

**CITY OF MASON
COUNCIL MEETING
APRIL 22, 2019**

The meeting was called to order at 7:00 p.m. Associate Pastor Kyle Linville opened the meeting in prayer. All those present recited the Pledge of Allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the April 8, 2019 Council Meeting Minutes was made by Vice Mayor Spaeth, seconded by Councilmember Gilb. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

A modified summer schedule with a single meeting a month for May, June, July, and August, as done in years past, allows more opportunities for committee meetings. A single meeting on the second Monday of those summer months should not pose a problem to legislation timeframes. A motion to modify the schedule with Council meetings on May 13, June 10, July 8, and August 12 was made by Vice Mayor Spaeth, seconded by Councilmember Chance. VOTE: ALL YEAS.

The Annual Warren County Prayer Breakfast will take place on Thursday, May 2 from 7:00 a.m. to 8:30 a.m. at the Faith Building Church.

May 31 is the last day to submit photos for the 2020 City of Mason calendar. Winners of the contest will be selected in June for the 2020 City calendar. The calendars will be ready in September.

A motion to appoint Jennifer Heft as Acting City Manager April 24 through April 27, 2019 was made by Councilmember Chance, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

Taxes were due this past week and City staff across all departments adjusted priorities to assist in sorting mail and helping residents at the customer service desk. AARP, a partner with the City of Mason, also partners with four other locations in the area to assist seniors with preparation and filing of tax returns. Over \$800,000 was saved by seniors with the help of AARP in the area.

COMMITTEE REPORTS

Councilmember Chance noted that a pressing concern is parking in Downtown Mason. A motion authorizing the City Manager to pursue preliminary planning for City parking in conjunction with Fifth Third Bank was made by Councilmember Chance, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

Councilmember Nelson encouraged residents to contact their State Representative and Senator in support of the Budget Amendment to restore local government funding and with concerns of the centralized tax collection portion in the State Tax Budget.

RECOGNITION OF VISITORS

Ken Mason of 4956 Appaloosa Trail and Kurt Seiler discussed funding and project phases for SR 741 Widening.

Carolyn Tepe with the U.S. Census Bureau provided a presentation of the brief history of the census, how the census affects State, local and tribal government, jobs available to assist with census collection, and online response now available for census reporting.

RESOLUTION 2019-4 PROCLAIMING MAY 2019 AS MENTAL HEALTH AWARENESS MONTH AND EDUCATION DAY MAY 5

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

Eric Hansen said initiatives within Economic Development and the Community Center continue the City's commitment to cultivating a culture of wellness through a recurring partnership with the Lindner Center of HOPE. Throughout May and importantly on May 5, the Lindner Center of HOPE is hosting the third Community Education Day, supporting mental wellness. Community Education Day has become a magnet throughout the region for learning about mental health issues and has gained national recognition for the depth of topics and expertise gifted to the public through this initiative. The event is open to the community. In addition to Linder Center of HOPE, this initiative reflects the City's long-term strategy of advancing innovation with core portfolio Mason innovators in mental health including Myriad Neuroscience and Clarigent Health. The City will strategically promote Mental Health Awareness month through Council proclamation, street banners, and Community Center promotional outlets.

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.

Mike Glenn, Vice President of Business Development with the Linder Center of HOPE, thanked the City for the continued partnership and investing in mental health. He stated mental illness is the nation's number one public health issue and the Linder Center of HOPE focuses on support through empathy, conversation, treatment, and advocacy. Councilmember Nelson and Mike discussed ongoing research for Post-Traumatic Stress Disorder for veterans and seeking volunteers for research. Mayor Kidd and Councilmember Chance discussed drug use in correlation with mental illness.

A motion to adopt Resolution 2019-4 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

RESOLUTION 2019-5 DECLARING MAY 2019 AS BUILDING SAFETY MONTH

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

Kurt Seiler stated this year's theme is "No Code. No Confidence." to raise awareness of the importance of building safe and resilient construction, fire prevention, disaster mitigation, and new technologies in the construction industry. The City's website includes information and checklists for common permit requests the City receives including decks, finished basements, swimming pool electrical components, and fencing.

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

A motion to adopt Resolution 2019-5 was made by Councilmember Nelson, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

RESOLUTION 2019-6 PROCLAIMING THE WEEK OF MAY 19 - 25, 2019 AS NATIONAL PUBLIC WORKS WEEK

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

Jennifer Heft discussed Resolution 2019-6 and Resolution 2019-7 together to promote public awareness and recognize employees in the City's Public Works and Public Utilities Departments. Public Works employees serve the community in keeping Mason's roadways safe and the community beautiful through installing clearly visible signage, roadway repairs, snow and ice removal, brush chipping, leaf collection, street sweeping, and litter control. Public Works Week theme this year is "It Starts Here." She said Clean Water Week is an opportunity to recognize the contributions of the City's Public Utilities Department. The department is responsible for operation of the Water Reclamation Plant, maintenance assistance for the outdoor and Community Center pools, and maintenance of over 200 miles of sanitary sewer lines, over 3,000 sanitary manholes, over 120 miles of storm sewer lines, and over 5,000 five-thousand catch-basins. Staff ensure the City is compliant with federal and state EPA as well as other regulatory agencies and assist business partners with pretreatment requirements. In addition, Public Works and Public Utilities employees assist with community projects and events such as the Community Garden, Red, Rhythm and Boom, Music in Mason, Heritage Festival and other events hosted by local organizations in the community.

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

A motion to adopt Resolution 2019-6 was made by Councilmember Chance, seconded by Councilmember Gilb. VOTE: ALL YEAS.

RESOLUTION 2019-7 PROCLAIMING THE WEEK OF MAY 20 – 26, 2019 AS CLEAN WATER WEEK

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

A motion to adopt Resolution 2019-7 was made by Councilmember Nelson, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

ORDINANCE 2019-40 AMENDING CHAPTER 125 OF THE CODIFIED ORDINANCES OF THE CITY OF MASON REGARDING STANDARDS OF BEST PRACTICE FOR REAL PROPERTY TRANSACTIONS

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

Eric Hansen reviewed the adoption of Ordinance 2018-81 for a disclosure process, creation of the Ad Hoc Committee of Council to review Chapter 125 for any potential adjustments, and the Committee's revision recommendations to the existing Chapter 125. Currently, any adjustments to Chapter 125 require a public hearing.

The public hearing was opened at 7:45 p.m.

Councilmember Gilb commended former Councilmembers assisting in building a great City and Mason moving forward to the future. He invited guest speakers that provided presentations at the Ad Hoc Committee meetings to speak. Kurt Seiler reviewed ODOT rules and guidelines and examples of easements, deeds, forfeited lands, State of Ohio property, vacation plats, and right-of-ways. Eric Hansen provided an overview of properties the City owns grouped together by park use and open space, facilities for City services, legacy properties, residual property from roadway/utility improvements, sold property for economic growth through new innovative businesses and business expansion, and property reserved for potential job growth. Councilmember Gilb and Jeff Forbes discussed the current State of Ohio mandatory ethics law of financial disclosure, a general summary of Ohio Ethics Law produced by the Ohio Ethics Commission, and those disclosures being automatic, mandatory, and permanent. No Councilmember and no Council can take action to be exempt from this law. Councilmember Grossmann discussed exemptions in Section 9 of Chapter 125 and provided concerns of collective reasoning and amendments causing tension among future Council during land discussion. Councilmember Gilb thanked the Ad Hoc Committee for their time and dedication and looks forward to the future success of Mason.

Gary Pflieger of 7907 Yellowwood Drive read a letter written by former members of Mason City Council, Char Pelfrey, Don Prince, Tom Grossmann and Pete Beck, favoring the need for mandatory guidelines in Chapter 125.

Vito Peraino of 6868 Heritage Club Drive and part of the Ad Hoc Committee provided a brief background of his work drafting conflict of interest provisions in schools, OneCity Against Heroin, Cincinnati Eye Institute, and other organizations. He encouraged transparency, meriting meaningful disclosure acting in the public's interest while ensuring flexibility with minor items, an ease of doing business with Mason to embolden economic development, and keeping property taxes low. He recommended an economic threshold be placed to determine the need of full disclosure to operate in the best interest of the City.

Stuart Cowan of 104 East North Street is a builder/developer in Mason and stated disclosure is always needed and advised land parcel real estate transactions should go to individual businesses.

Sukumar Madugula of 5866 Running Fox Lane agreed a staggered amount for full disclosure should be put in place and raised awareness with filing financial disclosures in January of each year with the possibility of change to the financial disclosure throughout the year.

Joe Kraimer of 4192 South Shore Drive, Deerfield Township, Ohio, non-resident, discussed accountability and trustworthiness concerns.

Julie Barnes of 7207 Acton Falls Drive, Maineville, Ohio, non-resident, expressed concern with the proposed amendments allowing the process to be administered inconsistently.

Tony Bradburn of 5174 Tinewood Drive recommended Section A and Section C of Chapter 125 be amended to always provide full disclosure.

Kelly Kohls of 4255 Nicholson Road, Clarksville, Ohio, non-resident, is concerned the Ohio Ethics Commission does not follow through and is not reliable.

Nicole Leporati of 6400 Amber Court said social media posts seemed divisive and communicated apprehensions of Council continuing to discuss this topic every few months instead of moving Mason forward. She stated information is not always appropriate for public knowledge.

The public hearing was closed at 9:03 p.m.

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 noted failure to follow Ohio Ethics Law is a crime and Mason does not buy land for speculation. She reviewed Mason's business growth, guiding land available to new businesses coming to the City, protecting Mason tax dollars, and concerns of the premature release of documents during transaction discussions.

Councilmember Honerlaw stated all Council has value and offers different points of view brought to the City and community. He conveyed concern with trustworthiness and praised the return of investment through transparency.

Councilmember Chance said in 1980 100% of the City's tax burden fell on Mason residents, but with economic growth 88% of the tax burden is now paid by businesses. Councilmember Chance asked Eric Hansen to note that Chapter 125 was not written to encourage and foster economic development.

Councilmember Grossmann expressed concerns with the current disclosure process and provided proposed amendments. A motion to substitute Exhibit A of Chapter 125 with proposed Exhibit B was made by Councilmember Grossmann, seconded by Councilmember Honerlaw. VOTE: 2 YEAS, 5 NAYS. (Nelson, Spaeth, Chance, Gilb, Kidd)

Vice Mayor Spaeth stated uneasiness in regards to former Councilmembers now in favor for the need of Chapter 125, when not implemented previously.

Mayor Kidd reminded the community that Council lives in the community and pays taxes in the community. He reassured the community the level of integrity is impeccable in the City of Mason.

Council thanked residents for attending, thanked the Ad Hoc Committee for their time and discussed working as a team to see the City succeed, the disclosure process delaying economic development, providing flexibility to complete transactions in a timely manner, Chapter 125 providing an additional layer of disclosure for protection, social media promotion, and Ohio Ethics Law requiring removal of discussion during transactions.

A motion to adopt Ordinance 2019-40 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: 5 YEAS, 2 NAYS. (Grossmann, Honerlaw)

ORDINANCE 2019-51 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH A&A SAFETY, INC. IN THE AMOUNT OF \$79,202 FOR 2019 STREET STRIPING PROGRAM

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

Kurt Seiler said staff requested pricing from four companies and two companies responded. In 2017 there were quality issues with A&A Safety's work and as a result they were not asked to participate in the 2018 process. Staff met with A&A Safety representatives to identify the areas of concern and to ensure quality service in the future.

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.

A motion to adopt Ordinance 2019-51 was made by Councilmember Nelson, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2019-52 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NEYRA PAVING, INC. IN THE AMOUNT OF \$30,891 FOR COMMUNITY CENTER PARKING LOT MAINTENANCE

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

A motion to adopt Ordinance 2019-52 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

ORDINANCE 2019-53 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CDW GOVERNMENT, INC. FOR THE PURCHASE OF NECESSARY LICENSING TO UPGRADE SERVER OPERATING SYSTEMS AND MICROSOFT OFFICE

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

Jennifer Heft discussed Ordinance 2019-53 and Ordinance 2019-54 together as both are for technology upgrades to maintain the security and integrity of the City's existing systems. The server operating system upgrades apply to 23 City servers including file storage, Finance/Tax system, Police system, printing services, GIS mapping, user accounts, City intranet, Service Center fleet management, and security camera servers. Microsoft recently announced that in 2020 they will stop releasing critical security updates for many of their older products leaving them susceptible to outside threats. Bundling security services saves the City about \$30,000 annually. She said the Microsoft Office upgrade also impacts the server running the Community Center software used for daily operations, online registration, and all City credit card payments. The original RecTrac platform was purchased in 2002 with minimal upgrades. The City's current version of RecTrac is not compatible with Windows 10 and existing receipt printers. Upgrading will add many new features including enhancements to the WebTrac online registration website and assisting revenue reports. A one-time setup fee includes onsite training, system setup, and data migration and an ongoing maintenance fee is needed for licensing, support, and data hosting.

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.

A motion to adopt Ordinance 2019-53 as amended was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2019-54 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VERMONT SYSTEMS, INC. FOR THE PURCHASE OF UPGRADED RECTRAC SOFTWARE

A motion to read by title only was made by Councilmember Chance, seconded by Councilmember Nelson. 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 2019-54 was made by Councilmember Nelson, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2019-55 AN ORDINANCE ACCEPTING THE PROPOSAL FOR PRECONSTRUCTION SERVICES FOR THE LOU EVES MUNICIPAL POOL REDEVELOPMENT PROJECT FROM THE CONGER CONSTRUCTION GROUP, INC., FOR AN AMOUNT NOT TO EXCEED FEE OF \$53,508 AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY

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

Jennifer Heft stated with the complex nature of the municipal pool project, a construction manager-at-risk is beneficial. With a construction manager-at-risk contract, a lot of the risk is placed on the construction management firm to provide a finished product that is on budget. This option has been used for several large projects with great success, such as the Municipal Center, Water Reclamation Plant, Community Center, and Service Center. The number of specialized trades and the coordination of the trades on this project require a high level of construction management effort through firms that are experienced in complex projects. Staff looked for firms that could provide preconstruction services ahead of the bidding phase to obtain detailed cost estimates, identify potential cost savings and engage subcontractors earlier to get competitive pricing. Conger Construction Group provided a team that was best suited for those services and has added PSS Contractors, a company who has installed numerous large pool projects in the tri-state area and come highly recommended in the industry. She said the construction schedule may be extended to reduce costs. Conger's preconstruction services will provide detailed estimates of the project at its current stage of design and again at the 95% design stage. The final pre-construction design stage allows Council to set the target budget for the project, including the alternates with a guaranteed maximum price. An emergency clause has been added to the ordinance to keep the pool on schedule to start construction at the end of this summer.

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 2019-55 was made by Councilmember Nelson, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

OLD AND NEW BUSINESS

Vice Mayor Spaeth recommended inviting Dr. Gary Sweeten to mediate a Special Council Meeting or Worksession coordinating better conversation and collegiality among Councilmembers.

RECOGNITION OF VISITORS

Kim Rupert of 4012 Chanticleer Lane suggested Council seek alternative ways to proactively communicate to the community directly from Council. Tony Bradburn of 5174 Tinewood Drive and Eric Hansen discussed social media and e-newsletters for the City.

Steve Jones of 913 Leslie Court appreciates the time Council invests in the City and residents.

EXECUTIVE SESSION: LAND ACQUISITION

A motion to add compensation of public employees to Executive Session was made by Councilmember Gilb, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

A motion to adjourn into Executive Session for the purpose of land acquisition and compensation of public employees was made by Councilmember Honerlaw, seconded by Councilmember Gilb. VOTE: ALL YEAS. TIME: 10:55 p.m.

A motion to reconvene into Regular Session was made by Councilmember Nelson, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS. TIME: 11:07 p.m.

ADJOURN

A motion to adjourn was made by Vice Mayor Spaeth, seconded by Councilmember Nelson. VOTE: ALL YEAS. TIME: 11:07 p.m.