

**CITY OF MASON
COUNCIL MEETING
SEPTEMBER 8, 2008**

Mayor Grossmann called the meeting to order at 7:04 p.m. Pastor J.D. Childers opened the meeting with a prayer. Those in attendance recited the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Victor Kidd, Christine Shimrock, Don Prince, Tony Bradburn, Todd Wurzbacher, Pete Beck and Tom Grossmann.

APPROVAL OF MINUTES

A motion to approve the minutes of the August 11, 2008 Council meeting was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

RECOGNITION OF 2009 CITY CALENDAR PHOTO CONTEST WINNERS

Jennifer Trepal announced the winners of the 2009 City Calendar Photo Contest. They are as follows: Rachel Schowalter, Jessica Manwaring, Danita Smith, Alexis Paul, Christina Lokar, Helen Fox, Mark Steedly, Justin Sodano, Melissa Alkiewicz and Rosemary Matthew Wells.

ST SUSANNA PROCLAMATION FOR 70TH ANNIVERSARY

Mayor Grossmann read the Proclamation recognizing the 70th anniversary of St. Susanna Parish. Receiving the Proclamation was Dr. Nymberg and Sally Reis.

RECOGNITION OF VISITORS

Tom Muennich of 206 Short Street addressed Council and stated he represented a group of residents from 2nd Street. He stated they are opposed to eliminating the traffic light at 2nd street and stated it was unsafe to cross SR 42 without the signal.

Ken Huberson of 5360 Joseph Lane addressed Council and stated he is the owner of Baysore Flowers. He stated he has received many complaints from his customers, as they cannot turn left onto SR 42. He also stated he has observed the traffic is going much faster now that the signal is on flash. This has hindered his business. He suggested allowing the signal to flash at night and operate as usual during the day. He said children walk to school and cannot safely cross the street without this signal.

Carol Lawson of 1167 Anthony Lane addressed Council and said she is the Director of the preschool on Dr. Frank Batsche Way. She stated the flashing signal is a safety concern for her parents. She said as they drop off their children, they circle around to the light. Without the full operating signal, it is very difficult and unsafe to turn left. She

said cars parked on the street make it hard to see a clear distance. She added she sat there for 7 minutes before she could get out. She said she want the signal to remain in full operation. She presented Council with signed petitions from the parents requesting the signal to remain in full operation.

Charlotte McManis, Business Manager for St. Susanna addressed Council and stated St. Susanna would like the light to remain.

Mayor Grossmann stated this matter will be reviewed by the Public Works Committee and Engineering. He stated the reason the signal is on flash is it does not meet the 8 warrants dictating traffic signal locations. He stated the Committee will review the matter and report back within a 30 day period. Richard Fair explained the City received a grant for signal upgrades to LED bulbs, was notified by the State this signal would not be included as it did not meet warrants. Mayor Grossmann asked where pedestrians could cross if the signal were removed. Richard Fair stated the next location would be the traffic light at Main Street. Vice Mayor Beck asked if the City has any additional liability if the signal remains. Ken Schneider, Law Director, stated no it is more of a funding matter for maintenance. Councilmember Kidd stated he is opposed to the removal of this signal. He said he is aware the City has installed lights specifically for business interests. He stated it is unknown how this may impact the downtown businesses when the goal is to encourage business in this area. He added this signal is relied upon by those working and living in the area. He added if it is removed, cars will use the Fifth Third parking lot and create a short cut. He said it is not causing a problem and should remain. He asked Richard Fair the cost of maintaining this light with LED bulbs. Richard said approximately \$5,000-6,000 and will last 8-10 years.

Misty Bogan addressed Council and said she works for the preschool and asked if the school was in session when the traffic study was done.

Noble Johnston of 316 S. West Street addressed Council and said listen to the people who live in the area and are affected by it.

Councilmember Wurzbacher stated if the signal is removed, there is no signal from Tylersville Road to Main Street. He said the question is, what is the best location for the signal.

Councilmember Prince state he has discussed the matter with the Downtown Committee and the Safety Committee and the general consensus is the signal should remain. He stated the flash has made a safe situation worse. He said a clear site path does not exist and he suggested the signal go back to full operation as soon as possible.

Eric Hansen stated the process to review a signal location must begin when the State tells a City a location does not meet warrants.

Marilyn Johnston of 316 S. West Street addressed Council and stated this is a serious problem and should be turned back on immediately. She said she contacted ODOT and they told her they do not control the signals within the city limits.

Debbie Walters of 119S. East Street said the traffic signal is needed.

Mayor Grossmann stated the Committee and Engineering can review the situation and make changes without coming back to Council.

Opal Ashworth of 217 Short Street addressed Council and stated cars speed on Aunker Drive. She said a sign has been installed stating the speed is 25 mph. She said the road is not wide enough for two cars. There are children in the area and it is a dangerous situation. She suggested using speed bumps to solve the problem. She also stated many people with dogs walk in this area and do not clean up after their dogs. Mayor Grossmann asked Ken Schneider to look into the matter to see what the City can do legally regarding the speed limit. Councilmember Bradburn said the street is very narrow and asked if this was a dedicated street. Richard Fair stated it is but is not the correct width. He said a resident requested the speed limit sign. Eric Hansen said the sign can be removed if it is hindering the situation.

Joe Dezenso of 5083 Plantation Court addressed Council and asked if his understanding is correct, if residents vote yes on the fire levy will they definitely get a third station, and a no vote will result in less service than we receive today. He asked why the residents don't have a choice to receive the same level of service without the addition of a third station. He asked if it was possible to pull the levy from the ballot and work a collaborative effort with the Deerfield Township. Mayor Grossmann replied the City is willing to work collaboratively with Deerfield Township but they are the ones that pulled out of the Joint Fire District and they have tied a collaborative effort to the annexation issue. Mayor Grossmann stated no Council would agree to that. He said the City does not have an aggressive annexation policy but are approached by property owners who want their land in the city limits. Mayor Grossmann added three stations are needed to serve the Mason residents regardless of what happens with the township. Councilmember Bradburn stated the township is the entity that pulled out of the Joint Fire District. He said at that time it was determined three stations are needed to protect residents and to meet the national standards. He added the township needs four or five stations to adequately protect their residents. He explained how the City has earmarked funds for the fire station structures but will need additional revenue to staff the station. Councilmember Shimrock stated she has heard the same concerns from other residents.

RESOLUTION 2008-16 DESIGNATING DEPOSITORIES FOR ACTIVE AND INTERIM DEPOSITS

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

Jennifer Heft explained to Council, the purpose of this legislation is to establish depositories for active and interim funds of the City of Mason. She stated on July 23, to ensure compliance with the Uniform Depository Act, Chapter 135 of the Ohio Revised Code, the City requested applications from eligible institutions for active and interim deposits from Advantage Bank, Fifth Third Bank, First Financial Bank, First National Bank, Keybank, LCNB National Bank, National Bank & Trust, National City Bank, PNC Bank, Towne Bank, and Wesbanco. In addition, a legal notice for the request was advertised in the Pulse Journal for two consecutive weeks and a notice was provided to the Northeast Cincinnati Chamber of Commerce. She said the objective of the application process is to ensure the financial institution has met the legal qualifications and to ensure that the institution has the financial strength and capacity to accept additional public funds deposits. Those institutions that participated in the process and provided all the necessary information for the City's active and interim deposits have been included on this legislation.

She further explained the depository agreement entered into would be for an initial one-year term and contain an automatic renewal clause, which may be used up to four consecutive years. The agreements may be canceled at the end of the one-year term or annual renewal upon 60 days written notice by either party.

Jennifer concluded by stating Resolution 2008 – 16 will designate Advantage Bank, Fifth Third Bank, First Financial Bank, LCNB National Bank, National Bank & Trust, PNC Bank, and Wesbanco to be eligible for the City's depository for active and interim deposits for a period not to exceed five years and will be considered to provide the City of Mason's banking services.

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

A motion to adopt Resolution 2008-16 was made by Vice Mayor Beck, seconded by Councilmember Kidd. VOTE: ALL YEAS

RESOLUTION 2008-17 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 Shimrock, seconded by Councilmember Kidd. VOTE: ALL YEAS

Jennifer Heft explained to Council, on July 14th, Council adopted Resolution 2008-9 adopting the 2009 Tax Budget. The Tax Budget is then certified to the County Auditor. Jennifer stated the Warren County Budget Commission determines the tax rates necessary to be levied within and without the ten mill tax limitations. Then the Warren County Budget Commission certified the rates to the City of Mason. The City is required to accept the rates, through the adoption of a resolution, which is then certified to the

County Auditor. This brings the City into compliance with the Ohio Revised Code Sections 5705.34 and 5705.35.

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

A motion to adopt Resolution 2008-17 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2008-99 AUTHORIZING THE RENAMING OF THE FIVE-ACRE TRACT CONTAINING HOUSE AND BARN, FORMERLY KNOWN AS THE "CASTLE PROPERTY", TO "KATHLEEN BEVAN CASTLE PARK"

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

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

Eric Hansen explained to Council, on May 18, 2001, the City of Mason entered a contract with Lyle Castle to purchase approximately 120 acres located on State Route 42. Judge Castle agreed to donate an additional 5 acres, including house and barns, if certain terms and conditions were met.

Eric stated these terms and conditions included the following:

1. The City would repair and maintain any improvements on the property, including lawn maintenance.
2. The 5-acre tract would be reserved for the use of Judge Castle during his lifetime.
3. Upon the death of Judge Castle, the City of Mason would name the five-acre tract as the "Kathleen Bevan Castle Park" as an official act.

Eric said Judge Lyle Castle passed away on July 1, 2008. This legislation allows the City to be in compliance with the terms and conditions of the purchase of the property.

A motion to adopt Ordinance 2008-99 was made by Councilmember Kidd, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2008-100 REPEALING SECTION 505.09 OF THE CODIFIED ORDINANCES OF THE CITY OF MASON, OHIO, AND ADOPTING A NEW SECTION 505.09 REGARDING BARKING OR HOWLING DOGS

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

Jennifer Heft explained to Council, in August several homeowners contacted the City requesting that the City's current ordinance related to barking dogs be evaluated. The Codified Ordinances, Section 505.09, regulate barking or howling dogs. Jennifer stated currently the ordinance provides for the continuous barking, yelping, howling and/or making other loud noise for 15 consecutive minutes before action by Mason Police Department can be initiated. Furthermore, the current ordinance provides for a process in which upon initial complaint the officer shall issue a warning and after a second complaint within 30 days a citation may be issued. She said residents report that dog(s), while continuously disturb the quiet and peace of the neighborhood, do not always bark continuously for 15 minutes, making the ordinance difficult to enforce and residents even more frustrated.

Jennifer reported staff researched codes used by other communities to regulate barking dogs. And, on August 29, the Safety Committee met with several residents to discuss the matter. Modifications to the current ordinance would streamline the process and facilitate enforcement. While the Police Department is not actively policing for barking dogs, amending the current ordinance will allow the department to better respond to the needs of the community by restoring the peace and quiet of a neighborhood. She concluded by stating the Safety Committee and legal counsel have reviewed these changes and are recommending Ordinance 2008 - 100 for adoption. Police Chief, Ron Ferrell, reported the officers often find themselves in the middle of these issues. He said the current ordinance is really not enforceable.

Councilmember Kidd suggested the City should educate the residents on this new code by placing, at a minimum, several articles in *Mason Matters*.

A motion to adopt Ordinance 2008-100 was made by Councilmember Kidd, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2008-101 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CARGILL, INC., FOR THE PURCHASE OF APPROXIMATELY 5,000 TONS OF ICE AND SNOW REMOVAL SALT AT \$65.48 PER TON

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

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

Eric Hansen explained to Council, over the last two years, the Cincinnati area is experiencing a rock salt shortage. Area demand for rock salt has been greater than the national suppliers can maintain and stockpiled reserves are almost completely depleted.

Mason purchases about 5,000 tons of rock salt each year to provide snow and ice control for City streets. Eric stated historically, the City has participated in the SWOP4G purchasing program because it has successfully obtained bulk rock salt cheaper than through the State Procurement Program.

Eric said last year, SWOP4G bids included 5 suppliers that bid on our proposal. The low bid was \$44.49/ton + \$3.00 for piling charges. This year, only Cargil bid on Mason's proposal with a bid price of \$65.48/ton + \$5.00 for piling charges and with the stipulation that they will not sell the City more than the 5,000 tons at that bid. Eric stated while this is a 47% increase from last year, many Cities did not even get a bid for salt. In addition, the Ohio Department of Transportation recently rejected all of its bids for rock salt and is in the process of rebidding. Some municipal salt bids have come in as high as \$165/ton. Eric concluded while the \$65.48/ton price is considerably higher not only is it doubtful a better price can be obtained it is anticipated that prices will continue to rise significantly. Approximately 5,000 tons of salt was purchased last season. If 5,000 tons of salt is needed the total cost is \$327,400. He added however, the City will need to pursue alternatives to both reduce the budgetary impact of salt prices as well as to ensure available quantities are on hand. This will include continuing to look for less expensive supplies as well as conservation measures that may reduce the effectiveness of snow removal this year. He stated the City did purchase a saltpiler last year for \$12,000 – saving \$25,000 in piling charges this year alone.

Councilmember Kidd asked about the results of using beet juice last year. Eric reported it has limited use due to the temperature range.

Vice Mayor Beck clarified this does not require the City to purchase 5,000 tons of salt unless needed. Eric replied that is correct. Vice Mayor Beck asked if there is a guarantee they can deliver 5,000 tons. Eric replied no, when we ask for it, they may not be able to deliver it.

A motion to adopt Ordinance 2008-101 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2008-102 DECLARING CERTAIN CITY ITEMS AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO ADVERTISE, AUCTION AND ENTER INTO A CONTRACT FOR SALE OF SAID ITEMS

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

Eric Hansen explained to Council, the City periodically disposes of surplus City property through auction. This surplus is generally made up of vehicles and equipment that no longer serves a useful purpose in delivering public services. However, surplus may also

include unclaimed or forfeited property acquired through Police related activity. Eric stated on Saturday, August 23 the Heritage Festival was held in Downtown Mason. As part of the festival, Council members challenged Warren County to an outhouse race. Public Works and Public Utilities constructed outhouses – Council Chambers & County Seat - for use in the event. He said while City Council was faster than Warren County's team, they did not win the entire race. However both outhouses received "plunger" awards for best creativity and design. It has been determined that Council and Warren County's lack of success at the event indicate these outhouses are either obsolete or unfit for continued use and therefore should be declared surplus. It is anticipated that the plans for these two outhouses will likely be sold or traded in on an upgraded model for use in next year's event. Eric said the outhouses themselves along with the coveted plunger awards will be disposed of through a public bid process. Bids will be opened at the City's United Way luncheon, on Thursday, October 9 at 11:45 p.m. Proceeds will go to the City of Mason United Way campaign. Anyone interested in providing a good home to these outhouses is encouraged to submit a bid.

A motion to amend the ordinance to reflect the "plunger award" remains in the office of the City Manager in perpetuity was made by Councilmember Wurzbacher, seconded by Councilmember Shimrock. VOTE; ALL YEAS

A motion to adopt Ordinance 2008-102 as amended was made by Vice Mayor Beck, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

▶ The City of Mason was pleased to be the host city for the Susan G. Komen Breast Cancer Foundation's "Race for the Cure" on Sunday morning, September 14, 2008.

▶ The third annual Mason Arts Festival will be held on Sunday, September 21 from 11:00 a.m. to 5:00 p.m. at the Mason Municipal Center. Over 100 artists will be on hand to show their works. There will be painting, pottery, photography, jewelry, sculpture, as well as musical entertainment and food vendors. The festival will be held "rain or shine" and ample parking will be available in all lots.

▶ The annual APC dinner will be held on Wednesday, September 24 at Valley Vineyard Winery in Morrow beginning at 5:30 p.m.

▶ The Northeast Cincinnati Chamber's 2008 "Soaring to New Heights" Awards Extravaganza is being held at the Manor House on Thursday, October 2 beginning at 5:30 to 9:00 p.m. A motion is in order to approve attendance by City Council and staff. Councilmember Bradburn moved to approve City's attendance at this event. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

▶ Warren County Solid Waste District and the Cincinnati Computer cooperative used the City of Mason Municipal Center parking lot on Saturday, August 30th for a Computer Recycling Day. Residents were able to dispose of: computers, monitors, mice, keyboards, and printers. The event was a huge success with over 420 cars dropping approximately 85,000 pounds of computer equipment. There were over 600 monitors recycled that day.

▶ On Friday, August 8, 2008, City staff met with Miami Valley Risk Management Association (MVRMA) regarding City safety procedures. Yearly, MVRMA requires the City to complete a Safety Performance Evaluation Checklist (SPEC) assessment. The SPEC assesses Mason's safety program and loss control measures. For the 2007/2008 year, the City of Mason scored a 100% on the SPEC assessment. This is the first time Mason received a perfect score.

▶ Four public input meetings are scheduled for September 10, 17, 24 and October 1 at the Courseview Pavillion, Golf Center at Kings Island to discuss the City's review of the Comprehensive Land Use Plan. Meetings begin at 6:00 p.m. These are important opportunities to take part in planning the future of the City of Mason. All members of the community are encouraged to participate.

▶ The City has received a request to waiver permit fees for Deerfield Township's expansion at the Rose Hill Cemetery. The total amount to be waived is \$2,900.00 Councilmember Bradburn moved to waive the fees. Councilmember Wurzbacher seconded the motion. VOTE: ALL YEAS

▶ The City has received a request from the Mason Schools to waive the fees associated with the addition to the high school. Eric said the total for these fees is \$69,000. He reported the Finance Committee has reviewed this and it is their recommendation the fees be waived. A motion to waive the fees was made by Councilmember Prince, seconded by Vice Mayor Beck. VOTE: ALL YEAS

▶ Eric said other requests from the schools not associated with this high school addition will be reviewed and evaluated on a case-by-case basis.

COMMITTEE REPORTS

Councilmember Wurzbacher asked if the Finance Committee was going to review other requests from the schools and bring them before Council. Vice Mayor Beck replied that is correct. The individual requests will be reviewed on a case-by-case base. Councilmember Prince stated he was concerned that the waivers with the schools did not follow any established process. He felt they may have been perceived as an entitlement. He stated with a process in place, the procedure can be respected.

Councilmember Bradburn reported the Safety Committee met tonight to sign the property acquisition for the new Fire Station. He said the City is partnering with Henkle Schueler. He said Station 51 will be moved to the new location. He stated the location of this new

station appeared on the plans that were created to provide adequate fire coverage for the residents. Councilmember Bradburn read a letter that will be sent to the township extending an offer to assist the township with fire coverage in the northwest area of the township.

Vice Mayor Beck reported the Finance Committee is in the process of reviewing the City's investment policy and reviewing the various fees charged by the City.

OLD AND NEW BUSINESS

Councilmember Wurzbacher announced that he will be resigning from Council as he is purchasing a new house located outside the City limits. He suggested the City start accepting applications from interested residents so his replacement could take his place in October.

Councilmember Kidd reported he represented the Court Liaison Committee in a meeting with representatives from across Warren County including a representative, Doug Stevens, from the Ohio Supreme Court. He stated the purpose of the meeting was to discuss the possibility of eliminating part-time judge positions. He said the Ohio Supreme Court is interested in all judges becoming fulltime judges. Councilmember Kidd reported the judges do not support this effort. Doug Stevens stated it may be mandated in the future and it may be a good idea to have a plan in place in case that happens.

Mayor Grossmann thanked those involved with the Heritage Festival. He suggested a weight criteria be established in the future for the out house race. He also reported on the AVP event held in Mason over Labor Day. He said the attendance broke all records.

EXECUTIVE SESSION

A motion to adjourn into executive session for the purpose of discussing land acquisition was made by Councilmember Kidd, seconded by Vice Mayor Beck. VOTE: ALL YEAS


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

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

TIME: 9:47 p.m.


Clerk of Council


Mayor