

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 5, 2006**

Clark called the meeting to order at 7:32 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: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, *Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: August 21, 2006

The Minutes of August 21, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Johnson,
to approve the payment of bills in the amount of \$125,594.97 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Ordinance No. 156 – Second Reading and Adoption

MOTION by Coady, second by Naeyaert,
to consider Ordinance No. 156 as read for the second time and adopted.
MOTION APPROVED UNANIMOUSLY

**CITY OF MASON
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 PUBIC ASSEMBLY BUILDINGS.

THE CITY OF MASON FURTHER ORDAINS:

Section 94-141(b) Uses permitted by right, of Article IV of Chapter 94 of the Mason City Code is hereby amended to include public assembly buildings, indoor theaters, and auditoriums as uses allowed by right, which amended shall read as follows:

Section 94-141. C-1: Central commercial district.

(b) Uses permitted by right.

- (1) Offices for financial institutions, real estate offices, insurance offices, investment brokers, credit reporting agencies, business management and consulting, information technology services and consulting, and similar business offices.
- (2) Photographic studios.
- (3) Professional services establishments providing human health care on an outpatient basis.
- (4) Medical, optical and dental offices and laboratories
- (5) Offices for non-profit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.
- (6) Music, dance, or performing arts studios.
- (7) Offices for professional practitioners in the component fields of medicine, dentistry, psychiatry, and psychology including practitioners committed to ministering to individual and community health. These offices can include group or clinical practice and therapeutic paramedical services.
- (8) Offices for the practice of law, professional services, business services, scientific endeavors, creative activities and similar professions, and the operation of professional associations, societies, and institutes.
- (9) Retail trade, office and personal service businesses including financial institutions, hardware and appliance stores, barber and beauty shops, clothing, food, restaurants, drug, variety, furniture, jewelry, self-service and/or drop-off laundry including dry cleaning performed off-premise, small job printing provided non-explosive fluids are used and similar uses when conducted within a building and no part of which consists of manufacturing or processing on the premises.
- (10) Bed and breakfast (refer to section 94-192(7)).
- (11) Residential use located above a business use that meets the minimum floor area standards of the RM multiple-family residential district.
- (12) Establishments licensed for the sale of alcoholic beverages where consumption is allowed on and/or off the premises.
- (13) Public assembly buildings, indoor theaters, and auditoriums.

THE CITY OF MASON FURTHER ORDAINS:

Section 94-142(b) Uses permitted by right, of Article IV of Chapter 94 of the Mason City Code is hereby amended to include public assembly buildings, indoor theaters, and auditoriums as uses allowed by right, which amended shall read as follows:

Section 94-142. C-2: General business district.

(b) Uses permitted by right.

- (1) Offices for financial institutions, real estate offices, insurance offices, investment brokers, credit reporting agencies, business management and consulting, information technology services and consulting, and similar business offices.
- (2) Photographic studios.
- (3) Professional services establishments providing human health care on an outpatient basis.
- (4) Medical, optical and dental offices and laboratories.
- (5) Offices for non-profit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.
- (6) Music, dance, or performing arts studios.
- (7) Offices for professional practitioners in the component fields of medicine, dentistry, psychiatry, and psychology including practitioners committed to ministering to individual and community health. These offices can include group or clinical practice and therapeutic paramedical services.
- (8) Offices for the practice of law, professional services, business services, scientific endeavors, creative activities and similar professions, and the operation of professional associations, societies, and institutes.
- (9) Retail trade, office and personal service businesses including financial institutions, hardware and appliance stores, barber and beauty shops, clothing, food, restaurants, drug, variety, furniture, jewelry, self-service and/or drop-off laundry including dry cleaning performed off-premise, small job printing provided non-explosive fluids are used and

similar uses when conducted within a building and no part of which consists of manufacturing or processing on the premises.

- (10) Boarding and rooming houses.
- (11) Bed and breakfast (refer to section 94-192(7)).
- (12) Residential use located above a business use that meets the minimum floor area standards of the RM multiple-family residential district.
- (13) Establishments licensed for the sale of alcoholic beverages where consumption is allowed on and/or off the premises.
- (14) Outdoor retail sales and service.
- (15) Wholesale businesses.
- (16) Plumbing, heating, retail sales and service and other similar uses.
- (17) Farm machinery and implement sales.
- (18) Nursery, shrubbery, and garden supply centers.
- (19) Public assembly buildings, indoor theaters, and auditoriums.

THE CITY OF MASON ORDAINS:

Section 94-143(b), Uses permitted by right, of Article IV of Chapter 94 of the Mason City Code is hereby amended to add public assembly buildings, indoor theaters, and auditoriums, which amended shall read as follows:

Sec. 94-143. C-3: Local commercial district.

(b). Use permitted by right.

- (1) Offices for financial institutions, real estate offices, insurance offices, investment brokers, credit reporting agencies, business management and consulting, information technology services and consulting, and similar business offices.
- (2) Photographic studios.
- (3) Professional services establishments providing human health care on an outpatient basis.
- (4) Medical, optical and dental offices and laboratories.
- (5) Offices for non-profit organizations, professional associations, labor unions, civic-social-fraternal organizations, political organizations, and religious organizations.
- (6) Music, dance, or performing arts studios.
- (7) Offices for professional practitioners in the component fields of medicine, dentistry, psychiatry, and psychology including practitioners committed to ministering to individual and community health. These offices can include group or clinical practice and therapeutic paramedical services.
- (8) Offices for the practice of law, professional services, business services, scientific endeavors, creative activities and similar professions, and the operation of professional associations, societies, and institutes.
- (9) Retail trade, office and personal service businesses including financial institutions, hardware and appliance stores, barber and beauty shops, clothing, food, restaurants, drug, variety, furniture, jewelry, self-service and/or drop-off laundry including dry cleaning performed off-premise, small job printing provided non-explosive fluids are used and similar uses when conducted within a building and no part of which consists of manufacturing or processing on the premises.
- (10) Bed and breakfast (refer to section 94-192(7)).
- (11) Residential use located above a business use that meets the minimum floor area standards of the RM multiple-family residential district.
- (12) Establishments licensed for the sale of alcoholic beverages where consumption is allowed on and/or off the premises.
- (13) Enclosed public assembly buildings, indoor theaters, and auditoriums.

THE CITY OF MASON ORDAINS:

Section 94-143(d), Uses permitted by special use permit, of Article IV of Chapter 94 of the Mason City Code is hereby amended to strike the allowance for uses exceeding 15,000 square feet , to add community commercial centers, and to add outdoor retail sales and service, with certain conditions, which amended shall read as follows:

Sec. 94-143. C-3: Local commercial district.

(d). Use permitted by special use permit.

- (1) Public buildings including nonresidential governmental, utility, or public service use excluding storage yards, transformer stations, and substations (refer to section 94-192(8)).
- (2) Public or private educational structures or uses (refer to section 94-192(8)).
- (3) Vehicular drive-in service when associated with a principal use.
- (4) Off-street public or private parking facilities (refer to section 94-192(8)).
- (5) Boarding and rooming houses.
- (6) Pub, tavern, or restaurant with outdoor entertainment including music and/or outdoor food and/or drink service.
- (7) Community commercial centers (refer to section 94-192(5), except that the lot area and width shall comply with the standards listed in section 94-121(c)(1)(a)).
- (8) Outdoor retail sales and service (refer to section 94-192(10)).

THE CITY OF MASON FURTHER ORDAINS:

Section 94-192, Listed special uses, of Article VI of Chapter 94 of the Mason City Code is hereby amended to add Outdoor retail sales and service, with certain conditions, which amended shall read as follows:

(10) *Outdoor retail sales and service.* Location and special needs for outdoor retail sales and service require careful planning to properly integrate this type of use into the pattern of the local commercial activities that is compatible with adjacent populations including size, site layout, screening, duration, hours of operation and compatibility of surrounding areas. The following minimum standards shall apply:

- a. Sales and service shall be limited to 15% of the gross floor area of the individual business unit.
- b. Outdoor retail sales and service hours shall not exceed 8 a.m. to 8 p.m. Monday through Saturday and 10 a.m. to 4 p.m. Sunday.
- c. All merchandise shall be removed from the outdoor sales area and placed within a fully enclosed building during non-business hours.
- d. Permanent outdoor display areas may be allowed provided they are fully screened from view on all sides at all times of year.

THE CITY OF MASON FURTHER ORDAINS:

Section 94-143(e), Development standards, of Article IV of Chapter 94 of the Mason City Code is hereby amended to limit all uses in the district to 20,000 square feet, which amended shall read as follows:

Sec. 94-143. C-3: Local commercial district.

(e). Development standards. Any use of land or structures in this district shall comply with the general development standards of section 94-121(c) of this chapter; except that any use permitted in this district involving one or more structures, either individually or collectively, shall not exceed 20,000 square feet of gross floor area.

THE CITY OF MASON FURTHER ORDAINS:

Section 2-1, Definitions, of the General Provisions of Chapter 1 of the Mason City Code is hereby amended to add a definition for "public assembly buildings", which amended shall read as follows:

Public assembly buildings, means a structure, building or space, or a portion thereof used by the general public to view, hear or otherwise interact for the purposes of civic, social or religious functions, recreation, food or drink consumption or awaiting transportation.

The foregoing Ordinance was moved for adoption by Council Member Bruno and supported by Council Member Mulvany with a vote thereon being: YES (6) NO (0) ABSENT (1), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 5th day of September 2006.

Ordinance 156 declared adopted this 5th day of September, 2006.

Leon Clark, Mayor

Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

*Whipple arrived at 7:37 p.m.

Resolution No. 2006-34 – Change Authorization for the Standard Streetlighting Contract Between the City and Consumers Energy Company

Resolution No. 2006-34 was introduced by Coady and seconded by Naeyaert.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006-34
CHANGE AUTHORIZATION FOR THE STANDARD STREETLIGHTING CONTRACT BETWEEN THE
CITY AND CONSUMERS ENERGY COMPANY
September 5, 2006**

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as provided in the Standard Streetlighting Contract between the Company and the **XCity** Village Township of Mason, dated October 28th, 1977, in accordance with the Authorization for Change in Standard Streetlighting Contract dated as of September 5, 2006, heretofore submitted to and considered by this Commission **Council** Board; and

RESOLVED, further, that the Mayor and City Clerk be and are authorized to execute such authorization for change on behalf of the **City** Village Township.

STATE OF MICHIGAN)
) SS
COUNTY OF Ingham)

I, Martin Colburn, Clerk of the **XCity** Village Township of Mason do hereby certify that the foregoing resolution was duly adopted by the Commission **XCouncil** Board of said municipality, at the meeting held therein on the 5 day of September, 2006

XCity Village Township Clerk

Dated: September 5, 2006
Resolution Approved Unanimously

Resolution No. 2006-35 – Approval of 2007 One Ton Truck Purchase

Resolution No. 2006-35 was introduced by Bruno and seconded by Mulvany. Johnson expressed concern that only two bids were submitted; Bruno shared the same feelings.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006 - 35
APPROVAL OF 2007 ONE TON TRUCK PURCHASE
September 5, 2006**

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

WHEREAS, the scheduled replacement of the one ton truck # 19 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) 2007 Ford F-450 one ton truck for \$34,134.70 from Central Ford Truck.

Yes (5) Coady, Mulvany, Naeyaert, Whipple, Clark
No (2) Bruno, Johnson

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 Tuesday, September 5, 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

Resolution No. 2006-36 – Acceptance of Temple Street as a Public Street

Resolution No. 2006-36 was introduced by Mulvany and seconded by Bruno. Discussion was held that a letter from the City Engineer stating that the street was constructed properly was not included.

MOTION by Naeyaert, second by Whipple,
to defer Resolution No. 2006-36 to the September 18, 2006 meeting.
MOTION APPROVED UNANIMOUSLY

Request - Lion's of Michigan Candy Days in Michigan

Motion by Whipple, second by Coady,
to approve the Mason Lions Club's request to use the public right-of-way for their
Lions of Michigan Candy Days on the sidewalks of Mason Friday, September 15th
and Saturday, September 16th.
MOTION APPROVED UNANIMOUSLY

Request – Street Closures – 9/11 Parade

Motion by Naeyaert, second by Whipple,
to approve closure for the 9/11 Memorial Parade to be held from 6:30 – 7:30 p.m.
MOTION APPROVED UNANIMOUSLY

Request – Mason Antiques District Cobblestone Flea Market

Discussion was held to notice property owners in the immediate area of the Flea Market to allow them the opportunity to comment.

Motion by Whipple, second by Naeyaert,
To postpone consideration of the Cobblestone Flea Market request to the
September 18, 2006 meeting to provide notice to Lansing Street residents and
businesses of the opportunity to make public comment.
MOTION APPROVED UNANIMOUSLY

Request – Street Closure for Neighborhood Block Party Roosevelt Street between Lawton and Washington Streets

Motion by Bruno, second by Whipple,
to approve closure of Roosevelt Street between Lawton and Washington Streets,
2 p.m. – 4 p.m., September 30th to hold a neighborhood block party.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

- Whipple stated that he feels the language used in the amendment to Ordinance No. 156, Section 94-143 (e) is unclear and requested that the city attorney would provide an interpretation.
- Mulvany informed Council that residential property in Ingham County makes up 65% of the total taxable property in the county. He feels that the media misrepresents the impact of milage and will continue to work on this issue.
- Clark informed Council that he and Mayor Pro Tem Coady met again with the DDA Executive Board. They are requesting definition regarding their standing, whether they are totally or partially autonomous. He called a Council Workshop for September 18, 2006 at 6:30 p.m.

NEW BUSINESS

- Coady asked that the MML issues would be added as an agenda item for the September 18th meeting. She is looking for direction from the Council regarding her votes for them as Delegate.
- Naeyaert provided a copy of an article from the *Sheriff's Star*, published by the Michigan Sheriff Association, regarding the new approach to abandoned vehicles that the State has implemented.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Johnson informed Council regarding the August 30th Traffic Commission meeting.
- Mulvany informed Council regarding the August 28th Historic District Commission meeting.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

Being that there was no further business the meeting adjourned at 8:27 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor