

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 2, 2009**

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

Present: Councilmembers: Clark, Ferris, Naeyaert, Preadmore, Tornholm, Waltz
Absent: Councilmember: Bruno
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
David Haywood, Zoning & Development Director
Eric Smith, Assistant Finance Director
Ken Baker, Superintendent Street, Water, and Motor Vehicle Pool Division
Dennis McGinty, City Attorney
Deborah Cwierniewicz, Deputy City Clerk

APPROVAL OF MINUTES: February 16, 2009

The Minutes of February 16, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Preadmore,
to approve the payment of bills in the amount of \$91,668.51 as submitted.

MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Russell Whipple of 322 Lawton Street submitted a written request to Council to initiate an investigation of the Mason Police Department, in accordance with Section 6.9 of the City Charter, regarding an anonymous letter he received in the mail February 28, 2008. A copy of the letter and envelope were attached to the submitted request. Mr. Whipple asked that Council form a committee tonight to spearhead the investigation. Attorney McGinty advised Council regarding the interpretation of Section 6.9. A brief discussion ensued regarding the seriousness of the issue as well as the ambiguous challenge of an anonymous accusation.

MOTION by Naeyaert, second by Preadmore,
to direct the City Administrator to address the request to investigate the accusation of the anonymous letter received by Russell Whipple and submitted to Council, and provide a report to Council at the next regular meeting.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Second Reading – Ordinance No. 174 – An Ordinance to Conditionally Rezone the Property Located at 514 West Columbia Street from R2F Two Family Residential to C-2 General Commercial with the Condition that the Uses on the Property be Limited to Employee Parking.

MOTION by Naeyaert, second by Preadmore,
to consider Ordinance No. 174 read for the second time and adopted.

MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 174

AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO CONDITIONALLY REZONE 0.225 ACRES LOCATED AT 514 WEST COLUMBIA STREET FROM R2F TWO FAMILY RESIDENTIAL TO C-2 GENERAL COMMERCIAL WITH THE CONDITION THAT THE USES ON THE PROPERTY BE LIMITED TO PARKING

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:

LOT 3, BLOCK 7, SMITH AND PEASE ADDITION TO THE CITY OF MASON, ACCORDING TO THE RECORD PLAN THEREOF AS RECORDED IN LIBER 35 OF DEEDS, PAGE 186, INGHAM COUNTY, MICHIGAN RECORDS, CONTAINING 0.225 OF AN ACRE OF LAND.

be conditionally rezoned from R2F Two Family Residential to C-2 General Commercial subject to the following conditions voluntarily offered by the applicant and accepted by the City pursuant to MCL 125.3405:

1. The existing structure on the rezoned property shall be demolished and applicant shall construct the improvements and install and maintain the landscaping as shown in the Conditional Use Plan dated January 12, 2009 and received January 19, 2009 with the property owner's application for rezoning within one year from the effective date of this ordinance.

2. Implementation of the conditional use plan described in paragraph 1 above is conditioned upon the applicant receiving all necessary variances from the Mason Zoning Board of Appeals so as to allow the construction of the access drive as shown on the plan.

3. The development and use of the rezoned land shall be restricted to employee parking for the employees of the commercial business located at 110 N. Cedar Street, Mason, Michigan. No commercial vehicles as defined in Chapter 1 of the Mason City Code shall be allowed on the property.

4. The applicant shall make application to the Zoning Administrator for lot combination within the time frame described in subsection 5 below to combine lots 3 thru 6, including the southerly ½ of lots 7 and 8 as shown in the survey with the revised date April 24, 2000, as filed with their application for variance.

5. Should the approved redevelopment and/or use of the rezoned land not occur within the timeframe specified in paragraph 1 above, then the subject land shall automatically revert to its former zoning classification of R2F – Two-Family Residential, as provided by MCL 125.3405(2) and the zoning administrator shall commence proceedings to amend the City's zoning use district map accordingly in the manner provided by Article XII of the Mason Zoning Code.

6. The approved conditions of rezoning set forth in this ordinance or an affidavit or memorandum giving notice thereof shall be filed by the City Zoning Administrator with the Ingham County Register of Deeds.

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 municipal storm sewer is within a reasonable distance from the site, and if extended, would adequately serve the site; and

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance No. 174, 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.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and seconded by Council Member Preadmore, 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 16th day of March, 2009.

Ordinance No. 174 declared adopted this 16th day of March 2009.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2009-07 – Resolution of City Officer Appointment Finance Director/Treasurer

Colburn offered information to Council regarding the proposed reorganization, including a financial analysis, job description of the proposed administrative services director position, and other related data. Smith spoke regarding the financial analysis.

MOTION by Naeyaert, second by Preadmore,
to consider Resolution No. 2009-07 as read.

MOTION by Naeyaert, second by Waltz,
to amend Resolution No. 2009-07 in the last paragraph by inserting “upon the position becoming vacant” following the words *Finance Director/Treasurer*.

MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:

MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-07 was introduced by Waltz and seconded by Preadmore. A lengthy discussion ensued.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-07
March 2, 2009
RESOLUTION OF CITY OFFICER APPOINTMENT
FOR FINANCE DIRECTOR/TREASURER**

WHEREAS, In accordance with Section 4.6 of the Mason Code, the City Administrator shall recommend to the Council the appointment of officers; and

WHEREAS, it is the recommendation of the City Administrator to fill the City Officer vacancy by appointing Eric Smith as the Finance Director/Treasurer.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason does hereby appoint Eric Smith as an Administrative Officer to the office of Finance Director/Treasurer upon the position becoming vacant and is hereby charged with performing the duties and responsibilities of the office.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-08 – Mayor’s Appointment to the Local Officers Compensation Commission

MOTION by Preadmore, second by Naeyaert,
to consider Resolution No. 2009-08 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-08 was introduced by Preadmore and seconded by Waltz.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-08
March 2, 2009
MAYOR’S APPOINTMENT TO THE
LOCAL OFFICERS COMPENSATION COMMISSION**

WHEREAS, a vacancy exists on the Local Officers Compensation Commission since 2007;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Tamara Rockey to the Local Officers Compensation Commission commencing March 2, 2009 through December 31, 2010.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-09 – Use of Public Right-of-Way for Outdoor Seating, Sales and Service

Haywood informed Council regarding the proposed policy that would allow outdoor seating, sales and services in the public right-of-way. Discussion ensued regarding whether an annual renewal should be required.

MOTION by Preadmore, second by Ferris,
to defer Resolution No. 2009-09 until to the next regular meeting to allow staff to research the Council’s intent for issuing a license.

MOTION APPROVED UNANIMOUSLY

MOTION – Bid – South Water Tower Repair and Repair

Dixon Engineering was hired to conduct bid management for the exterior repaint and interior partial repaint with repairs of the south water tower. Dixon Engineering recommended awarding the project to Kountoupes Painting. Discussion ensued regarding discussion to implement a new logo for the water towers when it came time to repaint the towers. Baker responded to questions regarding costs associated with changing paint color and the logo design. Staff was asked to verify Kountoupes Painting Company’s safety rating.

MOTION by Tornholm, second by Waltz
to approve the bid of Kountoupes Painting for the exterior repaint and interior partial repaint with repairs of the south water tower in the amount of \$201,200.00.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Tornholm thanked Council for the opportunity to attend the Michigan Municipal League training. She stated that she would like to attend the MML Conference. She appreciated the Water Treatment Plant tour given by Superintendent Ken Baker. A brief discussion ensued. Naeyaert commended Mason’s competitive Varsity Cheerleaders Squad is advancing to the State finals. Ferris reminded Council that Arbor Day Honoree nominations are due by March 24, 2009.

NEW BUSINESS

None.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Waltz informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

David Haywood, Zoning & Development Director, informed Council that he researched City Council Minutes regarding the earlier discussion about whether an annual renewal should be required for the license issued for outdoor seating, sales and services in the public right-of-way. He found that Council determined to omit the annual license renewal provision at the August 4, 2008, meeting.

ADJOURNMENT

The meeting adjourned at 9:51 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor