

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF DECEMBER 19, 2016**

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

Present: Councilmembers: Brown, Bruno, Clark, Ferris, Mulvany, Waltz  
Absent: Councilmember: Droscha  
Also present: Deborah S. Stuart, City Administrator  
Deborah J. Cwiertniewicz, City Clerk

**ANNOUNCEMENTS**

The American Red Cross is requesting blood and platelet donors.

**PEOPLE FROM THE FLOOR**

None.

**PUBLIC HEARING**

**Special Assessment Roll for the Sidewalk Improvements Special Assessment Project 2017-1**

Mayor Waltz opened the public hearing at 7:34 p.m. to hear objections to the Project and to the proposed special assessment district.

Kurt Bancroft of 100 North Jefferson stated objection to the proposed special assessment estimated cost for his property. His objection was based on his experience from 20 years ago when streets, sewer, curb and gutter were originally constructed.

Mary Lou Keenan of 220 Elm Street inquired about having additional work performed with the improvements. Staff will meet with her.

Tom Hoffman of 859 Northbrook Street inquired about the cost. Staff will meet with him.

Mary Stephens of 440 North Jefferson Street submitted a letter of objection stating that her sidewalks were reconstructed in 2006 and she doesn't feel they are in need of repair.

Mayor Waltz closed the public hearing at 7:53 p.m.

**Resolution – Approval of Special Assessment Resolution No. 3 for Project 2017-1**

MOTION by Brown, second by Ferris,  
to consider Special Assessment Resolution No. 3 of Project No. 2017-1 as read.  
**MOTION APPROVED**

Special Assessment Resolution No. 3 – Project No. 2017-1 was introduced by Brown and seconded by Mulvany.

**CITY OF MASON  
2017 SIDEWALK IMPROVEMENTS  
SPECIAL ASSESSMENT RESOLUTION NO. 3  
PROJECT NO. 2017-1  
December 19, 2016**

**WHEREAS**, the City Council of the City of Mason, pursuant to the provisions of Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter, did on Monday, the 21st day of November, 2016, adopt resolutions tentatively approving the installation and construction of certain sidewalk improvements (the "Project," described below), and the establishment of a special assessment district therefore for the purpose of defraying all or a portion of the cost of the Project, which Project and special assessment district therefore are more specifically hereinafter described;

**WHEREAS**, this City Council did meet in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan, on Monday, the 19<sup>th</sup> day of December, 2016, at 7:30 o'clock, p.m., the time, date and place set by the City Council to conduct a public hearing to hear any objections to the Project and to the proposed special assessment district therefore;

**WHEREAS**, estimates of cost of said Project are on file with the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The City Council hereby determines to make the following described sidewalk improvements:

The installation of sidewalks and related improvements, and/or replacement of sidewalks in the public right-of-way of the following properties and along and adjacent to the following streets: 201 E Ash, 216 E Ash, 220 E Ash, 226 E Ash, 405 S Barnes, 520 S Barnes, 603 S Barnes, 604 S Barnes, 611 S Barnes, 100 Corbin, 111 E Elm, 115 E Elm, 116 E Elm, 121 E Elm, 122 E Elm, 226 E Elm, 327 E Elm, 408 E Elm, 416 E Elm, 417 E Elm, 423 E Elm, 426 E Elm, 427 E Elm, 435 E Elm, 224-226 W Elm, 225 W Elm, 227 W Elm, 228 W Elm, 235 W Elm, 238 W Elm, 305 W Elm, 306 W Elm, 309 W Elm, 315-317 W Elm, 320 W Elm, 324 W Elm, 837 Eugenia, 848 Eugenia, 849 Eugenia, 897 Franklin Farm, 630-632 Henderson, 525 Holt, 100 N Jefferson, 103 N Jefferson, 107 N Jefferson, 115 N Jefferson, 119 N Jefferson, 123 N Jefferson, 137-139 N Jefferson, 141-143 N Jefferson, 150 N Jefferson, 154 N Jefferson, 172-188 N Jefferson, 196 N Jefferson, 235 N Jefferson, 238 N Jefferson, 245 N Jefferson, 250 N Jefferson, 255 N Jefferson, 440 N Jefferson, 444 N Jefferson, 456 N Jefferson, 457 N Jefferson, 525-527 S Jefferson, 601 S Lansing, 605 S Jefferson, 801 Northbrook, 809 Northbrook, 817 Northbrook, 825 Northbrook, 850 Northbrook, 852 Northbrook, 856 Northbrook, 857 Northbrook, 858 Northbrook, 859 Northbrook, 125 Okemos, 524 S Rogers, 531 Steele;

2. The City Council hereby approves the plans and estimate of cost for the Project in the sum of \$105,332, and approves the additional estimated sum of \$15,800 to defray legal, financing and administrative costs. Of the estimated total cost of \$121,132, the City Council determines to assess \$44,568 of that amount against benefiting property owners in the City.

3. The City Council determines that the special assessment district for the Project shall consist of the lots and parcels of land in the area of the City described in **Exhibit A**, attached hereto and incorporated herein by reference, and excluding all streets and other land deemed not benefited.

4. The City Council hereby directs the City Assessor to make, and report to the City Council within thirty (30) days from the date of this resolution, a special assessment roll in which shall be described all of the parcels of land to be assessed as set forth with the names of the owners thereof, if known, and the total amount to be assessed against each parcel of land, which amounts shall be such relative proportion of the whole sum to be levied against all parcels of land in the special assessment district as, on a front foot basis, the benefit to such parcel bears to the total benefit of all parcels of land in the special assessment district, all in accordance with Section 66-7 of the City's Code of Ordinances, and subject to review and modification by the City Council.

5. When the City Assessor shall have completed the special assessment roll, he shall affix thereto his certificate, pursuant to Section 66-9 of the City's Code of Ordinances, stating that said roll was made pursuant to a resolution of the City Council, adopted on, December 19, 2016, for the purpose of paying that part of the cost which the City Council decided should be paid and borne by special assessment for the Project, that in making such assessment he has, as near as may be, and according to his best judgment, conformed in all things to the directions contained in the resolution of the City Council hereinbefore referred to, and the Charter of the City relating to such assessment, and the City Assessor shall then, within thirty (30) days from the date of this resolution, report the special assessment roll with his certificate attached thereto to the City Council.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

**RESOLUTION APPROVED**

**Resolution – Approval of Special Assessment Resolution No. 4 for Project 2017-1**

MOTION by Brown, second by Ferris,

to consider Special Assessment Resolution No. 4 of Project No. 2017-1 as read.  
MOTION APPROVED

Special Assessment Resolution No. 4 – Project No. 2017-1 was introduced by Brown and seconded by Mulvany.

**CITY OF MASON  
2017 SIDEWALK IMPROVEMENTS  
SPECIAL ASSESSMENT RESOLUTION NO. 4  
PROJECT NO. 2017-1  
December 19, 2016**

**WHEREAS**, by resolution adopted Monday, November 21, 2016, the City Council of the City of Mason determined to install and construct the more particularly hereinafter-described sidewalk improvements (the "Project") and assess all or a portion of the cost thereof against the property deemed benefited by the Project, all in accordance with Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter; and

**WHEREAS**, the City Assessor has prepared and reported to the City Council a special assessment roll assessing all or a portion of the cost of the Project to the property benefited thereby with his certificate attached thereto pursuant to Section 66-9 of the City's Code of Ordinances; and

**WHEREAS**, the City Council desires to schedule a public hearing to review and hear objections to the special assessment roll.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The special assessment roll shall be filed with the office of the City Clerk and shall be available for public examination during regular business hours on regular business days.
2. The City Council shall meet at 7:30 o'clock in the p.m., on Monday, the 20th day of March, 2017, in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing and hearing objections to the special assessment roll.
3. The City Clerk shall cause notice of the hearing and the filing of the special assessment roll to be given to all interested property owners as provided by Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter. The notice as published and mailed shall be in substantially the following form:

**NOTICE OF HEARING  
CITY OF MASON  
INGHAM COUNTY, MICHIGAN  
NOTICE OF PUBLIC HEARING ON THE  
SPECIAL ASSESSMENT ROLL FOR THE  
2017 SIDEWALK IMPROVEMENTS SPECIAL ASSESSMENT DISTRICT 2017-1**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN**, the owners of the land described below within the 2017 Sidewalk Improvements Special Assessment District 2017-1, and any other interested persons:

**PLEASE TAKE NOTICE** that the City Assessor has reported to the City Council and filed in the office of the City Clerk for public examination a special assessment roll prepared by him, which roll includes all properties that are within the 2017 Sidewalk Improvements Special Assessment District 2017-1, and are benefited by the proposed sidewalk improvement project generally described as follows:

The installation and/or replacement of sidewalks in the public right-of-way of the following properties and along and adjacent to the following streets: 201 E Ash, 216 E Ash, 220 E Ash, 226 E Ash, 405 S Barnes, 520 S Barnes, 603 S Barnes, 604 S Barnes, 611 S Barnes, 100 Corbin, 111 E Elm, 115 E Elm, 116 E Elm, 121 E Elm, 122 E Elm, 226 E Elm, 327 E Elm, 408 E Elm, 416 E Elm, 417 E Elm, 423 E Elm, 426 E Elm, 427 E Elm, 435 E Elm, 224-226 W Elm, 225 W Elm, 227 W Elm, 228 W Elm, 235 W Elm, 238 W Elm, 305 W Elm, 306 W Elm, 309 W Elm, 315-317 W Elm, 320 W Elm, 324 W Elm, 837 Eugenia, 848 Eugenia, 849 Eugenia, 897 Franklin Farm, 630-632 Henderson, 525 Holt, 100 N Jefferson, 103 N Jefferson, 107 N Jefferson, 115 N Jefferson, 119 N Jefferson, 123 N Jefferson, 137-139 N Jefferson, 141-143 N Jefferson, 150 N Jefferson, 154 N Jefferson, 172-188 N

Jefferson, 196 N Jefferson, 235 N Jefferson, 238 N Jefferson, 245 N Jefferson, 250 N Jefferson, 255 N Jefferson, 440 N Jefferson, 444 N Jefferson, 456 N Jefferson, 457 N Jefferson, 525-527 S Jefferson, 601 S Lansing, 605 S Jefferson, 801 Northbrook, 809 Northbrook, 817 Northbrook, 825 Northbrook, 850 Northbrook, 852 Northbrook, 856 Northbrook, 857 Northbrook, 858 Northbrook, 859 Northbrook, 125 Okemos, 524 S Rogers, 531 Steele; and

The special assessment roll has been prepared for the purpose of assessing a portion of the costs of the acquisition and construction of the sidewalk improvement project and work incidental thereto within the special assessment district, as more particularly shown on the plans of the City's engineers, which are on file and available for public examination with the City Clerk at the City Hall, 201 West Ash Street, Mason, Michigan, within the City. The total estimated assessment there under is \$44,568.

**PLEASE TAKE FURTHER NOTICE** that the City Assessor has further reported that the assessment against each parcel of land within the special assessment district is such relative portion of the whole sum levied against all parcels of land in the special assessment district as the benefit to such parcel bears to the total benefit to all parcels of land in the district.

**PLEASE TAKE FURTHER NOTICE** that the City Council will meet on Monday, the 20th day of March, 2017, at 7:30 o'clock, p.m., in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing the proposed special assessment roll and hearing any objections thereto. The special assessment roll may be examined at the office of the City Clerk during regular business hours of regular business days until the time of the hearing and may further be examined at the hearing.

Appearance and protest at the hearing, in person or in writing, are required in order to appeal the action of the City Council in approving the special assessment roll, and/or the amount of an assessment, to the state tax tribunal. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment proceedings or may file his or her appearance and protest by letter and his or her personal appearance will not be required. The owner or any person having an interest in the real property who protests in person or in writing at the hearing may file a written appeal of a special assessment with the state tax tribunal within 35 days of the date the special assessment roll is confirmed by the City Council.

Further information regarding the 2017 Sidewalk Improvements special assessment project is available at the City Clerk's office, City Hall, 201 West Ash Street, Mason, Michigan 48854.

Dated: December 19, 2016

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Deborah Cwierniewicz, City Clerk  
City of Mason  
Ingham County, Michigan

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

**RESOLUTION APPROVED**

**Michigan Community Development Block Grant (CDBG) Funding for the Mason Square**

Stuart stated that public hearing was specifically being held to apply for funds for a project that will be developed by Mason Square Properties, LLC.

Mayor Waltz opened the public hearing at 8:03 p.m. to hear objections to the Project and to the proposed special assessment district. As there were no public comments, the applicants were invited to speak.

Mary and John Kelsey, owners of Mason Square Properties, LLC, spoke regarding their project to redevelop 160 East Ash Street. It is planned to demolish the building and construct a three story structure on the property and the vacant lot next to it. The three story building is planned to have a destination restaurant on the first floor and apartments on the second and third floor.

Mayor Waltz closed the public hearing at 8:07 p.m.

**Resolution – Authorizing City Administrator as Certifying Officer**

MOTION by Brown, second by Ferris,  
to consider the resolution, Authorizing City Administrator as Certifying Officer,  
as read.

**MOTION APPROVED**

Introduced by Mulvany and seconded by Brown the resolution, Authorizing City Administrator as Certifying Officer.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2016-47  
DESIGNATE THE CITY ADMINISTRATOR AS THE CERTIFYING OFFICER, THE  
PERSON AUTHORIZED TO CERTIFY THE MICHIGAN CDBG APPLICATION, AND THE  
PERSON AUTHORIZED TO SIGN THE GRANT AGREEMENT, PAYMENT REQUESTS,  
AND ANY OTHER NECESSARY DOCUMENTS TO COMPLETE THE PROJECT THAT  
DO NOT NEGATIVELY IMPACT THE CITY OF MASON'S BUDGET  
December 19, 2016**

**WHEREAS**, the City of Mason has been invited by the Michigan Strategic Fund to submit a CDBG application in the amount of \$560,000 plus any approved Administrative costs;

**WHEREAS**, the City of Mason desires to use the CDBG funds for the Mason Square Project;

**WHEREAS**, the proposed project is consistent with the local community development plan as described in the application;

**WHEREAS**, at least 51% of the beneficiaries of the proposed project will be low and moderate income persons;

**WHEREAS**, local funds and any other funds to be invested in the project have not been obligated and will not be obligated prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to incur costs from the Michigan Economic Development Corporation.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Mason hereby designates the City Administrator as the Certifying Officer, the person authorized to certify the Michigan CDBG Application, and the person authorized to sign the Grant Agreement, payment requests, and any other necessary documents to complete the project that do not negatively impact the City of Mason's budget.

**RESOLUTION APPROVED**

**CONSENT AGENDA**

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

- A. Motion – Approve Minutes: Regular Council Meeting: December 5, 2016
- B. Motion – Approve Bills in the Amount of \$191,503.80
- C. Resolution – Approve Mayoral Appointments to City Boards and Commissions

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2016-48  
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS  
December 19, 2016**

**BE IT HEREBY RESOLVED**, that the Mayor, with confirmation by the City Council, does hereby make the following appointments/reappointments to the specified boards and commissions of the city and that each term shall commence January 1, 2017 and expire on December 31 of the year noted.

Building Code & Sign Board	Ken Brown	2019
	Eric Harter	2019

Board of Ethics	Kathleen Dean William H. Noud, Jr.	2019 2019
Dangerous Buildings Hearing Officer	Bruce Johnston	2019
Downtown Development Authority	Tim Gaylord Jettie Feintuch Jamie Robinson Mary Kelsey (Filling an unexpired term)	2020 2020 2020 2018
Historic District Commission	Mark Cummings Loren Shattuck Chad Linsley (Filling an unexpired term)	2019 2019 2018
Local Officers Compensation Commission	William Shepard	2021
Planning Commission	Seth Waxman Jettie Feintuch	2019 2019
Traffic Commission	Jeff Haueter Larry Briggs	2019 2019
Tree Commission	Jim Duthie	2019

D. Resolution – Approve Council Appointments to City Boards and Commissions

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2016-49  
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS  
December 19, 2016**

**BE IT HEREBY RESOLVED**, that the City Council of the City of Mason does hereby make the following appointments/reappointments to the specified boards and commissions of the City and that each term shall commence January 1, 2017 and expire on December 31 of the year noted:

Board of Review	Pete Curtis	2019
Building Authority	Mark Howe	2019
Cemetery Board	Scott Shattuck	2019
Local Development Finance Authority	Gary Naeyaert	2020
Utility Rate Study Committee	Lori Hagle	2019
Zoning Board of Appeals	Douglas Crips Bob McCormick Harry Spenny Ward Harris (alternate member) (Filling Unexpired Term)	2019 2019 2019 2018

E. Resolution – Establishment of City Council and Planning Commission Meeting Dates for the Year 2017

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2016-50  
ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION  
MEETING DATES FOR THE YEAR 2017  
December 19, 2016**

**BE IT HEREBY RESOLVED** by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2017, and that said meetings are to be held on the first and third Mondays of each month, with exception of two holidays, scheduled as \*Tuesday meetings,

January \*3 and 16  
February 6 and 20  
March 6 and 20  
April 3 and 17  
May 1 and 15  
June 5 and 19

July 3 and 17  
August 7 and 21  
September \*5 and 18  
October 2 and 16  
November 6 and 20  
December 4 and 18  
January 8, 2018;

**BE IT FURTHER RESOLVED**, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2017, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months,

January 10	May 9	September 12
February 14	June 13	October 10
March 14	July 11	November 14
April 11	August 15	December 12
		January 9, 2018;

**BE IT FURTHER RESOLVED**, that these meetings will be held in the City Council Chamber, City Hall, 201 West Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; and

**BE IT FINALLY RESOLVED**, that the City Clerk shall cause these dates to be published in a local newspaper.

F. Resolution – Approve City Administrator Performance Evaluation for Calendar Year 2016

**CITY OF MASON**  
**CITY COUNCIL RESOLUTION NO. 2016-51**  
**CITY ADMINISTRATOR PERFORMANCE EVALUATION**  
**FOR 2016 CALENDAR YEAR**  
**December 19, 2016**

**WHEREAS**, City Council Resolution 2016-40 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis and further provides that upon completion of the performance evaluation process, the Mayor and Mayor Pro Tem may submit to the Council proposed revisions to the Employment Contract between the City Administrator and the City Council;

**WHEREAS**, on December 5, 2016, the City Council met for the purpose of reviewing the composite "City Administrator Performance Evaluation Form" for the purpose of job performance of City Administrator Deborah S. Stuart, for the purpose of discussing revision of the Employment Contract between Administrator Stuart and the City Council; and

**WHEREAS**, at the request of Administrator Stuart, the review meetings by the City Council were held in executive session pursuant to the provisions of the Open Meetings Act.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council remains satisfied with Administrator Stuart in her management of, and service to, the City of Mason. Administrator Stuart continues to meet the job performance expectations of the Council. The Council feels that Administrator Stuart leads City operations in a manner generally consistent with the collective goals and ideals of the Council, as well as those of the City as a whole;

**BE IT FURTHER RESOLVED**, that the City Council evaluated the performance of the City Administrator in fulfilling the responsibilities of the position by rating the following categories. The measure was a composite score of multiple categories using the following scale: 2.7-3 = *Exceeds expectations*; 1.6-2.6 = *Meets expectations*; 1.5 or less = *Fails expectations*.

**BE IT FURTHER RESOLVED**, that Administrator Stuart achieved an overall performance rating of 2.6 and met City Council expectations;

**BE IT FURTHER RESOLVED**, that in accordance with City Council Resolution 2016-40, this resolution is hereby submitted by Mayor Michael Waltz and Mayor Pro Tem Marlon Brown for consideration by the City Council as the written summary of the conclusions of the Council regarding the job performance of City Administrator Deborah S. Stuart; and

**BE IT FINALLY RESOLVED**, that in accordance with City Council Resolution No. 2016-14, a copy of this resolution shall be placed in the personnel file of City Administrator Deborah S. Stuart.

**MOTION APPROVED**

### **REGULAR BUSINESS**

#### **Motion – Approve Installment Purchase Agreement for Purchase of Fire Truck**

Waltz stated that he would be abstaining from this item due to a conflict of interest.

Stuart informed Council that delivery of the new 3,000 gallon pumper/tanker truck, to replace 807, is expected in December 2016. This new pumper/tanker was approved by the City Council on October 15, 2015. Three quotes were requested and three quotes were received for financing for this new apparatus: Dart Bank and Mason State Bank provided quotes with an interest rate at 2.0%, and Independent Bank at 4.5%. Being that there are two equal low interest rate quotes, she recommended Dart Bank because its headquarters are located in Mason. She stated that requested action of the City Council is to move to approve Dart Bank as financing entity for the new fire pumper/tanker truck

MOTION by Brown, second by Ferris,  
to approve Dart Bank as financing for the new fire pumper/tanker truck.

**MOTION APPROVED**

#### **Resolution – Approve City Administrator Employment Contract Amendment No. 1**

MOTION by Brown, second by Ferris,  
to consider the resolution, Approve City Administrator Employment Contract Amendment No. 1, as read.

**MOTION APPROVED**

Introduced by Brown and seconded by Mulvany the resolution, Approve City Administrator Employment Contract Amendment No. 1.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2016-52  
CITY ADMINISTRATOR EMPLOYMENT CONTRACT AMENDMENT NO. 1  
December 19, 2016**

**WHEREAS**, the City Council executed a contract with Deborah Stuart to serve as the Mason City Administrator effective January 1, 2016;

**WHEREAS**, City Council Resolution 2016-40 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis and further provides that upon completion of the performance evaluation process, the Mayor and Mayor Pro Tem may submit to the Council proposed revisions to the Employment Contract between the City Administrator and the City Council;

**WHEREAS**, Mayor Mike Waltz and Mayor Pro Tem Marlon I. Brown do hereby recommend the following amendments to the current Employment Contract between Deborah S. Stuart and the City Council of the City of Mason:

1. Strike and replace Section 7, Employee Benefits, subsection c, Retirement, clause (iii), with "The City will also contribute an amount equal to three percent (3%) of the Administrator's salary to the ICMA-RC 457 Plan and match up to an additional three percent (3%) of the Administrator's contributions to this plan. The sum total of the City's contributions shall not exceed six percent (6%) of the Administrator's salary within a single calendar year."
2. Strike and replace Section 11, Term of Contract, with "This contract shall commence on January 1, 2016, upon the Administrator filing her oath of office, and shall continue



thereafter for an indefinite term until termination, amendment, or renegotiation at the pleasure of the Council.”

3. Strike and replace Section 12, Evaluation, with “The Administrator shall have an annual performance evaluation in accordance with the process and guidelines set forth in the adopted resolution by Council.”

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council does hereby authorize the Mayor to execute the Amended and Restated Employment Contract between Deborah S. Stuart and the City Council of the City of Mason incorporating the revisions proposed herein, effective January 1, 2017, and that a copy of the amended and restated contract be printed in full and placed on file.

**RESOLUTION APPROVED**

**Ordinance – Introduction and First Reading of Off-Road Vehicle (ORV) Ordinance**

Stuart stated that she is recommending to not move forward with the proposed Off-Road Vehicle Ordinance.

Bruno stated that he is a strong supporter of the ordinance. He knows that noise is a concern and informed Council that it is quieter than his Camaro.

MOTION by Clark, second by Bruno,  
to introduce the ordinance, Off-Road Vehicle (ORV) Ordinance, and consider it  
read for the first time.

Yes (2) Bruno, Clark

No (4) Brown, Ferris, Mulvany, Waltz

Absent (1) Droscha

**MOTION FAILED**

**Ordinance – Introduction and First Reading of Consumers Energy Company Gas Franchise Ordinance**

Chris Thelen, Consumers Energy Area Manager, stated that 30 years is the maximum a franchise may be granted in accordance with the State Constitution. The current 30-year gas franchise ordinance expires in 2016.

MOTION by Brown, second by Ferris,  
to introduce the ordinance, Consumers Energy Company Gas Franchise  
Ordinance, and consider it read for the first time.

**MOTION APPROVED**

**UNFINISHED BUSINESS**

**Ordinance – Second Reading and Approval of Prohibitive Vegetation Regulation Ordinance**

MOTION by Brown, second by Ferris,  
to consider Prohibitive Vegetation Regulation Ordinance read for the second time  
and adopted.

Yes (5) Bruno, Brown, Ferris, Mulvany, Waltz

No (1) Clark

Absent (1) Droscha

**MOTION APPROVED**

**NEW BUSINESS**

None.

## **CORRESPONDENCE**

All correspondence was distributed.

## **LIAISON REPORT**

- Brown informed Council regarding business of the Planning Commission.
- Waltz informed Council regarding Downtown Development Authority business.

## **COUNCILMEMBER REPORT**

None.

## **ADMINISTRATOR'S REPORT**

Stuart informed Council regarding City business. She stated that Gestamp will begin construction this week. The library has had boiler issues; however, Consumers Energy is funding a boiler replacement and hopes that it will be corrected by the end of the week. City Hall will be closed for the holidays on December 23, 26, 30, 2016, and January 2, 2017. She thanked the Police Officers and DPW workers who will be working on those vacation days.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:36 p.m.

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Deborah J. Cwierniewicz, City Clerk

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Michael F. Waltz, Mayor