

**CITY OF MASON
COUNCIL MEETING
APRIL 9, 2012**

The meeting was called to order at 7:08 p.m. Chaplain Edinson DeArco opened the meeting in prayer. All those present recited the Pledge of Allegiance.

ATTENDANCE

The following members of Council were present: Victor Kidd, Barbara Spaeth, Rich Cox, Tom Grossmann, Don Prince, and David Nichols. Charlene Pelfrey was absent.

APPROVAL OF MINUTES

A motion to approve the March 26, 2012 Council Meeting Minutes was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: 5 YEAS, 1 ABSTAIN (Spaeth).

RECOGNITION OF VISITORS

Gabrielle Walter, of Loveland, Ohio and a photo journalism student at the University of Cincinnati, introduced herself and stated that she is here to photograph a meeting as a class assignment.

RESOLUTION 2012-5 SUPPORTING THE SUBMITTAL OF A GRANT APPLICATION TO THE LOCAL GOVERNMENT INNOVATION FUND BY WARREN COUNTY CAREER CENTER IN ORDER TO FUND A FEASIBILITY STUDY FOR A FIRE TRAINING TOWER AND BURN BUILDING TO BE USED FOR FIREFIGHTER TRAINING

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

Eric Hansen explained that the City has been asked to collaborate with the Warren County Career Center (WCCC) and other local jurisdictions in the development of a fire training tower and burn building to be used for training of fire departments throughout Warren County. The first step in the development of a fire training tower and burn building is a feasibility study. As part of the collaboration, WCCC will submit a grant application to the Local Government Innovation Fund to secure funding for the feasibility study.

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

A motion to adopt Resolution 2012-5 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

RESOLUTION 2012-6 ARBOR DAY

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

Jennifer Heft stated that the City of Mason will recognize Saturday, April 28 as Arbor Day 2012. The City's annual Arbor Day celebration will be held at the Community Center on Saturday, April 28 beginning with a brief ceremony at noon, followed by the annual Earthwalk to Pine Hill Lakes Park and the Merten Natorp Arboretum. Shawn Ford, a City of Mason Arborist, will discuss some of the trees during the 15 minute walk. The walk will return to the event at the Community Center where participants can enjoy activities provided by our partners: herb plantings donated by Natorp's Garden Center and the Mason in Bloom Committee, free tree seedlings provided by the City, free re-usable bags donated by Whole Foods Market, and information regarding backyard vegetable gardening and information on the Mason Community Gardens. She stated that a ceremony and luncheon for the Tree City USA Awards will be hosted by the City of Amberly Village on Friday, April 20. The City will again be receiving the Tree City USA award for 2012.

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

Council discussed that the City of Mason has received the "Tree City USA" over fourteen consecutive years.

A motion to adopt Resolution 2012-6 was made by Vice Mayor Kidd, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

RESOLUTION 2012-7 DECLARING MAY 2012 AS BUILDING SAFETY MONTH

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

Richard Fair addressed Council and stated that Building Safety Month is an annual event to recognize the efforts made by building officials nationally to maintain a safe, healthy, and accessible environment by administering the building codes and standards. This year the theme is "An International Celebration of Safe and Sensible Structures", drawing attention to the need for worldwide increased uniformity in codes and standards. He stated that the Building Department offers, at no cost, valuable informational sheets available to residents to provide building specifications that can be used during the planning process when adding improvements to their home such as decks, basement finishes, electrical components for a pool and fencing. Additional informational sheets are also available to anyone interested in hosting a community event on how the Building Department and Fire Department can assist with the event. In addition to these flyers, during the month of May, the Southwest Ohio Building Officials Association (SWOBOA) is releasing weekly flyers that can be obtained from the Mason Building Department. These flyers contain safety tips corresponding to the four weekly sub-themes: Energy and Green Buildings, Disaster Safety and Mitigation, Fire Safety, and Backyard

Safety. Richard stated that the annual regional event hosted by Southwest Ohio Building Officials Association (SWOBOA) will take place in Cincinnati on Thursday, May 24 from 11:00 a.m. – 2:00 p.m.

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

A motion to adopt Resolution 2012-7 was made by Councilmember Spaeth, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

RESOLUTION 2012-8 PROCLAIMING THE WEEK OF MAY 6-12, 2012 AS CLEAN WATER WEEK

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

Richard Fair addressed Council and stated that the beginning of Clean Water Week coincides with the fifth anniversary of the City's new Water Reclamation Plant (WRP) going on line. The WRP is a state-of-the-art facility which meets and exceeds current EPA standards. He explained that by using extensive instrumentation, the plant is operated with a staff of only three operators. Richard stated that Clean Water Week is an opportunity to recognize the contributions of the City's Public Utilities Department. The department is responsible for operating the water reclamation plant, maintaining 9 lift stations, over 200 miles of sewer lines and over 3,000 manholes. Richard stated that in 2010, oversight for the storm water management system was incorporated into the operations of the Department. The department also assists with special projects, snow and ice removal and maintenance of the outdoor and Community Center pool pumps and valves. All members of the department are educated in their fields of specialty, and most are licensed. He stated that the department has initiated a number of construction projects over the last ten years to remove extraneous flows (infiltration and inflow, referred to as I/I) from the sanitary system. The cumulative effect of these projects has been to reduce daily flow by up to 40%. This represents significant and continuing savings in power and other operating costs. Richard stated that since the passage of the Federal Clean Water Act in 1972, governments at the federal, state, and local levels have been committed to an ongoing effort to improve the quality of water throughout the United States. The City of Mason continues to be very active in promoting the benefits of clean water and its contribution to the quality of life here.

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

A motion to adopt Resolution 2012-8 was made by Councilmember Grossmann, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

RESOLUTION 2012-9 PROCLAIMING MAY 13-19, 2012 AS NATIONAL LAW ENFORCEMENT MEMORIAL WEEK AND MAY 15 AS PEACE OFFICERS' MEMORIAL DAY

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

Jennifer Heft stated that this proclamation declares May 13-19 as National Law Enforcement Week and May 15th as Peace Officers Memorial Day and the week in which that date falls as *Police Week*. She explained that during the week, all Mason Police Officers will wear a black band across their badges in memory of all law enforcement officers who have given their lives in the line of duty. An average of 145 American police officers are killed in the line of duty in the United States, and an average of over 58,000 officers are assaulted in the performance of their duties. The black band is a quiet way to salute those who have made the ultimate sacrifice for the public they serve. Jennifer stated that this year, the City will conduct a short memorial ceremony on Wednesday, May 9 at 9:00 a.m. in the atrium of the Municipal Building. Ohio Attorney General Mike DeWine will be the featured speaker. Light refreshments will be served and the public is invited to attend. She reminded Council and the public that the City of Mason Police Department, an internationally accredited law enforcement agency, will be going through the reaccreditation process April 29 through May 2nd.

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

Council discussed flags being flown at half-staff. Mayor Nichols suggested that the City website announce the dates and occasion for flags to be flown at half-staff as a reminder to our residents. Eric confirmed that Governor Kasich ordered flags to be flown at half-staff on Monday, April 9, 2012 in honor of three Ohio National Guard members who died serving their country in Afghanistan.

A motion to adopt Resolution 2012-9 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2012-25 AUTHORIZING A CHANGE ORDER TO THE INDIANA & OHIO RAILWAY COMPANY FOR RAILROAD CROSSING EXTENSION WORK FOR THE WIDENING OF US-42 (READING ROAD)

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

Richard Fair addressed Council and explained that when work is done over the Railway's right-of-way, it requires the use of certified railroad contractors. He explained that when the project was started in 2010, the City received an estimate from the railroad of \$48,102 for the construction and installation of additional concrete crossing panels at the railroad crossing at U.S. 42 (Reading Road) / Tylersville Road intersection. I & O recently obtained bids to perform this work from two contractors. Cost has increased from the estimated cost of \$48,102 in 2010 to the current low bid of \$77,600. The crossing is necessary to safely connect the new bike path along the east side of US 42 with the bike path along the north side of Tylersville Road due to the skew of the railroad across the intersection. 60% of this work will be paid by the County thru federal grant funds the City received for the US 42 Widening Project. Richard stated that with

the increase, based on the bids, of \$11,800 added to the original estimate of \$19,240, the City's share of the project is \$31,040. The Ohio Department of Transportation (ODOT) has reviewed and approved the additional cost for federal funding, however, the City is required to pay I & O the cost upfront and then seek reimbursement.

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

Council discussed the significant increase from the estimate. Richard Fair stated that the City has requested information from the railroad and other than an increase in the contract engineering, no reason was given.

A motion to adopt Ordinance 2012-25 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2012-26 AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT LETTER WITH AUDITOR OF STATE FOR AUDIT SERVICES

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

Eric Hansen explained that the City is required by law to comply with State of Ohio auditing requirements of an annual audit of financial records. For 15 years the City has complied cost effectively by utilizing an independent public accountant (IPA) to do this work. However the State Auditor has chosen to conduct the City's audit for 2011, which is typically done every 10 years. The Auditor of State's Office, who is not required to bid on the services, can take as much time as they feel is necessary while passing the cost onto the City. He explained that this will require more internal staff time as they train and familiarize the State auditors with City operations. It is anticipated that the Auditor of State's Office will issue citations and findings for a variety of noncompliance items. Many of these will be technicalities and procedural compliance items which will help to remind departments of particular practices that need to be reinforced and improved upon.

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

Council discussed the anticipated cost to the City. Eric clarified the estimate of \$34,850 and stated that the City is hopeful that the auditors will be able to accomplish the work within the estimated hours.

A motion to adopt Ordinance 2012-26 was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2012-27 ESTABLISHING A FEE SCHEDULE FOR EMS AND FIRE DEPARTMENT BILLING FOR THE CITY OF MASON

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

Eric Hansen stated that since 1998 the City has billed insurance for EMS services provided. He explained that insurance companies, Medicare, and Medicaid provide reimbursement for these expenses. Revenue collected helps to offset EMS expenses and keeps the Fire Levy lower. Eric stated that in 2008 Council took action to increase these fees to recover expenses associated with this service and to charge for mileage related to transports to the hospital in order to remain consistent with surrounding jurisdictions. Since 2008, expenses associated with EMS have increased and the City of Mason’s current billing rates are again lower than most surrounding jurisdictions. Eric stated that the Safety Committee reviewed and discussed these new fees. In order to keep the tax burden as low as possible, the Committee is recommending the proposed changes to the BLS and ALS fees, the continuation of the practice of charging for mileage per transport, and to reinstate billing Mason residents for services not covered by private insurance, Medicare or Medicaid. He explained that the billing to residents would be “soft billing”; a bill sent only once that would not go to collections if unpaid.

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

Council discussed the billing of residents. This billing does not affect Medicare and Medicaid patients since all Medicare/Medicaid payments are accepted as “payment in full”. Council discussed amending Exhibit “A” with the addition of a hardship clause and whether an amendment was required in order for the City to add this language to the bill.

A motion to amend Exhibit “A” by adding a financial hardship clause to the bill was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: 4 YEAS, 2 NAYS (Prince and Grossmann).

A motion to adopt Ordinance 2012-27 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2012-28 AUTHORIZING THE ESTABLISHMENT OF AN ENERGY EFFICIENCY REVOLVING LOAN PROGRAM

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

Eric Hansen explained that in 2005 the Sustainable Endowment Institute was founded as a nonprofit to advance energy sustainability practices among higher learning institutions. Among the initiatives launched was a “Billion Dollar Challenge” which encouraged colleges and other non-profit organizations to invest one billion dollars in self-managed revolving loan funds to finance energy efficiency improvements that reduce operating expenses. The savings could then be reinvested for future cost saving projects. He stated that essentially the sponsoring institution sets aside dollars which are loaned to specific projects. The loan is repaid through the savings achieved in the institution’s utilities budget and are then made available for other projects within

that institution. Higher education institutions have realized a number of successful initiatives. Harvard University installed energy efficient lighting in 10 parking garages and saved \$400,000 annually. The project is projected to yield a 23% annual return on investment for 10 years. Eric stated that the State of Ohio has instituted an Energy Loan Fund program and the Ohio Revised Code also authorizes local communities to establish Revolving Loan programs. The City of Mason is in a unique position to take the concepts of the Sustainable Endowment Institute; authority to create revolving loan funds; continue the City's track record of attracting, growing, and supporting successful corporate businesses; and to be the first municipality in the nation to join the Billion Dollar Challenge. Eric explained that a City initiated Revolving Loan program would establish a City controlled fund that would be set aside and made available for low interest loans to businesses that demonstrate a viable project to increase energy efficiency and reduce operating costs. The loan and interest is repaid to the fund through the business' savings. The Fund grows and can then be made available to other projects at that or other Mason businesses. Eric explained the number of potential benefits from such a program. The City would continue to be a leader in the nation as the first local government to join the Billion Dollar Challenge and promote energy independence. The City's corporate community would have access to cost effective means to lower their operating costs and ultimately expand tax revenue for the community. The City realizes an attractive return on investment from the repayment of loan funds beyond what City would likely realize from traditional investments. Finally the program expresses a commitment to sustaining higher quality of life through energy independence. Eric stated that Ordinance 2012 – 28 establishes the fund, makes an initial appropriation of \$250,000, and anticipates subsequent council approved appropriations to a maximum of \$1,000,000. The Fund balance remains under the control of the City and can be modified to meet City priorities. He explained that if Council approves this ordinance, program details such as qualifying applications, interest rates, loan terms, staffing/contracting of program, administrative fees, securing loan amounts, and other details will be reviewed with the Economic Development Committee and may be revisited as the program is rolled out to maximize success. Research has been done by legal counsel. Eric anticipates that the program will be focused on significant projects that serve Mason's corporate community and have a pay-back of 2 to 5 years. However, he also expects a degree of flexibility to allow the program to help the City customize proposals to compete for high-employment projects as well. He concluded by stating that this ordinance simply establishes the fund, the appropriation amount of \$250,000.00, and authorizes the City Manager to institute the program.

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

Council discussed loan payback schedule to minimize risk, establishing a committee to review and recommend to Council, advantages and disadvantages of this type of interest revenue, economic development benefits, Billion Dollar Challenge organization, more details in the body of the ordinance, and the need for a Council Worksession.

A motion to adopt Ordinance 2012-28 was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: 2 YEAS, 4 NAYS (Spaeth, Grossmann, Prince, Nichols). Ordinance is not adopted.

Council requested that staff prepare a Council Worksession on this topic.

CITY MANAGER'S REPORT

▶ The Mason Police Department will host another National Prescription Drug Take-Back Day on Saturday, April 28 from 10:00 a.m. to 2:00 p.m. at Fire Station 51. Officers will be on hand that day to take back unused or expired medication and arrange for the safe disposal of these items.

▶ Just before Mother's Day and Teacher Appreciation Week the Center will host the Spring Shop Local Event on Wednesday, April 18 from 10:00 a.m. – 5:00 p.m. This event, located along Main Street at the Center, features over 30 area merchants and home sales representatives.

▶ On Saturday, April 14 the Center will host a Spring Fling Open House from 8:00 a.m. – 8:00 p.m. The public can enjoy a free day at the Center. Activities and demonstrations will be featured throughout the Center.

▶ The next Warren County Municipal League meeting is scheduled for Wednesday, April 18 beginning at 6:00 p.m. at the Golden Lamb Inn in Lebanon. Please let Jennifer or Eric know if you plan to attend.

▶ Warren County's 16th annual National Day of Prayer Breakfast will be held on Thursday, May 3, 2012 at the Hope Church in Mason. The event starts at 7:00 a.m. and ends at 8:30 a.m. Reservations must be made by calling the Countryside YMCA.

▶ Northeast Cincinnati Chamber Spring Gala is Wednesday, May 9th. Please let Jennifer or Eric know if you plan to attend.

COMMITTEE REPORTS

Councilmember Spaeth corrected Park Board meeting dates. Park Board meets on the 2nd Thursday of the month, May 10th and June 14th.

Councilmember Cox reported that the Equipment Committee has recommended the purchase of two new leaf machines for leaf pick-up in the fall.

OLD AND NEW BUSINESS

none

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tarton Fields Lane expressed his opinion that the City should not be in the banking business of loaning money through an Energy Efficiency Fund.

Ashley Chance of 135 Mason Road and owner of Eco Development at 108 West Main Street would like to offer his assistance with any energy efficiency projects the City may be considering.

EXECUTIVE SESSION: PERSONNEL

A motion to adjourn into Executive Session for the purpose of discussing personnel was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 9:32 p.m.

A motion to reconvene into Regular Session was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 10:29 p.m.

ORDINANCE 2012-29 ADOPTING A MODIFICATION TO THE POLICY FOR CONVERTING SICK LEAVE UPON RETIREMENT

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

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

A motion to adopt Ordinance 2012-29 was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

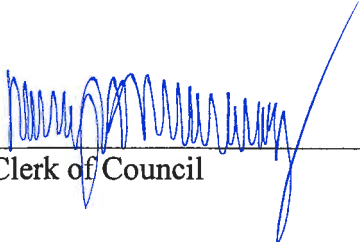
NEW BUSINESS

A motion to award a \$6000 bonus to Eric Hansen was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

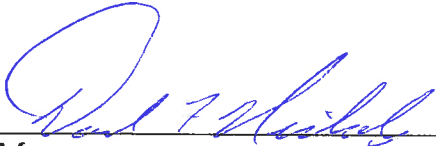
Council referred consideration for fireworks to Finance Committee.

ADJOURN

A motion to adjourn was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS. TIME: 10:34 p.m.



Clerk of Council



Mayor