

**CITY OF MASON
COUNCIL MEETING
OCTOBER 27, 2003**

Mayor McCurley called the meeting to order and those present recited the pledge of allegiance.

ATTENDANCE

The following members of council were present: Jim Fox, Dick Staten, Victor Kidd, Tom Grossmann, Peter Beck, Charlene Pelfrey and John McCurley.

APPROVAL OF MINUTES

A motion to approve the minutes of the October 13, 2003 meeting was made by Councilmember Kidd, seconded by Vice Mayor Fox. Councilmember Pelfrey said she would like to see additional comments regarding Ordinances 115 and 120 included in the minutes. A motion to table the minutes was made by Councilmember Kidd, seconded by Vice Mayor Fox. VOTE: ALL YEAS

RECOGNITION OF PARK BOARD MEMBER GINNY SUNDIN

Mayor McCurley, Vice Mayor Fox and Parks Director, Michael Hecker, presented the State C-BM Service Award to Ginny Sundin from the National Recreation and Park Association for the years of service to the City of Mason Parks and Recreation Department.

PRESENTATION TO VETERANS MEMORIAL FUND BY KINGS ISLAND

Steve Osborne addressed Council and stated Craig Ross could not be here as planned but will be presenting a check to the Veteran's Memorial Fund in the near future.

RECOGNITION OF DEERFIELD TOWNSHIP TRUSTEE BILL MORAND

Deerfield Township Trustee addressed Council and stated he would like to see the City and Township put their differences behind them and review areas where they could work together for the benefit of the area. He stated it was time to move forward and he suggested a meeting be scheduled for both staffs and elected officials to meet and address zoning issues and other matters that concerned both entities. Mayor McCurley responded it was a good idea that both could benefit from and he would be supportive of that proposal. Councilmember Grossmann asked Bill Morand about the possibility of joining both fire departments in the future. Mr. Morand responded the fire department has come a long way and serves to identify the township. He also said he was not sure a joint

department would be cost effective. Mr. Morand also stated he would like to remove the annexation issue from the City's agenda. Mayor McCurley stated he would commit to work together on items of common concern and in which both could benefit.

RECOGNITION OF VISITORS

Tom Lewis of 6554 Harnesswood Court addressed Council and said the purpose of his attendance is to update Council on what they have been doing to secure new ball fields for the youth in the area and he would like to ask the status of the City's participation in that matter. Scot Lahrmer stated the City agreed to two new fields. He stated one quote of \$25,000 per field has been received. He stated another quote is expected soon. If that is the price range, he said it would have to go out for bids. He also said the City is interested in maintenance issues but any assistance from them will take time to work out. He said no commitment has been made regarding the use of the Biehle and Castle properties. He said in the 2004 budget, funding has been included to prepare a concept plan and the Park Board will be involved in the land use designations for the Castle and Biehle property. He also said no fields will be added at Nixon Park as that is used mainly for soccer. Scot said it would take approximately 2-4 months to go out for bids and award a contract so he could not promise the fields would be ready for spring. Mr. Jay Tepe of 3217 Spalding Drive stated he was the president of the MYO organization and he can authorize the expenditure of \$35,000 for fields. He asked if they could pay a portion of the work. Ken Schneider said the City could accept that if it meets their requirements on the final product. Vice Mayor Fox asked if the City could prepare the fields and MYO supply the backstops. Ken replied if they do the first part of a job and complete it and another party does a specific job it could be considered two separate jobs and that would work.

Mr. Tim Raffle of 5362 Farmridge Way addressed Council and stated they need more ball fields. He stated if the maintenance of the current fields could be improved to allow for more frequent play it would help. Ken stated the City couldn't avoid paying prevailing wage. Mr. Raffle suggested leasing the property to them, as they do not have to pay prevailing wage. Mayor McCurley stated he is not certain it is possible to lease city owned property. Mr. Raffle stated they are trying to work as partners with the Park Department.

Mr. Tom Muennich of 206 Short Street addressed Council and said a survey crew appeared on his property unannounced stating they were doing a survey for the City Engineer. Richard Fair stated he was aware of that incident and the crew was met on site and told to discontinue their work. He said they failed to follow City procedures and notify the residents prior to visiting the property. Scot Lahrmer reported the survey was being done for a storm sewer project. Mr. Muennich stated a street light at the East Street and Short Street has been out since last spring. Scot said it has been reported to Cinergy. Mr. Muennich said the timing of the traffic signals at RT 42 and Mason Montgomery Road needs to be adjusted.

RESOLUTION 2003-19 CELEBRATING OCTOBER 23-31, 2003 AS NATIONAL RED RIBBON WEEK

A motion to read by title only was made by Councilmember Kidd, seconded Councilmember Staten. VOTE: ALL YEAS

Officer Jamie Van Wagner addressed Council and explained her efforts as the City's DARE Officer and the value of the program. Ken Schneider read the resolution.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

A motion to adopt Resolution 2003-19 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

RESOLUTION 2003-20 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

A motion to read by title only was made by Councilmember Kidd, seconded by Vice Mayor Fox. VOTE: ALL YEAS

Scot Lahrmer stated on June 9, Council adopted Resolution 2003-11 adopting the 2004 Tax Budget. The Tax Budget is then certified to the County Auditor. Based on the amounts certified in the Tax Budget, the Warren County Budget Commission determines the tax rates necessary to be levied within and without the ten mill tax limitations. Scot explained the Warren County Budget Commission certified the attached tax rates to the City of Mason. He added the City of Mason is required to accept the rates, through the adoption of a resolution, which is then certified to the County Auditor.

A motion to suspend the rule and allow for adoption after the first reading was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

Councilmember Grossmann asked if this impacts the tax rate for our residents. Scot Lahrmer replied no. He said it reflects the amount the City has incurred in debt. He said the county is required to set aside the money collected from property taxes to assure the debt is paid. A general discussion followed in which Scot Lahrmer stated this action is not increasing residents taxes.

A motion to adopt Resolution 2003-20 was made by Vice Mayor Fox, seconded by Councilmember Staten. Councilmember Grossmann asked if this impacts the tax rate for our residents. Scot Lahrmer replied no. VOTE: ALL YEAS

ORDINANCE 2003-121 APPROVAL OF THE REPLAT OF OAKWOOD LAKES, SECTION 2 TO THE LANDING AT OAKWOOD LAKES, SECTION ONE

A motion to read by title only was made by Councilmember Kidd, seconded Vice Mayor Fox. VOTE: ALL YEAS

Richard Fair said the owner of the property is requesting the approval replat of Oakwood Lakes, Section 2 to The Landing at Oakwood Lakes, Section One. As you may recall, he stated, Fischer Homes is completing the remaining area of Oakwood Lakes that was previously owned by Erpenbeck Homes. This replated section, located south of Oakwood Lakes Section One and east of the Western Row Golf Course, will contain 8 multi-family lots on 5.75 acres and an open space lot containing .9653 acres. This replat is consistent with the revised site plan approved by Planning Commission on May 6th, 2003. Richard also stated Planning Commission recommends approval of the replat contingent on submission of a subdivider's contract and a performance bond.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Beck, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-121 was made by Councilmember Beck, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2003-122 APPROVING THE PRELIMINARY PLAT OF CARMELLE SUBDIVISION

A motion to read by title only was made by Councilmember Kidd, seconded Vice Mayor Fox. VOTE: ALL YEAS

Mayor McCurley stated this would be a first reading on this legislation. It will be on the agenda at the next Council meeting.

ORDINANCE 2003-123 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OHIO CAT FOR THE PURCHASE OF A SKID-STEER FOR USE BY THE CITY OF MASON PUBLIC WORKS DEPARTMENT

A motion to read by title only was made by Councilmember Kidd, seconded Vice Mayor Fox. VOTE: ALL YEAS

Eric Hansen explained to Council several city departments cooperatively engage in dozens of construction projects throughout the year. He stated these projects often require the use of a skid steer. Historically, these departments have rented a *Bobcat* from local equipment rental companies. Based on the cost and frequency of these rentals, it is more cost effective for the City to replace the existing Public Utilities backhoe with a skid steer. Eric further explained although the cost of the Cat Skid Steer is \$273 above the 2003 Budget, the City receives a significant discount when using the state-purchasing schedule. Purchasing this equipment from a Cat dealership at retail cost would mean paying an additional 10% (over \$6,000) more than the State's Purchase price. He also stated the City can expect further savings by selling the surplus Case backhoe, rather

than accepting roughly \$9,000 as trade-in value. He said it is expected the backhoe will sell for around \$13,500 in a future surplus auction.

Councilmember Staten asked how much success has the City had in beating the trade in value through an auction. Eric replied since we have started utilizing an auction house, we have done better than when we held city only auctions. Councilmember Grossmann asked what was a skid steer. He also asked about the cost of rentals. Eric replied it is similar to but more flexible than a bobcat and a comparison showed the cost of purchasing it was more advantageous. He also stated the purchase has been reviewed and approved by the Equipment and Finance Committees.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Councilmember Staten. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-123 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2003-124 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PIERCE MANUFACTURING FOR THE REPAIR OF QUINT 51 FIRE TRUCK, DETERMINING A PUBLIC EXIGENCY AND DECLARING AN EMERGENCY

A motion to read by title only was made by Vice Mayor Fox, seconded Councilmember Kidd. VOTE: ALL YEAS

Eric Hansen explained in August 2003, a speeding motorist, attempting to elude Mason Police, struck a City fire engine in downtown Mason. The City has received a final invoice for damages the "Quint" sustained in this accident. He said the initial estimate for transportation and repairs was approximately \$30,000, but that figure has increased, as Pierce technicians have discovered further damages while in the process of making initial repairs. The final cost of damages to the vehicle is \$38,678. Eric stated because these are third party damages to City property, subrogation from the City's insurance provider, MVRMA is an optional service. Typically, he said, it is cost effective to utilize MVRMA for subrogation since damages are relatively small and recovery relatively rapid. However, in this instance the damages are much larger and rapid recovery much less certain. If the City handles this loss without MVRMA's reimbursement, there will be a one time only payment for the total Quint damages. Eric stated if the City were to file this claim with MVRMA, a \$38,000 loss would substantially increase our annual premiums for years to come. Without the above claim, the City is currently projecting a substantial improvement in this year's loss history, which will help drive down the cost of the insurance program over the next four years. Eric concluded by saying exercising the City's option to not use MVRMA on a subrogation claim, pay the repair bill directly, and continue to pursue possible recovery from the third-party, results in substantial future insurance program costs being avoided. A general discussion followed in which Eric stated if submitted this claim would increase the City's premiums \$70,000 over four years. He also stated the third party has denied the claim. Councilmember Grossmann

asked if this was the best way for the City to be insured. Eric responded it was not easy to gain acceptance with MVRMA and the City has saved considerable dollars with this plan. Councilmember Beck stated this should be reviewed annually.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-124 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

CITY MANAGER'S REPORT

The Parks and Recreation Department held a Halloween Festival and it was a huge success. It is heavily staffed by volunteers.

The "Fun for Mason" publication was sent to residents through the *Pulse Journal*. Registration for the programs will be held from November 1 -7, 2003.

A motion is needed from Council to give a ham or turkey to full time city employees during the holidays. A motion to continue this practice this year was made by Councilmember Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Beck stated the Veteran's Memorial dedication will take place on November 8, 2003 with music beginning at 2:00 and the program beginning at 2:30p.m. He also said on November 11, 2003 the City's Veteran's Day will be celebrated at the new memorial.

COUNCIL OLD AND NEW BUSINESS

Councilmember Beck stated the budget process begins on Thursday for the City's annual budget for 2004.

Mayor McCurley stated he has attended the closing ceremony for the Warren County Bicentennial. He also thanked Becky Osborne for her efforts on "Make a Difference Day" which was held last Saturday. He stated he attended a ground breaking for St. Susanna's new church and he reminded everyone of the Kiwanis Pancake Day on November 8, 2003.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

A motion to go into executive session for the purpose of discussing personnel was made by Councilmember Kidd, seconded by Vice Mayor Fox. VOTE: ALL YEAS

A motion to reconvene into regular session was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Councilmember Kidd, seconded by Councilmember Staten. VOTE: ALL YEAS

TIME: 9:45 p.m.


Clerk of Council


Mayor