your review.

Mr. Sesi was invited and unfortunately was not available for the February 18 Council meeting, however he did state that he intends to be available to the City Council at the March 4 meeting.

### **RECOMMENDED ACTION**

No action required.

# City of Mason

201 W. Ash St.  
P.O. Box 370  
Mason, MI 48854-0370  
[www.mason.mi.us](http://www.mason.mi.us)



City Hall 517 676-9155  
Police 517 676-2458  
Fax 517 676-1330  
TDD 1-800-649-3777

February 7, 2013

WOW- Wide Open West  
Mr. Ed Sesi  
2512 Lansing Rd.  
Charlotte, MI 48813

Via Email and US Mail: [esesi@wideopenwest.com](mailto:esesi@wideopenwest.com)

Re: Service Disruption

Dear Mr. Sesi:

The region has experienced ongoing technical difficulties with WOW since Tuesday, February 5, 2013. The City of Mason has received numerous complaints about the service from WOW, and in follow up, we have determined that WOW was making some changes to the system, which apparently impacted a much wider area than anticipated. As of the time of writing this letter, February 7, WOW has reported that the Lansing and Detroit areas of their system are fully back and operational. However, WOW also reported that Mason, Charlotte, Marshall and Bath areas are still impacted and they have requested patience as they work out the issues.

It is my understanding that the actions taken by WOW have taken out the high definition channels. I was notified by a WOW representative that if you unhook your TV from the WOW box, you can get reception. While I have tested this and it appears that it does work, the reception is very poor with a lot of "snow." The City of Mason continues to express to our citizens that WOW is a separate public utility from the City, and that we have followed up with communications to them. However, the appalling service and reception from WOW reflects poorly on your organization and provides substandard service to the City.

I would like to discuss with you potential resolutions to these issues. If the substandard service from WOW continues, we will be obligated to work with another company to provide the City of Mason residents their cable, internet and phone service.

WOW  
February 7, 2013  
Page 2 of 2

Be advised that this issue is on the City Council agenda for Monday, February 18, 2013 at 7:30 PM for discussion, and you are invited to attend to address the concerns. I will look forward to hearing from you regarding the issues listed above. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin A. Colburn", with a long horizontal flourish extending to the right.

Martin A. Colburn  
City Administrator

MAC/icn

CC: Mayor Leon Clark and City Council members  
City Clerk Deborah Cwierniewicz

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

---

**Meeting Date:** February 18, 2013

**Agenda Item:** 9(H)

---

### **AGENDA ITEM**

Discussion – 224 South Jefferson Street Property Uses

### **EXHIBITS**

- Location map

### **STAFF REVIEW**

Administration

### **SUMMARY STATEMENT**

It was requested to have a discussion regarding future use for the City owned parcel at 224 South Jefferson Street. This property was acquired last year from Mrs. Barb DePue who donated the property in memory of her late husband Bruce DePue.

### **RECOMMENDED ACTION**

No action required.



224 South Jefferson Street, Mason, MI ("A" Point on Map)

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR	AVAILABLE	% BDGT USED
		AMENDED BUDGET	01/31/2013 NORMAL (ABNORMAL)	MONTH 01/31/2013 INCREASE (DECREASE)	BALANCE NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Revenues						
000.00		164,635.00	1,685.48	1,685.48	162,949.52	1.02
215.00	CLERK	0.00	142.82	0.00	(142.82)	100.00
254.00	TREASURER/FINANCE	4,787,985.00	3,994,125.24	1,042,077.16	793,859.76	83.42
262.00	ELECTIONS	0.00	5,791.73	0.00	(5,791.73)	100.00
271.00	FORESTRY	29,770.00	29,870.00	29,770.00	(100.00)	100.34
276.00	CEMETERY	40,750.00	19,136.00	9,820.00	21,614.00	46.96
301.00	POLICE DEPARTMENT	116,115.00	47,468.28	11,094.38	68,646.72	40.88
336.00	FIRE DEPARTMENT	148,555.00	81,462.28	2,529.00	67,092.72	54.84
528.00	REFUSE COLLECTION	331,755.00	333,655.90	110.34	(1,900.90)	100.57
747.00	COMMUNITY GARDEN	250.00	0.00	0.00	250.00	0.00
751.00	RECREATION	11,000.00	1,605.00	425.00	9,395.00	14.59
775.00	SENIOR CITIZENS	4,000.00	0.00	0.00	4,000.00	0.00
850.00	WORKERS COMPENSATION	55,100.00	20,120.00	0.00	34,980.00	36.52
TOTAL Revenues		5,689,915.00	4,535,062.73	1,097,511.36	1,154,852.27	79.70
Expenditures						
101.00	COUNCIL	44,305.00	22,427.38	4,472.06	21,877.62	50.62
172.00	ADMINISTRATOR	240,240.00	162,596.39	70,593.82	77,643.61	67.68
209.00	ASSESSING	47,185.00	26,405.30	4,075.86	20,779.70	55.96
247.00	BOARD OF REVIEW	650.00	150.00	0.00	500.00	23.08
254.00	TREASURER/FINANCE	475,615.00	323,126.88	138,404.39	152,488.12	67.94
260.00	TECHNOLOGY	48,565.00	24,975.56	2,905.35	23,589.44	51.43
262.00	ELECTIONS	135,590.00	79,673.74	16,784.61	55,916.26	58.76
265.00	BUILDING OFFICIAL/CITY HALL	145,710.00	73,969.91	17,792.61	71,740.09	50.77
266.00	LEGAL/ATTORNEY	70,000.00	49,706.76	4,533.40	20,293.24	71.01
268.00	PARK STREET PROPERTY	41,985.00	0.00	0.00	41,985.00	0.00
269.00	PROPERTY	430,595.00	302,816.61	3,100.11	127,778.39	70.33
271.00	FORESTRY	67,705.00	24,610.93	9,470.35	43,094.07	36.35
272.00	ADMINISTRATIVE SERVICES	233,895.00	172,392.73	52,381.80	61,502.27	73.71
276.00	CEMETERY	146,525.00	92,811.57	49,770.20	53,713.43	63.34
305.00	POLICE ADMINISTRATION	337,945.00	203,190.79	67,010.13	134,754.21	60.13
315.00	CROSSING GUARDS	33,595.00	16,667.07	8,630.35	16,927.93	49.61
316.00	POLICE PATROLLING	1,016,720.00	664,819.20	257,652.99	351,900.80	65.39
336.00	FIRE DEPARTMENT	429,785.00	331,162.48	54,268.40	98,622.52	77.05
380.00	PLANNING/ZONING OFFICIAL	120,000.00	70,260.00	18,119.51	49,740.00	58.55
426.00	CIVIL DEFENSE	8,100.00	100.38	50.00	7,999.62	1.24
428.00	DISASTER ACCOUNT	100.00	0.00	0.00	100.00	0.00
441.00	PUBLIC SERVICES	6,400.00	3,859.70	2,063.49	2,540.30	60.31
447.00	ENGINEERING	285.00	285.00	285.00	0.00	100.00
448.00	STREET LIGHTING	134,985.00	57,956.42	13,438.46	77,028.58	42.94
528.00	REFUSE COLLECTION	331,235.00	199,579.27	41,723.64	131,655.73	60.25
747.00	COMMUNITY GARDEN	250.00	420.00	6.96	(170.00)	168.00
756.00	PARKS AND BALL DIAMONDS	142,610.00	90,934.77	33,067.25	51,675.23	63.76
775.00	SENIOR CITIZENS	8,010.00	4,785.00	1,435.00	3,225.00	59.74
790.00	LIBRARY	8,045.00	4,455.95	1,420.00	3,589.05	55.39
806.00	CHRISTMAS DECORATIONS	4,505.00	5,227.62	1,735.77	(722.62)	116.04
807.00	CABLE COMMISSION	4,300.00	2,337.50	600.00	1,962.50	54.36
808.00	PLANNING COMMISSION	1,385.00	941.43	195.22	443.57	67.97
850.00	WORKERS COMPENSATION	55,100.00	29,840.00	0.00	25,260.00	54.16
855.00	RETIREE BENEFITS	101,200.00	55,169.57	4,917.15	46,030.43	54.52
890.00	CONTINGENCIES	56,590.00	495.00	495.00	56,095.00	0.87
999.00	SURPLUS	760,205.00	0.00	0.00	760,205.00	0.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR	AVAILABLE	% BDGT
		AMENDED	01/31/2013	MONTH 01/31/2013	BALANCE	
		BUDGET	NORMAL (ABNORMAL)	INCREASE (DECREASE)	NORMAL (ABNORMAL)	USED
Fund 101 - GENERAL FUND						
Expenditures						
TOTAL Expenditures		5,689,915.00	3,098,150.91	881,398.88	2,591,764.09	54.45
<hr/>						
Fund 101:						
TOTAL REVENUES		5,689,915.00	4,535,062.73	1,097,511.36	1,154,852.27	79.70
TOTAL EXPENDITURES		5,689,915.00	3,098,150.91	881,398.88	2,591,764.09	54.45
NET OF REVENUES & EXPENDITURES		0.00	1,436,911.82	216,112.48	(1,436,911.82)	100.00

## REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR		AVAILABLE		% BGD USED
		AMENDED BUDGET	01/31/2013 NORMAL (ABNORMAL)	MONTH 01/31/2013 INCREASE (DECREASE)	BALANCE NORMAL (ABNORMAL)			
Fund 202 - MAJOR STREETS FUND								
Revenues								
000.00		1,173,410.00	153,058.06	29,076.78	1,020,351.94	13.04		
TOTAL Revenues		<u>1,173,410.00</u>	<u>153,058.06</u>	<u>29,076.78</u>	<u>1,020,351.94</u>	<u>13.04</u>		
Expenditures								
000.00		55,980.00	185.48	185.48	55,794.52	0.33		
451.00	STREET/ROAD CONSTRUCTION	860,205.00	22,142.50	22,142.50	838,062.50	2.57		
463.00	STREET MAINTENANCE	131,260.00	82,121.22	17,866.36	49,138.78	62.56		
474.00	TRAFFIC SERVICES	24,230.00	13,079.51	6,346.38	11,150.49	53.98		
478.00	WINTER MAINTENANCE	38,255.00	6,317.95	3,303.82	31,937.05	16.52		
482.00	STREET ADMIN/GEN EXP	63,480.00	63,480.00	63,480.00	0.00	100.00		
TOTAL Expenditures		<u>1,173,410.00</u>	<u>187,326.66</u>	<u>113,324.54</u>	<u>986,083.34</u>	<u>15.96</u>		
Fund 202:								
TOTAL REVENUES		1,173,410.00	153,058.06	29,076.78	1,020,351.94	13.04		
TOTAL EXPENDITURES		<u>1,173,410.00</u>	<u>187,326.66</u>	<u>113,324.54</u>	<u>986,083.34</u>	<u>15.96</u>		
NET OF REVENUES & EXPENDITURES		0.00	(34,268.60)	(84,247.76)	34,268.60	100.00		

## REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR		AVAILABLE		% BGD USED
		AMENDED BUDGET	01/31/2013 (ABNORMAL)	INCREASE	MONTH 01/31/2013 (DECREASE)	NORMAL	(ABNORMAL)	
Fund 203 - LOCAL STREETS FUND								
Revenues								
000.00		191,380.00	56,885.17		11,464.59		134,494.83	29.72
TOTAL Revenues		<u>191,380.00</u>	<u>56,885.17</u>		<u>11,464.59</u>		<u>134,494.83</u>	<u>29.72</u>
Expenditures								
000.00		0.00	1,500.00		1,500.00		(1,500.00)	100.00
463.00	STREET MAINTENANCE	139,970.00	92,399.38		25,671.11		47,570.62	66.01
474.00	TRAFFIC SERVICES	8,385.00	497.35		121.91		7,887.65	5.93
478.00	WINTER MAINTENANCE	31,525.00	4,429.87		1,397.51		27,095.13	14.05
482.00	STREET ADMIN/GEN EXP	11,500.00	11,500.00		11,500.00		0.00	100.00
TOTAL Expenditures		<u>191,380.00</u>	<u>110,326.60</u>		<u>40,190.53</u>		<u>81,053.40</u>	<u>57.65</u>
Fund 203:								
TOTAL REVENUES		<u>191,380.00</u>	<u>56,885.17</u>		<u>11,464.59</u>		<u>134,494.83</u>	<u>29.72</u>
TOTAL EXPENDITURES		<u>191,380.00</u>	<u>110,326.60</u>		<u>40,190.53</u>		<u>81,053.40</u>	<u>57.65</u>
NET OF REVENUES & EXPENDITURES		0.00	(53,441.43)		(28,725.94)		53,441.43	100.00

## REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR		AVAILABLE		% BDT USED
		AMENDED BUDGET	01/31/2013 (ABNORMAL)	MONTH 01/31/2013 INCREASE	(DECREASE)	NORMAL	(ABNORMAL) BALANCE	
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY								
Revenues								
000.00		123,245.00	88,973.12		40.61		34,271.88	72.19
TOTAL Revenues		<u>123,245.00</u>	<u>88,973.12</u>		<u>40.61</u>		<u>34,271.88</u>	<u>72.19</u>
Expenditures								
000.00		123,245.00	46,884.71		13,592.24		76,360.29	38.04
TOTAL Expenditures		<u>123,245.00</u>	<u>46,884.71</u>		<u>13,592.24</u>		<u>76,360.29</u>	<u>38.04</u>
Fund 248:								
TOTAL REVENUES		123,245.00	88,973.12		40.61		34,271.88	72.19
TOTAL EXPENDITURES		<u>123,245.00</u>	<u>46,884.71</u>		<u>13,592.24</u>		<u>76,360.29</u>	<u>38.04</u>
NET OF REVENUES & EXPENDITURES		0.00	42,088.41		(13,551.63)		(42,088.41)	100.00

## REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR		AVAILABLE		% BDT USED
		AMENDED BUDGET	01/31/2013 NORMAL (ABNORMAL)	MONTH 01/31/2013 INCREASE (DECREASE)	BALANCE NORMAL (ABNORMAL)			
Fund 250 - LOCAL DEV. FINANCE AUTHORITY								
Revenues								
000.00		674,600.00	1,774,101.50	533.46	(1,099,501.50)	262.99		
TOTAL Revenues		<u>674,600.00</u>	<u>1,774,101.50</u>	<u>533.46</u>	<u>(1,099,501.50)</u>	<u>262.99</u>		
Expenditures								
691.00	L.D.F.A.	674,600.00	48,445.00	8,985.00	626,155.00	7.18		
TOTAL Expenditures		<u>674,600.00</u>	<u>48,445.00</u>	<u>8,985.00</u>	<u>626,155.00</u>	<u>7.18</u>		
Fund 250:								
TOTAL REVENUES		674,600.00	1,774,101.50	533.46	(1,099,501.50)	262.99		
TOTAL EXPENDITURES		<u>674,600.00</u>	<u>48,445.00</u>	<u>8,985.00</u>	<u>626,155.00</u>	<u>7.18</u>		
NET OF REVENUES & EXPENDITURES		0.00	1,725,656.50	(8,451.54)	(1,725,656.50)	100.00		

REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE		ACTIVITY FOR		AVAILABLE		% BDT USED
		AMENDED BUDGET	NORMAL	(ABNORMAL)	MONTH 01/31/2013 INCREASE (DECREASE)	NORMAL	(ABNORMAL)	BALANCE	
Fund 297 - ECONOMIC DEVELOPMENT COMM.									
Revenues									
000.00		60.00		36.70		5.12		23.30	61.17
TOTAL Revenues		<u>60.00</u>		<u>36.70</u>		<u>5.12</u>		<u>23.30</u>	<u>61.17</u>
Expenditures									
000.00		60.00		0.00		0.00		60.00	0.00
TOTAL Expenditures		<u>60.00</u>		<u>0.00</u>		<u>0.00</u>		<u>60.00</u>	<u>0.00</u>
Fund 297:									
TOTAL REVENUES		60.00		36.70		5.12		23.30	61.17
TOTAL EXPENDITURES		<u>60.00</u>		<u>0.00</u>		<u>0.00</u>		<u>60.00</u>	<u>0.00</u>
NET OF REVENUES & EXPENDITURES		0.00		36.70		5.12		(36.70)	100.00



## REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR		AVAILABLE		% BDGT USED
		AMENDED BUDGET	01/31/2013 (ABNORMAL)	MONTH 01/31/2013 INCREASE	(DECREASE)	NORMAL	(ABNORMAL) BALANCE	
Fund 592 - WATER/SEWER FUND								
Revenues								
000.00		3,843,700.00	1,564,415.94	167,358.23		2,279,284.06		40.70
TOTAL Revenues		<u>3,843,700.00</u>	<u>1,564,415.94</u>	<u>167,358.23</u>		<u>2,279,284.06</u>		<u>40.70</u>
Expenditures								
545.00	WATER & SEWER ADMINISTRATION	41,335.00	22,899.38	4,011.66		18,435.62		55.40
546.00	SEWER IMPROVEMENT	43,260.00	0.00	0.00		43,260.00		0.00
548.00	SEWER MAINTENANCE	187,270.00	65,402.94	31,367.83		121,867.06		34.92
555.00	WASTEWATER TREATMENT PLANT	878,425.00	567,990.60	234,870.85		310,434.40		64.66
556.00	WATER MAINTENANCE	389,895.00	237,642.87	75,472.89		152,252.13		60.95
557.00	STORM SEWER PROGRAM	10,320.00	7,371.78	6,303.45		2,948.22		71.43
558.00	WATER IMPROVEMENT	759,265.00	192,775.71	129,830.00		566,489.29		25.39
559.00	WATER TREATMENT PLANT	843,195.00	266,247.24	33,274.10		576,947.76		31.58
566.00	ALLOWANCE FOR DEPRECIATION	690,735.00	0.00	0.00		690,735.00		0.00
TOTAL Expenditures		<u>3,843,700.00</u>	<u>1,360,330.52</u>	<u>515,130.78</u>		<u>2,483,369.48</u>		<u>35.39</u>
Fund 592:								
TOTAL REVENUES		<u>3,843,700.00</u>	<u>1,564,415.94</u>	<u>167,358.23</u>		<u>2,279,284.06</u>		<u>40.70</u>
TOTAL EXPENDITURES		<u>3,843,700.00</u>	<u>1,360,330.52</u>	<u>515,130.78</u>		<u>2,483,369.48</u>		<u>35.39</u>
NET OF REVENUES & EXPENDITURES		0.00	204,085.42	(347,772.55)		(204,085.42)		100.00

## REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR		AVAILABLE		% BDGT USED
		AMENDED BUDGET	01/31/2013 NORMAL (ABNORMAL)	MONTH 01/31/2013 INCREASE (DECREASE)	BALANCE NORMAL (ABNORMAL)			
Fund 612 - MASON BUILDING AUTHORITY								
Revenues								
000.00		275,330.00	107,750.00	2.81		167,580.00	39.13	
TOTAL Revenues		<u>275,330.00</u>	<u>107,750.00</u>	<u>2.81</u>		<u>167,580.00</u>	<u>39.13</u>	
Expenditures								
000.00		275,330.00	107,716.19	0.00		167,613.81	39.12	
TOTAL Expenditures		<u>275,330.00</u>	<u>107,716.19</u>	<u>0.00</u>		<u>167,613.81</u>	<u>39.12</u>	
Fund 612:								
TOTAL REVENUES		275,330.00	107,750.00	2.81		167,580.00	39.13	
TOTAL EXPENDITURES		<u>275,330.00</u>	<u>107,716.19</u>	<u>0.00</u>		<u>167,613.81</u>	<u>39.12</u>	
NET OF REVENUES & EXPENDITURES		0.00	33.81	2.81		(33.81)	100.00	

## REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR		AVAILABLE		% BGD USED
		AMENDED BUDGET	01/31/2013 NORMAL (ABNORMAL)	MONTH 01/31/2013 INCREASE (DECREASE)	BALANCE NORMAL (ABNORMAL)			
Fund 661 - MOTOR VEHICLE POOL								
Revenues								
000.00		357,960.00	99,377.93	30,547.78	258,582.07	27.76		
TOTAL Revenues		<u>357,960.00</u>	<u>99,377.93</u>	<u>30,547.78</u>	<u>258,582.07</u>	<u>27.76</u>		
Expenditures								
567.00	SHOP & BLDG. MAINTENANCE	46,935.00	39,051.63	36,644.02	7,883.37	83.20		
568.00	EQUIPMENT MAINTENANCE	171,615.00	89,576.85	14,006.73	82,038.15	52.20		
901.00	EQUIPMENT-CAPITAL OUTLAY	139,410.00	59,123.12	479.87	80,286.88	42.41		
TOTAL Expenditures		<u>357,960.00</u>	<u>187,751.60</u>	<u>51,130.62</u>	<u>170,208.40</u>	<u>52.45</u>		
Fund 661:								
TOTAL REVENUES		<u>357,960.00</u>	<u>99,377.93</u>	<u>30,547.78</u>	<u>258,582.07</u>	<u>27.76</u>		
TOTAL EXPENDITURES		<u>357,960.00</u>	<u>187,751.60</u>	<u>51,130.62</u>	<u>170,208.40</u>	<u>52.45</u>		
NET OF REVENUES & EXPENDITURES		0.00	(88,373.67)	(20,582.84)	88,373.67	100.00		

REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR		AVAILABLE		% BDT USED
		AMENDED BUDGET	01/31/2013 (ABNORMAL)	INCREASE	MONTH 01/31/2013 (DECREASE)	NORMAL	BALANCE (ABNORMAL)	
Fund 702 - RAYNER BOND FUND								
Revenues								
000.00		30,750.00	18,627.42		1,915.21		12,122.58	60.58
TOTAL Revenues		<u>30,750.00</u>	<u>18,627.42</u>		<u>1,915.21</u>		<u>12,122.58</u>	<u>60.58</u>
Expenditures								
000.00		30,750.00	16,914.64		0.00		13,835.36	55.01
TOTAL Expenditures		<u>30,750.00</u>	<u>16,914.64</u>		<u>0.00</u>		<u>13,835.36</u>	<u>55.01</u>
<hr/>								
Fund 702:								
TOTAL REVENUES		30,750.00	18,627.42		1,915.21		12,122.58	60.58
TOTAL EXPENDITURES		<u>30,750.00</u>	<u>16,914.64</u>		<u>0.00</u>		<u>13,835.36</u>	<u>55.01</u>
NET OF REVENUES & EXPENDITURES		0.00	1,712.78		1,915.21		(1,712.78)	100.00

## REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR		AVAILABLE	% BGD USED
		AMENDED BUDGET	01/31/2013 (ABNORMAL)	INCREASE	MONTH 01/31/2013 (DECREASE)	NORMAL BALANCE (ABNORMAL)	
Fund 711 - CEMETERY TRUST FUND							
Revenues							
000.00		5,550.00	3,085.72		1,708.11	2,464.28	55.60
TOTAL Revenues		<u>5,550.00</u>	<u>3,085.72</u>		<u>1,708.11</u>	<u>2,464.28</u>	<u>55.60</u>
Expenditures							
000.00		5,550.00	0.00		0.00	5,550.00	0.00
TOTAL Expenditures		<u>5,550.00</u>	<u>0.00</u>		<u>0.00</u>	<u>5,550.00</u>	<u>0.00</u>
<b>Fund 711:</b>							
TOTAL REVENUES		<u>5,550.00</u>	<u>3,085.72</u>		<u>1,708.11</u>	<u>2,464.28</u>	<u>55.60</u>
TOTAL EXPENDITURES		<u>5,550.00</u>	<u>0.00</u>		<u>0.00</u>	<u>5,550.00</u>	<u>0.00</u>
NET OF REVENUES & EXPENDITURES		<u>0.00</u>	<u>3,085.72</u>		<u>1,708.11</u>	<u>(3,085.72)</u>	<u>100.00</u>

## REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2013

GL NUMBER	DESCRIPTION	2012-13	END BALANCE	ACTIVITY FOR	AVAILABLE	% BGD USED
		AMENDED BUDGET	01/31/2013 NORMAL (ABNORMAL)	MONTH 01/31/2013 INCREASE (DECREASE)	BALANCE NORMAL (ABNORMAL)	
Fund 812 - SPECIAL ASSESSMENT FUND						
Revenues						
000.00		204,505.00	66,533.65	477.08	137,971.35	32.53
TOTAL Revenues		<u>204,505.00</u>	<u>66,533.65</u>	<u>477.08</u>	<u>137,971.35</u>	<u>32.53</u>
Expenditures						
000.00		204,505.00	88,849.00	0.00	115,656.00	43.45
TOTAL Expenditures		<u>204,505.00</u>	<u>88,849.00</u>	<u>0.00</u>	<u>115,656.00</u>	<u>43.45</u>
Fund 812:						
TOTAL REVENUES		204,505.00	66,533.65	477.08	137,971.35	32.53
TOTAL EXPENDITURES		<u>204,505.00</u>	<u>88,849.00</u>	<u>0.00</u>	<u>115,656.00</u>	<u>43.45</u>
NET OF REVENUES & EXPENDITURES		0.00	(22,315.35)	477.08	22,315.35	100.00
TOTAL REVENUES - ALL FUNDS		12,570,405.00	8,505,567.94	1,340,641.14	4,064,837.06	67.66
TOTAL EXPENDITURES - ALL FUNDS		<u>12,570,405.00</u>	<u>5,290,355.83</u>	<u>1,623,752.59</u>	<u>7,280,049.17</u>	<u>42.09</u>
NET OF REVENUES & EXPENDITURES		0.00	3,215,212.11	(283,111.45)	(3,215,212.11)	100.00

# City of Mason

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TDD 1-800-649-3777

## MEMORANDUM

**TO: Honorable Mayor and Council Members**

**FROM: Martin Colburn, City Administrator**

**DATE: February 18, 2013**

**RE: City Administrator's Report**

### **State of Michigan v McQueen- Supreme Court Decision**

The Supreme Court's February 8, 2013 decision in the *State of Michigan v McQueen* will have ramifications that are greater than anticipated. The 4-1 majority opinion disagreed with the Court of Appeals' interpretation regarding the reach of "medical use" as that term appears in the Michigan Medical Marihuana Act (MMMA). Stating that the transfer of medical marihuana inherently *included* the act of sales, the Supreme Court overruled the Court of Appeals' findings to the contrary. However, the Supreme Court Justices further found that the Act's Section 4 immunities were only available for qualifying patients who were self-treating.

The Court's opinion is unequivocal: "Section 4 does not authorize a registered qualifying patient to transfer marijuana to another registered qualifying patient." Therefore, even though the Court of Appeals' August 2011 decision was for the wrong reasons, it reached the correct result in finding the defendant McQueen's dispensary operation a public nuisance.

The McQueen opinion immediately negates the most recent opinion of the Michigan Court of Appeals' January 29, 2013 decision in *People v Green* which had approved a transfer of medical marijuana between two qualifying patients where there is no exchange of money or other compensation. An appeal of that decision by the State of Michigan will likely be forthcoming.

The interpretations and findings of other case law does allow the transfer of medical marihuana from caregiver to patient.