

CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

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

PLANNING COMMISSION MEETING - COUNCIL CHAMBER

Tuesday, April 15, 2014

6:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: March 11, 2014
4. People from the Floor
5. Announcements
6. Regular Business
 - A. Report – Medical Marihuana Ordinance
 - B. Discussion – Master Plan Implementation Strategy
7. Unfinished Business
8. New Business
9. Correspondence
10. Liaison Reports
11. Director Report
 - Zoning & Development Annual Report
12. Administrator Report
13. Adjournment

CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF MARCH 11, 2014

Reeser called the meeting to order at 6:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Commissioners: Barna, Fischer, Hude, King, Naeyaert, Reeser, Sabbadin, Trotter, Waxman
Absent: Commissioner: None
Also present: Martin A. Colburn City Administrator
David Haywood, Zoning & Development Director
Deborah J. Cwiertniewicz, City Clerk

APPROVAL OF MINUTES:

Regular Minutes of February 11, 2014

The regular meeting Minutes of February 11, 2014, were approved as submitted.

PEOPLE FROM THE FLOOR

None.

ANNOUNCEMENTS

- Service Master – Grand Re-Opening – March 13, 2014

REGULAR BUSINESS

Resolution No. 2014-02 - A Resolution Approving A Preliminary And Final Site Plan To Allow The Construction Of An 11,068 Square Foot Building Located At 700 East Ash Street

MOTION by Naeyaert, second by Sabbadin,
to consider Resolution No. 2014-02 read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2014-02 was introduced by Waxman and seconded by Sabbadin.

CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2014-02
A RESOLUTION APPROVING A PRELIMINARY AND FINAL SITE
PLAN TO ALLOW THE CONSTRUCTION OF AN 11,068 SQUARE
FOOT BUILDING LOCATED AT 700 EAST ASH STREET

WHEREAS, a request has been received from Sandra Dargatz, representing the Ingham County Fair Board, for preliminary and final site plan approval to be allowed to construct an 11,068 square foot building at 700 E. Ash St., said property having parcel number 33-19-10-09-400-001.

WHEREAS, the subject property is legally described as: ALL THAT PART OF E 1/2 OF SEC 9, LYING S OF CEN OF MASON-DANSVILLE RD EXC E 63 RDS 18 1/2 LKS THEREOF. ALSO EXC COM AT E 1/4 COR OF SEC 9 - N89D41'01"W ALNG EW 1/4 LN 1051.73 FT - N0D03'23"W 504.83 FT TO POB - N58D42'26"W 57.9 FT - NW'LY 292.16 FT ALNG 233 FT RAD CURVE TO RT, CHD BRG N22D47'07"W 273.39 FT - N13D08'12"E 64.37 FT - S77D08'55"E 144.12 FT ALNG S'LY LN OF ASH ST - S0D03'23"E 312.38 FT TO POB. ALSO THAT PART OF E 1/2 OF SEC 9 DESC AS: COM AT E 1/4 COR OF SEC 9 - N89D41'01"W 1051.73 FT - N0D03'23"W 313.06 FT TO POB - N0D03'23"W 191.77 FT - S58D42'26"E 169.52 FT - S31D17'34"W 55.64 FT - SW'LY 126.05 FT ALNG 118 FT RAD CURVE TO RT, CHD BRG S61D53'43"W 120.14 FT - N87D30'09"W 9.81 FT TO POB ON SEC 9 T2N R1W CITY OF MASON, INGHAM CO. 131 AC (REV PER DEED 3147-388 9/26/06)

WHEREAS, upon compliance with the conditions of approval, the plans will comply with the site plan review standards listed in Sections 94-227 of Chapter 94, Zoning, of the Mason Code.

WHEREAS, approval is granted with the condition that site lighting be consistent with the lighting requirements listed in Section 94-177(e) of the zoning ordinance; and

WHEREAS, approval is granted with the condition that the applicant obtain a soil erosion and sedimentation permit from the Zoning and Development Department prior to the issuance of a building permit.

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby approve a preliminary and final site plan for the renovation of an 11,068 square foot building located at 700 East Ash based on the plans dated January 31, 2014.

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed commissioners regarding current City Council business.

DIRECTOR REPORT

Haywood informed the Commission regarding current zoning and development business.

ADMINISTRATOR'S REPORT

Colburn informed the Commission regarding current City business.

ADJOURNMENT

The meeting adjourned at 6:56 p.m.

Deborah J. Cwiertniewicz, City Clerk

Jim King, Secretary

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 

RE: Master Plan Implementation Strategy

DATE: April 8, 2014

Staff is proud to report that the City Council approved the Master Plan Update 2014 at their March 17, 2014 meeting! It was a long road, but with generous support from the update committee, Planning Commission, Council, and the public, we pulled it through and adopted a pretty great future for Mason.

Now that we have a solid foundation to move forward on, it is necessary to turn our attention to Chapter Five of the Plan, Implementation Strategy. Staff encourages the Planning Commission to explore this chapter in depth and begin the process for prioritizing the listed suggestions for implementation. There are several strategies listed in Chapter Five to examine and prioritize, which include the following:

1. Zoning Ordinance Update – page 5-2
2. Subdivision Ordinance Update – page 5-4
3. Other Special Purpose Ordinances – page 5-4
 - Light Pollution
 - Clean Creek
 - Property Maintenance
 - Access Management
 - Development Incentives
 - Storm Water Funding
 - Form Based Code - downtown
4. Non-Motorized Transportation Plan – page 5-8
5. Future Study Areas – page 5-8
 - County Fairgrounds East Buffer Area
 - Airport
 - Cedar Street Interchange

Staff would suggest beginning the process of prioritizing these items. Care should be taken to balance the availability of staff time and funding.

Recommended Action:

For discussion only, no action is required at this time.

City of Mason

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MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

RE: Medical Marihuana – Ordinance No. 196 & CC Resolution No. 2014-13

DATE: April 9, 2014

Due to the Michigan Supreme Court's (MSC) ruling in the Ter Beek v. Wyoming case earlier this year, municipal regulations that "prohibit uses contrary to federal law" are no longer valid, which consequently invalidates Mason's ordinance. This ruling has left the door open to local municipal regulation once again, but did not provide the manner and extent of "local regulation". All of this means that we are once again, back to the drawing board.

Due to the uncertainty related to this issue, the City Council acted at their March 17, 2014 meeting to adopt an emergency ordinance (Ordinance No. 196) and immediately placed a 180-day moratorium (Resolution No. 2014-13) on issuing any related business licenses until the issue could be studied further.

The Council hinted that the Planning Commission would study the issue, but did not go so far as to make that request formal. One could assume they want to discuss the issue a bit more before they request the Planning Commission to study the issue.

Attached are several documents related to Council's activity on the issue, including the City Attorney's opinion and recommendation of February 27, 2014, Ordinance No. 196 and Resolution No. 2014-13. One other reference to keep close at hand is the February 2014 issue of the Planning and Zoning News that provides an in depth analysis of the MSC's ruling.

Recommended Action

No action is required at this time.

McGINTY, HITCH, HOUSEFIELD, PERSON,
YEADON & ANDERSON, P.C.

MEMORANDUM

TO: Mason City Council
FROM: Thomas M. Yeadon, Assistant City Attorney TMY
RE: MEDICAL MARIHUANA ORDINANCE
DATE: February 27, 2014

As I believe many of you are aware, on February 6, 2014, the Michigan Supreme Court in the case of *Beek v Wyoming* invalidated the City of Wyoming's prohibition on the use of medical marihuana.

As you may recall, our office originally drafted an ordinance which would license "primary caregiver operations" and "dispensaries." We then declared a moratorium on the issuance of licenses while we considered the matter.

While considering the matter, the City determined that, instead of regulating primary caregiver operations, it was in the City's best interest to prohibit those uses altogether as other communities had done. As such, we adopted an amendment to section 94-121 which prohibits any uses for enterprises or purposes that are contrary to federal, state, or local laws or ordinances. This is very similar to the language adopted by the City of Wyoming. As such, this language is no longer effective to regulate any aspect of medical marihuana use as originally intended.

Given the above, it is my recommendation that the City start back to where we originally were when we looked at this situation. That is, I recommend we readopt the ordinance requiring a license for primary caregiver operations and then adopt a moratorium on the issuance of those licenses while we once again look at this matter. The *Beek* decision clearly stated that it was not prohibiting all forms of regulation – only the ban on medical marihuana use. I have attached those for your review.

bks

cc David Haywood

Introduced: March 17, 2014
First Reading: March 17, 2014
Adopted: March 17, 2014
Effective: March 17, 2014
Posted: March 19, 2014

CITY OF MASON
ORDINANCE NO. 196

AN ORDINANCE TO AMEND CHAPTER 10 - BUSINESSES - OF THE CODE OF THE CITY OF MASON BY ADDING ARTICLE III WHICH DEFINES MEDICAL MARIHUANA OPERATIONS AND DISPENSARIES, REQUIRES A LICENSE AND SETS FORTH THE REQUIREMENTS TO OBTAIN A LICENSE AND THE EFFECT OF HAVING A LICENSE WITHIN THE CITY OF MASON

THE CITY OF MASON ORDAINS:

Article III of Chapter 10 - Businesses - of the Code of City of Mason and sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 are hereby added to the Code of the City of Mason to read as follows:

ARTICLE III - MEDICAL MARIHUANA

Sec. 10-70. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Michigan Medical Marihuana Act.

Dispensary means a structure, lot or premises from which two or more primary caregivers sell, deliver or otherwise dispense medical marihuana to patients.

Marihuana means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

Patient means any person to whom a primary caregiver delivers marihuana pursuant to the Act.

Primary caregiver means a person who is licensed and defined under the act as a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

Primary caregiver operation means a structure, lot or premises from which a primary caregiver sells, delivers or otherwise dispenses medical marihuana to a patient.

Qualifying patient means a person who has been diagnosed by a physician as

having a debilitating medical condition.

Registry Identification card means a document issued by the department of community health that identifies a person as a registered qualifying patient or registered primary caregiver.

Usable marihuana means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

Sec. 10-71. Required; fee; application.

(a) No person shall operate a primary caregiver operation or operate or assist in the operation of a dispensary without having first obtained and without being in possession of a valid license issued by the city clerk.

(b) Application shall be made annually on forms provided by the city clerk which shall require the full legal name and date of birth of each caregiver and address of the intended location of the primary caregiver operation or dispensary, a copy of each caregiver's registry identification card, the number of registered patients for each caregiver and the maximum amount of usable marihuana and maximum number of marihuana plants the caregiver operation or dispensary may have on the property at any one time. The application shall state whether any electrical devices designed to assist in the growing of medical marihuana will be used in conjunction with the license, whether any structural modifications have been made or are intended to be made in conjunction with the license. The application shall be accompanied by any required building, electrical or plumbing permits.

(c) The initial application fee shall be \$100.00 for each primary caregiver operation and \$100.00 per caregiver for each dispensary. Renewal fees shall be established by annual budget resolution of the city council.

Sec. 10-72. Conditions of issuance.

The city clerk shall not issue an initial or renewal license until such time as all of the following conditions have been met:

(a) A completed application has been submitted to the clerk with the required fees that accurately states the lawful amount of usable marihuana and marihuana plants an applicant may have on the property at any one time.

(b) Proof that an annual inspection has been conducted by the Mason police department and the police department certifies that the facility is in conformity with the state law and city ordinances. The police department may, as part of its inspection, require building officials and/or the fire department inspect the property prior to certification to ensure that it is in conformity with state law and city ordinances should the police suspect, during their inspection, that unreported or non-permitted structural alterations have been made, unreported or non-permitted electrical modifications have been made, unreported or non-permitted electrical devices are being used, otherwise

unsafe electrical connections or overloaded circuits are present or unreported or unpermitted plumbing modifications have been made in conjunction with the license.

(c) Where the application identifies electrical devices are being used or intended to be used to assist in the growing of medical marihuana, proof that the fire department has inspected and approved the use or proposed use and that any necessary permits for electrical alterations have been obtained.

(d) Where the application identifies structural modifications have been made or are intended in conjunction with the license, proof that the appropriate building code officials have inspected the property and issued the necessary permits.

Sec. 10-73. Conduct of licensee.

(a) Each licensee shall, as a condition of obtaining and maintaining a license, agree to comply at all times with all applicable local and state building, zoning, fire, health, and sanitation statutes, ordinances, and regulations.

(b) The premises shall be operated and maintained at all times consistent with responsible business practices and so that no excessive demands will be placed upon public health or safety services, nor any excessive risk of harm to the public health, safety, or sanitation.

(c) The premises shall at all times be operated in compliance with all applicable provisions of this code and the act.

(d) The licensee shall immediately notify the city clerk of any changes in the names or additions and reductions in the number of primary caregivers operating from any structure, lot or premises within the city and pay the appropriate application fee for each increase in the number of primary caregivers.

Sec. 10-74. Effect of license; suspension, penalty.

(a) A license is valid only for the location identified on the license and cannot be transferred to another location within the city without a new application.

(b) Conducting a primary caregiver operation or a dispensary is a violation of federal law. A license does not prohibit prosecution by the federal government of its laws. Nor does a license prohibit prosecution by state authorities for violations of the act or other violations not protected by the act. A valid license shall not be construed as providing any protection beyond prosecution by the city of Mason for conducting a primary caregiver operation or a dispensary without a license.

(c) Compliance with city ordinances and state statutes is a condition of maintenance of a license and a license may be suspended for cause pursuant to the provisions of this chapter.

(d) Suspension of a license is not an exclusive remedy and nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the

cause of the suspension or any other code violations not protected by this act.

(e) No person who has not been identified as a primary caregiver on an application with the city clerk, or subsequent filing with the city clerk pursuant to the requirements of this article, shall be deemed to be licensed.

(f) Any changes to the act or any decisions by a court of competent jurisdiction which would render a license issued under this article void or otherwise ineffective, shall result in the immediate expiration of any license issued under this section.

(e) Each day that a person shall conduct a primary caregiver operation or a dispensary without a license shall constitute a separate offense.

Sec. 10-75. Confidentiality.

Names and addresses of applicants and any licensed primary caregivers under this article shall be confidential information and shall be maintained as confidential records not subject to disclosure, except to other authorized employees of various city departments as is necessary to perform their official duties under this article. No records or information shall be released except upon order of a court of competent jurisdiction.

Declaration of need to be effective immediately

This ordinance is declared to be immediately necessary for the preservation of the public peace, health and safety and shall be effective upon adoption.

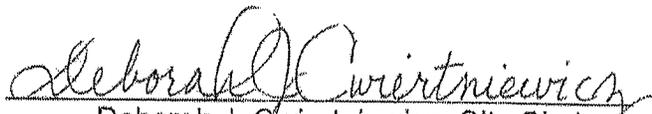
Number of council members present 6.

Number of affirmative votes 6.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and seconded by Council Member Droscha with a vote thereon being: YES (6) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of March, 2014. Ordinance No. 196 declared adopted this 17th day of March, 2014.



Leon R. Clark, Mayor



Deborah J. Owertniewicz, City Clerk

Introduced: Mulvany
Second: Naeyaert

CITY OF MASON

CITY COUNCIL RESOLUTION NO. 2014-13

**A RESOLUTION DECLARING AN ADDITIONAL TEMPORARY
MORATORIUM ON THE ISSUANCE OF LICENSES FOR
PRIMARY CAREGIVER OPERATIONS AND DISPENSARIES IN
THE CITY OF MASON**

March 17, 2014

WHEREAS, the People of the state of Michigan have adopted, by initiative, the Michigan Medical Marihuana Act (the "Act"); and

WHEREAS, the Act authorizes primary caregivers to assist qualifying patients in obtaining medical marihuana by allowing the primary caregiver to grow, possess, and deliver limited amounts of marihuana to the patients and receive compensation for doing so; and

WHEREAS, the Act's provisions have resulted in primary caregivers combining to form what has come to be termed "dispensaries" in adjacent municipalities in which multiple registered primary caregivers operate from a single building to create situations in which amounts of marihuana greater than the act would otherwise allow for a single primary caregiver are being possessed and stored on single lots and properties; and

WHEREAS, the Act does not regulate or even necessarily allow for dispensaries and many significant aspects of the operation of a dispensary could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the Act does not regulate many significant aspects of the operation of a primary caregiver that could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the City had previously adopted an ordinance which was understood to have the effect of prohibiting primary caregiver operations and dispensaries within the City; and

WHEREAS, the Michigan Supreme Court has determined such ordinances to be in conflict with the Act but also has stated that the use of Marihuana pursuant to the Act may be regulated; and

WHEREAS, the City of Mason intends to regulate primary caregiver operations and dispensaries to ensure the health, safety and welfare of its citizens; and

WHEREAS, the City of Mason, as part of the regulatory process, has adopted an ordinance requiring primary caregiver operations and dispensaries to be licensed; and

WHEREAS, the City of Mason is in the process of considering and studying how to effectively regulate dispensaries and primary caregiver operations to meet the intent of the Act while preserving the health, safety and welfare of its citizens; and

WHEREAS, the City Council desires that no licenses be authorized or issued in the city of Mason for dispensaries or primary caregiver operations until the process is concluded to determine the appropriate and necessary regulations;

NOW, THEREFORE, BE IT RESOLVED that:

1. No applications for licenses for primary caregiver operations shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

2. No applications for licenses for dispensaries shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

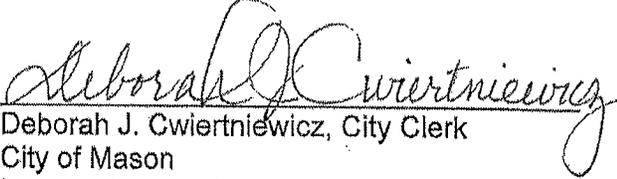
3. This limited moratorium on the issuance of primary care giver operation licenses and dispensary licenses shall be effective for 180 days from passage.

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

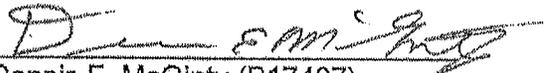
No (1) Droscha

Absent: (1) Bruno

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Mason City Council at a public meeting held on March 17, 2014, the original of which is part of the Council's minutes.

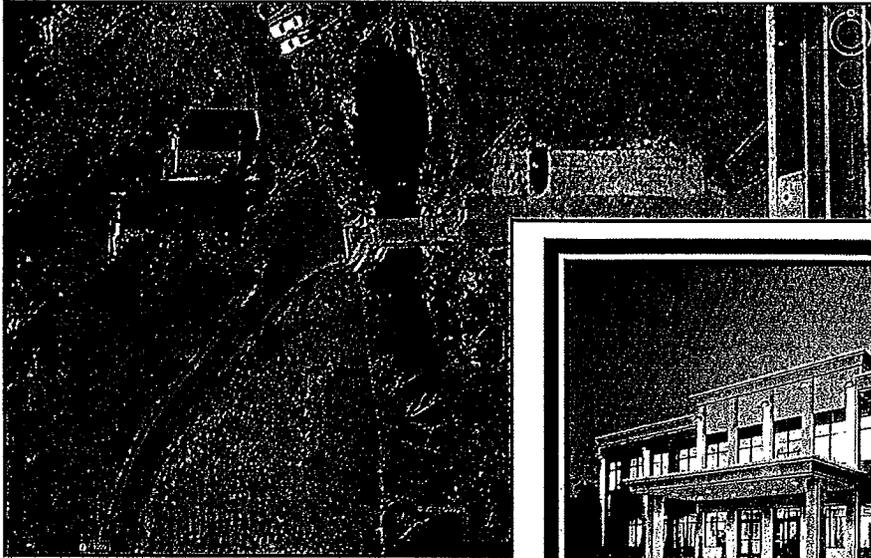

Deborah J. Cwierniewicz, City Clerk
City of Mason
Ingham County, Michigan

Drafted by and approved as to form:


Dennis E. McGinty (P17407)
Mason City Attorney
601 Abbot Road
East Lansing, MI 48823

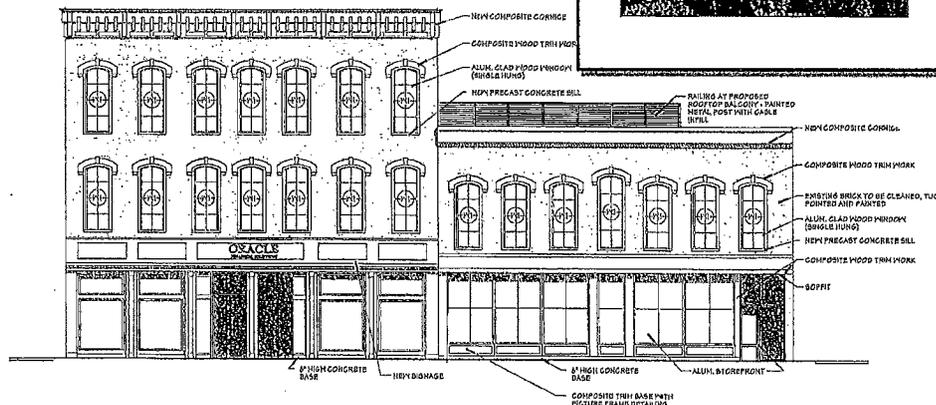
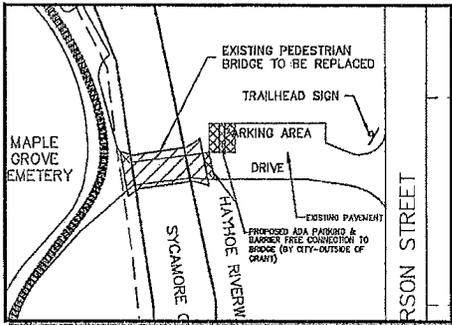
CITY OF MASON

ZONING AND DEVELOPMENT DEPARTMENT 2013 ANNUAL REPORT



City of Mason, Michigan
Master Plan Update

2014



PROPOSED FRONT ELEVATION
1/8" = 1'-0"

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.



INTRODUCTION

During the past year the Department of Zoning and Development continued to provide services to the community relating to planning, zoning, building inspections and code enforcement.

Department Responsibilities

The Zoning and Development Department provides staffing to various Boards, Commissions and Committees, including the following:

- City Council
- Planning Commission
- Zoning Board of Appeals
- Building Code Board of Appeals
- Sign Board of Appeals
- Historic District Commission

The Zoning and Development Department is responsible or participates in the coordination of plan review and enforcement for the following Chapters of the Mason City Code:

- Chapter 30 (Floods)
- Chapter 31 (Historic Preservation)
- Chapter 50 (Planning)
- Chapter 58 (Signs)
- Chapter 60 (Soil Erosion and Sedimentation Control)
- Chapter 74 (Subdivisions and Other Divisions of Land)
- Chapter 94 (Zoning)

In addition to the code responsibilities described above, the Department is responsible for the day-to-day maintenance needs for City Hall, the Police Department, the Mason Library, and other City property, including 972 Mason Street and 1020 E. Ash St.

The Zoning and Development Department is comprised of the following personnel:

- David Haywood, Zoning & Development Director
- Ginger Kenney-Sweet, Caryl Clark, Shannon Orlowski – Reception staff (permit support staff –processing applications, inspection scheduling, data entry, etc.)

STAFF ACTIVITY

The Zoning Division was involved in a variety of activities during 2013, including, but not limited to, the following:

- A. Prepared staff reviews for special use permits, site plans, zoning amendments, site plan reviews for building permits, code enforcement, assignment of addresses for new commercial and residential structures, and land division requests.

- B. Conducted Soil Erosion and Sedimentation Control permit application reviews, site inspections and enforcement.
- C. Worked with the City Administrator, Planning Commission and Department Heads to complete the Capital Improvement Plan for the fiscal years 2013-2018 (Planning Commission).
- D. Attended Mason Chamber of Commerce Economic Development Committee meetings informing members of City business and development activities.
- E. Attended monthly Tri-County brown-bag lunch meetings (planner's networking).
- F. Through Tri-County Regional Planning Commission, served as a member to the Urban and Rural Service Boundary Committee.
- G. Continued to report on current department activities through use of the Mason Newsletter, City website, and Facebook.
- H. Completed fourth successful season of the community garden program, including community input meetings and volunteer leadership training – donation of over 200 pounds of produce to the Capital Area Community Services food pantry and Jefferson Square Apartments.
- I. Completed the Master Plan Update. (Planning Commission & City Council)
- J. Met bi-weekly with the code enforcement officer to provide experience and assistance in letter writing, code knowledge, procedures and due process requirements, including dangerous building hearings.
- K. Coordinated inspections/plan reviews with Fire Chief regarding proposed and damaged structures.
- L. Supervised building inspections, plan reviews and building code enforcement.
- M. Provided orientation support for reception staff and incoming Board and Commission members.
- N. Solved complicated building maintenance issues for City Hall, roof leaks, fan motors, wall cracks, door locks, plumbing, lighting, temperature, etc.
- O. Successfully repaired building maintenance issues at Library, such as leaking faucets, roof leak, lighting, HVAC equipment, door mechanisms, electrical repairs, etc.
- P. Supervised janitorial cleaning services and day-to-day cleaning needs of staff at City Hall.
- Q. Participated in the update of the City's Wellhead Protection Plan.
- R. Prepared year-end budget projections for fiscal year 2013.
- S. Prepared budget request for fiscal year 2014.
- T. Staff liaison to the Michigan Environmental Commission project to study the public interest in public transportation routes between Mason and Lansing.

TRAINING

Staff attended/conducted the following training courses:

1. Michigan Association of Planning annual conference – various tracks
2. Transportation Bonanza – American Planning Assn., MI Chapter
3. Sustainability Consortium Meeting – Tri-County Regional Planning (HUD)
4. Guest lecturer – MSU college of planning
5. MSU Planning Alumni Development Group – MSU Alumni



FACILITIES

City Hall Facilities

Staff continues its commitment to report and achieve compliance with warrantee requests related to City Hall. Staff has successfully completed identification of all remaining warrantee deficiencies and is nearing completion of their repair.

Mason Library

Staff continues to support the great services provided by the Capital Area District Library (CADL) by responding to the facility maintenance needs as they arise.

1020 E. Ash St.

This structure was acquired along with the property on Temple Street largely consisting of agricultural lands. Staff is currently exploring options for disposal of this building either by relocation or demolition, pending budget approval.

972 N. Mason St.

This single family residential structure was acquired in 2011. Due to the current condition and location, the structure is scheduled for demolition in 2014 pending budget approval. Staff has completed initial asbestos survey and acquired estimates for removal.

PLANNING, ZONING & COMMUNITY DEVELOPMENT

The Zoning and Development Department has been active in the past year with development permits and variances. The following table illustrates the comparative levels of zoning permits from 2011 through 2013.

Zoning Permit Type	2011	2012	2013
Rezoning	0	1	2
Text Amendments	-	-	1
Special Use Permits	3	1	4
Public Hearings	-	2	7
Preliminary Site Plan Reviews	2*	2	8
Final Site Plan Reviews	2	2	7
Plats (Preliminary / Final)	0	0	0
Planned Unit Developments	0	0	0
Parking Lot Plan Reviews	0	0	0
Land Divisions (Division/Conveyance/Combination)	2	3	1
Zoning Board of Appeals	6	3	1
Historic District Commission	8	7	5
Building Code Board of Appeals	0	0	0
Sign Code Board of Appeals	2	0	1
Soil Erosion & Sedimentation Control	15	20	23
TOTAL	35	41	60

* Site plan reviews not covered by special use permits.

Ordinance Amendments

Michigan Medical Marijuana Act – Staff continues to provide general background and updates on the ever-changing landscape of pending legislation, legal opinions, case law, and ordinance samples.

Ordinance No. 195 – Amended the M-1 (Light Manufacturing) zoning district to allow the sale of used vehicles as an accessory use to auto body and paint shops.

Used Vehicle Sales – Explored the appropriateness of allowing used vehicle sales as an accessory use to auto body and paint shops city-wide.

Soil Erosion and Sedimentation Control

The City of Mason took control as the municipal enforcing agency of soil erosion and sedimentation control, as permitted by the Michigan Department of Environmental Quality (MDEQ) in 2009. Since then staff has experienced challenges in completing required

inspections due to staff reduction and limited resources. In 2012, the MDEQ determined that there was inadequate staff support assigned to the program, particularly in the area of field inspections. This ruling forced staff to secure third party inspection services. Wolverine Engineering was retained to conduct field inspections and reporting for each soil erosion permit issued. Wolverine Engineering has surpassed expectations in their level of experience and reporting skills. In early 2014, the MDEQ determined that the field inspections are being conducted in accordance with their standards. However, professional inspection services come with a cost. Currently service costs are exceeding revenue about two to one. Staff is doing everything in its power to minimize the cost of inspections, including staying in close contact with both inspectors and contractors to minimize return trips for compliance. Staff is also utilizing drawing on bonds to complete work where contractors have not met compliance orders.

Urban Service Management

As a member of the Urban and Rural Service District/Urban Service Boundary Committee, staff continues to participate in forwarding the mission of this Tri-County Regional Planning Commission work group:

The Regional Growth Initiative's Urban and Rural Service District Boundary Committee Mission is:

- *to keep urbanized areas viable*
- *to protect farmland, open space and rural quality of life*
- *to preserve priority conservation areas*
- *to utilize existing infrastructure*
- *to save costs through cooperation and efficiency*

Master Plan Update

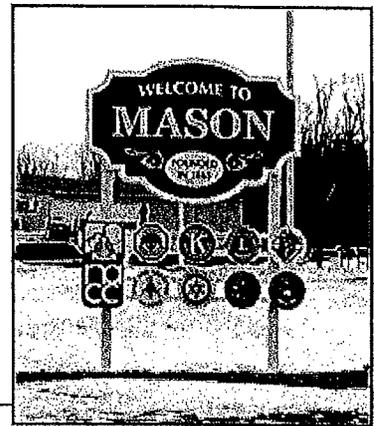
The Mason Planning Commission has completed the update to the Master Plan. Commissioners Burns, Brown, King, Waltz and Naeyaert, as well as Councilmember Brown, had been courageous enough to volunteer their Saturday mornings to the effort. The adoption ends a three year effort to update the plan to current trends, planning and zoning law and community input.

Mason 150th Celebration Planning

The Mason 150 Committee has been steadily preparing and planning the celebration of the City's beginning including, developing memorabilia, creating a Mason 150 logo, developing a tree legacy program, developing a master calendar of events, developing a sponsorship program, etc. The timeframe for the celebrations has been announced as July 2 through July 5, 2015, in addition to the actual anniversary date event of March 9, 2015.

Mason Welcome Sign

Larry Miller, through a grass-roots service organization effort, has constructed a new welcome and entrance sign at the northwest entrance to the City on North Cedar Street near the Mason City Limits and bowling alley. The sign is similar in design to the existing entrance signs located at the entrances to the City on North and South Jefferson



Streets. The sign also includes area service organization logos that participated in fund raising to pay for expenses associated with the construction of the sign.

Public Transportation Study

The City of Mason is collaborating with the Michigan Environmental Council, the Mid-Michigan Program for Greater Sustainability and the Community Reinvestment Fund to engage interested parties in dialogue on mass transit visioning for the route(s) between Mason and Lansing. The program involves engaging the community to gauge the opinion and interest in public transportation between Mason and Lansing.

Community Garden

Staff is proud to report on a fourth successful community garden growing season. The purpose of the garden is to provide space for individuals to grow produce for their personal consumption, as well as provide space for volunteers to grow produce to donate to area organizations in need, such as Jefferson Square Apartments, the Mason Capital Area Community Services food pantry, Green Acres, etc. The garden is located at 213 North Jefferson Street just south of the Hayhoe Riverwalk trailhead.



Volunteer garden coordinators, Jill Slade and Jason McMahon, worked very hard to complete a successful year, completing nearly 80 hours of volunteer time. Together, they were responsible to regular communication with gardeners being responsive to concerns regarding garden pests and irrigation functionality by solving complex watering system designs, resulting in a nice watering system that is easy to use by all gardeners.

Staff and the volunteer coordinators were able to successfully recruit volunteers and gardeners to obtain compost, fencing, tilling, hose, rakes, shovels and other miscellaneous materials necessary for the garden.

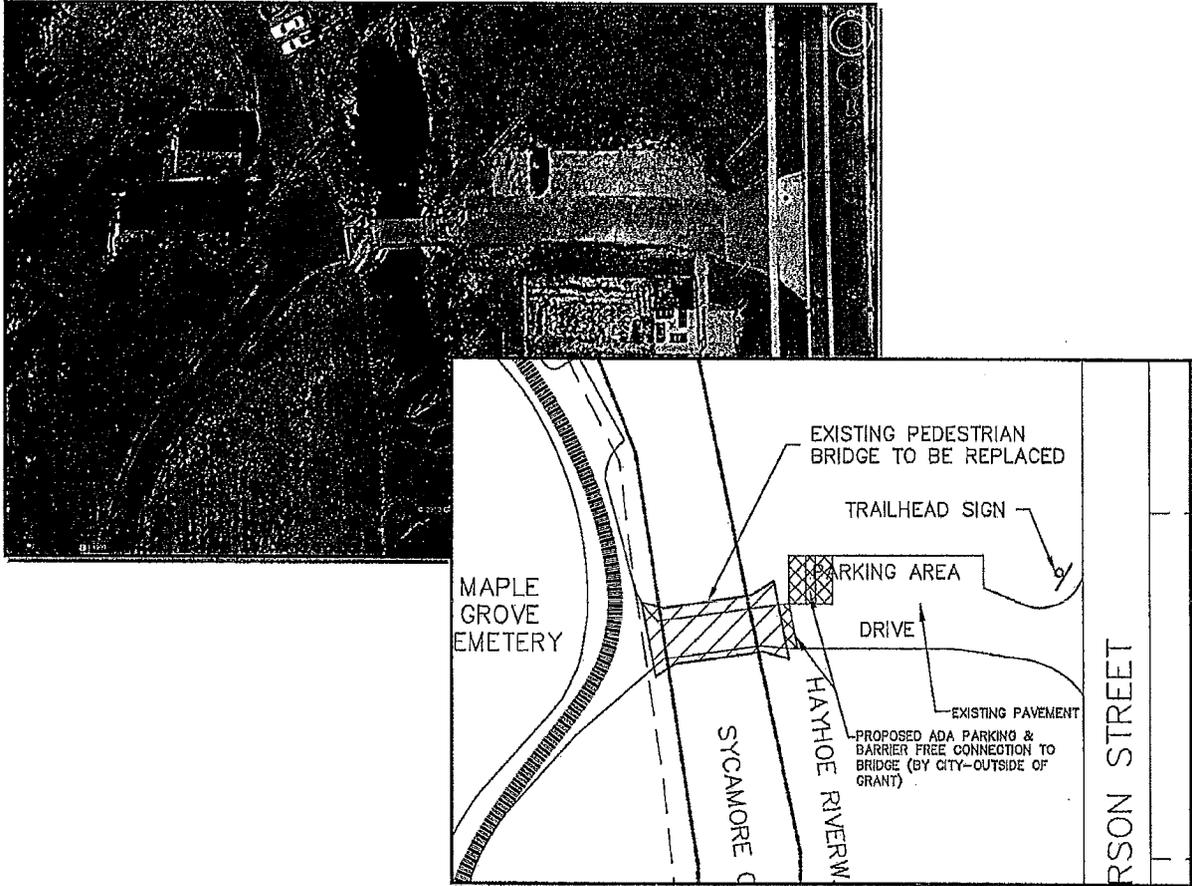
Staff is proud to report that volunteer gardeners continue their service to the community! Staff is also proud to report that with the guidance of volunteer coordinator Kelli Green the program was directly responsible for growing and delivering over 200 pounds of produce to residents in need. **According to the FDA, that's enough to feed a family of four for one month! Thank you Kelli Green, and thank you Mason gardeners!**



The Mason Community Garden is a proud affiliate of the Lansing Garden Project.

Recreation

Thanks to the Zoning & Development Department, the City received \$60,000 in grant funding to replace the bridge in front of the Cemetery offices on South Jefferson Street. The funding will pay for a new eight foot wide pedestrian bridge and associated parking and trail signage. The bridge is the first step in providing trail linkage to the east side of the City and future linkage to the Dansville area.



Planning Commission

The Mason Planning Commission welcomes three new members:



Tim Fischer – the former Deputy Policy Director for the Michigan Environmental Commission and now the Chief Administrative Officer for M1-Rail in Detroit, Tim is no stranger to land use and transportation planning. In addition to a law degree, Tim brings a wealth of knowledge and experience in planning, policy and implementation in the transportation sector.



Elizabeth Hude – currently a planner for HNTB in the transportation field, Elizabeth brings a wealth of knowledge and experience in transportation planning to the Commission. Elizabeth is also a native resident of Mason.



Seth Waxman – As the Business Development Specialist for Service Master of Mason, Seth brings a local business perspective to the Commission. Seth is a resident of the downtown area and passionate about local planning and development.

BUILDING & CONSTRUCTION

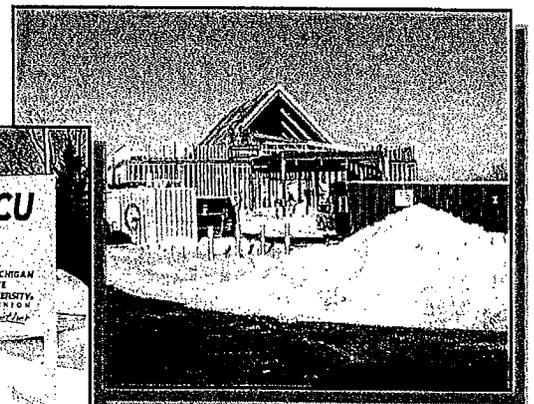
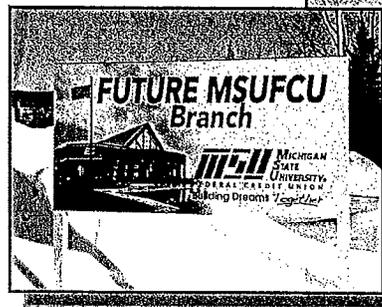
The Department strives to provide contractors, applicants, property owners, tenants and residents with expert consultation in a way that anyone can understand. Our goal is to provide anyone with an interest in improving their property with the resources they need to get the job done right, on-time and as cost effectively as possible.

The overall level of building permits issued in 2013 increased slightly as compared to permits issued in 2012. Residential permits are also slightly down from a year ago, with all new residential permits in the single-family category. The following table illustrates the comparative building activity in the City for the past three years:

Building Permit Type	2011	2012	2013
New Single Family Homes	8	17	15
Value	\$817,000	\$1,882,000	\$1,661,222
Multiple family permits (incl. two fam.)	3	0	0
Value	\$238,000	\$0	\$0
Commercial permits	13	10	16
Value	\$15,787,006	\$174,500	\$5,072,783
Sign permits	6	8	14
Demolition permits	11	11	5
Other permits	134	193	152
Total permits	175	239	202
Total value of construction	\$18,040,462	\$3,632,948	\$7,925,270
Total permit fees	\$123,521	\$34,726	\$63,863

The major commercial, office, industrial, and institutional buildings receiving building permits in 2013 are as follows (permits over \$10,000):

1. Community Mental Health, 556 N. Cedar St.
2. Efficiency Productions, Inc., 685 Hull Rd.
3. Service Master, 210 State St.
4. MSU Federal Credit Union, 1133 S. Cedar St.



Building Inspections

Meridian Township inspectors are providing building inspection service on a on-call basis. Meridian Township inspectors and support staff are providing an exceptional service to the City and community. Permits are typically issued within 48 hours of receipt and in many cases issued the same day.

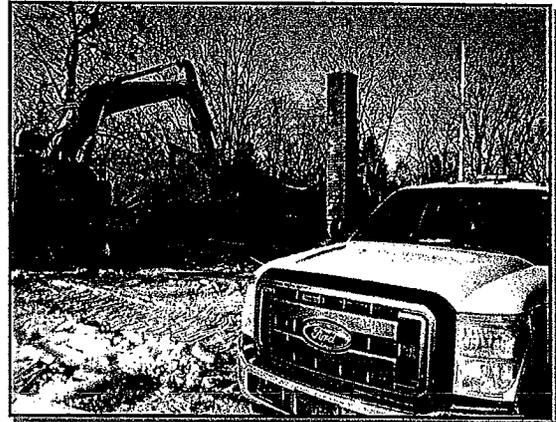
Inspections are performed within 24 hours of request. Inspectors are timely, courteous and professional. Inspection results are communicated effectively to reception staff and in return to property owners/applicants.

Year End Highlights

The year brought much needed demolition to a total of five (5) damaged or functionally obsolete structures (4 residential) including the following:

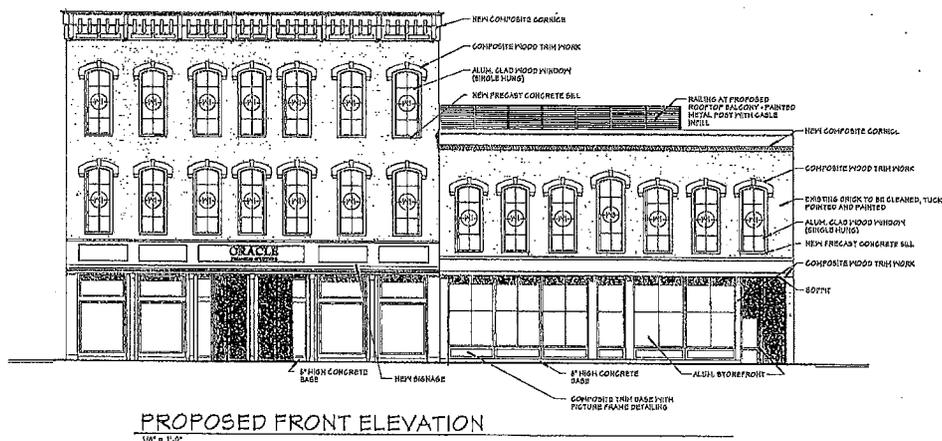
- 848 S. Jefferson St. (residential)
- 140 N. Rogers St. (residential)
- 1133 S. Cedar St. (commercial)
- 110 S. Park St. (residential)
- 354 E. South St. (residential)

Staff has worked diligently with property owners to facilitate and assist their needs with regard to demolition projects, such as providing contacts with area demolition contractors, assisting with permit process and utility disconnection.



124/140 E. ASH ST.

The former Shopping Guide building at 124/140 East Ash Street has been approved for redevelopment. Many agencies have been involved in the development of this site including the Mason Downtown Development Authority, Ingham County Land Bank, Ingham County Housing Commission, Michigan Economic Development Corporation, Michigan State Housing Development Authority, Mason Planning Commission, Mason Historic District Commission, Kincaid Henry Development Group, and Oracle Financial Solutions (Mason).



Upon completion of the project, Oracle will occupy the entire first floor and a portion of the third floor. Oracle plans to consolidate and move their two satellite offices from Lansing to Ash Street. Ten new apartment housing units are proposed for the remainder of the building. The project is expected to be completed by spring of 2015.

CODE ENFORCEMENT

Staff has been working very closely with the Code Enforcement Officer, Jim Duthie, to provide assistance in procedural issues, case history, experience, etc. Staff meets with the code officer on a weekly basis to discuss relevant issues. It is the goal of the Zoning Department to continue to provide assistance to code enforcement officer in order to make him (the position) self sustainable.

The Zoning & Development Director responded to 17 complaints ranging from building construction commencing without a permit to complicated zoning violations. Staff also responded to 23 soil erosion violations with compliance at nearly 100%.