

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 26, 2018**

The meeting was called to order at 7:03 p.m. Chaplain Tom Moll opened the meeting in prayer. Boy Scout Gabriel Ebdon led all those present in reciting the Pledge of Allegiance.

ATTENDANCE

The following members of Council were present: Diana K. Nelson, Barbara Berry-Spaeth, Ashley Chance, Kathy Grossmann, Michael Gilb, and Victor Kidd. T. J. Honerlaw was absent.

APPROVAL OF MINUTES

A motion to approve the January 22, 2018 Council Meeting Minutes with corrections was made by Councilmember Gilb, seconded by Councilmember Nelson. VOTE: ALL YEAS.

A motion to approve the February 12, 2018 Council Meeting Minutes was made by Councilmember Gilb, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

March 8, 9, and 10 are Member Appreciation Days at the Mason Community Center. There will be prize drawings, premier member savings at Symbiosis, bring a friend free without a guest pass, and luncheon.

The Mason Community Center, in partnership with the Leukemia & Lymphoma Society, will host the Race to Anyplace on Saturday, March 17.

The Mason Community Center is hosting World Down Syndrome Day on March 18. Children with Down Syndrome can enjoy activities such as group exercise, gymnastics, swim, and rock climbing.

A motion to appoint Jennifer Heft as Acting City Manager during the week of March 26 was made by Vice Mayor Spaeth, seconded by Councilmember Nelson. VOTE: ALL YEAS.

A motion to cancel the March 26 Council Meeting was made by Councilmember Gilb, seconded by Councilmember Nelson. VOTE: ALL YEAS.

The City of Mason and Mason City Schools have a long history of cooperating on issues related to security. For over 20 years, a full-time uniformed School Resource Officer has been in the High School and a uniformed D.A.R.E. Officer has been in the Intermediate School. Over a year ago, the City created the Campus Security Program to assist with the needs of the High School, Community Center, Court, and Municipal Center campus. The 2018 Budget included an additional \$200,000 to help the program evolve and enhance the security of the entire campus. Recently the City and Schools have agreed to increase officer presence with more "walk-thrus"

by campus security throughout the remainder of the school year. This will help working with schools to have an expanded and more structured campus security program in place.

COMMITTEE REPORTS

Councilmember Chance stated the Veterans Committee discussed upcoming activities including the action of having a Missing in Action (MIA) chair placed in the Municipal Center Atrium.

PRESENTATION BY WARREN COUNTY RECORDER LINDA ODA

Ms. Oda spoke about work the Warren County Recorder's office has done to gather Veteran information and issue Honor Reward Veteran ID cards. In 2017, the Recorder's Office worked with the City to offer two days of on-site recording in Mason with over 100 veterans participating. She said 86 Warren County veterans were recorded in 2016, 266 veterans were recorded in 2017. She thanked the City of Mason for the opportunity to help veterans in Warren County and she looks forward to having the event again in 2018.

RECOGNITION OF ADAM AYERS AND DELANEY TURNER FOR THEIR INVOLVEMENT IN COMETS FOR COMMON GROUND FUNDRAISING EVENT BY MASON PARKS FOUNDATION, KEVIN COLLINS

Kevin Collins expressed pride in the amazing community of Mason. He shared fond memories of living and raising his family in Mason for 32 years and said that although he will be moving away from Mason, Mason will always be his home. He plans on staying involved in building Common Ground Park. Mr. Collins introduced Adam Ayers, Park Board Member, and Delaney Turner, Mason High School Senior Sibs member, student leader, and organizer of the Comets for Common Ground's wheelchair basketball game fundraising event. They presented a check for \$8,448 to Rachel Kopfler of Mason Parks Foundation. Rachel Kopfler thanked the organizers and expressed her desire for this fun event to be repeated next year.

A motion to add Resolution 2018-2 to the agenda was made by Councilmember Nelson, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

RESOLUTION 2018-2 COMMENDING KEVIN COLLINS FOR HIS OUTSTANDING DEDICATION AND SERVICE TO THE CITY OF MASON, OHIO

Councilmember Chance and Mayor Kidd presented the resolution to Kevin Collins and thanked him for his selfless contributions to the City of Mason and Mason Park Board. Chrissy Avery and Jenna Hurley expressed their gratitude to Kevin and presented a gift for all his years of service on Mason Park Board.

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

Vice Mayor Spaeth expressed her appreciation to Kevin Collins and said she and the entire City of Mason will miss him very much.

A motion to adopt Resolution 2018-2 was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

RESOLUTION 2018-3 RECOGNIZING THE 2018 RACE TO ANYPLACE FUNDRAISING EVENT AS THE “NINTH ANNUAL KEN MURAWSKI RACE TO ANYPLACE”

Councilmember Nelson read Resolution 2018-3 and presented a framed copy of the resolution to Ken Murawski’s family.

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

Councilmember Chance introduced Amy, the Race to Anyplace event manager for the Leukemia and Lymphoma Society. She thanked the City of Mason for hosting the event and stated about \$50,000 has been raised each year, and after this year’s event a total of \$450,000 will have been raised over the last nine years.

A motion to adopt Resolution 2018-3 was made by Vice Mayor Spaeth, seconded by Councilmember Chance. VOTE: ALL YEAS.

RECOGNITION OF VISITORS

Steve Jones of 913 Leslie Court asked Council to explain Ordinance 2018-30 and House Bill 49. Jeff Forbes explained that over 150 Ohio municipalities have joined together to challenge the constitutionality of H.B. 49, which if passed will affect the collection of municipal income tax and infringe on Home Rule Authority. Eric Hansen stated H.B. 49 will authorize the State to collect local taxes and then determine how to distribute the revenue back to the City. There would be no cost savings to the City, only additional expense.

ORDINANCE 2018-23 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT, NOT TO EXCEED \$27,000, WITH WARREN COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR THE EDUCATION, INSPECTION AND ASSOCIATED SERVICES NECESSARY TO MEET THE NATIONAL POLLUTANT DISCHARGE ELIMINATION (NPDES) PHASE II REQUIREMENTS

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

Kurt Seiler stated since 2004, the City has annually entered into an agreement with Warren County Soil and Water Conservation District (SWCD). SWCD provides services that help the City meet NPDES Phase 2 requirements. Services include conducting classroom presentations, providing employee training, coordinating citizen group activities, construction site inspections, inspection of retention and detention basins, and follow-up notification letters to homeowners giving direction on how best to maintain the basins. He explained partnering with Warren

County Soil and Water Conservation District has given the City an opportunity to consistently meet EPA Best Management Practice regulations at the least cost to residents. Warren County SWCD completed a financial evaluation of their fees and requested fees remain the same as the 2017 fees of \$27,000. In the past the State has matched up to 75 cents on the dollar and typically, the City completes this legislation by March in order to meet a matching deadline at the end of April.

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

A motion to adopt Ordinance 2018-23 was made by Councilmember Nelson, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2018-24 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OVIVO USA, LLC FOR THE PURCHASE OF AERATORS AND AERATOR EQUIPMENT FOR THE WATER RECLAMATION PLANT IN AN AMOUNT NOT TO EXCEED \$600,000 AND DECLARING AN EMERGENCY

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

Jennifer Heft stated in October 2017, Council approved Ordinance 2017–136, which authorized a contract to design a third aerator on both oxidation ditch tanks. She explained current flow to the plant exceeds the capacity rating of one oxidation ditch and does not support splitting the treatment process between two ditches. The Water Reclamation Plant was originally designed to add a third aerator to each ditch. She explained aerators produce oxygen as part of the treatment process. Equipment decisions made during construction of the new plant limit future options available – often original vendors selected are the sole source vendor for the future life of the plant unless a major overhaul is undertaken. The Public Utilities Department and consulting engineer evaluated detailed pricing for the equipment, compared that pricing to congruent projects, and determined that the price negotiated does align with fair market pricing. Jennifer stated the minimum lead time for the delivery of aeration equipment is seven months. An emergency clause has been added to the legislation in order to expedite the purchase, delivery and installation estimated for late 2018 or early 2019.

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

A motion to adopt Ordinance 2018-24 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

ORDINANCE 2018-25 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KINGS FORD INC. FOR THE PURCHASE OF TWO FORD F-350 PICKUP TRUCKS IN THE AMOUNT OF \$72,656

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

Jennifer Heft discussed Ordinances 2018-25 through 2018-29. She explained most equipment to be replaced is very old with significant repair issues. The City strives to maximize vehicle and equipment lifetime by relying on contingency amounts to more closely align vehicle failure with replacement. She said Ordinance 2018-25 authorizes the purchase of two Ford F-350 pickup trucks for the Public Works and Public Utilities Departments. One truck replaces a 2006 truck with over 100,000 miles and over \$12,000 in lifetime repair and maintenance costs. She stated Ordinances 2018-26 through 2018-28 are for purchases related to the Police Department, including two Chevy Tahoes, two Ford Interceptor Utility SUVs, and the purchase/installation of emergency equipment into the new vehicles. Jennifer stated Ordinance 2018-29 authorizes the purchase and retrofit installation of three electronic ground speed salt controllers on three existing dump trucks. She explained a significant savings in salt usage has been recognized from two of the City's current trucks that have this type of controller. Kurt Seiler explained how electronic ground speed controllers accurately dispense salt and liquid calcium at predetermined rates, regardless of the speed of the truck. Jennifer said the State of Ohio purchasing program will be used for most of these purchases with the National Joint Powers Alliance cooperative purchasing program used for the salt and ice equipment. She explained legislation is anticipated at the March 12 Council meeting for one sign truck, refurbishing the Fire Department's Tower 52 truck, and an asphalt trailer. This future legislation should then complete vehicle and equipment replacement needs for 2018.

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

A motion to adopt Ordinance 2018-25 was made by Councilmember Nelson, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2018-26 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TIM LALLY CHEVROLET FOR THE PURCHASE OF TWO (2) 2018 CHEVY TAHOE POLICE PACKAGE VEHICLES IN THE AMOUNT OF \$71,835

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

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

A motion to adopt Ordinance 2018-26 was made by Councilmember Nelson, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2018-27 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LEBANON FORD FOR THE PURCHASE OF TWO (2) 2018 FORD INTERCEPTOR UTILITY SUV'S IN THE AMOUNT OF \$57,882

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

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

A motion to adopt Ordinance 2018-27 was made by Councilmember Nelson, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2018-28 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MOBILCOMM INC. FOR THE REMOVAL, TRANSFER, PURCHASE AND INSTALLATION OF EQUIPMENT INTO THREE (3) POLICE VEHICLES IN THE AMOUNT OF \$35,264

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

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

A motion to adopt Ordinance 2018-28 was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2018-29 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HENDERSON PRODUCTS FOR THE PURCHASE AND RETROFIT INSTALLATION OF THREE (3) ELECTRONIC GROUND SPEED SALT CONTROLLERS ON EXISTING TRUCKS IN THE AMOUNT OF \$16,323

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

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

Councilmember Gilb asked what cost savings are to be expected. Kurt stated in addition to the savings on salt, fuel, time and miles are saved with the reduced number of times the truck needs to return to the salt barn for reloading. Kurt said savings will more than pay for the equipment.

A motion to adopt Ordinance 2018-29 was made by Councilmember Nelson, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2018-30 TO AMEND THE CITY INCOME TAX CODE TO ADOPT SECTIONS 718.80 THROUGH 718.95 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY

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

Eric Hansen explained the City of Mason's opposition to H.B. 49, which is a threat to local self-government, threatens the City's ability to control finances, and does that at the expense of sending control and dollars to a more centralized government in Columbus for the state of Ohio. Jeff Forbes explained the status of the litigation in which the City, joined together with over 160 municipalities, opposes H.B. 49. Last week the judge issued his decision, denied the request for injunction and further ruled on the merits of the case in favor of the State of Ohio by ruling collection provisions to be constitutional. Jeff stated, that although the fight is not over, approval of Ordinance 2018-30 is necessary so that the City of Mason can continue to collect local income taxes. He emphasized Section 5 of the Ordinance specifies if any provision of H.B. 49 is found unconstitutional, stayed or enjoined, that the provision adopted in Section 1 of this Ordinance shall likewise be stayed.

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

Councilmember Nelson stated that out of over 660 cities, only about half are passing legislation adopting municipal income tax provisions. She supports approval of Ordinance 2018-30 to ensure the City's ability to collect income taxes. Jeff Forbes stated many communities do not have a corporate presence similar to Mason, and therefore would be affected nominally by the loss of this revenue. Eric Hansen described Mason's continued efforts to fight H.B. 49.

A motion to adopt Ordinance 2018-30 was made by Councilmember Nelson, seconded by Councilmember Gilb. VOTE: ALL YEAS.

OLD AND NEW BUSINESS - none

RECOGNITION OF VISITORS - none

EXECUTIVE SESSION:EMPLOYMENT/COMPENSATION OF PUBLIC EMPLOYEES AND SECURITY

A motion to adjourn into Executive Session for the purpose of discussing employment/compensation of public employees and security was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS. TIME: 8:24 p.m.

A motion to reconvene into Regular Session was made by Vice Mayor Spaeth, seconded by Councilmember Chance. VOTE: ALL YEAS. TIME: 8:53 p.m.

ADJOURN

A motion to adjourn was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS. TIME: 8:53 p.m.