

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 3, 2004**

Whipple called the meeting to order at 7:35 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Whipple led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Helbig, *Johnson, Naeyaert, Preadmore, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
Robert McCormick, Police Chief
Dennis McGinty, City Attorney
Deborah Stein, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: April 19, 2004

The Regular Meeting Minutes of April 19, 2004 were approved as adjusted.

APPROVAL OF MINUTES – CITY OF MASON/VEVAY TOWNSHIP JOINT SPECIAL MEETING/PUBLIC HEARING: April 12, 2004

The City Of Mason/Vevay Township Joint Special Meeting/Public Hearing Meeting Minutes of April 12 2004 were approved as adjusted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Preadmore,
To approve the payment of bills in the amount of \$100,092.23 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Public Hearing – City Budget, Fiscal Year 2004-2005

Whipple opened the public hearing at 7:39 p.m.

Doug Williams of 1111 E. Columbia Street stated that he is representing members of the American Legion Browne Cavender Post 148 whose members were also in attendance. Mr. Williams spoke against the reduction in police staffing. He cited public safety issues, both locally and nation wide that are concerns to all Americans. He urged the City Council to reexamine the budget and make their cuts elsewhere.

Madonna Boyd of 111 Coventry Lane spoke against the cuts in police staffing citing the same reasons that Mr. Williams addressed.

Mike Thompson of 598 Vanderveen Street stated that he is a security consultant and spoke against police staff cuts citing statistics acquired through his profession that indicate any reduction in police staff would be detrimental to the community.

Mason Police Officer Carrie Nettles stated that she is the president of the local FOP. She spoke against the reduction in personnel in the police department citing staffing and work load issues. She indicated the growth of both residential and business communities dictate that now is not the time for any reduction in public safety personnel. She further stated that reduction would impact the quality of life for residential and business owners in Mason. She urged the City Council to look else where for budget cuts.

Tom Sawyer of 331 Oak Ridge Street stated opposition to the reduction of public safety personnel. He stated that it appears money can be appropriated for other purchases and services and he feels that public safety is a much greater issue than any other.

Art Bush of 831 E. Eugenia spoke against the reduction of public safety personnel.

Rod Hunt of 111 Mason Street cited the growth of the Mason community and urged the City Council to make reductions elsewhere in the city budget.

*Johnson left the meeting at 8:01 p.m.

A resident residing at 1820 Eden Road spoke against downsizing the police department citing services and public safety concerns.

Leon Herriman of 847 Warner spoke against the reduction in public safety personnel stating that there should be an increase and not a decrease of police officers.

Denise Shattuck of 355 W. Willow spoke against a reduction in public safety personnel.

Keith Hein of 1002 Eugenia Street spoke against the reduction of police personnel stating that Mason is a growing community and public safety is a very important issue.

Michael Greathouse of 721 S. Jefferson spoke against the reduction of public safety personnel stating that he feels the work of the SRO is important to the city of Mason. He further stated that with the increased activity in the area of the skate park it is important to at least keep the current level of staff.

Jerry Nelson of 202 Orchard Land stated that he is very concerned about the potential for crime due to his experience as a security consultant. He urged the City Council to keep in mind that with the current proposal to construct public housing off of Orchard Lane being considered, this is not the time to be reducing in police personnel.

Chris Hebden of 575 N. Cedar spoke against the reduction of police personnel.

Shelly Smith of 415 W. Cherry spoke against the reduction of the police personnel.

Whipple closed the public hearing at 8:10 p.m.

Resolution No. 2004-31 Adoption of 2004-2005 Budget

Resolution No. 2004-31 was introduced by Naeyaert and seconded by Preadmore.

A lengthy discussion was held regarding the proposed cuts to the budget and the elimination of two full time employees, one police officer, the assistant assessor , three part time cemetery and parks employees, and the vacant mechanic position with the DPW is currently not filled.

Preadmore stated that when the COPS Grants were discussed, he expected that the tax base would grow enough to absorb the cost of the positions.

State shared revenue cuts over the last few years have had an impact on the budget as well as interest rates. Naeyaert stated that the State is looking to make further reductions. Although an increase to the millage would make a difference, Helbig stated that citizens have indicated to her that they don't want a tax increase. Currently, the city millage rate is the lowest in the county.

Clark suggested referring the budget back to the City Administrator and Finance Director to consider cuts in other areas. Both Clark and Bruno commented that efforts should be made to keep the two full time positions.

Last year the School Board withdrew their share of funding the School Resource Officer (SRO) and the city fully funded the position. Council urged the public in attendance to attend the School Board budget meetings to urge them to renew their participation with the city to fund the (SRO).

*Johnson rejoined the meeting at 8:40 p.m.

Colburn gave a brief explanation of the budget process and the loss of revenue sources.

McCormick was asked to respond to the effects of the elimination of an officer. He stated that he will not be able to cover the street patrol at the level it is today and the SRO would be reduced from 40 hours a week to one day a week.

Whipple commented on the events that have led to the 2004-2005 budget cuts. He stated that it would be difficult to ask the City Administrator to look at the budget again because at budget time, Council asked him to make further cuts to the budget. Mr. Colburn asked the department heads to make an additional six-percent cut to their budgets. Whipple spoke to the COPS Grant, the loss of state funds, and their effect on the budget. ~~He stated that the city paid the School Board's \$12,000 portion last year when they rescinded payment for the SRO when the COPS Grant ended in 2003.~~ He added that if the School Board would resume paying their share, that he would reconsider the proposed reduction.

Discussion was held to decrease the funds allocated to the ad hoc committees.

Motion by Bruno, seconded by Johnson,
To amend the final budget, page 1 of General Fund Expenditures under "Council,
Council, Professional & Contract Services" to change the budgeted amount from
\$20,000 to \$15,200.
Yes (6) Bruno, Clark, Helbig, Johnson, Naeyaert, Preadmore
No (1) Whipple
MOTION APPROVED

Discussion was held to eliminate the salary for the Councilmembers.

Motion by Clark, seconded by Johnson,
To cut the City Council salary to \$00.00.

McGinty stated that the Local Officer's Compensation Committee is charged by state law to set the wages and Councilmembers cannot refuse to take it.

Vote on the Motion:
Yes (2) Bruno, Clark
No (5) Helbig, Johnson, Naeyaert, Preadmore, Whipple
MOTION FAILED

Whipple suggested funding the police officer out of General Fund if the School Board would fund their portion.

Motion by Clark, seconded by Bruno,
To refer the budget back to the City Administrator to look for cuts in other places to keep the police officer.
Yes (2) Bruno, Clark
No (5) Helbig, Johnson, Naeyaert, Preadmore, Whipple
MOTION FAILED

Whipple suggested deferring Resolution No. 2004-31 to the May 17 meeting.

Motion by Johnson, seconded by Clark,
To cover the police officer that was proposed to be cut from the budget by transferring money from the Fund Balance
Yes (5) Bruno, Clark, Helbig, Johnson, Naeyaert
No (2) Preadmore, Whipple
MOTION APPROVED

Motion by Clark, seconded by Johnson,
To approve Resolution No. 2004-31 as amended.
Yes (6) Bruno, Clark, Helbig, Johnson, Naeyaert, Preadmore,
No (1) Whipple
MOTION APPROVED

A brief recess was taken at 9:55 p.m. and reconvened at 10:07 p.m.

Ordinance No. 143 – Second Reading and Adoption - Mason Boards & Commissions

A brief discussion was held regarding the reorganization of boards and commissions in the Mason Codes.

Motion by Preadmore, seconded by Naeyaert,
To consider Ordinance No. 143 read for the second time.
MOTION APPROVED UNANIMOUSLY

Motion by Naeyaert, seconded by ~~Naeyaert~~ Helbig,
To amend Ordinance No 143, Section 2-333 to include the mayor as a member of the LDFA by adding in the words “and this division” after “Act 281” in the third line; add “shall be a member of the board and” after “The mayor “ in the third line; add “other than the mayor” after “All members” in the fifth line; add “Before assuming the duties of office a member shall qualify by taking and subscribing to the Constitutional Oath of Office” as the last sentence.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON ORDINANCE NO. 143

AN ORDINANCE TO AMEND SECTION 2-106 - BOARD OF ETHICS OF ARTICLE III OF CHAPTER 2; TO AMEND ARTICLE VI - BOARDS AND COMMISSIONS - OF CHAPTER 2 BY ADDING SECTIONS 2-206 THROUGH 2-210 TO DIVISION 1, BY AMENDING SECTIONS 2-226 THROUGH 2-231 INCLUSIVE OF DIVISION 2 - LOCAL OFFICERS COMPENSATION COMMISSION, BY AMENDING

SECTIONS 2-252 AND 2-253 AND REPEALING SECTIONS 2-254 OF DIVISION 3 - CABLE COMMISSION, BY AMENDING SECTIONS 2-271 THROUGH 2-275 INCLUSIVE OF DIVISION 4 - DOWNTOWN DEVELOPMENT AUTHORITY, BY ADDING DIVISION 5 - TRAFFIC COMMISSION, DIVISION 6 - TREE COMMISSION, DIVISION 7 - LOCAL DEVELOPMENT FINANCE AUTHORITY, DIVISION 8 - UTILITY RATE STUDY COMMISSION, AND DIVISION 9 - OTHER BOARDS AND COMMISSIONS; TO AMEND SECTION 6-51 AND 6-52 OF DIVISION 2 - BUILDING BOARD OF APPEALS OF CHAPTER 6, SECTION 31-3 - HISTORIC DISTRICT COMMISSION OF CHAPTER 31, SECTIONS 50-32 AND 50-33 OF ARTICLE II - PLANNING COMMISSION OF CHAPTER 55, AND SECTION 94-362 OF ARTICLE XI - ZONING BOARD OF APPEALS OF CHAPTER 94; AND TO REPEAL SUBSECTION 2-59 OF SECTION 78-6 OF CHAPTER 78 AND DIVISION 2 OF ARTICLE III OF CHAPTER 86 OF THE CODE OF THE CITY OF MASON.

THE CITY OF MASON ORDAINS:

SECTION 2-106 OF ARTICLE III OF CHAPTER 2 IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 2-106. Board of ethics.

(a) *Creation.* There is hereby created an independent body called the "board of ethics."

(b) *Objective.* The objective of the board of ethics is to issue written opinions regarding ethical, not legal, questions and to engage in activities which will promote ethical behavior.

(c) *Board membership; terms; meetings; rules.*

(1) The board of ethics shall consist of five members who are city residents appointed by the mayor with the approval of the city council. City officials and the immediate family of city officials shall not be eligible for appointment to the board.

(2) Members shall be appointed for terms of three years, except that of those first appointed, two shall serve for three years, two shall serve for two years, and one shall serve for one year. Initial nominations shall be made by the mayor within 90 days of the effective date of this division, and nominations to fill vacancies and subsequent terms shall be made by the mayor within 60 days of occurrence of the vacancy or commencement of the term. The city council shall vote on confirmation within 30 days of receipt of nominations from the mayor. If nominations are not made within the periods specified, the city council shall appoint the member(s). If the city council shall not vote on confirmation within the period specified, the mayor's nominations shall be deemed confirmed and the member(s) shall be appointed.

(3) The affirmative vote of three members of the board of ethics shall be necessary for any action.

(4) The city clerk shall serve on an ex officio basis as secretary to the board without the right to vote.

(5) The board of ethics shall meet as frequently as necessary to promptly perform appointed duties. Meetings of the board shall be subject to the Michigan Open Meetings Act (MCL 15.26 et seq.).

ARTICLE VI OF CHAPTER 2 IS AMENDED BY ADDING SECTIONS 2-206 THROUGH 2-210, BY AMENDING SECTIONS 2-226 THROUGH 2-231, 2-252 AND 253, SECTIONS 2-271 THROUGH 2-275, AND BY ADDING DIVISIONS 5, 6, 7, 8, AND 9 TO READ AS FOLLOWS:

DIVISION 1. GENERALLY

Sec. 2-206. Authority.

The provisions of this division shall apply to all boards and commissions of the city unless otherwise specified in this code or state law.

Sec. 2-207. Organization.

(a) All boards and commissions shall elect a chairman and vice-chairman at the first regular meeting each calendar year.

(b) Any member of a board or commission serving ex officio shall hold the same right to vote as any other member of the board or commission, but an ex officio member shall not be eligible to serve as chairman or vice-chairman.

(c) All boards and commissions shall adopt rules of order for conducting business so long as said rules are not inconsistent with the rules of order for boards and commissions approved by the city council.

Sec. 2-208. Vacancy.

Any vacancy on a board or commission shall be filled by the original appointing and approving authorities for the remainder of the unexpired term of the vacated position.

Sec. 2-209. Removal.

Any member of a board or commission may be removed for cause by the original appointing authority

upon being given notice and an opportunity to be heard.

Sec. 2-210. Compensation.

The members of any board or commission shall receive no compensation but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

DIVISION 2. LOCAL OFFICERS COMPENSATION COMMISSION

Sec. 2-226. Created; purpose.

A local officers compensation commission is created, which shall determine the salary of all elected officials of the city .

Sec. 2-227. Membership.

The local officers compensation commission shall consist of five members, who shall be registered electors of the city and who shall be appointed by the mayor, subject to approval by a majority of the members elected and serving on the city council. The term of office shall be five years. Members shall be appointed before October 1 of the year of appointment. No member or employee of the legislative, judicial or executive branch of any level of government in the city, or members of the immediate family of such member or employee, shall be eligible to be a member of the commission.

Sec. 2-228. Determination of compensation of officials of council.

The local officers compensation commission shall determine the compensation of all elected officials of the city, which determination shall be the salaries of those officials, unless the city council, by resolution adopted by two-thirds of the members elected to and serving on the city council, reject the salaries as so determined. The determinations of the commission shall be effective 30 days following their filing with the city clerk unless rejected by the city council. In case of rejection, the existing salary shall prevail. Any expense allowance or reimbursement paid to elected officials, in addition to salary, shall be for expenses incurred in the course of city business and accounted for to the city.

Sec. 2-229. Organization.

The local officers compensation commission shall meet for not more than 15 session days in 1972 and every odd-numbered year thereafter and shall make its determination within 45 calendar days of its first meeting. The commission shall take no action nor make determinations without the concurrence of a majority of the members appointed and serving on the commission. "Session days" means any calendar day on which the commission meets and a quorum is present.

Sec. 2-230. Open Meetings Act; compliance.

The business which the local officers compensation commission may perform shall be conducted at a public meeting of the commission held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq.). Public notice of the time, date and place of the meeting of the commission shall be given in the manner required by such Act.

Sec. 2-231. Freedom of Information Act; compliance.

A writing prepared, owned, used, in the possession of, or retained by the local officers compensation commission in the performance of an official function shall be made available to the public in compliance with Public Act No. 442 of 1976 (MCL 15.231 et seq.).

DIVISION 3. CABLE COMMISSION

Sec. 2-251. Created.

There is hereby established a commission to be known as the Mason Cable Communications Commission.

Sec. 2-252. Membership.

The commission shall consist of seven residents of the city appointed by the city council. One member may be selected from the city council to serve ex officio at the discretion of the city council. Each member shall serve a term of three years, except that the term of an ex officio member shall be stated in the resolution selecting said member but shall not extend beyond the term of said member on the city council.

No employee of, or person with ownership interest in a cable television franchise granted by the city shall be eligible for membership on the commission.

Sec. 2-253. Duties.

The commission, in addition to the functions and responsibilities that the city council or city administrator may delegate to it from time to time, shall review plans and suggest and assist in the development of

locally originated programs. It shall also have those functions assigned to it by any cable television franchise agreement.

DIVISION 4. DOWNTOWN DEVELOPMENT AUTHORITY

Sec. 2-271. Purpose.

The purpose of this division is to create a public body corporate to be organized pursuant to the provisions of Public Act 197 of 1975, to be known as the Mason Downtown Development Authority to operate for and on behalf of the city and in cooperation with the city council in order to correct and prevent deterioration of the downtown district of the city, to promote economic growth and revitalization, to encourage historic preservation, to address problems of urban decline, to strengthen existing areas and encourage new private development in the downtown district, and in furtherance to above said purposes to exercise all of the powers and authorities granted by Act 197.

Sec. 2-272. Definitions.

The words and phrases used in this division shall have the same meaning as given by Public Act 197 of 1975, hereinafter referred to in this division as Act 197, or as defined in this section unless the context clearly indicates to the contrary.

Sec. 2-273. Creation of authority.

There is hereby created, pursuant to Act 197, the Mason Downtown Development Authority. The authority shall be a public body corporate and shall be known as and exercise the powers granted herein under the name "Mason Downtown Development Authority". The authority may adopt a seal, may sue and be sued in any Court of the State of Michigan and shall possess all the powers necessary to carry out the purpose of its incorporation as provided herein and by Act 197. The enumeration of any power herein or in Act 197 shall not be considered as a limitation upon the general powers of the authority as a public body corporate. The boundaries of the downtown district in which the authority shall exercise its powers as provided by this division and Act 197 shall be established by ordinance of the council.

Sec. 2-274. Governing board of authority.

(a) The authority shall be under the supervision and control of a governing board consisting of the mayor and eight members appointed by the mayor, subject to the approval of the council. All members other than the mayor shall serve for a term of four years except of the first members appointed, two shall be appointed for one year, two for two years, two for three years, and two for four years. All members shall hold office until the member's successor is appointed and qualified.

(b) A majority of the members shall be persons having an interest in property located in the downtown district. If the downtown district now or hereafter has 100 or more persons residing within it, at least one of the members shall be a resident of the downtown district.

(c) Before assuming the duties of office a member shall qualify by taking and subscribing to the Constitutional Oath of Office.

Sec. 2-275. Powers and duties of authority.

The authority shall exercise such powers and perform such duties as provided by and in accordance with the provisions of Act 197. The authority shall prepare a development plan for the downtown district, and in furtherance thereof, may prepare and propose financing plans for the downtown district or a development plan within the downtown district. The authority shall obtain council approval of all development and financing plans. In furtherance thereof, the authority shall generally exercise all powers provided by Act 197 which, by way of illustration and not by way of limitation, are set forth as follows:

(1) To employ and affix the compensation of an executive director, subject to the approval of the city council. To employ and affix the compensation of a treasurer and secretary who shall carry out the duties prescribed by Section 5 of Act 197 and such other duties as assigned to them. To retain legal counsel to advise the board in the proper performance of its duties and to represent the authority in all actions brought by or against the authority, and to employ such other personnel as deemed necessary by the board.

(2) To study and analyze the economic factors taking place in the downtown district; to plan and propose the construction, renovation, repair, preservation, or reconstruction of a public facility, existing buildings, multiple-family dwelling units, which aid in the economic growth of the downtown district; to develop long range plans in cooperation with the planning commission, designed to halt the deterioration of property values in the downtown district and to promote the economic development of the district; to implement any plan of development in the downtown district, and in connection therewith to make and enter into contracts incidental to the exercise of its powers and the performance of its duties including contracts to acquire, by purchase or otherwise, lands, buildings, and personal property, to improve such property, and to fix, charge and collect fees, rents and charges for the use of any building or property under its control and to pledge the fees, rents and charges for the payment of revenue bonds issued by the authority all as more fully set forth at Section 7 of Act 197.

(3) To obtain financing for the activities of the authority from one or more of the sources as set forth in Section 11 of Act 197.

(4) To levy, with the approval of the city council, an ad valorem tax of not to exceed two mills on the non-exempt real and tangible personal property in the downtown district, and to request of the city council to borrow money and issue its tax anticipation notes therefore pursuant to the provisions of Section 12 of Act 197.

(5) To issue its revenue bonds or notes, with the approval of the city council, to finance all or part of the cost of acquiring or constructing property in the downtown district in connection with the implementation of a development plan all as set forth at Section 13A of Act 197. The city shall not be liable on any bonds or notes of the authority issued pursuant to this section and the bonds or notes shall not be a debt of the city.

(6) To prepare and recommend for approval by the city council a tax increment financing plan as provided in Sections 14, 15 and 16 of Act 197.

(7) The authority shall annually prepare and submit for approval by the council an annual budget for the operation of the authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Funds of the city shall not be included in the budget of the authority except those funds authorized by Act 197 or by the city council.

DIVISION 5. TRAFFIC COMMISSION

Sec. 2-291. Creation and membership.

A traffic commission is hereby created. The commission shall consist of seven members, six of whom shall be appointed by the mayor with the approval of the city council. The traffic engineer shall be an ex officio member. Of the members appointed, one shall represent the Mason Public School District, one shall represent the Mason Downtown Development Authority, one shall serve ex officio from the city council and three shall be residents of the city at large. If suitable representatives of the Mason Public School District or Mason Downtown Development Authority can not be found who are willing to serve, the number of residents from the city at large shall be increased commensurately.

Sec. 2-292. Term of office.

The term of each appointed member shall be three years. The term of the ex officio member from the city council shall be stated in the resolution selecting said member but shall not extend beyond the term of said member on the city council. The terms of the members of the initial commission shall be staggered so that subsequent appointments shall not all recur at the same time.

Sec. 2-293. Organization and duties.

The traffic engineer shall act as secretary of the commission. The commission shall be an advisory body to the city council and to the traffic engineer. It shall plan the operation of traffic in the city, initiate investigations, studies, and surveys directed toward the improvement of traffic conditions affecting public safety and the general welfare. Its hearings shall be open to the public, and on such matters it deems advisable, it may publish notice of its public hearings. It shall receive the assistance of any city official or employee as it deems necessary, and the city council shall appropriate such money as the council determines is required to meet the commission's plans and activities.

DIVISION 6. TREE COMMISSION

Sec. 2-311. Creation and establishment.

There is hereby created and established a city tree commission, which shall consist of five members, who are residents of the city and who shall be appointed by the mayor with the approval of the city council. One member may be selected from the city council to serve ex officio at the discretion of the mayor and with the approval of the city council.

Sec. 2-312. Term of office.

The term of the members appointed to the tree commission shall be three years except that the term of an ex officio member shall be stated in the resolution selecting said member but shall not extend beyond the term of said member on the city council.

Sec. 2-313. Duties and responsibilities.

It shall be the responsibility of the tree commission to study, investigate, develop and/or update periodically, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the city. The commission, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter or question within the scope of its work.

Sec. 2-314. Review by city council.

The city council shall have the right to review the conduct, acts and decisions of the tree commission. Any person may appeal from any ruling or order of the commission to the city council, who may hear the matter and make the final decision.

Sec. 2-315. Interference with tree commission.

It shall be unlawful for any person to prevent, delay or interfere with the tree commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

DIVISION 7. LOCAL DEVELOPMENT FINANCE AUTHORITY**Sec. 2-331. Purpose.**

A Local Development Finance Authority may be established by the city council pursuant to Public Act 281 of 1986 (MCL 125.2151 et. seq.) to operate for and on behalf of the city and in cooperation with the city council to provide a means to eliminate the causes of unemployment, underemployment and joblessness, to promote economic growth, and to stabilize and strengthen the tax base.

Sec. 2-332. Definitions.

The words and phrases used in this division shall have the same meaning as given by Public Act 281 of 1986, hereinafter referred to in this division as Act 281, or as defined in this section unless the context clearly indicates to the contrary.

Sec. 2-333. Governing board of authority.

The authority shall be under the supervision and control of a governing board. The membership of the board shall be established by the resolution creating the authority in accordance with section 5 of Act 281 and this division. The mayor shall be a member of the board and shall appoint those board members representing the city subject to the approval of the city council. All members other than the mayor shall serve for a term of four years, or until a successor is appointed and qualified, except that the initial terms of some of the members shall be staggered so that subsequent appointments shall not recur at the same time. Before assuming the duties of office a member shall qualify by taking and subscribing to the Constitutional Oath of Office.

Sec. 2-334. Powers and duties of authority.

The authority shall exercise such powers and perform such duties as provided by and in accordance with the provisions of Act 281.

DIVISION 8. UTILITY RATE STUDY COMMISSION**Sec. 2-351. Creation and purpose.**

The Utility Rate Study Commission is hereby created. The purpose of this commission shall be to recommend rates and fees for the use of, and connection to, the municipal water and sanitary sewer systems of the city.

Sec. 2-352. Membership.

The commission shall consist of seven members, five of whom shall be residents of the city appointed by the mayor with the approval of the city council. The city finance director and the city public works director shall serve as ex officio members. The city finance director shall also serve as secretary of the commission. Each appointed member shall serve a term of three years except that the initial terms of some of the members shall be staggered so that subsequent appointments shall not recur at the same time.

Sec. 2-353. Duties.

The commission, in addition to the functions and responsibilities that the city council or city administrator may delegate to it from time to time, shall periodically review the financial condition of the municipal water and sewer systems for the city. The review shall include, as appropriate, an analysis of revenues and expenditures, costs for operation and maintenance, rates and fees charged by other municipal systems, and capital improvement needs. The commission shall prepare a report and recommendation to the city council with regard to water and sewer rates and fees on a bi-annual basis or more often as requested by the city council or by the city administrator.

DIVISION 9. OTHER BOARDS AND COMMISSIONS**Sec. 2-401. Board of review.**

Refer to chapter 9 of the city charter. The board shall keep a record of its resolutions, transactions, findings and determinations as minutes in accordance with the Michigan Open Meetings Act.

Sec. 2-402. Building code board of appeals.

Refer to chapter 6, article II, division 2 of this code.

Sec. 2-403. Board of cemetery trustees.

Refer to chapter 16 of the city charter.

Sec. 2-404. Ethics board.

Refer to chapter 2, article III, division 3 of this code.

Sec. 2-405. Historic district commission.

Refer to chapter 3, sections 31-3 through 31-4 of this code.

Sec. 2-406. Planning commission.

Refer to chapter 50, article II of this code.

Sec. 2-407. Zoning board of appeals.

Refer to chapter 94, article XI of this code.

SECTIONS 6-51 AND 61-52 OF DIVISION 2 OF ARTICLE II ARE HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 6-51. Created.

There is created a building code board of appeals consisting of three members, appointed by the mayor with the approval of the city council, for a term of three years. Members of the board of appeals shall be qualified by experience or training to perform the duties of the office.

Sec. 6-52. Jurisdiction and authority.

(a) When an enforcing agency refuses to grant an application for a building permit, or when the enforcing agency makes any other decision pursuant or related to this article, or the building code, an interested person, or his authorized agent, may appeal in writing to the building code board of appeals. The board of appeals shall hear the appeal and render and file its decision with a statement of reasons with the enforcing agency from whom the appeal was taken not later than 30 days after submission of the appeal. Failure by the board of appeals to hear an appeal and file a decision within the time limit is deemed a denial of the appeal for purposes of authorizing the institution of an appeal to the commission. A copy of the decision and statement of the reasons therefor shall be delivered or mailed, before such filing, to the party taking the appeal. A record of decisions made by the board of appeals, properly indexed, shall be kept by the enforcing agency and be open to public inspection during business hours.

(b) Variances may be granted in accordance with the building code; and the board may attach, in writing, any condition to a variance granted, which in its jurisdiction is necessary to protect the health, safety and welfare of the public.

(c) The board of appeals shall establish the general building limitations for fire districts as required under the code. Until the board acts on this matter, such districts shall be as follows:

(1) Fire district number 1 shall consist of those areas zoned commercial, light and heavy manufacturing.

(2) Fire district number 2 shall consist of those areas zoned multiple family and containing three or more dwelling units.

(3) Fire district number 3 shall consist of any structure or building outside of fire districts 1 and 2.

(d) The board of appeals shall comply with the administrative procedures under the state construction code, but may establish its own rules of procedure supplementary to and not inconsistent with such procedures or the rules of order for boards and commissions approved by the city council. A member of the board of appeals who has a pecuniary interest in any matter before the board shall disclose that interest prior to the board's taking any action, which disclosure shall be made a matter of record in the official proceedings.

(e) The board shall keep a record of its resolutions, transactions, findings and determinations as minutes in accordance with the Michigan Open Meetings Act.

SECTION 31-3 OF CHAPTER 31 IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 31-3. Historic district commission.

(a) There is hereby established a commission to be known as the Mason Historic District Commission. The commission shall consist of seven members each of whom shall reside within the city. Members shall

be appointed by the mayor with the consent of the city council for three year terms except that the initial terms of some of the members shall be staggered so that subsequent appointments shall not recur at the same time. One member may be selected from the city council to serve ex officio at the discretion of the mayor and with the approval of the city council. The term of a member from the city council shall be stated in the resolution selecting said member, but the term shall not exceed the term of office for said member as member of the city council. At least one member shall be appointed from a list of residents submitted by a duly organized and active historical society if such a list is submitted to the mayor. The commission shall include as a member, if available, a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect registered in the state. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation.

- (b) An appointment shall be made within 60 days to fill a vacancy on the commission.
- (c) The commission shall meet at least once each quarter or more often as required.
- (d) The city zoning official or a designee, shall serve as secretary of the commission.
- (e) The concurring vote of four members of the commission shall be necessary for the approval of an application and for the adoption or modification of preservation guidelines. Other actions of the commission shall require a simple majority of a quorum.
- (f) The commission shall keep a record of its resolutions, transactions, findings and determinations as minutes in accordance with the Michigan Open Meetings Act.

SECTIONS 50-32 AND 50-33 OF ARTICLE II OF CHAPTER 50 ARE HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 50-32. Terms and organization.

The planning commission shall consist of nine members. Eight members shall be residents of the city appointed by the mayor with the approval of the city council and shall represent, as far as possible, different trades or occupations. One member shall be selected from the city council by resolution of the council to serve ex officio. The term of each member shall be three years except that the term of the ex officio member shall be stated in the resolution selecting said member, but the term shall not extend beyond the term of office for said member as member of the city council.

Sec. 50-33. Meetings and Records.

The commission shall hold at least one regular meeting in each month. It shall keep a record of its resolutions, transactions, findings and determinations as minutes in accordance with the Michigan Open Meetings Act.

SECTION 94-362 OF ARTICLE XI OF CHAPTER 94 IS AMENDED TO READ AS FOLLOWS:

Sec. 94-362. Organization and procedure.

(a) *Meetings.* Four members of the zoning board of appeals shall comprise a quorum for the purpose of conducting a meeting. Meetings shall be held at the call of the chairman or the building official in writing delivered to the addresses of each member of the board. All meetings shall be open to the public. The city administrator or a designee shall act as secretary of the board.

(b) *Records.* Minutes of all meetings shall be recorded and made available in accordance with the Michigan Open Meetings Act and shall contain the grounds of every determination made by the zoning board of appeals including all evidence and data considered, all findings of fact and conclusions drawn, the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the city clerk and shall be available to the public. The record of proceedings for the zoning board of appeals shall contain the following information when applicable:

- (1) The application for an appeal, variance, or interpretation.
- (2) Any reports, plans, surveys or photos.
- (3) Notice of public hearing delivered to affected parties and published in a newspaper.
- (4) Affidavit of publication of notice of public hearing.
- (5) Letter from the building official granting or denying the application or referring it to the zoning board of appeals and all other relevant records related to the case.
- (6) Record of testimony heard and evidence presented.
- (7) A copy of the zoning articles and sections in question.
- (8) Briefs, correspondence or other communications made to the zoning board of appeals.
- (9) Statement of facts found by the zoning board of appeals, of its own knowledge, regarding the request including any information gained from personal inspection.

(10) Decision of the zoning board of appeals as specifically related to the findings of fact.

(11) A copy of any other correspondence to the appellant regarding the request.

(c) *Counsel.* The city attorney shall provide legal counsel to the zoning board of appeals when requested. Special legal counsel may be retained for the zoning board of appeals for any purpose deemed necessary provided that such appointment or retainer shall be approved in advance by the city council.

(d) *Decisions.* The zoning board of appeals shall return a decision on a case within a reasonable time after the hearing on an application or appeal unless a reasonable extension of time is deemed necessary by a majority of the members present. Any decision of the zoning board of appeals shall not become final until the expiration of five days from the date of the decision unless the zoning board of appeals shall find the immediate effect of the decision is necessary for the preservation of property or personal rights and shall so certify on the record.

(e) *Deferment by applicant.* When considering an appeal pursuant to subsection 94-363(a), or a variance pursuant to subsection 94-363(b), the zoning board of appeals shall defer all proceedings upon the request of the applicant when less than six members of the zoning board of appeals are present for consideration of and voting on said appeal or variance. The right of deferment shall be considered waived by the applicant if deferment is not requested immediately upon the opening of the hearing on the matter. When deferment is requested as required, the zoning board of appeals shall, at that time, determine the date of a future regular or special meeting for the continuation of the hearing and consideration of the matter. Notice previously given for the original hearing date shall constitute notice of the future hearing date with no further notice required.

THE CITY OF MASON FURTHER ORDAINS THAT SECTION 2-254 OF DIVISION 3 OF ARTICLE VI OF CHAPTER 2, SECTION 2-59 OF SECTION 78-6 OF CHAPTER 78, AND DIVISION 2 OF ARTICLE III OF CHAPTER 86 ARE REPEALED.
ORDINANCE ADOPTED UNANIMOUSLY

Resolution No. 2004-29 Firework Display

Resolution No. 2004-29 was introduced by Bruno and seconded by Helbig.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2004-29**

FIREWORKS DISPLAY

May 3, 2004

BE IT HEREBY RESOLVED, by the City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department to hold a fireworks display on the evening of July 4, 2004, in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2004-30 Record Management

Resolution No. 2004-30 was introduced by Bruno and seconded by Helbig.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2004-30**

**ADOPTION OF RECORDS RETENTION AND DISPOSAL GENERAL
SCHEDULE #8**

MAY 3, 2004

WHEREAS, the City Council of the City of Mason has determined the necessity for an approved record retention and disposal policy schedule pertaining to all City documents and records, which may be stored in hard copy form and/or any and all forms of media.

NOW THEREFORE BE IT RESOLVED, in accordance with MCL 399.5, being Act 271 of 1913; and MCL 750.491, being Act 328 of 1931, the City of Mason hereby adopts General Record Retention and Disposal

Schedule # 8, as approved by the Michigan State Administrative Board on April 7, 1998 and set forth in the Records Management Handbook, published by the Michigan Municipal League, revised March 1998, and as is hereby attached.

RESOLUTION APPROVED UNANIMOUSLY

Traffic Control Orders – 01 to 07-2004

Discussion was held to consider Traffic Control Order (TCO) 07-2004 outside of 01 – 06-2004.

MOTION by Johnson, second by Preadmore,
To approve Traffic Control Order 01– 06-2004.

MOTION APPROVED UNANIMOUSLY

Discussion followed regarding TCO 07-2004. There are two parking spaces on the west side of Steele Street between the alley and the corner of Elm Street that were previously marked with signage indicating unrestricted parking.

McCormick spoke to the reasoning for TCO 07-2004. A few years ago the School Superintendent asked him to mark the area as “Temporary Parking.” Principal Dean recently informed him that she felt the area is a safety issue for children crossing Steele Street. He observed the traffic activity and recommends leaving it as two-hour parking.

Steele Street Elementary School Principal Kathy Dean stated that school children were being dropped off on the wrong side of the street and they are walking across Steele Street. She feels that the two-hour parking has created a hazard for the safety of children.

Michael Lilly stated that he has lived at his grandparent’s home, 432 Oak Street, for the past two years house-sitting while they winter in Florida. He referenced the letter he submitted and stated that as a resident, he advocates two-hour parking.

Wendy Lilly stated that she was raised at 432 Oak Street. When there is unrestricted parking, the city is unable to pick up the leaves that are raked to the curb for collection and in the winter that area doesn’t get plowed due to the parked cars that are there. She also advocates two-hour parking.

MOTION by Clark, second by Helbig,
To approve Traffic Control Order 07-2004
MOTION APPROVED UNANIMOUSLY

Bid – Pole Barn Project

MOTION by Bruno, second by Preadmore,
To award the \$15,850 bid to Schneeberger Builders, Inc. for the construction of a pole barn.

Johnson requested to abstain in lieu of his business relationship with Schneeberger Builders, Inc.

MOTION by Preadmore, second by Naeyaert,
To allow Neal Johnson to abstain from involvement regarding Schneeberger
Builder, Inc.
MOTION APPROVED UNANIMOUSLY

Vote on the Motion:
Yes (5) Bruno, Helbig, Naeyaert, Preadmore, Whipple
No (1) Clark
Abstain (1) Johnson

MOTION APPROVED**Mayoral Proclamations**

Whipple commented on the recent proclamations that he has presented. In honor and acknowledgement of 150 years of commitment and service, the Mayor read the Mason Masonic Temple Lodge #70 Proclamation. Lodge No. 70 members Ivan Kerr and Jerry Nelson received the proclamation.

UNFINISHED BUSINESS

Crosswalks for Hayhoe Riverwalk will be marked on Jefferson and Maple Streets

NEW BUSINESS

Naeyaert informed the Council of future School Board meetings that will be held in May. Helbig informed the Council that the Spring Fling was well attended and the Rotary Club Duck Race was a huge success. Clark asked to have the Traffic Commission to review the parking situation at the Bond Park Hockey Rink once the Okemos Street construction is completed.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed the Council on the following items.

- James M. Pelton Firefighters Memorial Highway – The dedication ceremony will be held May 14 at 6:00 p.m. Governor Granholm will be in attendance.
- Tree Contract – The contract with the former tree trimming company has been negotiated and finalized.
- Flushing Water Lines – The water line flushing is taking place during overnight hours and is near completion.
- City/School Joint Recognition Ceremony – The ceremony will be held June 10th at 6:30 p.m. at the High School.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

Being there was no further business the meeting adjourned at 11:12 p.m.

Martin A. Colburn, City Clerk

Russell W. Whipple, Mayor