CITY COUNCIL MEETING
AGENDA – June 1, 2026

Mason City Hall, 201 W. Ash Street, Mason, MI
Sycamore Room, 6:30 p.m.

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1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE AND INVOCATION**

4. **PUBLIC COMMENT**

5. **CONSENT CALENDAR**
   - A. Minutes:
     1. Approve Minutes of Regular Council Meeting May 18, 2026
     2. Approve Minutes of Closed Session Council Meeting May 18, 2026 (Confidential)
   - B. Correspondence:
     1. Receipt of the Presentation by City Clerk of Confirmation of Sufficient Petition Signatures on the Initiatory Petition to Amend Chapter 22, Sections 22-31 and 22-32 of the Code of Ordinances of the City of Mason, Submitted by the Mason Data Center Facts Committee
   - C. Financials:
     1. Approve City Council Policy 2026-01: Fund Balance Policy
   - D. Right of Ways and Use of Public Property:
     1. Approve License Agreement with Salon 130 for the Defined Use of Sidewalk Sales
     2. Authorize an Easement Agreement with Consumers Energy as Required for the Public Works Facility Located at 710 N. Cedar Street

6. **UNFINISHED BUSINESS**

7. **NEW BUSINESS**
   - A. Ordinance 272: Introduction and First Reading of Ordinance 272 to Amend the City Code of the City of Mason by Adding Section 94-153 to Chapter 94 Zoning Creating a New Technology Innovation (M-3) Zoning District, and Updating Various Sections Within the Code to Allow for the New M-3 Zoning District (Husby and Schaffer)
   - B. Approve the City Manager's Request to obtain both a Legal Opinion from the City Attorney and a Technical Review from a Qualified Sound Expert of the Initiatory Petition Ordinance Proposal and Approve Any Necessary Budget Amendments

8. **MEMBER REPORTS**
   - A. Receipt of Mayoral Proclamation for Riley Kerschke, May 30, 2026

9. **MANAGER'S REPORT (05/29/26)**

10. **ADJOURN**

In accordance with the **Americans with Disabilities Act (ADA),** individuals who need accommodations to participate in this meeting, require meeting materials in an alternative format, or need additional assistance should contact Customer Service at 517.676.9155 by 9:00 a.m. the day of the meeting. For Michigan Relay services, visit: https://hamiltonrelay.com/michigan/index.html.

Minutes

Cover sheet provided in lieu of Agenda Report.

CITY OF MASON
REGULAR CITY COUNCIL MEETING MINUTES

May 18, 2026

CALL TO ORDER

Mayor Whipple called the meeting to order at 6:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

ROLL CALL

Present: Councilmembers: Droscha, Ferris, Husby, Preadmore, Schaffer, Vercher, Whipple
Absent: Councilmembers: None

Also present: City Manager Stuart, City Clerk Jarvis

PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Whipple led the Pledge of Allegiance and offered the invocation.

PUBLIC COMMENT

	Name	Resident	Affiliation	Comment Regarding
1	Robert Kerr	No		Commented on USGS aquifer mapping of the Mason area
2	Leo Bayard	No		Commented on protest, and social media activity of Councilmember Preadmore
3	Susan Elliott	No		Commented on the roles of the Planning Commission and City Manager
4	Emerson Hyde	No		Concerned with loss of trust in the board, as well as water capacity
5	Delinda Benson	No		Commented on several items from the City Manager's Report
6	Eva Alvarado	No		Delivered some proverbs
7	Doug DeLind	No		Commented on water concerns
8	Randy Cantu	No		Commented on another community's moratorium and the provisions they are putting in place regarding data centers
9	Ashley Wickham	Yes		Commented on data center concerns
10	Carolyn Cooper	Yes		Commented on the City Manager's contact with New Albany
11	Wendy Ring	Yes		Commented on data center concerns
12	Carol Pahl	Yes		Concerned with high cost of proposed improvements to Lee Austin park
13	Chris Thomas	Yes		Commented on several previous public comments and items from the City Manager's Report

CONSENT CALENDAR

A. Minutes:
   1. Approve Minutes of Regular Council Meeting May 6, 2026
B. Financials:
   1. Receipt of Monthly Revenue and Expenditure Report for Period Ending April 30, 2026
C. Right of Ways and Use of Public Property:
   1. Approve a License Agreement with Saddleback Barbecue, LLC for the Defined Use of Outdoor Seating

2. Approve Use of Public Right-of-Way for the Mason Public Schools, Homecoming Parade on October 2, 2026

MOTION by Droscha second by Preadmore,
to Approve the Consent Calendar as presented, with a change to the typo as noted in item C1.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None

MEMBER REPORTS
A. Receipt of Mayoral Proclamation for Mason Optimist Club Youth Appreciation, May 8, 2026.
B. Councilmember Schaffer congratulated the students who were recognized at the Joint Recognition Ceremony at the school this evening.
C. Mayor Whipple provided several remarks in response to public comments.

CITY MANAGER'S REPORT (5/15/2026)
- Manager Stuart provided several remarks in response to public comments and misinformation.

CLOSED SESSION
A. Adjourn to Closed Session, under Section 8 (1)(c) of the Open Meetings Act, to Discuss Contract Negotiations with Michigan Fraternal Order of Police Labor Council and the City of Mason

MOTION by Preadmore second by Vercher,
to Adjourn to Closed Session, under Section 8 (1)(c) of the Open Meetings Act, to Discuss Contract Negotiations with Michigan Fraternal Order of Police Labor Council and the City of Mason

ROLL CALL VOTE
Yes (7) Droscha, Ferris, Husby, Preadmore, Schaffer, Vercher, Whipple
No (0)
Absent (0)

MOTION APPROVED UNANIMOUSLY

ADJOURN TO CLOSED SESSION
Adjourned to Closed Session at 7:34 p.m.

RETURN TO OPEN SESSION
Reconvened to Open Session at 7:51 p.m.

A. Authorization of the Mayor and the City Manager to Execute the Collective Bargaining Agreement, effective July 1, 2026 – through June 30, 2029, with the Michigan Fraternal Order of Police Labor Council as Presented in Closed Session, to make any necessary minor modifications to finalize the document that do not have an additional financial impact on the City, and to make the necessary budget amendments to the 2026-2027 budget.

MOTION by Droscha second by Husby,
to Authorize the Mayor and the City Manager to Execute the Collective Bargaining Agreement, effective July 1, 2026 – through June 30, 2029, with the Michigan Fraternal Order of Police Labor Council as Presented in Closed

Session, to make any necessary minor modifications to finalize the document that do not have an additional financial impact on the City, and to make the necessary budget amendments to the 2026-2027 budget.

MOTION APPROVED UNANIMOUSLY

ADJOURN

The meeting was adjourned at 7:53 p.m.

Sarah J. Jarvis, City Clerk
City of Mason, County of Ingham, State of Michigan

Agenda Report: June 1, 2026 City Council Meeting

AGENDA ITEM

Receipt of the Presentation by City Clerk of Confirmation of Sufficient Petition Signatures on the Initiatory Petition to Amend Chapter 22, Sections 22-31 and 22-32 of the Code of Ordinances of the City of Mason, Submitted by the Mason Data Center Facts Committee

RECOMMENDED ACTION

Receipt of the Presentation by City Clerk of Confirmation of Sufficient Petition Signatures on the Initiatory Petition to Amend Chapter 22, Sections 22-31 and 22-32 of the Code of Ordinances of the City of Mason, Submitted by the Mason Data Center Facts Committee

PROJECT DETAILS

On April 22, 2026, an initiatory petition was submitted to the City Clerk for approval by the City Attorney. On May 6, 2026, notification was provided by the Mason City Clerk to Marcus Baldori, attorney for the Mason Data Center Facts Committee, that the submission of the petition had been approved by the City Attorney as required by Section 7.12 of the City Charter.

On May 19, 2026, the Mason Data Center Facts Committee submitted signed petitions to the City Clerk. The Clerk is provided ten days to canvass the signatures.

Per Section 7.12 of the City Charter, "An initiatory or a referendary petition shall be signed by not less than fifteen percent of the vote cast in the City for Governor at the most recent election for that office." In the last Governor election, 3998 votes were cast, requiring 600 certified signatures to meet this requirement.

The City Clerk has certified in the attached letter that there were seven hundred thirty-nine (739) confirmed signatures received on petitions meeting the legal requirements. As required by Section 7.12, "When petitions with sufficient signatures have been filed within the time allowed by this Section, the Clerk shall present the petition to the Council at its next regular meeting." This agenda item is to fulfill the required presentation.

Per Section 7.13 of the Charter:
Upon receiving any initiatory or referendary petition from the Clerk, the Council shall, **within thirty days**, unless otherwise provided by law, either,

(1) Enact the ordinance as submitted by such initiatory petition*;*
(2) Repeal the ordinance referred to by a referendary petition ***(Does not apply)***; or
(3) Determine to submit the proposal provided for in the petition to the electors

No action, other than receipt, is required at this meeting.

AUTHORIZATION

- City Charter, Chapter 7. Legislation: Various sections of Chapter 7

VISION, COMMUNITY, AND RESOURCE PLANS

- None

ADDITIONAL MATERIAL

- City Clerk Ordinance 266 Petition Certification Letter dated May 27, 2026
- Referendum Petition Blank
  Signed petitions are available for review by the City Council at City Hall. Please schedule time in advance with the City Clerk, as they will not be copied without a FOIA.

May 27, 2026

City of Mason Councilmembers
201 W. Ash Street
Mason, MI 48854

Dear City of Mason Councilmembers,

On Tuesday, May 19, 2026, at 11:40 a.m. the Mason Data Center Facts Committee submitted to me, the City Clerk, signed initiative petitions (see attached approved-to-form sample petition). There were seventy-nine (79) pages of petitions submitted, and a receipt was provided to the submitters.

Beginning Thursday, May 21, 2026, to Tuesday, May 26, 2026, each signature was reviewed against the State of Michigan Qualified Voter file signature and/or the voter's Master Card kept on file in the City Clerk's office. Upon completion of this review, it was confirmed that there are seven hundred thirty-nine (739) valid signatures.

An initiative petition requires signatures from fifteen percent (15%) of the number of voters who voted in the last gubernatorial race. In November 2022, three thousand, nine hundred and ninety-eight (3,998) City of Mason voters cast a ballot in the gubernatorial race, resulting in a requirement of six hundred (600) signatures to meet the 15% threshold.

This letter serves as the official presentation of the petitions in accordance with the City of Mason City Charter Section 7.12, and confirms that the minimum required number of signatures has been met.

Signed petitions are available for review in the City of Mason Clerk's office.

Sincerely,

Sarah J. Jarvis
City of Mason City Clerk

Attachment – Sample Petition

The circulator of the petition is a (mark one): □paid signature gatherer □volunteer signature gatherer.
If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

CITY OF MASON
INITIATION OF ORDINANCE

To the Council of the City of Mason: We, the undersigned qualified and registered electors, residents in the 7th congressional district, in the state of Michigan, City of Mason, County of Ingham, respectively petition pursuant to Chapter 7.11 - 7.15 of the Charter of the City of Mason, Michigan for an initiated ordinance to amend chapter 22, sections 22-31 and 22-32 of the Code of Ordinances of the City of Mason.

SEE REVERSE SIDE FOR FULL TEXT OF PROPOSED ORDINANCE

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
				MO	DAY	YEAR
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township listed in the heading of the petition, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark on the line provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark on the line provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the secretary of state or a designated agent of the secretary of state has the same effect as if personally served on the circulator.

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

CIRCULATOR - Do not sign or date certificate until after circulating petition.

_____ _____/_____/_____
(Signature of Circulator) (Date)

_____
(Printed Name of Circulator)

_____
(Complete Residence Address (Street and Number or Rural Route)) Do not enter a post office box

_____
(City or Township, State, Zip Code)

_____
(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)
Paid for with regulated funds by: Mason Data Center Facts Committee 275 Ives Rd., Mason, MI 48854

CITY OF MASON
INITIATION OF ORDINANCE

To the Council of the City of Mason: We, the undersigned qualified and registered electors, residents in the 7th congressional district, in the state of Michigan, City of Mason, County of Ingham, respectively petition pursuant to Chapter 7.11 - 7.15 of the Charter of the City of Mason, Michigan for an initiated ordinance to amend chapter 22, sections 22-31 and 22-32 of the Code of Ordinances of the City of Mason to establish objective, city-wide noise and vibration performance standards.

FULL TEXT OF THE PROPOSED ORDINANCE
(Deleted language is struck through. Added language is underlined.)

THE CITY OF MASON ORDAINS:

Section 1. That Section 22-31 of the Code of Ordinances of the City of Mason is hereby amended to read as follows:

Sec. 22-31.

(a) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the city is a condition which has existed for some time; and the extent and volume of such noises is increasing. Furthermore, traditional A-weighted decibel measurements fail to adequately capture the low-frequency bass and vibrational energy generated by heavy continuous mechanical equipment, such as industrial chillers, commercial generators, and continuous cooling systems.

(b) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises including continuous low-frequency hums and groundborne vibrations, which are prolonged, ~~unusual and unnatural in their time, place and use~~ incessant, or continuous in nature, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city. Specifically, continuous low-frequency noise and vibration are known to easily penetrate residential structures, causing sleep deprivation, physiological stress, and structural resonance that uniquely degrade the quiet enjoyment of a home.

(c) The necessity in the public interest for the provisions and prohibitions contained and enacted in this article is declared as a matter of legislative determination and public policy; and it is further declared that the provisions and prohibitions contained and enacted in this article are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city and its inhabitants by establishing objective, city-wide limitations on continuous noise and groundborne vibrations to prevent unreasonable interference with the use and enjoyment of private property.

(d) It is further declared that while preventing the expansion of noise pollution is essential to the public welfare, the City recognizes a rational and compelling public interest in protecting the vested property rights, economic stability, and legal non-conforming status of existing, lawful commercial and industrial enterprises. Therefore, the establishment of reasonable exemptions for pre-existing equipment is a necessary and rational mechanism to balance the mitigation of future nuisances with the preservation of the local economy.

Section 2. That Section 22-32 of the Code of Ordinances of the City of Mason is hereby amended to read as follows:

Sec. 22-32.

(a) A person shall not ~~It shall be unlawful for any person to~~ make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or ~~any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.~~ operate, or permit the continual operation of, mechanical or electrical equipment or systems that exceed the maximum permissible sound levels established in this section when measured at the property line or road right-of-way of the source property at locations representative of and nearest to adjacent receiving properties. Sound from any source shall comply with the applicable A-weighted sound level limits (LAF) set forth in Chapter 94, Section 94-177(d)(4), and the concurrent C-weighted sound level (LCF) shall not exceed the applicable LAF limit by more than ten (10) dB. For continual sound sources, the A-weighted L90 shall not exceed the applicable daytime or nighttime Historic Pre-Development Baseline (LA90) established under subsection (f) by more than four (4) dB, and the C-weighted L90 shall not exceed the applicable LC90 by more than ten (10) dB; continuous sound limits must be evaluated using the L90 statistical metric (LA90 and LC90), measured over a representative period under typical operating and environmental conditions, and not less than fifteen (15) minutes. In addition, for any ten (10)-minute measurement period, the LAeq,10min and LCeq,10min shall not exceed the applicable baseline by more than six (6) dB and ten (10) dB respectively. The approved baseline shall serve as the fixed historical reference for future compliance determinations. Compliance shall be determined based on the most restrictive applicable limit. These standards apply in addition to, and do not replace, the requirements of Chapter 94, Section 94-177(d).

(b) The continual operation of any mechanical or electrical equipment or systems in excess of the maximum permissible continuous sound levels or vibration thresholds established in this section is hereby declared to be a public nuisance, and shall be subject to abatement by injunction. Continuous prohibited noise constitutes an ongoing hazard to public health; therefore, each day that a violation continues shall be deemed a separate and distinct offense subject to the maximum fines, injunctions, and any remedies allowed by law. The cost of enforcement (including measuring equipment rental or expert testimony) may be assessed as court costs to the defendant. Each violation of this section constitutes a public health and safety civil infraction.

(c) A person shall not operate any mechanical or electrical equipment or systems that create groundborne vibration exceeding the Vibration Perception Threshold (a motion velocity of 0.01 inches per second) at or beyond the property boundary of the source.

(d) Any sound containing a tonal component shall be subject to a five (5) dB penalty. Tonal components shall be determined using one-third octave band analysis in accordance with ISO 1996-2, and the penalty shall be applied prior to determining compliance with the maximum established sound levels.

(e) For any facility proposing continuous mechanical cooling systems or backup generator arrays, the City shall require, as a condition of building permit approval, that the applicant conduct and submit a Historic Pre-Development Baseline acoustic study utilizing the L90 metric. The approved baseline shall permanently supersede any future "source-off" ambient measurements. The City may further require installation, maintenance, and operation of a continuous 24/7 noise and vibration monitoring system at the property lines and annual compliance reporting.

(f) The Historic Pre-Development Baseline (LA90 and LC90) shall be established through sound measurements conducted at the property boundary or road right-of-way of the source property, at locations representative of and nearest to adjacent receiving properties. Measurements shall be conducted over a period of at least seventy-two (72) hours under representative daytime, nighttime, weekday, and weekend conditions, using instrumentation and procedures consistent with applicable ANSI standards, and shall be performed and analyzed to establish separate daytime and nighttime baseline values by qualified acoustical professionals selected on a random basis from a list approved by the City, with all costs borne by the applicant. All measurement data and methodologies shall be subject to public review and pre-approval by the City.

(g) Except as expressly mandated by applicable state or federal environmental or safety regulations, routine operation of generators for maintenance and testing is only allowed Monday through Friday from 10:00 a.m. to 4:00 p.m. and shall not exceed a total of six (6) hours in aggregate within any calendar month for the facility. All such testing shall comply with the applicable sound level limits of this section. The noise limits established in this section are waived for genuine, unpredictable, and temporary emergency power outages where backup generators are required to preserve life or critical infrastructure.

(h) In their interpretation and application, the provisions of this section shall be held to be minimum requirements for the protection of public health, safety, and welfare. In the event of any conflict between the noise and vibration standards established in this article and any other provision of the City of Mason Code of Ordinances, including but not limited to the City Zoning Ordinance, the more stringent standard or the provision imposing the lower maximum permissible sound or vibration level shall strictly control. For the purposes of enforcement, if another ordinance establishes a relative noise standard (such as a permissible increase over the ambient baseline) that results in a lower allowable acoustic output than the absolute limits established herein, that relative standard shall govern.

(i) Mechanical equipment installed and operating lawfully prior to the effective date of this ordinance shall be exempt from the maximum permissible continuous sound levels established in this section, provided that the equipment is not subsequently upgraded, expanded, or altered in a manner that increases its acoustic output.

(j) For purposes of this article, the following definitions apply:

(1) A-Weighted Sound Level (dBA): The sound pressure level in decibels as measured using the A-weighting network, which emphasizes higher frequencies and de-emphasizes low frequencies to simulate human hearing.

(2) C-Weighted Sound Level (dBC): The sound pressure level in decibels as measured using the C-weighting network, which captures a wider frequency spectrum and includes low-frequency bass energy that humans feel more than they consciously hear.

(3) Tonal Noise: A continuous sound characterized by a single frequency or narrow band of frequencies, commonly perceived as a hum, buzz, whine, or whistle.

(4) Vibration Perception Threshold: The minimum groundborne or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration. The perception threshold is legally presumed to be a motion velocity of 0.01 inches per second over the range of 1 to 100 Hertz.

(5) Equivalent Continuous Sound Level (Leq): The steady sound pressure level that, over a specified time period, contains the same total acoustic energy as the actual fluctuating sound. Measurements shall be evaluated using this energy-average metric, denoted as LAeq for A-weighted levels and LCeq for C-weighted levels.

(6) Fast Time-Weighted Sound Level (LF): The sound pressure level measured using fast time weighting (approximately 125 milliseconds). For purposes of this section, sound levels shall be expressed as LAF for A-weighted measurements and LCF for C-weighted measurements.

(7) L90 Statistical Metric (LA90 / LC90): The sound pressure level exceeded ninety (90) percent of the time during a specified measurement period, representing the ambient or background sound level. Measurements shall be expressed as LA90 for A-weighted levels and LC90 for C-weighted levels.

(8) Historic Pre-Development Baseline: The LA90 and LC90 ambient noise levels recorded at the property boundaries of a parcel prior to any site clearing, construction, or operational commencement of a new facility.

(9) "Daytime" means 7:00 a.m.-10:00 p.m., and "Nighttime" means 10:00 p.m.-7:00 a.m. local time.

Agenda Report: June 1, 2026 City Council Meeting

AGENDA ITEM
Approve City Council Policy 2026-01: Fund Balance Policy

RECOMMENDED ACTION
Approve City Council Policy 2026-01: Fund Balance Policy

PROJECT DETAILS
The City of Mason has been operating under an informal policy related to Fund Balance. However, Government Finance Officers Association (GFOA) recommends that local governments adopt a formal fund balance policy as a financial best practice to promote long-term fiscal stability, manage financial risk, and ensure adequate reserves for emergencies and economic uncertainty. Fund balance policies are also supported by auditors, bond rating agencies, and municipal finance professionals because they demonstrate sound financial management and help strengthen a community's financial position and creditworthiness. While during our last bond process, they considered the informal policy and approach, they could not give the City full credit without an adopted policy.

The proposed Fund Balance Policy establishes clear guidelines for maintaining the City's financial stability and compliance with GASB Statement No. 54 regarding fund balance classifications. The policy defines five categories of fund balance—Nonspendable, Restricted, Committed, Assigned, and Unassigned—with primary emphasis on management of the General Fund Unassigned Fund Balance.

The policy identifies the purpose of maintaining adequate fund balance levels to address unexpected revenue shortfalls or expenditure increases, ensure sufficient cash flow for operations, and preserve long-term financial flexibility. It establishes a target Unassigned Fund Balance range of 20% to 35% of the average of the previous three years' General Fund expenditures, excluding large one-time transfers or transfers to other funds dedicated to saving for future projects.

The policy further establishes:

- A minimum Unassigned Fund Balance of 20%, with any level at or below that threshold considered a sign of financial distress requiring Council notification and a corrective action plan.
- Restrictions on the use of fund balance for recurring operating costs except under extraordinary circumstances.
- A requirement for a supermajority Council vote if expenditures would reduce fund balance below the minimum threshold.
- A two-year replenishment requirement if fund balance falls below the minimum level.

To rebuild reserves when balances approach the minimum threshold, the policy prioritizes reducing or deferring capital projects, reducing operating expenditures, transferring eligible reserve funds back to the General Fund, and increasing the millage rate if necessary.

If the Unassigned Fund Balance exceeds the 35% maximum threshold, the following measures and evaluations should be used to utilize the fund balance:

- Additional contributions toward pension funding,
- Debt reduction,
- Advance funding of capital improvements,
- Establish funds that would create long-term revenue for capital costs and stabilize the impacts of tax base changes,

- Millage rate reduction.

The policy also assigns ongoing monitoring and reporting responsibilities to the Finance Director, including annual reporting to City Council during the budget process and updated with the audit presentation.

AUTHORIZATION

- City Ordinance Sec. 2-4: (Related Excerpt): Where no procedure for the exercise of any power of the City or its officers is set forth, either in this Charter or in any statute of the State of Michigan, the Council shall prescribe a procedure for the exercise of such power.

VISION AND COMMUNITY PLANS

- Master Plan 2023: Guiding Principle: Safe-S3: Sustainable City Budget (p.69).

RESOURCE PLANS

- None
  Budget Amendment Required: No

ADDITIONAL MATERIAL

- Proposed City Council Policy 2026-01: Fund Balance Policy

CITY COUNCIL POLICIES

FUND BALANCE POLICY TRACKED UPDATE

Policy Number:	CC 2026-01	**Origination Date:**	June 1, 2026
Approval by:	City Council	**Revision Effective Date:**	
Recommendation by:	Michelle Pietsch - Finance Director Deborah Stuart - City Manager		

I. PURPOSE

The purpose of this policy is to establish guidelines for the size and composition of the City's desired fund balance and to define requirements for classifying fund balance in accordance with the Governmental Accounting Standards Board (GASB) Statement No. 54.

Maintaining an adequate level of fund balance is essential to:

- Mitigate risks associated with unforeseen revenue shortfalls or expenditure increases
- Provide sufficient cash flow for daily operations
- Ensure financial stability and flexibility

II. DEFINITIONS

Fund balance represents the difference between assets and liabilities and is generally created when revenues exceed expenditures. Fund balance is classified into the following five components:

Nonspendable Fund Balance: Includes amounts that are not in spendable form (e.g., inventory, prepaid expenditures, long-term receivables) or are legally or contractually required to remain intact (e.g., permanent fund principal).

Restricted Fund Balance: Includes amounts constrained to specific purposes by external parties such as creditors, grantors, contributors, or through laws, regulations, or enabling legislation.

Committed Fund Balance: Includes amounts constrained for specific purposes by formal action of the City Council

Assigned Fund Balance: Includes amounts intended for specific purposes as determined by the City Council or by an authorized body or official (e.g., budget or finance committee, City Manager).

Unassigned Fund Balance: All other resources: the remaining fund balance after all other classifications have been applied. This class only occurs in the General Fund, except for cases of negative fund balances. Negative fund balances are always reported as unassigned, no matter which fund. For this policy, unassigned fund balance calculation utilizes the average of the last three fiscal year general fund expenditures removing large one-time transfers out and transfers allocated to establish dedicated project reserves.

DRAFT

III. POLICY

Nonspendable and Restricted fund balances are not available for appropriation; therefore, this policy focuses on the General Fund Unassigned Fund Balance.

Utilization of Unassigned Fund Balance

The City Manager shall recommend the use of Unassigned Fund Balance to the City Council as part of the annual budget process and as needed throughout the fiscal year. Except in extraordinary circumstances, Unassigned Fund Balance should not be used to support ongoing, recurring operating expenditures. Appropriate uses include: responding to emergencies or unforeseen events, addressing temporary revenue shortfalls, providing cash flow and maintaining financial stability.

Target Fund Balance: 20-35%

For the General Fund, the budget shall be prepared and activities managed to result in a year-end Unassigned Fund Balance of between 20% - 35%.

Minimum Fund Balance: 20%

Fund Balance will be a minimum year-end Unassigned Fund Balance of at least 20%. Maintaining at least two months or 16% of Unassigned Fund Balance is generally considered by the Governmental Finance Officers' Association (GFOA) to be a best practice. Twenty percent or below may indicate financial distress which shall be reported to the City Council with a corrective action plan. A ~~super~~ majority vote of the Council will be required to budget or expend the Unassigned Fund Balance if it will result in it going below the minimum fund balance threshold.

When fund balance approaches its minimum threshold, the following measures and evaluations should be used to build up fund balance:

- Approve increase to millage rate, if increase is related to ongoing operations and services that meet the citizens desired service level.
- Amend budget to reduce or defer pay-as-you-go capital improvements from the Capital Improvement Program (CIP).
- Approve a transfer of funds that have previously been moved from General Fund to Motor Vehicle Pool Fund or Fire Equipment Fund back to the General Fund.
- Amend budget to reduce general operating expenses, including evaluation of staffing level.

Replenishment: If the City goes below the Minimum Fund Balance, the City will fully replenish the Unassigned Fund Balance to the minimum threshold within two years as part of the multi-year budget proposal.

Maximum Fund Balance: 35%

When fund balance approaches its maximum threshold, the following measures and evaluations should be used to utilize the fund balance:

- Increased contributions to the Employee Defined Benefit pension with a goal of 90-100% funded
- Repayment of eligible debt to lower the City's debt burden
- Pre-fund or advance capital improvements in the CIP
- Establish funds that would create long-term revenue for capital costs and stabilize the impacts of tax base changes

DRAFT

- Reduce the millage rate

IV. COMPLIANCE WITH POLICY

The Finance Director shall:

- Annually report the status of fund balance classifications to the City Council as part of the budget process.
- Provide an updated report as part of the audit presentation staff report.

DRAFT

Agenda Report: June 1, 2026 City Council Meeting

AGENDA ITEM
Approve License Agreement with Salon 130 for the Defined Use of Sidewalk Sales

RECOMMENDED ACTION
Approve License Agreement with Salon 130 for the Defined Use of Sidewalk Sales

PROJECT DETAILS
Salon 130 plans to hold outdoor sales at its location and has applied for a public right-of-way license agreement for sidewalk sales.

The license agreement presented to City Council for review and approval has been drafted in accordance with the requirement for owner authorization and aligns with the Council's ongoing desire to utilize license agreements for longer-term use of public property.

The initial license fee will be $25. The license fee will be assessed annually; however, the annual renewal fee of $25 will be waived if the licensee provides proof of insurance by April 30 of each year.

The licensee has been advised that both MDOT and the City Council retain the authority to revoke the license at any time.

Staff also intends to complete similar license agreements with all merchants currently conducting sidewalk sales to ensure approvals are consistent and follow the same model as the attached agreement. The goal is to have all merchant sidewalk sale licenses current and on file by the end of the calendar year, with all agreements requiring City Council approval.

AUTHORIZATION
- City Ordinance Sec. 70-1: Obstructing limited. No person shall obstruct or encumber any portion of a public street, alley, sidewalk or other public space, with any article or thing whatsoever; however, this section shall not be construed to prevent merchants and other business persons occupying buildings in the highway commercial and central business zoning districts from using and occupying that portion of the sidewalk next to their respective places of business for the purpose of displaying their goods or wares.
- City Ordinance Sec. 94-192: Excerpt: Any temporary use of public street or public property shall be permitted only by the prior approval of the City Council.

VISION AND COMMUNITY PLANS
- Master Plan 2023: Action Items: MP2023- W1.2: Make public spaces more accessible for programming by our citizens through promotions of licensing agreements.
- Master Plan 2023 Welcoming W1: Partnership: Foster community ownership through partnerships and communication.

RESOURCE PLANS
- There are no anticipated costs related to this action.

ATTACHMENTS
- Proposed License Agreement

LICENSE AGREEMENT

BY & BETWEEN
THE CITY OF MASON, AS LICENSOR, AND
SALON 130, AS LICENSEE

	Licensor	Licensee
Organization:	City of Mason	Salon 130
Primary Representative:	Deborah Stuart	Kimberly Wasson
Title:	City Manager	Owner
Email:	deborahs@mason.mi.us	salon.130.mason.mi@gmail.com
Primary Phone:	517.676.9155	517-676-6130
Secondary Phone:	-	-
Address:	201 W. Ash St. Mason, MI 48854	130 West Ash Street Mason, MI 48854

This is a License Agreement entered into between the CITY OF MASON, hereinafter called "Licensor" and Salon 130, hereinafter called the "Licensee".

The Licensor and the Licensee hereby covenant and agree as follows:

1. **Premises.** The Licensor hereby permits the Licensee to use a portion of the property at 130 W. Ash Street, Mason, MI 48854 described on **Attachment 1: DESIGNATED AREA** for the purposes of public sidewalk use for sales.

2. **Property Owner Consent and Authorization.** The Licensee represents and warrants that it has obtained the express consent of the owner of the property located at 130 W. Ash Street (the "Property Owner") to enter into this License Agreement with the City and to utilize the adjacent public right-of-way for the purposes described herein. If ownership changes, the Licensee will be responsible for getting updated documentation of consent.

3. **Term.** The term of the License shall commence on June 1, 2026, and shall continue indefinitely unless terminated by either party under the conditions herein.

4. **License Fee.** Licensee shall pay a license fee of $25 to the Licensor on or about the signing date of this Agreement. The license fee will be an annual fee, however, the annual renewal fee of $25 will be waived if Licensee supplies proof of insurance by April 30 of each year.

5. **Licensor's Title and Allowable Use.** The Licensor represents and warrants as follows: that Licensor has good and marketable title to the Licensed Premises and the right to make this License Agreement for the aforesaid term; that this License Agreement has been duly authorized, executed and delivered by Licensor.

6. **Construction Conditions**. The Licensee shall maintain Designated Area in conformance with all applicable Federal, State and local laws. The Designated Area can be amended, if requested by the Licensee, subject to the approval by City of Mason City Manager and the City Council.

7. **Maintenance and Repairs.** The Licensee shall maintain any physical structures, furniture and fixtures in compliance with all City of Mason building and zoning codes and Licensee shall maintain the Designated Area and keep the same in a clean, safe and healthy condition, free and clear from all rubbish, litter dirt and other similar items during the term of the License.

8. **Maintenance and Conditions.** The Licensee shall maintain any and all fences, benches, and other materials in good condition.

9. **Operations.** This License Agreement and **Attachment 2: OPERATING REQUIREMENTS** outline operating requirements. The Code of Ordinances should be referenced when clarification is needed.

10. **Restoration of Public Property Upon Termination.** Upon termination of this License Agreement for any reason, the Licensee, its successors, and assigns, shall restore the public property to its original condition or such condition as mutually agreed upon by both parties so as to give the appearance that no structure or installation was ever on the public property.

11. **Default by Licensee.** If the Licensee, defaults in the performance of any of the provisions, covenants, or conditions of the License and such default continues for five (5) days after the Licensee is notified in writing by the Licensor to cure it (or, if such default is of such a nature that it cannot be cured within the five (5) day period and continues for a period longer than the period reasonably required to cure it), then, upon five (5) days written notice to Licensee, this License shall terminate.

12. **Assignment.** This License Agreement shall not be assigned.

13. **Indemnity.** Licensee shall hold Licensor harmless from all injuries or damages to any person or property arising out of, relating to, or occurring in, on, or about the Licensed Premises or from any claims, demands, losses, costs, liens, damages, fines and penalties of whatever name, nature or kind (herein "Claims") relating to the same.

14. **Public Liability Insurance.** Licensee at its cost, shall maintain public liability insurance with limits of not less than $1,000,000 per occurrence, $2,000,000 general aggregate, insuring against all liability of Licensee and its authorized representatives arising out of in connection with Licensee's use or occupancy of the Licensed Premises. Licensor shall be named as an additional insured on all of such policies. Licensee shall provide Licensor certificates of insurance evidencing all such coverage. All such insurance shall provide for notification to Licensor of not less than thirty (30) days prior to the cancellation or non-renewal of such insurance. In the event the Licensee fails to provide Licensor with said Certificate of Insurance, the Licensor has a right to obtain liability insurance solely for its own protection and Licensee agrees to reimburse Licensor for the cost incurred by Licensor to obtain liability insurance to protect Licensor with respect to the Licensed Premises and the use thereof, such reimbursement to be made from time to time upon presentment by Licensor to Licensee of proof of coverage and an invoice for same; provided, however, that Licensor shall not be hereby obligated to acquire such insurance.

15. **Termination.** This license shall create no vested rights for the Licensee, and any such license shall be revocable at any time by the City Council or the Michigan Department of Transportation at will and without notice.

16. **IN WITNESS WHEREOF,** the Licensor and the Licensee have caused this License Agreement to be executed by their duly authorized officers or representatives on the date and year first written above.

[Signature page to follow]

LICENSOR
City of Mason, a Michigan Municipal Corporation

Date:_____ By:_____
Deborah Stuart, City Manager
Authorized by City Council:_____

STATE OF MICHIGAN)
COUNTY OF INGHAM) ss
CITY OF MASON)

Before me, a notary public in and for the aforesaid state and county, personally appeared Deborah Stuart, the City Manager of the City of Mason the Licensor in the foregoing License Agreement, who acknowledged the signing of the same to be his voluntary act and deed as such officer for the uses and purposes therein mentioned.

In witness whereof, I have hereunto subscribed my name and affixed my official seal on the _____ day of _____, 2026.

_____
(signature)
_____, Notary Public
(print name)
State of _____, County of _____

Notary Commission Expiration:_____

LICENSEE
Salon 130

Date:_____ By:_____
_____, Owner

STATE OF MICHIGAN)
COUNTY OF INGHAM) ss
CITY OF MASON)

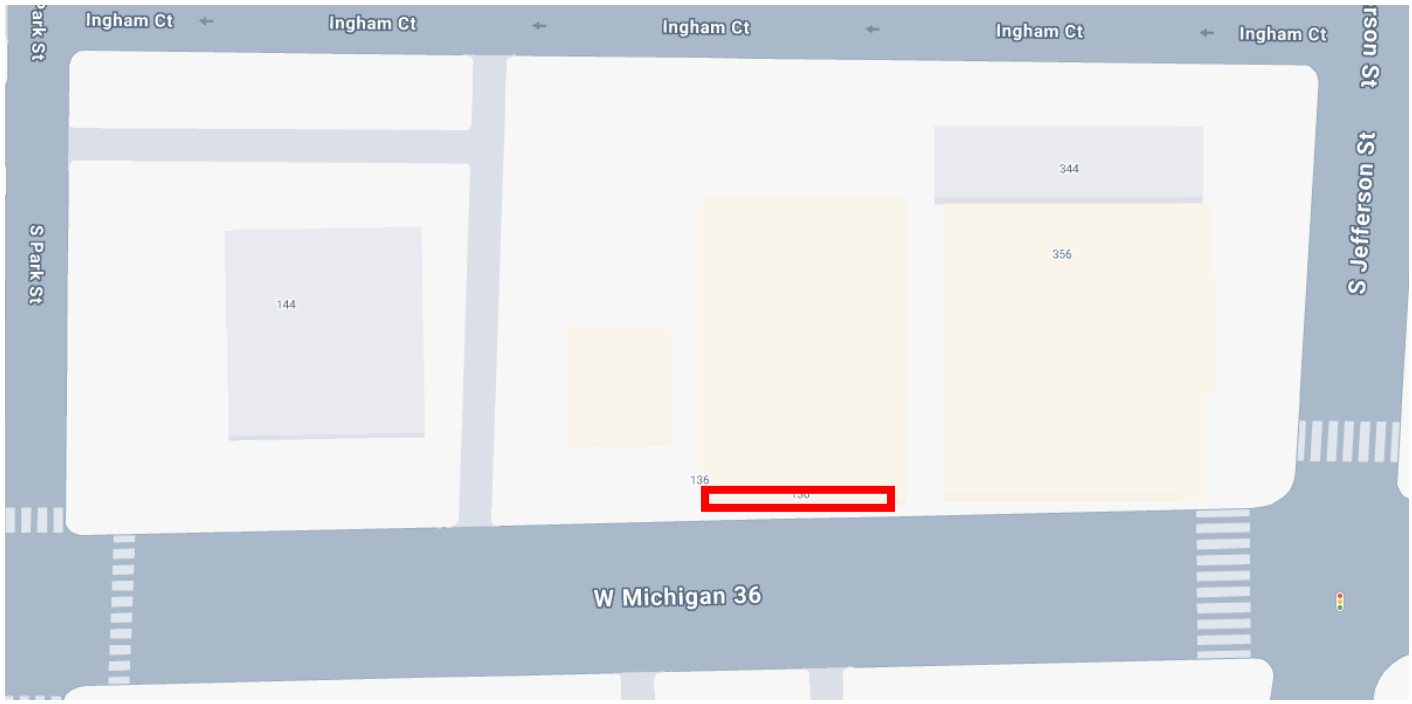
Before me, a notary public in and for the aforesaid state and county, personally appeared Kimberly Wasson, the owner of Salon 130, the Licensee in the foregoing License Agreement, who acknowledged the signing of the same to be his voluntary act and deed as such officer for the uses and purposes therein mentioned.

In witness whereof, I have hereunto subscribed my name and affixed my official seal on the _____ day of _____, 2026.

_____
(signature)
_____, Notary Public
(print name)
State of _____, County of _____

Notary Commission Expiration:_____

Attachment 1: **DESIGNATED AREA**



Attachment 2: **OPERATING REQUIREMENTS**

1. Licensee must meet all requirements for use of public sidewalk for sales, including but not limited to maintaining a minimum of four feet of unobstructed sidewalk within the public right-of-way.

2. Licensee must arrange the outdoor sales and service area presentably for the public at the time the business opens.

3. The Licensee must clean the area of all trash and litter at the time of the service. The area must be thoroughly cleaned at the time the outdoor space closes each day. The Licensee must provide sufficient trash receptacles for their patrons to prevent the accumulation of trash and litter in public space. The use of public trash receptacles to satisfy this requirement is prohibited.

4. No amplified music will be allowed in public areas without appropriate prior approval.

5. The use of the right-of-way can be temporarily revoked as necessary for community events, which may require use of the space; therefore, all amenities should be reasonably portable.

6. No alcoholic beverages shall be sold or consumed in the licensed area unless the area is also licensed by the Liquor Control Commission for outdoor service.

7. Unless specifically written in the approved permit conditions to remain, all tables, chairs, fencing, and other furniture and amenities placed within the public right-of-way under this permit shall be removed from the right-of-way at the time the outdoor space closes each evening.

Agenda Report: June 1, 2026 City Council Meeting

AGENDA ITEM
Authorize an Easement Agreement with Consumers Energy as Required for the Public Works Facility Located at 710 N. Cedar St.

RECOMMENDED ACTION
Authorize an Easement Agreement with Consumers Energy as Required for the Public Works Facility Located at 710 N. Cedar St.

PROJECT DETAILS
As part of the new Public Works Facility, Consumers Energy requires an easement to be executed between the City and Consumers Energy for the new underground electrical service to the building. This permanent easement is necessary so that Consumers can construct, operate, maintain, inspect (including aerial patrol), survey, replace, reconstruct, improve, remove, relocate, change the size of, enlarge, and protect a line or lines of electric facilities in, on, over, under, across, and through a portion of Owner's Land (hereinafter “Easement Area”). Staff has been working with Consumers Energy since March to get the easement in place. An easement document has been presented which includes a payment of $1 to Consumers Energy for the easement Agreement.

The City Attorney has reviewed the proposed Easement and has no concerns, as Consumers will not negotiate the terms of these types of agreements. City Staff recommends authorizing the City Manager to sign the Easement Agreement on the City’s behalf to allow for the project to move forward and to allow for minor modifications that do not financially impact on the city beyond what has been presented.

AUTHORIZATION
- This easement is required to allow electric for the Public Works facility to be completed at 710 N. Cedar St. due to requirements by Consumers Energy.

VISION and COMMUNITY PLANS
- Master Plan 2023: S1 – Asset Management for Public Services, S2 – Purposeful, Strategic Growth

RESOURCE PLANS
- None

Budget Amendment Required: No

ATTACHMENTS
- Easement Agreement

EASEMENT FOR ELECTRIC FACILITIES

SAP# 1076887668
Design# 11874764
Agreement# MI00000093563

CITY OF MASON, a Michigan corporation, whose address is PO Box 370, Mason, Michigan 48854 (hereinafter "Owner")

for $1.00 and other good and valuable consideration [*exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to MCLA 207.526(f)*] grants and warrants to

CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201 (hereinafter "Consumers")

a permanent easement to enter Owner's land (hereinafter "Owner's Land") located in the City of Mason, County of Ingham, and State of Michigan as more particularly described in the attached Exhibit A to construct, operate, maintain, inspect (including aerial patrol), survey, replace, reconstruct, improve, remove, relocate, change the size of, enlarge, and protect a line or lines of electric facilities in, on, over, under, across, and through a portion of Owner's Land (hereinafter "Easement Area") as more fully described in the attached Exhibit B, together with any pole structures, poles, or any combination of same, wires, cables, conduits, crossarms, braces, guys, anchors, transformers, electric control circuits and devices, location markers and signs, communication systems, utility lines, protective apparatus and all other equipment, appurtenances, associated fixtures, and facilities, whether above or below grade, useful or incidental to or for the operation or protection thereof, and to conduct such other activities as may be convenient in connection therewith as determined by Consumers for the purpose of transmitting and distributing electricity. Consumers may attach additional lines outside the Easement Area, running laterally from a line within the Easement Area to the North, South, East and West edges of Owner's Land, in which event the Easement Area shall include a 12.00-foot-wide strip of land, being 6.00 feet on each side of each such lateral line.

Additional Work Space: In addition to the Easement rights granted herein, Owner further grants to Consumers, during initial construction and installation only, the right to temporarily use such additional work space reasonably required to construct said lines. Said temporary work space shall abut the Easement Area, on either side, as required by construction.

Access: Consumers shall have the right to unimpaired access to said line or lines, and the right of ingress and egress on, over, and through Owner's Land for any and all purposes necessary, convenient, or incidental to the exercise by Consumers of the rights granted hereunder.

Trees and Other Vegetation: Owner shall not plant any trees within the Easement Area. Consumers shall have the right from time to time hereafter to enter Owner's Land to trim, cut down, and otherwise remove and control any trees, brush, roots, and other vegetation within the Easement Area. Consumers shall have the right from time to time hereafter to enter Owner's Land to trim, cut down, and otherwise remove and control any trees, brush, or other vegetation located outside of the Easement Area which are of such a height or are of such a species whose mature height that in falling directly to the ground could come into contact with or land directly above Consumers' facilities.

Buildings/Structures: Owner agrees not to build, create, construct, or permit to be built, created, or constructed, any obstruction, building, septic system, drain field, fuel tank, pond, swimming pool, lake, pit, well, foundation, engineering works, installation or any other type of structure over, under, or on said Easement Area, whether temporary or permanent, natural or man-made, without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Ground Elevation: Owner shall not materially alter the ground elevation within the Easement Area without a prior written agreement executed by Consumers Real Estate Department allowing said alteration.

Exercise of Easement: Consumers' nonuse or limited use of this Easement shall not preclude Consumers' later use of this Easement to its full extent.

Ownership: Owner covenants with Consumers that they are the lawful fee simple owner of the aforesaid lands, and that they have the right and authority to make this grant, and that they will forever warrant and defend the title thereto against all claims whatsoever.

Successors: This Easement shall bind and benefit Owner's and Consumers' respective heirs, successors, lessees, licensees, and assigns.

Counterparts: This Easement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It is not necessary that all parties execute any single counterpart if each party executes at least one counterpart.

Date: _____ Owner: CITY OF MASON, a Michigan corporation

_____
Signature

By: _____
Print name

Its: _____
Print title

Acknowledgment

The foregoing instrument was acknowledged before me in _____ County, _____,

on _____ by _____, _____ of
Date Name Title

City of Mason, a Michigan corporation, on behalf of the corporation.

_____
Notary Public

_____
Print Name

_____ County, _____

Acting in _____ County

My Commission expires: _____

PROPERTY OWNERS MAIL SIGNED EASEMENT TO:
Connie Hardman
Consumers Energy Company
4141 Wilder Road
Bay City MI 48706
ROW Manager: Michael Loper

Prepared By:
Kelsea Reichard, 5/15/26 EP7-464
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

REGISTER OF DEEDS OFFICE USE ONLY
Return recorded instrument to:
Carrie J. Main, EP7-464
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

EXHIBIT A

Owner's Land

Land situated in the City of Mason, County of Ingham, State of Michigan:

A parcel of land in the Northwest 1/4 of Section 5, Town 2 North, Range 1 West.

Also known as: Kerns, Mason, Michigan 48854

Parcel ID: 33-19-10-05-152-015

AND

A parcel of land in the Northwest 1/4 of Section 5, Town 2 North, Range 1 West.

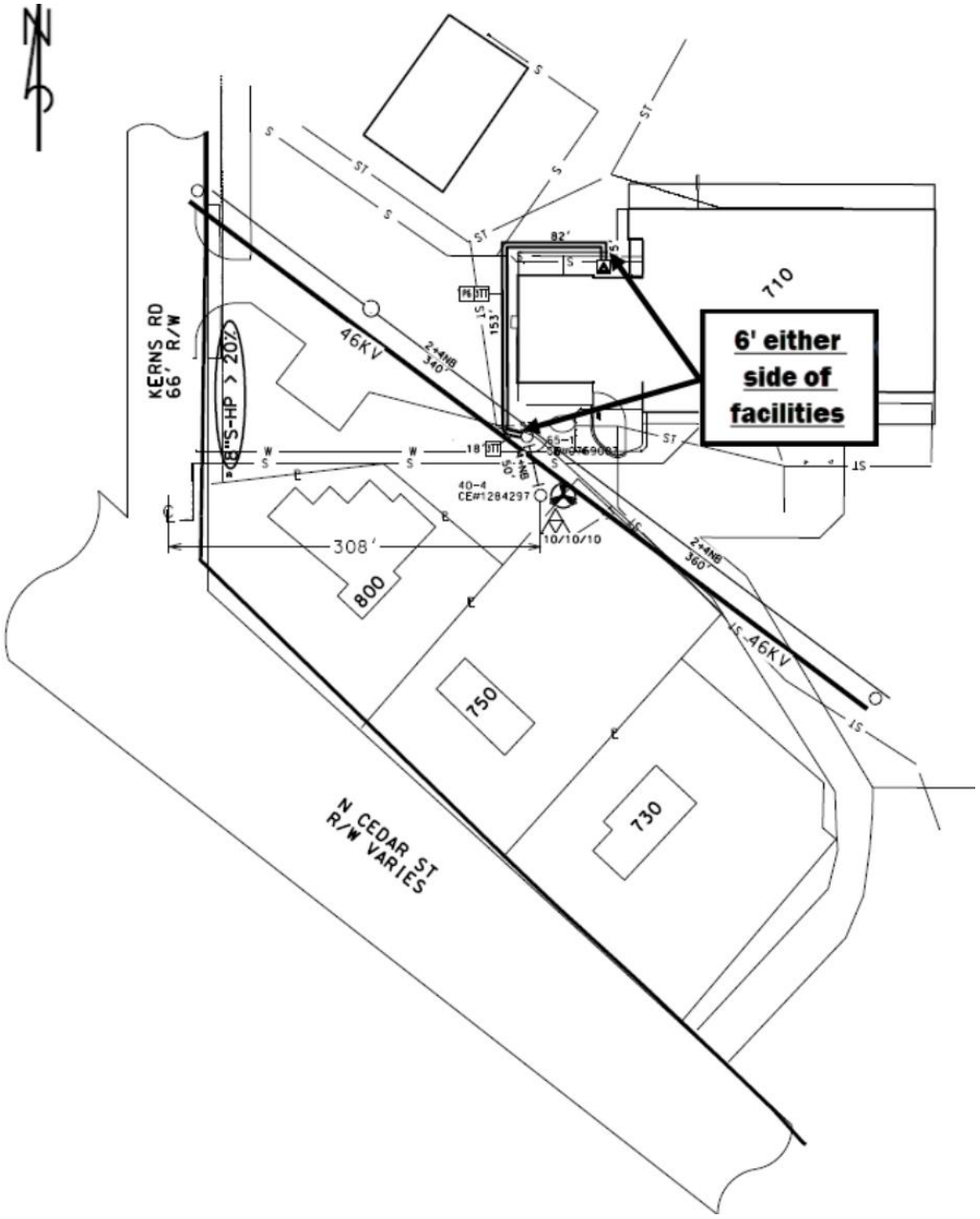
Also known as: 710 North Cedar, Mason, Michigan 48854

Parcel ID: 33-19-10-05-152-018

EXHIBIT B

Easement Area

Being 6.00 feet on each side of the facilities of the line constructed on Owner's Land, the facilities to be located approximately as shown in the attached drawing.



Agenda Report: June 1, 2026 City Council Meeting

AGENDA ITEM (Schaffer & Husby)
Introduction and First Reading of Ordinance 272 to Amend the City Code of the City of Mason by Adding Section 94-153 to Chapter 94 Zoning Creating a New Technology Innovation (M-3) Zoning District, and Updating Various Sections Within the Code to Allow for the New M-3 Zoning District

RECOMMENDED ACTION
Introduction and First Reading of Ordinance 272 to Amend the City Code of the City of Mason by Adding Section 94-153 to Chapter 94 Zoning Creating a New Technology Innovation (M-3) Zoning District, and Updating Various Sections Within the Code to Allow for the New M-3 Zoning District

PROJECT DETAILS
Michigan expanded tax incentives for large-scale data centers through legislation providing sales and use tax exemptions, which has attracted new large-scale data center development to the state. Mason does not have an ordinance that addresses the unique issues associated with large-scale data center development and operation, including continuous 24/7 mechanical cooling noise; water and environmental considerations; safety, security, and hazard threats; among others. In addition, without an ordinance that provides special use permit review, communities around the nation are experiencing inappropriate siting of large-scale data center development.

December 2025 – March 2026: Community members draft proposed ordinance

March 26, 2026: Community members meet with Councilmember Vercher to discuss proposed ordinance

April 7, 2026: Community members meet with Mayor Whipple and Councilmember Vercher to discuss proposed ordinance

April 12, 2026: Community members meet with Councilmembers Husby and Schaffer to discuss proposed ordinance

AUTHORIZATION
Per Section 7.4 of the City Charter, ordinances may be enacted, amended, or repealed by the affirmative vote of not less than four Councilmen.

VISION and COMMUNITY PLANS
Master Plan 2023: Action Item: MP2023 S3.1: Zoning Update: Update subdivision and zoning ordinances to reflect the recommendations of the masterplan related to future land use and infrastructure capacity.

Guiding Principle Three: Safe

How to Grow Responsibly (pp. 68-69, in relevant part): Mason residents and residents of the surrounding communities have consistently said that preserving the small-town character of Mason and the natural agricultural character of the surrounding townships are important priorities for planning the community. Mason also desires to provide efficient infrastructure services to support development. One of the most effective ways to meet both goals is with a service boundary based on:

• Compact, efficient land use

• Protection of farmland and natural areas outside of the city

The service boundary marks the separation between rural and urban areas and defines land that can efficiently support urban services such as sewer, water, and streets. Priority growth areas are adjacent to existing development, are served by municipal utilities, and are located along paved streets. Development outside the (service) boundary is not prohibited; however, because public utilities are not available in these areas, development needs to be maintained at a relatively low intensity and the character of development needs to not adversely impact natural features and agricultural uses. There is presently vacant or underutilized land within Mason's service boundary that can be served by public water and sewer. By focusing new development and infill in these areas first, the city can more efficiently provide the necessary infrastructure to support new growth.

o Land Use

Desires of the Community (in relevant part, p. 76): Community members and visitors enjoy the rural context of the city. The green ring of farms surrounding the community is an asset which should be maintained by the Future Land Use plan via lighter uses at the city fringes. It will also require collaboration with surrounding jurisdictions to preserve the physical relationship between Mason and the townships which make the area unique.

RESOURCE PLANS

Budget Amendment Required: No

ADDITIONAL MATERIAL

Attachments—Proposed M-3 Ordinance (Ordinance 272)

Introduced/First Reading:
Second Reading/Adopted:
Publication:
Effective Date:

CITY OF MASON
ORDINANCE NO. 272 (PROPOSED)

AMEND THE CITY CODE OF THE CITY OF MASON BY ADDING SECTION 94-153 TO CHAPTER 94 ZONING CREATING A NEW TECHNOLOGY INNOVATION (M-3) ZONING DISTRICT, AND UPDATING VARIOUS SECTIONS WITHIN THE CODE TO ALLOW FOR THE NEW M-3 ZONING DISTRICT

June 1, 2026

THE CITY OF MASON ORDAINS:

1. Section 26-92 of Chapter 26, Fire Prevention and Protection, Article III. Outdoor Fires, Division 1, Generally, shall be amended to read as follows:

Sec. 26-92. Exceptions.
The prohibition of section 26-91 shall not be construed to prohibit burning in the M-1, M-2 and M-3 zoning districts when such burning is in compliance with the standards of section 94-151, section 94-152, and section 94-153, , respectively; nor to occasional wood fires in designated stoves and grills in city parks; nor to fires of charcoal or non-ash-producing fuel when used for the exclusive preparation of food for human consumption; nor to non-ash-burning fuels being used not less than 15 feet from combustible materials when used in adequate fire-resistant metal containers for the heating of building materials or for the warmth of workers.

2. Section 58-127 of Chapter 58, Signs, Article III. Requirements and Restrictions shall be amended to read as follows:

Sec. 58-127. On-premise signs.
(d) Manufacturing (M-1, M-2, and M-3) zoning districts.
(1) Window signs. Window signs shall be permitted up to a size equivalent to 20 percent of the total window pane area.
(2) Freestanding on-premise signs.
(1) Number. One freestanding on-premise sign shall be permitted per parcel. A second on premise freestanding sign will be permitted if the subject parcel has frontage on more than one public street, provided there shall not be more than one sign on any single street.
(2) Height. The overall height of any freestanding sign shall not exceed 20 feet above grade.
(3) Area. The maximum allowable sign area shall not exceed the following:
1. For signs with an overall height of ten feet or less, 42 square feet in area.
2. For signs with an overall height exceeding ten feet, 24 square feet in area.
(4) Multiple business signs. Two or more businesses located on the same parcel of land shall be permitted to share a single freestanding sign identifying those individual businesses, provided said sign does not exceed 52 square feet in sign area and ten feet in height above grade.
(3) Wall signs.
a. Number. One wall sign shall be permitted per ground level store. A second wall sign will be permitted if the subject tenant/owner is located in a ground level store front and has frontage on more than one public street, provided there shall not be more than one sign on any single street.

b. Area. Wall signs shall be permitted up to an aggregate size equivalent to one and one-half square feet of sign area for each one lineal foot of wall width.
c. Multi-tenant buildings.
    1. For ground level store fronts, the allowable sign area for each individual tenant sign will be determined based on the length of the outside wall that tenant unit occupies in accordance with the requirements of subsection (3)b.
    2. For tenants without store fronts, including all tenants not located on the ground floor, one sign per tenant shall be permitted not exceeding three square feet in sign area and located within 18 inches of the outside building entry door.

3. Section 58-129 of Chapter 58, Signs, Article III. Requirements and Restrictions shall be amended to read as follows:

Sec. 58-129. Off-premise signs.

Off-premise signs, including billboards, shall be permitted only in the C-2 General Commercial, M-1 Light Manufacturing, M-2 General Manufacturing and M-3 Technology Innovation zoning districts, and shall comply with the requirements listed in this section.

(1) Off-premise signs located within 900 feet of a limited access highway interchange shall comply with the following:
    a. Number. Not more than one off-premise sign shall be permitted on a single parcel, provided each off-premise sign shall be spaced a distance of 600 feet from another off-premise sign on the same side of a street or 300 feet from another off-premise sign on the opposite side of a street. Sign spacing shall be measured along a line parallel to the right-of-way of said street.
    b. Height and area. An off-premise sign and its structure shall not exceed an overall height of 25 feet. The sign area shall not exceed 300 square feet.
    c. Placement. An off-premise sign shall be setback at least 35 feet from a public or private road right-of-way and shall not be closer than 500 feet from the property line of a residentially zoned or used property.

(2) Off-premise signs located farther than 900 feet from a limited access highway interchange shall comply with the following:
    a. Number. Not more than one off-premise sign shall be permitted on a single parcel.
    b. Height and area. An off-premise sign and its structure shall not exceed an overall height of ten feet. The sign area shall not exceed 40 square feet.
    c. Placement. Setback standards shall be consistent with section 58-128(4).

(3) For the purposes of this section, distance to a highway interchange shall be measured by a straight line drawn from the nearest point of the interchange right-of-way of an on or off ramp to the farthest point of the sign.

(4) Illumination. Off-premise signs may be directly or indirectly illuminated. All indirectly illuminated signs shall be constructed, designed, installed and maintained so as to concentrate the illumination upon the sign surface. The light source shall not be visible beyond the property line of the site or from any public or private road right-of-way.

(5) Clear vision area. Off-premise signs shall comply with the clear vision area described in section 94 172(d)(3) in chapter 94 of this code and figure 100-103 in chapter 100 of this code.

(6) Nothing contained in this ordinance shall permit a sign or sign structure that is otherwise prohibited by the State Highway Advertising Act of 1972, 1972 PA 106, or shall require or cause the removal of lawfully erected signs or sign structures permitted under said act.

4. Chapter 94, Zoning, Table of Contents, shall be amended to read as follows:

Article IV. Zoning District Regulations
Sec. 94-121. General intent and purpose, permitted uses, and dimensional regulations. Sec. 94-122. AG: Single-family agriculture district.
Sec. 94-123. RS-1, RS-2, RS-3: Single-family residential districts.
Sec. 94-124. R2F: Two-family residential district.
Sec. 94-125. RM: Multiple-family residential district.
Sec. 94-126. MH: Manufactured home park residential district.
Secs. 94-127—94-130. Reserved.
Sec. 94-131. O-1: General office district.
Sec. 94-132. O-2: Specialized office district.
Secs. 94-133—94-140. Reserved.
Sec. 94-141. C-1: Central business district.
Sec. 94-142. C-2: General commercial district.
Sec. 94-143. C-3: Local commercial district.
Secs. 94-144—94-150. Reserved.
Sec. 94-151. M-1: Light manufacturing district.
Sec. 94-152. M-2: General manufacturing district.
Secs. 94-153. M-3: Technology innovation district
Secs. 94-154—94-160. Reserved.
Sec. 94-161. PUD: Planned unit development district.

5. Section 94-61 of Chapter 94, Zoning, Article II. Zoning District Map and General Zoning Regulations, shall be amended to read as follows:

Sec. 94-61. Establishment of districts.
The following zoning districts are hereby established for the city:
AG district: Single-family agriculture district
RS-1 district: Low density single-family residential district
RS-2 district: Medium density single-family residential district
RS-3 district: High density single-family residential district
R2F district: Two-family residential district
RM district: Multiple-family residential district
MH district: Manufactured home park residential district
O-1 district: General office district
O-2 district: Specialized office district
C-1 district: Central business district
C-2 district: General commercial district
C-3 district: Local commercial district
M-1 district: Light manufacturing district
M-2 district: General manufacturing district
M-3 district: Technology innovation district
PUD district: Planned unit development district.

6. Chapter 94, Zoning, Article IV Zoning District Regulations, shall be amended to add Section 94-153 M-3 Technology Innovation District as follows:

Sec. 94-153. M-3: Technology innovation district.

(a) *Intent and purpose*.
   (1) The purpose of this district is to provide an appropriate regulatory environment for large scale, infrastructure-intensive technology uses, including engineering, design, research, and development, and data processing and computer centers. These uses are characterized by continuous operations, significant utility demand, heightened security requirements, and limited visitation by the general public.
   (2) Advances in technology have created land uses that share certain characteristics with both office and industrial uses, but which, due to the number, scale, and operational requirements of associated structures and equipment, may not function adequately or compatibly within other zoning districts. While these uses are generally more intensive than traditional office uses, they are typically less intensive than conventional industrial uses in terms of employee density, traffic generation, and routine public interaction.
   (3) Development within this district shall be designed to ensure compatibility with surrounding land uses through appropriate site design, buffering, screening, and architectural standards, and is intended primarily for areas that are largely undeveloped and capable of accommodating such uses without adverse impacts to adjacent properties or community character.

(b) *Uses permitted by right*. Uses permitted by right in this district shall be limited to agricultural uses and shall not include retail, goods distribution, or other high-traffic commercial uses.

(c) *Permitted accessory uses*.
   (1) Accessory uses and structures as defined in this chapter.
   (2) Solar panels that are ground-mounted, on structures or over paved parking areas.

(d) *Uses authorized by special use permit*.
   (1) Laboratories, offices and other facilities for basic and applied research, experimentation, testing, product design, technology development, consulting and business development.
   (2) High technology service uses with the principal function of providing services including computer information transfer, communication, distribution, management, processing, administrative, laboratory, experimental, developmental, technical, or testing services.
   (3) Data processing and computer centers, commonly referred to as data centers, including service and maintenance of electronic data processing equipment.

(e) *Development standards*. Any use of land or structures in this district shall comply with the general development standards of section 94-121(c), however, when any of the general standards are in conflict with this section, the standards in this section shall supersede such general standards. In addition to the requirements of this chapter, an application for a special use permit shall comply with the requirements of section 94-191 and the following:
   (1) Include expected water use amount and identification of any expected contents of wastewater that could impact the city wastewater treatment process.
   (2) Include expected electricity use and documentation of the commitment from the electricity provider that sufficient electricity supply is available to the site and that such supply will not impact other electricity users consistent with state law.
   (3) Include an environmental impact statement detailing potential impacts to air quality, wildlife, and water resources, including cooling water and wastewater, surface water and groundwater. The statement shall include proposed mitigating actions to address potential impacts identified.

(4) Include a proposed construction schedule and identification of proposed construction and ongoing maintenance routes from the nearest arterial road, as detailed on a map.
(5) Include a decommissioning plan as described in subsection (s) below.
(6) Include an emergency response plan as described in subsection (t) below.
(7) No special use permit shall be approved, nor shall any development agreement or utility agreement be executed, unless the City has determined, based on completed studies and submitted documentation, that sufficient city utility capacity exists under conservative, long-term operating assumptions. For purposes of this section, conservative long-term operating assumptions may include full build-out demand, peak usage conditions, reasonable contingency factors, and the expected operational lifespan of required infrastructure.

(f) *Eligibility*. In order for property to be zoned M3, it must be included within a rezoning application pertaining to a minimum of fifty (50) contiguous acres.

(g) *Parcel dimensional requirements*.
(1) *Parcel Frontage*. All parcels shall abut a public street except where one of the following applies.
a. An adjacent parcel or parcels under common ownership with the subject parcel has frontage on a public street.
b. A legally binding perpetual vehicular access easement over an adjacent parcel or parcels with frontage on a public street that are not under common ownership with the subject parcel is placed on record with the county and provided to the city prior to preliminary site plan approval.
(2) *Parcel width, depth*. All parcels shall have adequate width and depth to provide for setback distances as required by this chapter.
(3) *Maximum Parcel Coverage*. The maximum parcel coverage by all structures shall be 60%.

(h) *Building height*. The maximum building height shall be forty-five (45) feet. The building height may be increased if setbacks from the property boundary shared between this district and a property with a residential use, an agricultural use, a residential zoning district, or an agricultural zoning district are increased by one hundred and fifty (150) feet for each five (5) foot increase in building height. There are no exceptions for structural appurtenances.

(i) *Leisure Trails*. In lieu of sidewalks required under the city code, public leisure trails shall be constructed along the periphery of the district along public streets. The cost of installation and on-going maintenance of the leisure trail shall be the responsibility of the property owner.
(1) *Leisure trail construction*. Leisure trails shall be asphalt, constructed to city standards, and have a minimum width of eight (8) feet unless otherwise specified in the approved site plan.
(2) *Leisure trail location, route*. All leisure trails shall be located on the development property outside of the street right-of-way, except when the appropriate governing body approves location within the right-of-way. The route followed by a leisure trail is not required to be a straight line and shall be shown on the submitted site plan.
(3) *Leisure trail easement*. A public use easement shall be granted by the property owner to the city for the area encompassing a leisure trail located outside the street right-of-way completely encompassing the leisure trail from the street right-of-way to a line parallel to the right-of-way located no closer than one (1) foot from the edge of any portion of the trail.

(j) *Public street right-of-way, easements*. The property owner shall dedicate property for right-of-way for public street construction and improvement to the city or county, as applicable, in compliance with relevant regulations as required by the approved site plan. The property owner shall grant easements to the city or county, as applicable, which are adjacent to the aforementioned rights-of-way to the minimum extent necessary, or as required by this section,

to provide for access to, and the installation and maintenance of, street improvements, leisure trails, and/or utilities.

(k) *Residential zoning district defined*. For the purposes of this section, the term "residential zoning district" shall refer only to those districts zoned specifically for residential uses and shall not include districts zoned for agricultural use.

(l) *Setback, buffering, and screening requirements*.

(1) *Screening generally*. Whenever possible, trees, locally native woodland shrubs and other naturally occurring features shall be incorporated into a site plan. Given the possibility of natural features being relocated or removed, a greenway edge network shall be established along the periphery of the district. This greenway shall be located within the required setback area.

(2) *Street and residential setback, buffering and screening*. The following minimum setback, buffering, and screening requirements shall apply to any structures and parking areas in a development that is adjacent to a public street right-of-way or adjacent to property outside of this district with a residential use, an agricultural use, a residential zoning district, or an agricultural zoning district.

a. The minimum setback for buildings and structures on a parcel with a minimum of fifty (50) contiguous acres shall be three hundred (300) feet. A berm shall be placed in the setback area along the district boundary in compliance with this section.

b. The minimum setback for parking areas shall be one hundred (100) feet.

c. *Berm requirements*. A required berm shall be placed along the district boundary inside any required fence in compliance with the following.

1. *Berm height*. Berm height shall be a minimum of ten (10) feet and a maximum of twelve (12) feet from the adjoining street grade at the edge of the pavement.

2. *Berm landscaping*. Any required berm shall include a landscape buffer on the berm top and side facing a public street or adjacent property. The landscape buffer shall consist of a mixture of native evergreen trees, shrubs, and natural grasses. Evergreens should be arranged in a manner to reduce the risk of wind damage to the trees. A written statement from a certified arborist or landscape architect shall be provided with site plan submittal to confirm an expectation that the planting mass achieves an opacity at full foliage of eighty percent (80%) and reaches a height of fifteen(15) feet above the berm grade on the date that is four (4) years after planting and that plant spacing is appropriate to support a healthy screen at plant maturity.

i) *Allowed berm trees*. No species other than the following may be planted on a berm without written permission of the tree commission: Norway Spruce, White Pine, and Red Pine.

ii) Minimum size at installation shall be ten (10) feet in height for evergreen trees and thirty (30) inches in height for shrubs. Evergreen and shrub height at the time of installation and as expected four (4) years after planting shall be noted in the site plan submission.

iii) A natural grass mix requiring minimal mowing is to be seeded on the entire surface of a berm.

iv) The owner shall provide for appropriate maintenance of a berm and any required plantings and landscaping.

3. *Berm construction*. Berms are to be constructed as required by the berm standards in section 94-241(g) of this code, however, when any of said berm standards are in conflict with this section, the standards in this section shall supersede those berm standards.

i) *Berm grading*. Berm grading may gradually undulate horizontally and vertically between the minimum and maximum heights required in this section.

ii) If minimum berm height requirements cannot be met around the entirety of the site, plantings that provide one hundred percent (100%) opacity at full foliage may be utilized to meet the screening requirements, however, this condition shall not exceed thirty percent (30%) of the required berm area.

iii) Breaks in, and/or tapering of, berms may occur at vehicular and pedestrian access points subject to the approved site plan.

4. *Access point screening*. Where a vehicular access point is adjacent to a parcel outside of this district with a residential use or in a residential zoning district, the combination of the access drive path design and a berm buffer in compliance with this section along the drive shall screen the view of structures and parking areas from the intersection of the drive and the street.

(3) *Non-street, non-residential setback and screening*. The required minimum setback from, and screening along, district boundary lines that are not adjacent to a public street right-of-way or to property outside of this district with a residential use, an agricultural use, a residential zoning district, or an agricultural zoning district shall comply with the following subsections.

a. *Setback*. A minimum setback of fifty (50) feet for buildings, structures, service areas, loading areas, and parking areas.

b. *Screening*. Multiple staggered rows of a mix of native evergreens, locally native shrubs and natural grasses shall be planted along the boundary of the district within the setback area. The screen design shall satisfy the requirements for berm landscaping, except that no berm is required, in section 94-153(l)(2)(d)(2) for species selection and placement, opacity and height above grade, minimum tree size, site plan submittal requirements, maintenance, and professional confirmation that the design will meet requirements, except that no berm is required.

c. A natural grass mix requiring minimal mowing is to be seeded within the screen planting area.

d. The owner shall provide for appropriate maintenance of the screen planting area and any required plantings.

(4) *Existing natural screening*. Where the overall height and opacity requirements noted above can be met by preserving and/or supplementing existing tree stands or forested areas, the berm and landscaping requirements of this section may be modified or waived by the approval authority.

(5) *Phasing of buffering and screening*. Required berms and landscaping shall be installed prior to any above grade construction of a structure. This requirement shall not apply to temporary structures intended only for support of construction.

(6) *Construction Site Setup*. During any phases of construction there shall be a minimum fifty (50) foot setback for parking areas, material laydown and storage tanks and a minimum one hundred (100) foot setback for trailers, structures, buildings, and related items necessary for the construction of improvements. All construction site setup areas shall be screened so that they are not visible from a public street or adjacent property outside of this district with a residential use or in a residential zoning district.

(m) *Fencing*.

(1) *Exterior rail fence*. A four (4) rail fence shall be installed by the owner along the periphery of the district abutting a public street for the entire length of the frontage on the street, subject to required breaks for vehicular and pedestrian access. The fence shall be as straight as

possible and located on the development property a minimum of two (2) feet from the easement for a leisure trail. The owner will be responsible for maintenance and repair of the fence. The fence shall be constructed as follows:

a. Fence shall be constructed of wood, vinyl or other suitable exterior grade material. All construction shall be in accordance with verifiable industry standards. A fence system around a district shall be of the same design and materials for the entirety of the district.
b. Fence height to the top of the top fence rail shall be fifty-four (54) inches from grade and uniform along the entire length of the fence within a tolerance of plus or minus one (1) inch. Variations in fence height shall be gradual.
c. The distance from the top of the top fence rail to the bottom of the bottom rail shall be forty two (42) inches. Fence rails shall be evenly spaced.
d. All fasteners shall be of a material, and/or include a coating, specified for exterior use.
e. All visible elements of the fence shall be white in color and the color shall match substantially among all elements.
f. *Wood fence*.
    1. Fence rails shall be one (1) inch by six (6) inch nominal dimension by sixteen (16) foot long treated rough sawn poplar. Fence rails shall be located on the street facing side and aligned with the top of the post.
    2. Fence posts shall be six (6) inch by six (6) inch nominal dimension southern yellow pine wood posts treated for below ground installation of sufficient length to allow post sinking below the frost line and result in the required fence height. The top of each post shall be flush with the top of the top fence rail.
    3. Posts shall be installed vertically on sixteen (16) foot centers except where a shorter fence section is required to terminate the fence at the required location.
    4. Fence rail joint covers shall be one (1) inch by six (6) inch nominal dimension treated rough sawn poplar. The covers shall be forty-two (42) inches long and centered on each post. The covers shall be vertical and aligned with the top of the top fence rail and bottom of the bottom fence rail.
    5. All exposed wood shall be appropriately primed and painted with exterior grade paint.
g. *Vinyl fence*.
    1. Fence rails shall be one and a half (1.5) inches by five and a half (5.5) inches and of appropriate length for post spacing. Rails shall be securely anchored into posts.
    2. Fence posts shall be five (5) inch by five (5) inch vinyl of sufficient length to allow post sinking below the frost line and result in the required fence height.
    3. Posts shall be installed vertically on eight (8) foot centers at minimum except where a shorter fence section is required to terminate the fence at the required location.
    4. Fence vinyl posts shall terminate two (2) inches above the top of the top rail prior to cap installation. Post caps shall be glued in place.
h. Alternate fence material.
    1. An alternate material other than wood or vinyl may be used at the discretion of the site plan approval authority.
    2. The site plan applicant shall provide sufficient information to allow the approval authority to determine if the alternate fence material will be sufficiently durable and allow for a fence design consistent with the requirements for wood or vinyl fence.

(2) *Interior fencing*. Any security fencing or other fencing shall be located behind a required perimeter berm. No fencing shall be installed on a required perimeter berm.

(n) *Outdoor storage and hazardous materials*.

(1) *Outdoor Storage*. Outdoor storage of materials, equipment, and supplies shall be permitted. Outdoor storage areas for these items are not required to be screened if located to not be visible from a public street right-of-way or from ground level at a distance of two hundred (200) feet from any perimeter boundary line of a parcel that is not under common ownership. Otherwise, such outdoor storage areas shall be fully screened to a height of eight (8) feet. Outdoor storage areas, whether screened or unscreened, shall comply with minimum setback requirements in this section.

(2) *Hazardous Materials*. Due to the nature of the permitted uses in this district, hazardous waste and materials storage and processing is anticipated. When such storage and/or processing are desired:

a. The nature of the storage and processing shall be described in a detailed written statement that shall be submitted as part of an application for site plan review. This statement shall also provide details regarding the safety measures and protocols that are proposed to prevent the migration of any hazardous materials outside of designated containment areas and procedures that will be implemented upon the occurrence of an event that does, or has the potential to, damage the environment, persons, or property. This information shall be provided so that relevant city departments and public safety providers will have notice of the presence of these storage and processing operations.

b. All such storage and/or processing shall comply in all respects with local, state and federal law and regulations, and shall not be undertaken until such time as all necessary permits are received and copies of the same are provided to the city.

c. No such storage and/or processing shall occur within two hundred (200) feet of any perimeter boundary of a parcel that is not under common ownership.

d. If such storage or processing is undertaken outside of a structure, all exterior areas where these activities are occurring shall be surrounded by a masonry wall that is at least ten (10) feet in height, but only if the activities are wholly or partially visible from an adjacent public street right-of-way or adjacent property outside this district with a residential use or in a residential zoning district. Building facades may be used to meet this requirement. Any gates or doors shall include enhanced security features to ensure that unauthorized individuals cannot gain access to the area.

(o) *Utilities*.

(1) *Electric utilities*. All new electrical utilities installed on the development site rated below sixty nine (69) kV shall be underground. Electric utilities related directly to substation infrastructure, regardless of rating, are not required to be underground.

(2) *Standby generators*.

a. Generators shall be operated only for the purpose of performing periodic testing and exercising as allowed under this section or for an emergency operation as dispatched by the regional transmission operator. Under no circumstances shall any generator be operated for the purpose of supplying electricity for ongoing operations, including for purposes of demand response, load shedding, peak shaving, or similar activity.

b. All diesel generators shall be factory-certified to meet, at minimum, the Tier 4 Final emissions regulations established by the Environmental Protection Agency (EPA) for non-road diesel engines. In the event regulations more stringent than Tier 4 Final are established by the EPA for non-road diesel engines, diesel generators shall be factory-certified to the more stringent regulations if commercially available at the time of purchase. At all times, diesel fuel used in diesel generators shall comply with EPA regulations for sulfur content required of the applicable emissions regulation.

c. Generators shall be fully enclosed within a masonry or concrete building (minimum sound transmission class (STC) 50).
d. Generators shall be set back one thousand (1,000) feet from property lines. If geographically impossible, a minimum of five hundred (500) feet is permitted only with enhanced engineering (acoustic doors STC 55+, louvers, liners).
e. Super-critical reactive silencers and 95% isolation mounts are mandatory.

(3) *Water and sewer utilities*.
a. All structures in the district used or designed for human occupancy shall connect to the city water supply system. All structures in the district in which sanitary sewer originates shall be connected to the city sanitary sewer system.
b. Each user of city water and sanitary sewer utilities in this district shall enter into a water and sanitary sewer utilities use agreement with the city. The use agreement shall address, at minimum, the topics described in the following subsections.
1. The minimum required real taxable value.
2. The methodology for establishing the cost of utility services.
3. The requirements of the user to ensure there is no negative impact to the sustainable operation of the utilities.
4. The maximum allowable water usage.
5. The minimum monthly payment for water and sanitary sewer service.
6. The penalties for non-compliance with the agreement.
7. The minimum number of years the user commits to purchasing utility services.
8. To the extent allowed by law, that the cost of any improvements to the city water and/or sanitary sewer systems necessary to serve the user shall be the responsibility of the property owner.
c. All charges for water and wastewater services provided to uses within this district shall be established pursuant to a city council approved rate study and shall not be less than the charges applicable to residential users.
d. Failure to comply with a water and sanitary sewer utilities use agreement shall constitute both a contractual breach and a violation of this section 94-153.

(p) *General architectural standards*.
(1) *Building construction*. Traditional materials including wood, stone, brick, concrete, aluminum, metal, glass, stucco, or cementitious fiberboard shall be used for exterior construction of all buildings. The use of reflective or mirrored glass on a building facade, or advanced fabric structures or similar type structures, shall be prohibited. Mirrored glass may be used for windows and entrance door areas.
(2) *Roof-Mounted Equipment*. Complete screening of all roof-mounted equipment shall be required on all four (4) sides with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment. Solar energy systems shall be excluded from the requirements of this section to the extent the requirements prevent or limit functionality and/or accessibility to direct sunlight.
(3) *Loading docks*. Loading docks shall have the same degree of finish as a main entry unless the dock is not visible from a public right-of-way or adjacent property outside of this district with a residential use or in a residential zoning district.
(4) Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of any building visible from a public right-of-way.

(q) *Environmental regulations*.

(1) Any use of land or structures in this district shall comply with the environmental regulations of section 94-177 of this code however, when any of the environmental regulations are in conflict with this section, the standards in this section shall supersede such environmental regulations.

(2) *Noise*.

a. Definitions:

1. Historic master baseline: ambient noise levels recorded at the project boundary prior to any site clearing or construction.
2. Infrasound: sound energy below 20 hertz (Hz), perceived as physical vibration or ear pressure.
3. LAeq / LCeq / LZeq: average A, C, and unweighted equivalent sound energy (facility noise).
4. LA90 / LC90 / LZ90: the sound level exceeded 90% of the time (background quiet).
5. Neutral third-party consultant: an Institute of Noise Control Engineering board-certified acoustical engineer with no ties to the applicant within the last five years.
6. Peak particle velocity (PPV): the measurement of the maximum instantaneous peak of a vibration signal.

b. Establishment of historic master baseline.

1. Neutral selection. The study shall be performed by a neutral third-party consultant selected by the city engineer and funded by an applicant-paid escrow account.
2. Scope. The study shall monitor seven (7) consecutive days, recording A, C, and unweighted 1/3 octave bands from 6.3 Hz to 20,000 Hz.
3. Statistical baseline. The L90 statistical descriptor shall be used as the reference baseline to identify the true residual quiet of the site.
4. Weather exclusion. Data during precipitation or wind exceeding eleven (11) miles per hour (5 meters/second) shall be excluded.

c. Pre-development predictive modeling.

1. Full build-out. Prior to any permit, the applicant shall submit an ISO 9613-2 model for the entire campus at full operational capacity.
2. Isopleth mapping: the report shall include sound contour maps illustrating predicted levels two thousand (2,000) feet beyond all property lines.
3. Performance bond. Applicant shall provide a performance bond as a guarantee that the facility's post-development facility noise output is equal to, or less than, the pre-development predictive model. The bond shall be equal to 110% of the total estimated cost for the design, materials, and installation of all noise mitigation measures identified in the predictive sound modeling report. This estimate must be prepared by a neutral third-party consultant and approved by the city prior to the issuance of any building permits.

d. Permissible noise limits (general and audible). Facility noise (Leq) at any adjacent property line shall not exceed the stricter of:

1. Audible limit: facility LAeq <= historic LA90 + 3 decibels.
2. Low-frequency limit: facility LCeq <= historic LC90 + 5 decibels.
3. Absolute daytime ceiling: 50 dBA / 60 dBC during all daytime hours.
4. Absolute nighttime ceiling: 40 dBA / 50 dBC during all nighttime hours.
5. Regulatory floor: no requirement to attenuate facility noise below 30 dBA.
6. Tonal penalty: A 5 dB penalty shall be added to any measured facility LAeq level if Fast Fourier Transform Analysis identifies a prominent discrete tone (a distinct hum, whine, or drone) in the audible range.

7. Regulatory time periods:
   i) Daytime hours: 7:00 a.m. to 7:00 p.m. on weekdays; 9:00 a.m. to 8:00 p.m. on Saturdays, Sundays, and legal holidays observed by the city.
   ii) Nighttime hours: 7:00 p.m. to 7:00 a.m. on weekdays; 8:00 p.m. to 9:00 a.m. on Saturdays, Sundays, and legal holidays observed by the city.

e. Infrasound “no-net-increase” (hard cap).
   1. Zero (0) decibel limit: for each individual 1/3 octave band between 6.3 Hz and 31.5 Hz, the facility LZeq (average) shall not exceed the historic master baseline LZ90 (background quiet).
   2. Absolute ceiling: in no case shall any individual 1/3 octave band exceed the levels established in Table A.

TABLE A: 1/3-OCTAVE BAND CEILING (LZeq)								
6.3Hz: 85dB	8Hz: 77dB	10Hz: 71dB	12.5Hz: 65dB	16Hz: 60dB	20Hz: 55dB	25Hz: 50dB	31.5Hz: 44dB	40Hz: 39dB

f. Periodic testing or exercising of equipment. Except as expressly mandated by applicable state or federal environmental or safety regulations, routine operation of generators for maintenance and testing is only allowed Monday through Friday from 10:00 a.m. to 4:00 p.m. and shall not exceed a total of six (6) hours in aggregate within any calendar month for the facility. All such testing shall comply with the applicable sound level limits of section 22-32.

g. Ground mounted mechanical equipment, including blowers or generators, shall be enclosed in sound absorbing walls and designed to attenuate noise heard on adjacent properties outside of this district.

h. Ground mounted mechanical equipment, including blowers and generators, shall be set back from an adjacent street right-of-way or the boundary of an adjacent property outside of this district pursuant to section (l)(2)a and, to the extent possible, located within the interior of the building layout to minimize noise heard on surrounding properties.

i. Post-construction verification and compliance.
   1. Compliance study. Within 90 days of commencement of routine operations, the applicant shall fund a post-construction study by a neutral third-party consultant to verify "as-built" compliance under maximum load.
   2. Bond release. The performance bond shall not be released until the city certifies the facility is in full compliance with all noise and vibration standards.

j. The use of external loudspeakers is prohibited.

(3) *Outdoor lighting*.

a. No lighting fixture shall be placed more than twenty-four (24) feet above the ground.

b. No lighting shall exceed twenty-five percent (25%) more than the light level recommended by the most recently published applicable ANSI/IES Lighting Standard at the time of installation.

c. All luminaires emitting more than 1,000 lumens shall be fully shielded in such a manner that no light is emitted, either directly or indirectly, at or above a horizontal plane running through the lowest light-emitting part of the luminaire.

d. No luminaires shall exceed a correlated color temperature of 3000 K.

e. Luminaires activated by motion detection shall automatically turn off or return to the dimmed state no more than five (5) minutes after activity is no longer detected.
f. Any of the lighting requirements of this section may be waived if compliance with the requirement would result in violation of applicable state or federal law.

(4) *Vibration*.
a. All ground-mounted mechanical equipment, including but not limited to generators, chillers, and primary cooling banks, shall be mounted on a vibration-dampening platform, spring-isolated inertial base, or other suitable device designed to decouple the equipment and prevent the transfer of structural vibration into the ground.
b. Ground-borne vibration produced by the facility shall not exceed the levels established in the historic master baseline. Notwithstanding the baseline results, in no case shall post-development vibration levels exceed 0.005 inches/second PPV at the property line or any adjacent street right-of-way.
c. Pre-development and post-development studies shall be conducted to establish a definitive vibration baseline and to verify compliance during routine operations. Measurements shall be taken at multiple locations along each property boundary and street right-of-way.
d. Data must be recorded and evaluated separately for daytime hours (7:00 a.m. to 7:00 p.m.) and nighttime hours (7:00 p.m. to 7:00 a.m.) to account for varying ambient conditions.
e. All vibration studies shall be performed by a neutral third-party consultant selected by the city and funded by the applicant. Studies shall be performed and evaluated pursuant to ANSI S2.71 (Guide to the Evaluation of Human Exposure to Vibration in Buildings) using tri-axial seismic sensors. Final metrics and sensor placement must be approved by the city engineer in advance.
f. Post-development ground vibration levels shall not exceed pre-development baseline levels at any frequency.

(r) *Development agreement*. The property owner shall enter into a development agreement with the city incorporating the requirements of the following subsections and record the same in the office of the county register of deeds. The development agreement shall be a binding covenant upon all future owners, operators, and tenants of the property and shall be executed and recorded prior to issuance of a building permit.
(1) The terms and conditions of final site plan approval.
(2) The terms and conditions of any water and sanitary sewer utilities use agreement.
(3) Nothing in this section shall preclude the city from requiring surety bonds or other financial assurances where legally permitted.

(s) A facility that remains inactive for more than 15 consecutive months must be decommissioned unless otherwise approved by the planning commission at a public hearing. If decommissioned, the site must be restored to pre-development conditions or repurposed for permitted uses.

(t) *Emergency response plan*. An emergency response plan shall be provided to the city prior to any ground disturbance at the project site detailing the planned response actions that will be taken by facility representatives in the event of an emergency. These actions are intended to minimize health risks to personnel and people in the surrounding community, as well as minimize adverse impacts to the environment.
(1) The plan shall include, but is not limited to, a detailed narrative of response procedures and the facility representatives responsible for management of the following plausible contingencies that could occur at the facility:
a. Natural disaster/severe weather.

b. Fire.
c. Lithium-ion battery fire.
d. Security incident.
e. Capacity/transmission.
f. Environmental.
g. Chemical.
h. Pipeline (if applicable).
i. Medical.

(2) The plan shall include procedures for a site evacuation, city and surrounding community notice, designated egress routes, and emergency staging areas.

(3) The plan shall include a stand-alone section detailing the emergency response protocols specific to battery energy storage areas (if applicable).

(4) The plan shall be developed in coordination with local first responders, Ingham County Office of Emergency Management and Ingham County Health Department personnel.

(5) Notwithstanding anything in this section to the contrary, the applicant may redact confidential or proprietary information from any submission hereunder.

Signs. Wall signs in this district shall be limited to a maximum size of eight hundred (800) square feet.

(u) Violations. Any violation of a provision of this section 94-153 shall be designated as a civil infraction.

7. Section 94-173 of Chapter 94, Zoning, Article V. Supplemental Regulations, shall be amended as follows:

Sec. 94-173. Supplemental use regulations.

(d) *Wireless telecommunications towers and antennas*……

(13) Uses permitted by special use permit. No wireless communications facilities other than those permitted by administrative review by subsection 94-173(d)(12) of this chapter shall be permitted except subject to the granting of a special use permit after review and approval by the planning commission pursuant to article VI of this chapter, subject to the general standards applicable to a special use permit as set forth at subsection 94-191(f), the goals set forth at subsection 94-191(a), and the following additional standards:

a. Location criteria.

1. Facilities shall be sited to minimize views to the extent reasonably possible from residential areas or the public right-of-way.
2. Support structures will be located in all geographic districts to minimize their view from neighboring properties and public rights-of-way.
3. Mounted wireless communication facilities are permitted in all districts except single family and two-family districts, except that roof-mounted antennas are not permitted in any residential district.
4. Monopoles and similar support structures are permitted as a principle or accessory use only in the M-2 general manufacturing district, the M-3 technology innovation district, and those portions of the M-1 light manufacturing district, and those commercial districts lying south of a line created by Kipp Road extended and north and west of lines created by North Street and Buhl Street extended.
5. Monopoles not to exceed 150 feet in height are also permitted in the C-1 central business district by special use permit, provided the structure is located on publicly-owned property and is constructed and maintained for joint use by three or more users, at least one of which

shall be a local or state governmental agency operating communication facilities for public safety services as defined under the Homeland Security Act.

6. Monopoles and similar support structures are prohibited in parks, school grounds or other areas heavily trafficked by children.
7. Lattice or guyed towers or antennas or similar structures are prohibited in all districts.

8. Section 94-222 of Chapter 94, Zoning, Article VII. Site Plan Review and Landscape Standards shall be amended as follows:

Sec. 94-222. Uses subject to site plan review.

The uses of land and structures listed in this section shall receive final site plan review and approval in accordance with this article prior to the granting of a building permit or a certificate of occupancy.

(1) Uses in the O-1, O-2, C-1, C-2, C-3, M-1, M-2, and M-3 zoning districts.
(2) Uses in the planned unit development district.
(3) Multiple-family dwelling uses.
(4) Uses permitted by special use permit.
(5) Platted subdivisions (refer to chapter 74).
(6) Site condominium developments.
(7) Public and governmental facilities.
(8) Off-premise signs.
(9) Grading and filling in any district which alters the flow of surface water to or from the property.

9. Section 94-225 of Chapter 94, Zoning, Article VII. Site Plan Review and Landscape Standards shall be amended as follows:

Sec. 94-225. Preliminary site plan review and approval.

(a) *Intent, purpose, consideration concurrent with final site plan*. All uses of land and structures which are subject to the requirements of this article shall receive preliminary site plan review and approval prior to the submission of a final site plan unless the zoning official determines that concurrent preliminary and final site plan review and approval will promote the general welfare of the city. The standards for both preliminary and final site plan review and approval in this article shall be applied when concurrent consideration is allowed. The planning commission may require separate preliminary and final site plan review and approval for any plan subject to consideration by the commission.

(b) *Preliminary site plan application*. The owner or designated agent shall file an application requesting preliminary site plan review and approval with the zoning official. The application shall be accompanied by the information required in this section and be accompanied by the appropriate fees as established by resolution of the city.

(c) *Preliminary site plan application requirements*. All applications for preliminary site plan review and approval shall comply with the basic required submittal standards of subsection 94-225(d)(1) of this chapter. The additional required submittal standards of subsection 94-225(d)(2) of this chapter shall be satisfied by any application for preliminary site plan review and approval involving the following uses of land or structures.

(1) Planned unit development.
(2) Planned residential development.
(3) Site condominium development.
(4) Public and government facility.
(5) Any use in the M-1, M-2, or M-3 zones.

(6) Hotel or motel.
(7) Multiple-family with 12 or more units.
(8) Community commercial center.
(9) Any use involving one or more structures that occupy, either individually or collectively, more than 15,000 square feet of gross floor area.
(10) Other uses as determined by the designated site plan approval body, except that for such other uses, at the sole discretion of the designated site plan approval body, specific requirements of subsection 94-225(d)(2) of this chapter may be waived.

10. Section 94-292 of Chapter 94, Zoning, Article IX. Off-Street Parking and Loading Regulations shall be amended as follows:

Sec. 94-292. General off-street parking and loading requirements.
(h) *Location of parking areas*. All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, with the following exceptions:

(1) Uses in the C-1 district. There shall be no off-street parking space requirements in the C-1 district for those uses which require 20 or less off-street parking spaces. Uses requiring more than 20 off-street parking spaces shall have their parking requirement determined by the planning commission. In making such a decision, the planning commission shall consider the availability of both public and private parking spaces.
(2) Uses in C-2 and C-3 districts. Parking on the premises or within 400 feet.
(3) Uses in M-1, M-2, and M-3 districts. Parking on the premises or within 800 feet.

11. Table 100-1. Lot Dimension Regulations of Chapter 100 Reference Tables and Figures shall be amended as follows:

TABLE 100-1. Lot Dimensional Regulations.
Refer to footnotes listed after table 100-2 of this chapter.

Zoning District and Ordinance Section	Minimum Lot Size (sq. feet)	Minimum Lot Width (feet)	Minimum Lot Area Per Principal Structure (sq. feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Maximum % of Lot Coverage by all Structures
AG Sec. 94-122	30,000	225	30,000	30	15	40	15
RS-1 Sec. 94-123	12,000	90	12,000	30	15	40	30
RS-2 Sec. 94-123	9,600	75	9,600	25	10	35	30
RS-3 Sec. 94-123	8,500	65	8,500	25	(1)	35	35
R2F Sec. 94-124	8,500	65	8,500	25	(1)	35	35

RM Sec. 94-125	8,500	65	8,500(2)	25	15	35	35
MH Sec. 94-126	20 acres	-	5,500(10)	15	10	15	35
O-1 Sec. 94-131	8,500	60	-	25	10(3)	35	35
O-2 Sec. 94-132	12,000	90	-	60(11)	15	40	30
C-1 Sec. 94-141	-	20	-	-	-	-	-
C-2 Sec. 94-142	20,000	100	-	50(11)	10(3)	10(3)	50
C-3 Sec. 94-143	20,000	100	-	50(11)	10(3)	10(3)	50
M—1 Sec. 94-151	60,000(13)	200(13)	-	50(11)	10(3)	20	50(12)
M—2 Sec. 94-152	60,000(13)	200(13)	-	60(11)	20	20	50(12)
M—3 Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153
PUD Sec. 94-161	-	-	-	-	-	-	-

12. Table 100-2. Building Dimensional Regulations of Chapter 100 Reference Tables and Figures shall be amended as follows:

TABLE 100-2. Building Dimensional Regulations.
Refer to footnotes listed after this table.

Zoning District and Ordinance Section	Maximum Height Principal Structure (feet)	Maximum Height Accessory Structure (feet)	Minimum Floor Area Per Dwelling Unit (sq. feet)	Minimum Width Principal Structure (feet)	Minimum Internal Height Principal Structure (feet)
AG Sec. 94-122	35(4)	25(5)	1,200(6)	24	7.5
RS-1 Sec. 94-123	35	25(5)	1,200(6)	24	7.5
RS-2 Sec. 94-123	35	25(5)	1,000(6)	24	7.5
RS-3 Sec. 94-123	35	25(5)	800(6)	24	7.5
R2F Sec. 94-124	35	25(5)	800(6), (7)	24	7.5
RM Sec. 94-125	35	15	(7)	-	-

MH Sec. 94-126	-	15	-	-	-
O-1 Sec. 94-131	45	15	-	-	-
O-2 Sec. 94-132	15	15	-	-	-
C-1 Sec. 94-141	45(14)	15	-	-	-
C-2 Sec. 94-142	45	15	-	-	-
C-3 Sec. 94-143	45	15	-	-	-
M-1 Sec. 94-151	40(8)	40	-	-	-
M-2 Sec. 94-152	45(8)	45	-	-	-
M-3 Sec. 94-153	See Sec. 94-153	45	-	-	-
PUD Sec. 94-161	35	(9)	(7)	-	-

13. Table 100-4. Landscape Buffer Classification Matrix of Chapter 100 Reference Tables and Figures shall be amended as follows:

Table 100-4. Landscape Buffer Classification Matrix.

Subject Property Zoning	AG	RS (all)	R2F	RM	MH	O-1	O-2	C-1	C-2	C-3	M-1	M-2	PUD
AG	na	na	na	na	na	na	na	na	na	na	na	na	na
RS (all)	na	na	na	na	na	na	na	na	na	na	na	na	na
R2F	na	na	na	na	na	na	na	na	na	na	na	na	na
RM	B	B	B	A	B	B	B	B	B	B	B	B	B
MH	C	C	C	C	A	C	C	C	C	C	C	C	C
O-1	B	B	B	B	B	A	A	A	A	A	A	A	B
O-2	B	B	B	B	B	A	A	A	A	A	A	A	B
C-1	na	na	na	na	na	na	na	na	na	na	na	na	na
C-2	B	B	B	B	B	A	A	A	A	A	A	A	B
C-3	B	B	B	B	B	A	A	A	A	A	A	A	B
M-1	D	D	D	D	C	C	C	C	C	C	B	B	C
M-2	D	D	D	D	D	C	C	C	C	C	B	B	C
M-3 (see sec. 94-153)	-	-	-	-	-	-	-	-	-	-	-	-	-
PUD	B	B	B	B	B	B	B	B	B	B	B	B	B

14. Table 100-5. Parking Space Requirements of Chapter 100 Reference Tables and Figures shall be amended as follows:

Table 100-5. Parking Space Requirements.

Land Use	Required Parking Spaces
Single Family Dwelling	2 per dwelling unit
Two-Family Dwelling	1.4 per dwelling unit for efficiency and one-bedroom units 2 per dwelling unit for two or more bedroom units
Multiple Family Dwelling	1.4 per dwelling unit for efficiency and one-bedroom units 2 per dwelling unit for two or more bedroom units
Rooming house	2 per dwelling unit, plus 1 per rooming unit
Hotel, Motel	1 per bedroom
Convalescent Home	0.33 per bed
Hospital	0.33 per bed
Medical Clinic	2 per treatment room
Auditorium, Church, Stadium	0.33 per seat based upon total seating capacity
Elementary and Middle Schools	0.33 per seat based upon total seating capacity of auditorium or gym, whichever is largest
High School and College	1 per 100 sq. ft. UFA
Library, Museum, Post Office	1 per 100 sq. ft. UFA
Golf course	4 per golf hole
Tennis club	4 per court
Dance Hall, Pool Hall, Video Arcade, Lodge, Private Club	1 per 100 sq. ft. UFA in main meeting room or club room
Bowling Alley	5 per bowling lane
Professional Offices, Banks	1 per 200 sq. ft. UFA

Doctor, Dentist, other medical office	1 per 100 sq. ft. of waiting area, plus 1 per exam room or dentist chair
General Offices	1 per 200 sq. ft. UFA
General Retail, General Services, Super Markets, Food Stores	1 per 150 sq. ft. UFA
Barber Shop. Hair Salon	2 per barber chair
Automobile Service Station	2 per service stall
Drive-in Restaurant	6 per 100 sq. ft. UFA
Restaurant, Tavern	1 per 50 sq. ft. UFA
Funeral Home, Mortuary	4 per 100 sq. ft. UFA
Industrial, Warehouse, Wholesale	0.33 per 100 sq. ft. UFA
Self-serve Laundry	1 per 2 washing machines
Auto Repair, Auto Collision Repair	1 per 200 sq. ft. UFA
Day Care Facilities	1 per 10 children
Foster Care Facilities	1 per 3 residents
Data Center	1 per employee (maximum employee shift)

Effective Date. This ordinance shall become effective 20 days after adoption and upon publication.

****

The foregoing Ordinance was moved for adoption by Council Member _____ and supported by Council Member _____, with a vote thereon being: YES ( ) NO ( ), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the _____ day of _____, 20___. Ordinance No. XXX declared adopted this _____ day of _____, 20___.

_____
Russell W. Whipple, Mayor

_____
Sarah J. Jarvis, City Clerk
City of Mason, County of Ingham, State of Michigan

McGINTY, HITCH, PERSON, ANDERSON & REVORE, P.C.

M E M O

TO: MASON CITY COUNCIL

FROM: THOMAS M. HITCH, CITY ATTORNEY

RE: LEGAL OPINION REGARDING INITIATORY PETITIONS TO ADOPT NOISE ORDINANCE REGULATIONS WITHIN THE CITY

DATE: May 28, 2026

The purpose of this memorandum is to set forth the options presented to City Council by the filing of petitions to amend Sections 22-31 and 22-32 of the Code of the City of Mason. The purpose is to replace the standards incorporated in virtually all noise ordinances with new City-wide noise-metered standards. I have been advised by the City Clerk that sufficient, valid signatures have been submitted to trigger the provisions of the City Charter which pertain to initiatory petitions. The following is a brief outline of the provisions and the procedure to be followed.

I. WHAT IS THE EFFECT OF INITIATORY PETITIONS?

As the Council is aware, the City Charter provides a procedure for City Council to act, in its effect, at Sections 7.13 through 7.15 of the Mason City Charter. Those provisions are set forth as follows:

> **Sec. 7.13. Council procedure on initiatory and referendary petitions.**
>
> Upon receiving any initiatory or referendary petition from the Clerk, the Council shall, within thirty days, unless otherwise provided by law, either,
> (1) Enact the ordinance as submitted by such initiatory petition;
> (2) Repeal the ordinance referred to by a referendary petition; or
> (3) Determine to submit the proposal provided for in the petition to the electors.
>
> **Sec. 7.14. Submission of initiatory and referendary petitions to electors.**
>
> Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of the electors of the City voting thereon, except in cases where otherwise required by the Constitution or laws of the State of Michigan.

Sec. 7.15. Effect of a referendary petition.

The presentation to the Council, by the Clerk, of a referendary petition within thirty days after the passage of the ordinance to which such petition refers, shall automatically suspend the operation of the ordinance in question, pending repeal by the Council or final determination by the electors.

An ordinance adopted through initiatory proceedings may not be amended or repealed by the Council for a period of one year after the election at which it was adopted. An ordinance repealed by referendary proceedings may not be reenacted by the Council for a period of one year after the date of the election at which it was repealed.

If two or more initiatory ordinances, adopted at the same election, should have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

It is my understanding that the initiatory petition will be submitted to the City Council at its June 2, 2026 meeting. The Council shall within 30 days either enact the ordinance as submitted, or submit the proposal provided for in the petition to the electors at an upcoming election. The Clerk informs me that due to filing requirements, the election would be in November.

As it pertains to the impact of an ordinance adopted at an initiatory election, the effects are set forth at Section 7.15. As can be seen from the language, an ordinance adopted through initiatory proceedings (i.e. an election) may not be amended or repealed by the Council for a period of one year after the election in which it was adopted. While I need to do further case law research on this particular issue, it does not appear that there is any such restriction if the City adopts the ordinance.

II. CITY COUNCIL CONSIDERATION DURING THE 30-DAY TIME PERIOD

It is my recommendation that the City Council take the full 30 days to consider how to proceed. I do not know whether many of the Council members have reviewed the initiatory ordinance language, but it is a very difficult to understand. I have conferred with the City Engineer, who has also reviewed the ordinance and clearly agrees with that assessment. We would agree that someone more knowledgeable regarding noise regulations and what this ordinance specifically does should be engaged.

To that end, in discussions with the City Manager, she has found a sound expert who would be qualified to evaluate the ordinance so the Council would have more information on the proposal's impact that could help inform the Council. As I read the ordinance, and as I believe I understand what the intention is, I have very serious concerns regarding what appears to be the extremely

restrictive limitation on the generation of noise. While the ordinance provides language regarding the impact on existing uses, it may restrict any improvements or changes in any commercial or industrial zone city-wide.

It may be that the wisest course is for the City Council to adopt the ordinance if it is my conclusion that the City is not restricted in making amendments to the ordinance. It is for these reasons that I strongly recommend the Council take this under consideration and utilize the 30-day time period in deciding how the City should proceed going forward.

TMH:cf

Agenda Report: June 1, 2026 City Council Meeting

AGENDA ITEM

Approve the City Manager's Request to obtain both a Legal Opinion from the City Attorney and a Technical Review from a Qualified Sound Expert of the Initiatory Petition Ordinance Proposal Related and Approve Any Necessary Budget Amendments

RECOMMENDED ACTION

Approve the City Manager's Request to obtain both a Legal Opinion from the City Attorney and a Technical Review from a Qualified Sound Expert of the Initiatory Petition Ordinance Proposal Related and Approve Any Necessary Budget Amendments

PROJECT DETAILS

Staff requests that City Council authorize the City Manager to obtain technical and legal information regarding the impacts of the proposed initiatory petition ordinance.

Based on the feedback from the City Attorney on the complexity and ambiguity of portions of the language within the initiatory petition ordinance, staff proposes reaching out to a sound expert to address the following questions.

1. Whether the proposed methods, metrics, and standards are reasonable from the perspective of an individual responsible for collecting noise data.
2. Whether there may be unintended consequences for existing businesses, operations, or future development, particularly with regard to the potential for differing noise standards for similar uses in different locations.
3. Whether the proposed methods, metrics, and standards are reasonable and legally defensible, particularly regarding continuously operating equipment.
4. Whether the proposed methods, metrics, and standards can be enforced by the City in a predictable, equitable, and reasonable manner, as required legally.
5. Whether the vibration standard proposed is a reasonably practical limit.
6. Whether there are other methods, metrics, and standards that would result in a more effective environmental noise ordinance and a more efficient standard for data collection and enforcement.

Staff specifically reached out to two sound experts (including one recommended by the University of Michigan and previously utilized as a resource by Michigan Public Services Commission) and to the State of Michigan's allocated technical assistance program provided by universities to seek proposals.

To date, staff has received one response from a private provider totaling approximately $3,000 for a written report only, without a presentation component. The report would be in response to the questions above and would not necessarily include new or revised ordinance language. The State of Michigan's technical assistance contacts will not be able to meet until June 9th to discuss their ability to assist, and staff's not sure their response time will be adequate, but they may be able to assist in the future.

In addition, this situation raises several legal and procedural questions regarding the City's authority. The City Attorney has provided a summary (attached) of the items he is looking into regarding the City's regulatory authority moving forward. Below are questions for a legal opinion from City Attorney Hitch:

- If adopted by vote, the Council cannot amend the ordinance for a year. If adopted by Council, what limitations, if any, would exist for amending the ordinance in the future?

- After receipt of the report from the sound expert, what are the legal implications and risks of enforcement of the initiatory petition ordinance, if any, based on the conclusions of the report. Specifically, are there any concerns regarding regulatory takings or exclusionary zoning claims?

If Council has additional questions for either the City Attorney or the sound expert, those requests should be presented as amendments for full consideration of the Council. Please note additional questions for the sound expert may require additional funding.

AUTHORIZATION

- Various sections of state law, City Charter, and legal precedent.

VISION AND COMMUNITY PLANS

- Master Plan 2023: Decision-Making Process: Page 98
  This plan builds upon past planning efforts and provides a framework for transparent decision- making moving forward. As Mason continues to evolve, each development decision should be evaluated to ensure the outcome and impacts are in line with the community's vision. Not every project, redevelopment, public, or private investment can fulfill every expectation, but should demonstrate a concerted effort to make incremental progress toward furthering one or more guiding principles while not negatively impacting the others. **As these plans, projects, and actions come under review by City Council, Planning Commission, or other review boards or committees, the list can help guide the conversation around balancing priorities and trade-offs.**

  Shared Priorities and Understanding for Decisions
  • Change can take time, or it can sometimes seemingly happen too quickly. Change is relative and experienced by each person differently.
  • Incremental outcomes add up to something greater. The collection of improvements across many development projects work together to achieve the vision and guiding principles.
  • Decision makers — council, commissions, city staff — change over time. Having a clear, common set of standards by which the city will evaluate projects will help maintain transparency and consistency over time, no matter who is making the decision.
  • When public input is collected on a potential decision, officials, staff, and developers will document feedback and make a concerted effort to demonstrate how steps were taken to mitigate concerns.

RESOURCE PLANS

- Due to the amount of under $5000, Council does not need to approve the contract, but as it was unexpected and it will require a Budget Amendment for no more than $3500, depending on how the year closes out.

ADDITIONAL MATERIAL

City Attorney Hitch Memo

Member Reports

Cover sheet provided in lieu of Agenda Report

MAYORAL PROCLAMATION

City of Mason, Michigan

***WHEREAS**, the Girl Scouts Heart of Michigan recognizes Riley Kerschke of Troop 30590 for earning the Girl Scout Gold Award, the highest achievement in Girl Scouts; and*

***WHEREAS**, Riley began her scouting journey in first grade as a Daisy Scout in Troop 30590; and*

***WHEREAS**, throughout her time in Girl Scouts, Riley has been an active participant in Juliettes Dream Day Camp, serving the last three years as a volunteer unit leader, and in the Service Area Fall Camp, first as a camper and the last four years as a volunteer teaching archery and axe throwing; and*

***WHEREAS**, Riley has traveled to North Carolina, Georgia, and Alaska with her troop, experiencing adventures such as guiding a kayak through an underground gorge, riding a zip line through the mountains, and visiting the birthplace of Juliette Gordon Low, the founder of Girl Scouts of the USA; and*

***WHEREAS**, from its beginning in 1916, the Gold Award, although it has had many names, has been a symbol of excellence and leadership that recognizes the extraordinary efforts of extraordinary girls, and has inspired generations of young women to find greatness inside themselves and share their ideas and passions through development and management of a project to create sustainable benefit to the community; and*

***WHEREAS**, for her Gold Award Project, Riley led in the design and building of a permanent year-round hammock arbor at Camp Wacousta to encourage Scouts to spend time outdoors, providing twelve hammocks, hammock tarps, and a training video to teach Scouts how to hammock-camp, with the arbor accommodating up to twelve hammocks allowing troops to camp together closer to nature; and*

***WHEREAS,** Riley is a 2025 graduate from Mason High School who was active in track and field, cross country, and soccer, and is now attending Lansing Community College.*

***NOW, THEREFORE, BE IT RESOLVED**, that I, Russell W. Whipple, Mayor of the City of Mason, on behalf of the people of Mason and the Mason City Council, congratulate and commend Riley Kerschke for having attained the prestigious Girl Scout Gold Award and for her continuing commitment to the ideals of scouting, and in sincere commemoration of the noteworthy accomplishments of Riley, do hereby proclaim **Saturday, May 30, 2026** as "**Gold Award Girl Scout Riley Kerschke Day**" in and for the City of Mason.*

CITY OF MASON MICHIGAN

Russell W. Whipple, Mayor
City of Mason, Michigan

Presented: May 27, 2026
Burchfield Park

City Manager's Report: May 29, 2026

IMPORTANT DATES

- **June 1:** City of Mason Social District officially launches at 11:00 a.m. More information is available at: mason.mi.us/SocialDistrict
- **June 19**: City Hall closed to the public in observance of Juneteenth; Staff In-Service day.
- **June 26, 27, 28:** Administrative approval has been granted to Central Michigan Amateur Radio Club and Lansing Area / Ingham County ARPSC for use of the southern end of Rayner Park between the soccer fields and the woods for their annual Field Day event.

OPERATIONS

Expertise Building and Partnerships:

- **May 27:** Community Development Director Hude attended the CATA's Road Ahead Stakeholder meeting. CATA shared data and led a discussion on their proposals for future service changes based on density and demand. CATA is seeking community input now through June 12 through their survey available at http://www.cata.org/RoadAhead. Director Hude worked for CATA as the System Planner prior to her current role with Mason.

Personnel:

- The Michigan Fraternal Order of Police Labor Council executed the Collective Bargaining Agreement with the City, which will be effective July 1, 2026, through June 30, 2029. Final documents are provided: here.
- TRANSITIONS – 2
  - Susan Putman resigned as a Full-time Police Officer, May 26, 2026
  - Justin O'Shaughnessy will start as a Full-time Police Officer, June 1, 2026
- ACTIVE OPPORTUNITIES - 3
  - Police Officer, Full-time (1) – Conditional offer accepted.
  - Sergeant, Full-time (1) – Conditional offer accepted.
  - Lieutenant, Full-time, Non-union (1)- Staff is developing a job description for this position to replace the open Sergeant position. This position would be non-union and responsible for day shift patrol and additional administrative duties.
- STANDING OPPORTUNITIES - Always accepting applications
  - Crossing Guard, Part-time and Substitute; On-Call Firefighter; On-Call Police Officer

CAPITAL IMPROVEMENT PROGRAM PROJECTS

Active or planned for the current Fiscal Year. Removed after one notice of completion.
Note that the estimated schedules are weather and capacity dependent.

FISCAL YEAR 2025-2026		
Project	**Project Name/Description**	**Status**
UTILITIES: SANITARY SEWER, STORM WATER, AND WATER DISTRIBUTION (U)		
2019-U3b, U8	WWTP Plant Construction/ Office Building Remodel	Progress is continuing with the final construction and demolition of non-process areas. Significant completion is slated for June, with final work being completed by winter 2026.
2022-U3	Well No. 7 (Kipp Rd.) Rebuild	4Q to coordinate with other well proposals in 26/27 budget
2024-U6	Supervisory Control and Data Acquisition (SCADA)	In the process of programming and building the physical system.
PARKS/ CEMETERY/ FORESTRY/ NONMOTORIZED (P)		
2020-P24	Lee Austin Park:Capital Improvements	The plan is being reviewed by easement holders.
BUILDING, PROPERTY, EQUIPMENT (B)		
2018-B23	Planning: Zoning Update	Next meeting is May 30 at 1:00 p.m. at City Hall.
2020-B4	DPW: Facility Design/ Construction	In progress, with regular check-ins. On track for completion Fall 2026
2023-B4	Public Participation Plan & Communication Strategy	4Q project depending on capacity.
2019-B10	New Servers/ Switches for City Hall	Scheduled for the end of May.
2022-B3	Replacement Tanker 811	Ordered. Possession anticipated in 2027/28.
2025-B2	Window Repair/ Restoration (Library)	SHPO has authorized the contractor to schedule a pre-construction meeting.
Not Anticipated	Library Insurance Repair	Insurance has not approved the contractor's bid. They provided an alternative contractor, which the City is evaluating and/or whether staff would recommend going with the city-selected contractor and paying the difference.

Resources: More Questions? Please contact Customer Service at 517.676.9155 or info@mason.mi.us

TO: Mayor and City Councilmembers

FROM: Deborah Stuart, City Manager

DATE: June 1, 2026

RE: City Manager's Report- Supplemental Information
Utility Request-3388 W Columbia Road
Data Center Proposal – Project Update

As discussions regarding the proposed data center development continue, a significant amount of information has been circulated publicly regarding the project. Some of this information has been speculative, incomplete, or inaccurate.

City staff met with the developer for the first time on April 27, 2026. While the prospective end-user has elected not to publicly identify itself at this stage of the process, the City has not received confirmation of the end-user's identity and therefore cannot verify or disclose the company involved. No NDA or similar confidentiality agreement has been signed by the City related to this project.

During that meeting and subsequent discussions, staff were able to obtain additional information regarding the proposed development and clarify several items that had been the subject of public discussion. While it is unusual for staff to provide project-specific information at this early stage of the development process, the volume of public discussion and the circulation of inaccurate information have created a need to provide Council and the public with the most current information available. The information contained in this memorandum is intended to clarify known project details and assist Council in evaluating the proposal based on the information currently available. Please note all information is subject to change until final agreements are in place.

Minimum Investment Requirements

Anticipate Contractual Commitment in Act 425 Agreement or Development Agreement

As currently proposed, the Act 425 Agreement would require that the building permits for the project must demonstrate:

- A minimum private capital investment of **$1 billion**.
- A minimum of **$500 million in taxable value**, to include a mix of both personal and real property.

These minimum thresholds would be contractual requirements of the Act 425 Agreement and are intended to ensure the project delivers substantial economic value to the community.

Property Taxes and Incentives

Anticipate Contractual Commitment in Act 425 Agreement or Development Agreement

Staff has consistently communicated that this project will **not receive any local property tax abatements or tax exemptions** during the initial phase of development. The project would be subject to the standard property tax structure applicable to similar developments. Please note these numbers are based on the current Michigan tax structure and millage rates of 2025, unless otherwise indicated.

Property Value	**$ 1,000,000,000**		**Taxable Value**	**$ 500,000,000**
	2025 Mil	**Current Total City Tax Capture***	**Est Capture from this Development**	**New Estimated City Tax Capture***
City** (portion to be shared with Vevay if 425)	15.2500000	$ 4,369,021	$ 7,625,000	$ 11,994,021
Mason Public***	5.9780000	$ 2,222,157	$ 2,989,000	$ 5,211,157
County Summer	6.7807000	$ 1,948,604	$ 3,390,350	$ 5,338,954
IISD	6.2284000	$ 1,935,550	$ 3,114,200	$ 5,049,750
State Education Fund	6.0000000	$ 1,869,632	$ 3,000,000	$ 4,869,632
LCC	3.7611000	$ 1,081,132	$ 1,880,550	$ 2,961,682
Mason School Debt	5.6800000	$ 1,766,749	$ 2,840,000	$ 4,606,749
Mason Sinking	0.9845000	$ 305,150	$ 492,250	$ 797,400
Ingham County Winter	5.6114000	$ 1,624,831	$ 2,805,700	$ 4,430,531
Capital Airport	0.6990000	$ 200,188	$ 349,500	$ 549,688
Capital Area District Library	1.5590000	$ 484,405	$ 779,500	$ 1,263,905
	TOTAL	**$ 17,807,419**	**$ 29,482,461**	**$ 47,073,469**
		City Tax Admin	*$ 216,411*	
**Capture only represents capture within the City of Mason, not their entire capture.*				
***Removed City Park Millage due to elimination in 2027*				
****Mil number is a calculation, based on an assumption of majority of investment being personal.*				

Given the significant impact that a project of this scale could have on local taxing jurisdictions, staff has shared available information regarding the proposal with representatives from Mason Public Schools, the Ingham Intermediate School District, Ingham County, and the Mason Branch Staff of the District Library.

Water Usage

Anticipate Contractual Commitment in Utility Agreement

The City's water system evaluation indicates that the anticipated water demand is well below the capacity currently available within the City's system. Current estimates provided by the developer indicate average usage of **less than 40,000 gallons per day.** If utilized fully, 40,000 gallons per day, the estimated commodity charge is $285,000 per year for water and sewer. Note that an additional ready-to-serve fee would be added based on buildout. The developer has indicated that limited periods of higher water demand may occur; however, those events are anticipated to occur fewer than seven times per year and can be scheduled in coordination with utility operations. These estimates are based on the developer's current design assumptions and the City's requirements.

Based on the information reviewed to date, no additional water infrastructure improvements, including additional wells, are required to accommodate the requested capacity while maintaining the City's projected full build-out water needs.

The developer has also indicated that the facility would utilize a **closed-loop cooling system**, which significantly reduces ongoing water consumption. Under current projections, regulated discharge from the system would occur infrequently, potentially averaging approximately once every seven years. While certain operational periods may require higher-than-average water usage, those activities are expected to be scheduled and managed in coordination with utility operations.

Utility Infrastructure

Anticipate Contractual Commitment in Utility Agreement

The developer has indicated that utility system looping may be required to satisfy insurance and reliability requirements. Should such improvements be necessary, they would be completed at the developer's expense. These are the only anticipated improvements that may be required within the system and would not be at the cost of the City.

While many of the operational details discussed above are currently estimates, any approved project would be required to enter into a formal utility agreement with the City. That agreement would establish operational requirements, utility limitations, cost responsibilities, and other conditions necessary to protect the City's infrastructure and utility customers.

Building Height

Anticipate Contractual Commitment in 425 Agreement or at Site Plan Approval

Based on current discussions and requirements, the developer has committed to a proposed building height of approximately 45 feet, with separate allowances for necessary rooftop appurtenances and mechanical equipment of no more than 65 feet. Final heights would be reviewed as part of the site plan approval process.

Generators

Anticipate Contractual Commitment in 425 Agreement or at Site Plan Approval

The developer has indicated that backup generators would be associated only with the office and administrative portions of the site and are not anticipated to serve the primary data center operations.

Noise

Anticipate Contractual Commitment in 425 Agreement or at Site Plan Approval

The developer has indicated that the project will comply with the performance standards contained within the previously repealed M-3 District ordinance, which was more stringent than the M-2 District.

NEXT STEPS

The following steps remain before any project can proceed:

1. City Manager continues collaborative negotiations between the City and the Township regarding the terms of a 425 Agreement, resulting in a recommended 425 agreement for City Council.
2. Consideration and approval of proposed Act 425 Agreement by the City Council and Township Board.
3. Submission of formal development applications by the property owner, including site plan materials and supporting studies.
4. Review of the project through the City's public development approval process.

Staff will continue to provide updates as additional information becomes available and as negotiations progress.