

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 20, 2015**

Mayor Waltz called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan, 48854. Councilmember Ferris led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz
Absent: Councilmember: None
Also present: Patrick M. Price, Acting City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
John Stressman, Chief of Police

MOTION by Clark, second by Bruno,
to amend the agenda by inserting under Consent Agenda, Agenda Item No. 7 (C) Motion
– Street Closure Request for Maple Street – The Andy Minshall/Heather Allen Leukemia
Fund.

MOTION APPROVED

ANNOUNCEMENTS

Sesquicentennial Legacy Trees are available for purchase.

PEOPLE FROM THE FLOOR

Jack Carmichael of 519 South Rogers invited Council to attend the Mason Town Forum on Oil and Gas Drilling and Leasing Issues, July 28, 2015, at the Mason Area Historical Museum.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Droscha, second by Brown,
to approve the Consent Agenda as follows:

- A. Approval of Minutes
 - Regular Council Meeting – July 6, 2015
- B. Approval of Bills: \$231,111.39
- C. Motion – Street Closure Request for Maple Street – The Andy Minshall/Heather Allen Leukemia Fund
 - to approve the street closure request submitted by Ms. Christine Ramon, Maple Street from Quality Dairy's driveway to Jefferson Street on July 26, 2015, from 11:00 a.m. – 2:00 p.m. to hold a fundraiser for the Andy Minshall/Heather Allen Leukemia Fund.

MOTION APPROVED

REGULAR BUSINESS

Second Reading – Fire Code Ordinance

MOTION by Brown, second by Droscha,
to consider the Fire Code Ordinance read for the second time and adopted.

MOTION APPROVED

**CITY OF MASON
ORDINANCE NO. 200
AN ORDINANCE TO ADD ARTICLE VII - FALSE SUMMONING AND
OBSTRUCTING - TO CHAPTER 42 OF THE CODE OF THE CITY OF MASON
BY PROHIBITING THE UNNECESSARY SUMMONING OF EMERGENCY
PROVIDERS, THE RAISING OF A FALSE ALARM, AND THE OBSTRUCTING
OF AND DISOBEYING FIREFIGHTERS WITHIN THE CITY OF MASON**

THE CITY OF MASON ORDAINS: Article VII - False Summoning and Obstructing - of Chapter 42 of the Code of the City of Mason shall be added to read as follows:

FALSE SUMMONING AND OBSTRUCTING

Sec. 42-301. Prohibited acts.

(a) *False summoning of police or fire department or ambulance.* It shall be unlawful for any person to summon, as a joke or prank or otherwise without any good reason therefore, by telephone or otherwise, the police or fire department or any public or private ambulance to go to any address where the service called for is not needed.

(b) *False alarm fire.* It shall be unlawful for any person to:

(1) Raise a false alarm of fire at any gathering or in any public place.

(2) Ring any bell or operate any mechanical apparatus, electrical apparatus, or combination thereof, for the purpose of creating a false alarm of fire.

(3) Raise a false alarm of fire or by telephone or in person.

(c) *Firefighter; obstructing and disobeying.* It shall be unlawful for any person to, while in the vicinity of a fire or other emergency, willfully disobey any reasonable order or rule of the officer commanding any fire department, when the order or rule is given by the commanding officer or firefighter there present.

Sec. 42-302. Rewards and reimbursements for information.

(a) The city may offer a reward in an amount to be established by resolution of the city council for information leading to the identification and apprehension of any person who willfully violates this article. In the event of any such expense to the fire and/or police departments when their services are not needed, the offender or the parents or legal guardian of any un-emancipated minor shall reimburse the city for any rewards paid. In the event of multiple contributors of information, the reward amount shall be divided by the city in the manner it shall deem appropriate.

(b) Claims for rewards under this section shall be filed with the city in the manner specified by a resolution of the city council.

(c) No claim for reward shall be allowed unless the city investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied.

Sec. 42-303. Penalties.

(a) *Fines and imprisonment.* Any person violating this article shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days and a fine of not more than five hundred dollars (\$500).

(1) In the case of a minor, the parents or legal guardian shall be jointly and severally liable with the minor for payment of all fines and costs.

(2) Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property that includes the fines and administrative costs.

(3) Upon the application and finding of indigence, the court may decline to order fines against the minor, parents, or guardian.

(b) *Restitution.* In addition to any punishment specified in this section, the court may order

any violator to make restitution to the city for the expense of the fire and/or police departments or to any ambulance provider for their services that were not needed or for any other damages or loss caused, directly or indirectly, by the violator's offense in the amount or manner determined by the court. In the case of a minor, the parents or legal guardian shall be ordered jointly and severally liable with the minor for liquidated damages in an amount equal to the cost billed by the city's police and/or fire departments.

(c) *Community service.* In lieu of, or as part of, the penalties specified in this section, a minor or adult may be required by the court to perform community service as described by the court based on the following minimum requirements:

(1) The minor or adult shall perform at least thirty (30) hours of community service.

(2) At least one parent or guardian of the minor shall be in attendance a minimum of fifty percent (50%) of the period assigned to community service.

(3) The entire period of community service shall be performed under the supervision of a community service provider approved by the chief of police. In the event that the offender violates section 42-301 of this article at a school, then the community service will be performed at said school. If the school does not approve said offender to do community service there, then it shall be performed in accordance with the rest of this section.

(4) Reasonable effort shall be made to assign a person who violates section 42-301 to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult.

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published; and

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

The foregoing Ordinance was moved for adoption by Council Member Brown and seconded by Council Member Droscha with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 20th day of July, 2015.

ORDINANCE APPROVED

Motion – Authorize Acting City Administrator to Proceed in Purchase of New Street Sweeper

Price stated that street cleaning is one of the fundamental public serves provided by the City. He commented that the existing street sweeper was purchased in 1998 and that it is taking more employee time than it should to sweep the city streets. Consequently, it is not being done efficiently or often enough.

Discussion ensued regarding motor vehicle pool fund purchases, specifically relating to how the purchase of a street sweeper would or would not affect the purchase of a fire truck. Also discussed was whether the purchase should be considered in the next fiscal year budget as a priority purchase. Discussion on current budget considerations continued. Acting Administrator Price offered to hold a work session in the future to review budgeting relating to an enterprise fund, property tax fund, Act 51 monies, etc.

*Mulvany stepped away from the meeting at 8:00 p.m. and returned at 8:01 p.m.

MOTION by Droscha, second by Bruno,
to authorize the Acting City Administrator to proceed in the process of gathering
information needed for a new street sweeper.

Yes (6) Brown, Bruno, Clark, Droscha, Mulvany, Waltz

No (1) Ferris

MOTION APPROVED

Discussion – MML Executive Search Team

Waltz stated that a special meeting was held by City Council prior to the regular meeting to permit all council members to participate with the City Council Ad Hoc Subcommittee in hearing the presentation by Kathie Grinzinger, MML Lead Executive Recruiter, on the advantages of their executive search team. The ad hoc committee has been charged with gathering information and recommending a consultant firm to provide guidance and advice throughout the recruitment and selection process of filling the vacant City Administrator position.

Waltz stated that the ad hoc subcommittee met briefly following the Special Meeting to discuss their findings. He announced that there was unanimous consensus to recommend that Council utilize the MML Executive Search Team services for the purpose of securing a new city administrator.

*Ferris stepped away from the meeting at 8:09 p.m. and returned at 8:12 p.m.

The subcommittee members spoke regarding the rationale for choosing MML. Discussion ensued about the venues and process utilized in their research, as well as concerns regarding limitations due to the ninety-day time line. It was suggested that more research needed to be done before choosing a firm to allow having a comparison of services. It was discussed that International City/County Management Association (ICMA) was considered, and like many other firms that were considered, they do not have a Michigan office, which would result in traveling and lodging expenses for the city in addition to the cost of the firm's services. ICMA recommended MML as a qualified executive search team, who will provide the advertisement to ICMA for publishing in their national bi-weekly newsletter that is disseminated to every city administrator and assistant administrator in the country.

MOTION by Bruno, second by Mulvany,
to enter into a contract with Michigan Municipal League to perform a search
process and secure a permanent city administrator.
Yes (6) Brown, Bruno, Droscha, Ferris, Mulvany, Waltz
No (1) Clark
MOTION APPROVED

UNFINISHED BUSINESS

None.

NEW BUSINESS

MOTION by Droscha, second by Brown,
to dissolve the ad hoc subcommittee.
MOTION APPROVED

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

Brown informed Council regarding Planning Commission business.

COUNCILMEMBER REPORTS

Brown reported that the Mason Sesquicentennial Committee information session about the time capsule had been postponed.

ADMINISTRATOR'S REPORT

Price informed Council regarding City business. Council thanked Mr. Price for making improvements and adjustments that boosted employee morale and had been a concern of Council for some time.

ADJOURNMENT

The meeting adjourned at 8:46 p.m.

Deborah J. Cwierniewicz, City Clerk

Mike F. Waltz, Mayor