

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 21, 2006**

Clark called the meeting to order at 7:33 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, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwierniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: August 7, 2006

The Minutes of August 7, 2006 were approved as corrected.

APPROVAL OF BILLS

MOTION by Coady, second by Johnson,
to approve the payment of bills in the amount of \$61,508.97 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Tom Sawyer of 331 Oak Ridge stated that he objected to city appraisers measuring areas outside of his home while he is not there. Also, he disagrees with the methods they used for measuring. McGinty informed the Council regarding a recent court decision that says city officials can go on private property in the course of official duties on those areas of the property that are open to the public in plain view. Mr. Sawyer was informed that a door hanger would not be left in the mobile home park because they are only assessed for decks, sheds, etc. and that State guidelines are used for measuring.

REGULAR BUSINESS

Ordinance No. 155 An Ordinance to Amend the Use District Map as Adopted Pursuant to Section 92-162 of the Mason Code, to Rezone 8.08 Acres Located on the West Side of Temple Street South of Ash Street (M-36) North of Kipp Road from C-2: General Commercial to C-3: Local Commercial – Second Reading and Adoption

McGinty informed Council that Ordinance No. 155 was introduced last June. However, July 1, 2006 the new Zoning Enabling Act took effect which changed the dates upon which an ordinance would become effective. Changes were made in that regard. Ordinance No. 155 was introduced and considered read for the second time by Whipple and seconded by Coady.

**CITY OF MASON
ORDINANCE NO. 155
AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED
PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 8.08
ACRES LOCATED ON THE WEST SIDE OF TEMPLE STREET SOUTH OF
ASH STREET (M-36) NORTH OF KIPP ROAD FROM C-2 GENERAL
COMMERCIAL TO C-3 LOCAL COMMERCIAL.**

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended as follows:

That property legally described as:

A part of the East ½ of Section 9, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning on the East-West ¼ line of said Section 9 at a point N89°41'01"W 491.01 feet from the East ¼ Corner of said Section 9, said point also being on the West right-of-way line of Temple Street; thence along said right-of-way line S00°03'13"E 490.38 feet; thence N45°01'22"W 283.00 feet; thence N89°59'30"W 360.71 feet; thence N00°03'18"W 606.45 feet; thence S87°30'09"E 9.81 feet; thence Northeasterly 126.05 feet along the arc of a 118.00 foot radius curve to the left whose chord bears N61°53'43"E 120.14 feet; thence N31°17'34"E 55.64 feet to the Southerly and Westerly right-of-way line of Temple Street; thence along said right-of-way line the following three courses: S58°42'26"E 365.14 feet; thence Southeasterly 222.14 feet along the arc of a 217.00 foot radius curve to the right whose chord bears S29°22'50"E 212.57 feet; thence S00°03'13"E 44.99 feet to the point of beginning containing 8.08 acres of land, more or less, and subject to any easements or rights-of-way of record.

be rezoned from C-2 General Commercial to C-3 Local Commercial; 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 the attached map evidencing this change shall be marked and designated as Ordinance No. 155, 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.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Growth Management and Commercial Development Goals of the Master Plan; and

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is more "complimentary" to the residential uses in the surrounding neighborhood than those uses allowed in the C-2 General Commercial zoning district, consistent with the County Fairgrounds East Buffer Area component of the Mixed-Use Future Land Use Strategy of the Master Plan; and

THE CITY OF MASON FURTHER ORDAINS: That the site is adequately served with the necessary public facilities, including public water and sanitary sewer; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective seven days after publication of notice its adoption; and

THE CITY OF MASON FURTHER ORDAINS: That notice of adoption of this ordinance shall be published within fifteen days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Whipple and seconded by Council Member Coady with a vote thereon being: YES (7) 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 21 day of August, 2006.

Ordinance No. 155 declared adopted this 21 day of August, 2006.

Leon Clark, Mayor

Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

Ordinance No. 156 – An Ordinance To Amend Sections 129(B), C-1: Central Business District, 141(B), C-2: General Commercial District, And 143(B), C-3: Local Commercial District, Of Chapter 94, Zoning, Of The Mason City Code To Add Public Assembly Buildings, Indoor Theaters, And Auditoriums As Uses Permitted By Right; And To Amend Sections 143(D), C-3: Local Commercial District Of Chapter 94, Zoning, Of The Mason City Code, To Strike The Allowance For Uses Exceeding 15,000 Square Feet And Add Community Commercial Centers And Outdoor Sales And Service As Uses Permitted By Special Use Permit; And To Amend Section 192, Listed Special Uses, Of The Mason City Code, To List The Special Conditions For Outdoor Sales And Service; And To Amend Section 143(E), C-3: Local Commercial District Of Chapter 94, Zoning, Of The Mason City Code To Limit The Gross Floor Area Of All Uses In The District To 20,000 Square Feet; And To Amend Section 1-2 , Definitions, Of Chapter 1 Of The Mason City Code, To Add A New Definition For Public Assembly Buildings.

Motion by Whipple, second by Coady,
to introduce Ordinance No. 156 and consider it read for the first time.

Motion by Mulvany, second by Naeyaert,
to amend Ordinance No. 156, Section 94-143 (b)(12), C-3 Local
Commercial District by striking the words “or off.”

Discussion ensued regarding the alcohol sales in C-3 zoning and forwarding the ordinance to the Planning Commission for review.

VOTE ON THE AMENDMENT:

Yes (1) Mulvany

No (6) Bruno, Clark, Coady, Johnson, Naeyaert, Whipple

MOTION FAILED

VOTE ON THE MAIN MOTION:

Yes (6) Bruno, Clark, Coady, Johnson, Naeyaert, Whipple

No (1) Mulvany

MOTION FAILED

Motion by Whipple, second by Mulvany,

To refer off premise alcohol sales for review and recommendation for the possible removal in Section 94-143 (b)(12), C-3 Local Commercial District, Ordinance No. 156, to the Planning Commission.

ROLL CALL VOTE:

Yes (4) Mulvany Naeyaert, Whipple, Coady

No (3) Johnson, Bruno, Clark

MOTION APPROVED

Resolution No. 2006-32 – Purchase of Police Cruiser

Resolution No. 2006-32 was introduced by Whipple and seconded by Coady.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006 - 32
APPROVAL OF PURCHASE OF POLICE CRUISER NO. 86
August 21, 2006

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of Police Cruiser No. 86 was planned for in the approved Fiscal Year 2006 - 2007 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) Chevrolet 2007 Impala police car for \$17,483.90 from Shaheen Chevrolet.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, August 21, 2006 the original of which is part of the City Council minutes.

Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

Resolution Approved Unanimously

Motion – Designation of Delegates – Michigan Employee Retirement System (MERS) Annual Meeting

Motion by Whipple, second by Johnson,
to appoint Martin Colburn as Officer Delegate and Kathy Revels as the alternate, to attend the MERS Annual Meeting September 19-21.

MOTION APPROVED UNANIMOUSLY

Motion by Coady, second by Whipple,
to amend the agenda by moving Item 14) Executive Session to Item 7(E),
moving Item 7(E) to 7(F).

MOTION APPROVED UNANIMOUSLY

Bruno requested to abstain from executive session because he held a financial interest in the decision.

Motion by Whipple, second by Johnson,
To allow Councilmember Bruno to abstain from the matter of the AFSCME contract negotiation.

MOTION APPROVED UNANIMOUSLY

Motion by Whipple, second by Johnson,
to adjourn to executive session to discuss a matter regarding AFSCME contract negotiations to be voted on in a matter prescribed by State law.

ROLL CALL VOTE:

Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No (0)

Abstain (1) Bruno

MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:36 p.m. and reconvened at 8:49 p.m.

Resolution No. 2006-33 – Authorization for the City Administrator to Amend AFSCME Contract by Adjusting Health Care Carriers and Benefits

Resolution No. 2006-33 was introduced by Whipple and second by Coady.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-33
AUTHORIZATION FOR THE CITY ADMINISTRATOR TO AMEND AFSCME CONTRACT BY
ADJUSTING HEALTH CARE CARRIERS AND BENEFITS
August 21, 2006**

WHEREAS, the AFSCME Local Chapter #1390 agreement terminating June 30, 2007 with the City of Mason, allows changes for health benefits that are mutually agreed upon between the Employer and the Union; and

WHEREAS, AFSCME representatives from the AFSCME Local Chapter #1390 and city management officials have identified and agreed upon health benefits that are mutually beneficial;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council authorizes the City Administrator to adjust the current AFSCME Council 25 Local Chapter #1390 contract within Article 30. INSURANCE by changing the carrier from Blue Cross/Blue Shield to MERS Premier Health and associated benefits agreed upon.

Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple

No (0)

Abstain (1) Bruno

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, August 21, 2006 the original of which is part of the City Council minutes.

Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

- Bruno asked if a letter had been received from the State Senator and State Representative supporting the Water Revolving Fund request. Colburn responded that Representative Byrum has replied.
- Naeyaert informed the Council regarding various matters: Congressman Rogers is willing to look at a future appropriation that may be able to off-set the community's water expense, the Elm Street block party was enjoyed by the residents, a tree that fell during the last serious storm on Elm Street needs attention, and traffic concerns continue to be a concern by Elm Street residents. Colburn stated that a Police Officer conducted a radar speed study on Elm Street revealing that most drivers are driving the speed limit.
- Whipple stated that sidewalk repair was done on two squares at 222 E. Columbia; he questioned why a broken square at the same address was not repaired. Also, during recent cement repair in front of the Fire Station, an additional square was broken by heavy machinery and needs repair.
- Johnson asked if it was verified whether storm sewer connections are necessary on Columbia Street prior to beginning reconstruction. Colburn responded that he would get a confirmation.

NEW BUSINESS

- Coady informed Council that the Festival of Balloons was a success and she hopes the event will continue. A brief discussion was held concerning downtown balloon glows.
- Mulvany informed Council that Mason voters passed the Capital Area District Library with 538 yes votes and 409 no votes on the August Primary ballot.
- Bruno stated that the Festival of Balloons and Mason Aviation Day events were enjoyable.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. Discussion was held regarding the recent CADL Board decision denying the City of Mason request to become a participating municipality. Mulvany requested information regarding the taxable values of the taxing authorities in the county.

PEOPLE FROM THE FLOOR

Elaine Ferris of 417 W. Sycamore stated that a Family Fun Walk would be included in the Down Home Days activities, along with the Farmer's Market and Friends of the Library Book Sale.

ADJOURNMENT

Being that there was no further business the meeting adjourned at 9:28 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor