

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 3, 2018**

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

Present: Councilmembers: Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple
Absent: None
Also present: Deborah S. Stuart, City Administrator, Sarah J. Jarvis, City Clerk

PUBLIC COMMENT

None

AMENDED AGENDA

MOTION by Droscha, second by Ferris,
to amend the Agenda as presented with addition of Item 6D – Approve Updated Purchase Agreement for Temple Street Property and Authorize the City Representatives to Make Minor Modifications and to Execute the Document and a clerical correction to Item 7A.

MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

MOTION by Droscha, second by Ferris,
to approve the Consent Calendar as presented.

- A. Minutes:
 - 1. Approve Minutes of Regular Council Meeting November 26, 2018.
 - 2. Approve Minutes of Closed Session Council Meeting November 26, 2018 (to be distributed at meeting)
- B. Correspondence: Receipt of City Attorney’s Report Dated November 29, 2018
- C. Financials: Approve Bills in the Amount of \$70,105.58
- D. Right of Ways: Approve Use of Public Right-of-Way for the Bad Brewing Company L.L.C. 3rd Annual Bourbon Beer Fest Party on January 26, 2019
- E. Resolutions:
 - 1. Resolution 2018-23: Approve Mayoral Appointments to City Boards and Commissions.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2018-23**

MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

December 3, 2018

BE IT HEREBY RESOLVED, that the Mayor, with approval from the City Council, does hereby make the following appointments/reappointments to the specified boards and commissions of the City with the following terms:

Board/Commission	Appointments/Reappointments	Term End
Board of Ethics	Margo Burrage	2021
Building Code & Sign Board of Appeals	Gordon Wilson	2021
Downtown Development Authority	Brent Forsberg	2022

Downtown Development Authority	Kendra Patterson	2022
Downtown Development Authority	Mary Kelsey	2022
Historic District Commission	Doug Klein	2020
Historic District Commission	Rebecca Clinton	2021
Historic District Commission	Chad Linsley	2021
Planning Commission	Mitch Perrault	2021
Planning Commission	Scott Shattuck	2021

2. Resolution 2018-24: Approve City Council Appointments to City Boards and Commissions.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2018-24

CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

December 3, 2018

BE IT HEREBY RESOLVED, that the City Council does hereby make the following appointments/reappointments to the specified boards and commissions of the City with the following terms:

Board/Commission	Appointments/Reappointments	Term End
Board of Review	Amanda Fisher	2021
Cemetery Board	Elaine Ferris	2021
Zoning Board of Appeals	Amanda Fisher	2021
Zoning Board of Appeals	Gordon Wilson	2021

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

A. Ordinance 222: Second Reading and Adoption of Ordinance 222 to Amend Division 2 Of Chapter 2 By Amending Its Title and Amending Section 2-81, Creation of Office, To Designate The City Administrator As City Manager And To Substitute the Term “City Manager” for “City Administrator” in Multiple Sections

MOTION by Brown, second by Waltz,
to Read and Adopt Ordinance 222: Second Reading and Adoption of Ordinance 222 to Amend Division 2 Of Chapter 2 By Amending Its Title and Amending Section 2-81, Creation of Office, To Designate The City Administrator As City Manager And To Substitute the Term “City Manager” for “City Administrator” in Multiple Sections

MOTION APPROVED UNANIMOUSLY

B. Resolution 2018-25: Adopt Second Restated Employment Contract Between Deborah S. Stuart and the City Council of The City of Mason

MOTION by Brown, second by Droscha,
to Adopt Second Restated Employment Contract Between Deborah S. Stuart and the City Council of The City of Mason

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2018-25**

**TO ADOPT SECOND RESTATED EMPLOYMENT CONTRACT BETWEEN DEBORAH S. STUART
AND THE CITY COUNCIL OF THE CITY OF MASON**

December 3, 2018

WHEREAS, pursuant to Chapter 4 of the Charter of the City of Mason and Chapter 2 of the Code of Ordinances of the City of Mason, the City Council has retained Deborah S. Stuart as its City Manager (formerly known as City Administrator) since January 1, 2016; and

WHEREAS, there have been amendments to and a restatement of said contract since its inception; and

WHEREAS, the City Council desires to enter into a Second Restated Employment Contract between Deborah S. Stuart and the City Council of the City of Mason in order to update its form and officially recognize the title of City Manager, which contract shall be effective January 1, 2019;

NOW, THEREFORE, upon motion duly made by Council Member Brown, and seconded by Council Member Droscha, the Council hereby adopts the Second Restated Employment Contract Between Deborah S. Stuart and the City Council of the City of Mason, which contract shall be effective, upon due execution on January 1, 2019.

MOTION APPROVED UNANIMOUSLY

C. Resolution 2018-26: Approve Revised Rules of Order for the City Council and for the City Boards and Commissions.

MOTION by Brown, second by Droscha,
to Adopt Resolution 2018-26 Approve Revised Rules of Order for the City Council and for the City Boards and Commissions.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2018-26**

**RULES OF ORDER FOR THE CITY COUNCIL AND
FOR CITY BOARDS AND COMMISSIONS**

December 3, 2018

WHEREAS, the process of government in the City of Mason includes the activity of a City Council as well as numerous Boards and Commissions sanctioned by the City Council, each of which can play a significant role in the conduct of the affairs of the City; and

WHEREAS, the citizens of the City of Mason are best served by a City Council as well as by City Boards and Commissions that function smoothly with a firm basis for resolving questions of procedure that may arise; and

WHEREAS, the City Council and City Boards and Commissions must each conduct business with the greatest measure of protection for the people and City of Mason, as well as for the Council and each Board and Commission as a body, and

WHEREAS, the City Council and City Boards and Commissions must each conduct business with the greatest measure of protection and consideration of the rights of individual members and the rights of individual citizens, and

WHEREAS, the application of parliamentary law is the best method yet devised to enable the City Council and City Boards and Commissions to arrive at the general will on the maximum number of questions of varying complexity in a minimum amount of time and under the most diverse set of conditions, ranging from total harmony to impassioned division of opinion, with due regard for the opinion of each member and for the right of every citizen to address the Council, a Board or a Commission; and

WHEREAS, Rules of Order are the written rules of parliamentary law and are critical to ensure the most effective and efficient operation of any deliberative body; and

WHEREAS, the citizens of the City of Mason will be best served when the meetings of all public bodies are conducted according to similar procedures.

NOW, THEREFORE, BE IT RESOLVED, that these Rules of Order shall be the parliamentary law of the City Council and all City Boards and Commissions of the City of Mason, and shall nullify and replace any other previously approved Rules of Order; and

BE IT FURTHER RESOLVED, that these Rules of Order shall be consistently applied and actively enforced at all times in relation to the orderly transaction of business in meetings, and in relation to the duties of officers in the conduct of meetings, of the City Council, as well as all City Boards and Commissions, and shall take effect at the first meeting following approval of this resolution.

**RULES OF ORDER FOR THE CITY COUNCIL AND
FOR CITY BOARDS AND COMMISSIONS**

City Council Resolution No. 2018-26
City of Mason, Michigan

1) ORDER OF BUSINESS

- a) City Council: At each regular meeting of the City Council the business to be considered shall be taken up, when applicable, for consideration and disposition in the following order:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance and Invocation
4. Oath of Office
5. Election of Mayor and Mayor Pro Tem
6. Public Comment
7. Presentations
8. Consent Calendar
9. Public Hearings
10. Unfinished Business
11. New Business
12. Council Member Reports
13. Manager's Report
14. Adjourn (Adjourn Sine Die)

- b) City Boards and Commissions: At each regular meeting of a City Board or Commission the business to be considered shall be taken up, when applicable, for consideration and disposition in the following order:

1. Call to Order
2. Roll Call
3. Oath of Office
4. Election of Leadership
5. Public Comment
6. Presentations
7. Approval of Minutes (if no Consent Calendar)
8. Correspondence (if no Consent Calendar)
9. Consent Calendar
10. Public Hearings
11. Unfinished Business
12. New Business
13. Liaison Report
14. Adjourn

- 2) **MANAGEMENT OF THE ORDER OF BUSINESS.** Any item of business to be considered shall be appropriately filed with the City Manager, or assigned secretary to the board/commission, by noon on the Wednesday preceding the subject meeting. Requests by members of the body and the City Manager/secretary shall be automatically included in the Order of Business if filed in a timely manner. The City Manager/secretary shall send a complete Order of Business with supporting materials to each member by close of business on the last business day of the week preceding the subject meeting. Each item submitted for inclusion in the Order of Business shall include sufficient explanation to indicate intent. Any issue introduced at a meeting that does not appear on the Order of Business may be deferred for inclusion on the Order of Business of a subsequent meeting upon the request of any one member of the body, except that said issue may be added to the current Order of Business if so approved by a majority vote of the members present.

3) PUBLIC COMMENT

- a) It is the intent of these Rules to encourage public comment and participation by interested persons that is

constructive, informative, and factual in a manner conducive to the conduct of an organized, efficient and professional business meeting. Public comment shall be allowed only during the Public Comment, Presentation and Public Hearing business items, or when permitted by the meeting Chair.

- b) The Public Comment business item is intended to receive comment on any topic a member of the public would like to bring to the attention of the body. A member of the public who wants to speak to a specific Order of Business item may inform the Chair that they would like to reserve their comments to a specific item of interest. The Chair will make note of the request. Prior to the debate of the specific business item by the body, the Chair will call on the individual, who may speak regarding that business item in accordance with subsection (c).
 - c) All public comment shall be appropriate to the conduct of a public business meeting and, if applicable, the matter under consideration. Each person shall be allowed to speak for a maximum of three (3) minutes and the Chair may limit the number of times each person is allowed to speak. The limits on time and quantity for speaking may be extended at the discretion of the Chair.
 - d) Any person in attendance at a meeting shall comply with the direction of the Chair as to the appropriateness of their actions or comments. The Chair shall retain discretion to disallow or stop a person from speaking or to temporarily recess the meeting at any time to maintain the order of the meeting.
 - e) Any person that speaks before the body shall state for the record their name, residence address and group affiliation, if any.
- 4) PRESENTATIONS. Presentations will provide a venue in the Order of Business for brief presentations that do not require formal action.
 - 5) PUBLIC HEARINGS. Business items requiring a public hearing shall be placed under the related Public Hearing item for immediate consideration following the public hearing.
 - 6) CONSENT CALENDAR. A Consent Calendar may be used to allow the body to take action on numerous items at one time. Items in the Consent Calendar may include, but are not limited to, non-controversial matters such as approval of minutes, payment of bills, approval of simple motions, street closures, correspondence, etc. The body shall act upon all items listed in the Consent Calendar by a single vote without debate. Upon request by any member made prior to the vote on the Consent Calendar, an item in the Consent Calendar shall be removed from the Consent Calendar and placed in the Order of Business appropriately as determined by the Chair.
 - 7) MINUTES. Meeting minutes requiring approval shall be distributed to each member with the Order of Business for the next regular meeting. There shall not be a reading of the minutes at the meeting. If the Order of Business includes a Consent Calendar, approval of the minutes shall be included in the Consent Calendar. If the minutes are removed from, or not part of, the Consent Calendar and a substantial correction, as determined by the Chair, is suggested by the Chair or a member, said correction shall be agreed to by a two-thirds vote of the members present. Corrections not determined to be substantial shall be considered agreed to by consensus unless any member challenges such determination, in which case said correction shall be treated as a substantial correction. Minutes shall be considered approved by consensus without a vote if no corrections are suggested or after all suggested corrections are agreed to as required.
 - 8) UNFINISHED BUSINESS. Items considered under Unfinished Business are items or matters that have been previously addressed by the body but have not received final action
 - 9) NEW BUSINESS. Items considered under New Business are items or matters that may require immediate or future action by the body.
 - 10) COUNCIL MEMBER REPORTS. A Council member may provide information regarding an event, a meeting or a conference that might be of interest to the City Council or local residents. A Council Member Report should not exceed three minutes. If the subject matter requires additional time the Council member may place the matter on the Order of Business of a subsequent meeting.
 - 11) CONDUCT OF BUSINESS
 - a) Parliamentarian: The meeting Chair shall serve as Parliamentarian unless that duty is assigned and accepted by another member. The application and enforcement of these rules is the responsibility of the Chair.
 - b) Reconsideration: A motion to reconsider enables a majority to bring back for further consideration a motion that has been voted on previously. The motion to reconsider can be made only by a member voting on the prevailing side and is in order only until the adjournment of the next regular meeting following the meeting during which the motion to be reconsidered was acted upon.

- c) Appeal to Chair: Any decision of the Chair in applying or interpreting these Rules of Order may be appealed by a motion made at the time of the ruling being appealed and before any debate or business has intervened. The Chair shall be allowed to speak first to an appeal with each member allowed to speak once. The Chair may speak one last time after all members have been given an opportunity to speak. The question before the body on an appeal of the Chair shall be "Shall the decision of the Chair be sustained?" A majority or tie vote shall sustain the decision of the Chair.
- d) Abstain from Voting: No member of the body shall vote on any question in which the member has a financial interest, other than the common public interest, or on any question concerning the conduct of the member, but, on all other questions, each member who is present shall vote unless excused by unanimous consent of the remaining members present.
- e) Considering a Motion: A motion that does not receive a second shall not be considered to be in order.

12) ELECTION OF LEADERSHIP

- a) Election: The Chair (Mayor), Vice-Chair (Mayor Pro Tem) and any other leadership of the body shall be elected pursuant to the applicable provisions of the City Charter or of the City Code if such provisions exist. Absent Charter or Code requirements, election shall be by majority vote of the members present during the first regular meeting of each calendar year.
- b) Absence: In the absence or disability of the Chair and the Vice-Chair, the members present shall select by majority vote a member to be designated as Acting Chair to perform the duties of the Chair as necessary.

13) RULES OF ORDER

The rules contained in the current edition of Robert’s Rules of Order Newly Revised shall govern the City Council and all City Boards and Commissions in all applicable cases in which Robert’s Rules are consistent with these Rules of Order, the City Charter, City Code, and State Statute.

14) SUSPEND RULES

A request to suspend the Rules of Order shall be granted only by unanimous vote of the members present.

MOTION APPROVED UNANIMOUSLY

D. Approve Updated Purchase Agreement for Temple Street Property and Authorize the City Representatives to Make Minor Modifications and to Execute the Document.

MOTION by Droscha, second by Ferris,
to Approve Updated Purchase Agreement for Temple Street Property and Authorize the City Representatives to Make Minor Modifications and to Execute the Document.

MOTION APPROVED UNANIMOUSLY

NEW BUSINESS

A. Ordinance 223: First Reading and Introduction of Ordinance 223 to Amend Chapter 10 by Adding Article III. “Marihuana Establishments” and Section 10-80, “Prohibition of Marihuana Establishments”

MOTION by Brown, second by Droscha,
to introduce and read for the first Ordinance 223: First Reading and Introduction of Ordinance 223 to Amend Chapter 10 by Adding Article III. “Marihuana Establishments” and Section 10-80, “Prohibition of Marihuana Establishments”

MOTION APPROVED UNANIMOUSLY

COUNCILMEMBER REPORTS

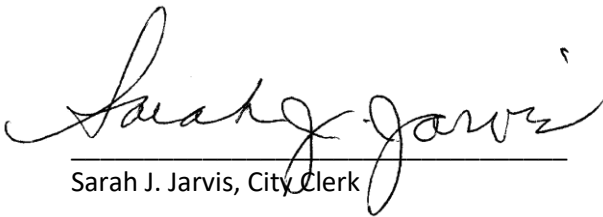
- Brown stated he had received information that Michigan Municipal League is looking for people interested in serving on one of the five (5) Legislative Committees.
- Mayor Whipple brought up the discussion of the 2019 City Council Meeting Schedule. At the next meeting a more definitive schedule will be presented.
- Droscha reported that there will be a Planning Commission Meeting on December 11, 2018 at 6:30 p.m.
- Droscha also thanked the individuals responsible for placing the scarves on the wooden statues outside of City Hall.
- Brown reported that the bill regarding the court consolidation is moving forward in the House.

ADMINISTRATORS REPORT

Stuart reported that Property Tax bills went out this week and that enclosed with each bill was a fact sheet that went over the tax increases due to the jail and school millage and additional information to help residents understand their tax bills more.

ADJOURN

The meeting adjourned at 8:11 p.m.



Sarah J. Jarvis, City Clerk