

**CITY OF MASON  
COUNCIL MEETING  
DECEMBER 12 2005**

Vice Mayor Grossmann called the meeting to order at 7:04 p.m. Following a prayer by Rabbi Josef Kalmanson, those present recited the pledge of allegiance

**ATTENDANCE**

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Tom Grossmann, Matt Kline, and Todd Wurzbacher. Charlene Pelfrey was absent.

**APPROVAL OF MINUTES**

A motion to approve the minutes of the November 14, 2005 Council meeting was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: 5 YEAS, 1 ABSTAIN (Kline)

A motion to approve the minutes of the November 21, 2005 Council Worksession was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: 2 YEAS, 4 ABSTAINS (Kline, Wurzbacher, Osborne, Kidd). Approval of minutes will be delayed until next Council meeting due to failure to obtain a quorum from those present.

A motion to approve the minutes of the November 28, 2005 Council meeting was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: 4 YEAS, 2 ABSTAIN (Kline, Osborne)

A motion to approve the minutes of the December 1, 2005 Council meeting was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: 5 YEAS, 1 ABSTAIN (Osborne)

**RECOGNITION OF DOWNTOWN DECORATING CONTEST**

Paige Rothstein introduced the winners of the second Downtown Decorating contest. They were DuPriest Antiques, Stover/Dowery Insurance with honorable mention going to Roy's Art Studio and Baysore's Florist.

**RECOGNITION OF VISITORS**

Mr. Frank Miller of 422 Walnut Lane addressed Council and commented on the article in the Cincinnati enquirer that stated the Community Center is running at an \$800,000 deficit. He said that amount is increasing and the trend should be going down. He said he does not use the center and doesn't like paying for something he doesn't use. Scot Lahrmer replied the amount appears larger this year due to the discontinuation of applying the inside millage to the operating cost of the center. He stated 2006 is the first year those funds will not be used for this purpose. He also

said there is a positive balance in the Community Center funds. Councilmember Osborne stated the Finance Committee is committed to working on this issue to reduce the amount of funds required from the City's general revenue fund. He said it must be closed to a break even point. He also said the current rates are below market level and new programs will be added the bring revenue into the center.

**ORDINANCE 2005-161 AUTHORIZING PAYMENT OF \$8,000 TO THE MASON HISTORICAL SOCIETY, A PRIVATE NON-PROFIT ORGANIZATION**

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

Scot Lahrmer explained to Council the Mason Historical Society has approached the City for funding. He stated the City began partnering with the Mason Historical Society in 1993 when the City contributed \$5,000 to the Mason Historical Society, \$2,500 in 1994 and 1995; and \$5,000 in 1997 through 2003. In 2004, the Mason Historical Society received \$7,500. Scot concluded by saying as directed by Council at the November 21 work session, Ordinance 2005-161 reflects a contribution of \$8,000 to the Mason Historical Society

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

A motion to adopt Ordinance 2005-161 was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2005-162 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH BASCO MANUFACTURING COMPANY FOR THE ACQUISITION OF PROPERTY AND EASEMENTS LOCATED AT 7201 SNIDER ROAD, MASON, OHIO**

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

Richard Fair explained to Council as part of the Western Row Road and Snider Road Intersection Improvement Project, it is necessary to acquire a portion of the Western Row Road frontage owned by the Basco Manufacturing Company located at 7201 Snider Road for right-of-way. He stated the right-of-way acquisition is for a 10' wide strip of property (0.066 acres) along Basco's Western Row Road frontage and a utility and drainage easement for the channel in front of the existing facility. Richard said Basco has agreed to donate the right-of-way and easements in exchange for \$3,500 to cover their attorney fees and some clean up work that our contractor performed during the project.

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

A motion to adopt Ordinance 2005-162 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2005-163 AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND THE JOHN R. JURGENSEN COMPANY FOR THE WESTERN ROW ROAD AND SNIDER ROAD IMPROVEMENT PROJECT**

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

Scot Lahrmer explained to Council on May 10, 2004 City Council awarded a contract to the John R. Jurgensen Company for \$5,480,386 to complete the improvements to the Western Row Road and Snider Road Intersection. Construction began on June 7, 2004 and took approximately 16 months to complete. He stated with the project complete, it is now appropriate to request that the final change order be considered for City Council approval in the amount of \$672,121.13. He explained during the project GCWW added \$150,157.56 of work to the contract that will be reimbursed to the City. The City's \$521,963.57 share of the change order is about 9.5% of the original contract, which is higher than expected for this type of project.

Scot said much of the change order can be attributed to poor soils that plagued the project. The actual amount of soil removal and replacement exceeded plan quantity by over 10,000 cubic yards, which accounts for \$257,000 of the requested change order. The total amount of the change order attributed to poor soils is over \$375,000, including the geo-grid and stone backfill mentioned above.

Scot further explained the second major contributor to the change order was the quantity of asphalt. The existing pavement on the south leg of Snider Road was found to be thinner than expected based on soil boring information obtained. This additional asphalt required accounted for over \$170,000 on the project.

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

Councilmember Osborne confirmed the soil boring had been done. Richard Fair replied they had but did not reveal the difficulties that were encountered.

A motion to adopt Ordinance 2005-163 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-164 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PROVIDE ACCIDENTAL DEATH AND DISABILITY BENEFITS TO REGULAR PART-TIME FIREFIGHTERS IN THE CITY OF MASON FIRE DEPARTMENT**

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

Eric Hansen explained since its inception in 1998, the City of Mason Fire Department has relied on a combination of full-time and part-time personnel to provide emergency Fire and EMS services. Full-time employees of the City receive benefits that include vacation time, sick time, and a City sponsored health insurance program. For several years, staff has been researching appropriate and cost-effective incentives or benefits for part-time personnel that reflect their often irregular work schedules. Two years ago, the City implemented an innovative "Incentive Plan" that offered hourly rate increases to employees that consistently filled a regular 3-day shift rotation. Currently 9 part-time employees participate in this plan. He stated Chief Fletcher has located a firm that offers disability insurance packages specific to Firefighters. VFIS of Ohio provided the City with quotes to offer accidental death and disability benefits as reflected on the attached schedule at an approximate cost of \$1866 a year for part-time employees of the Department. The benefits cover any injury incurred as a result of work-related duties and is intended to cover gaps in workers compensation coverage and the absence of a sick time benefit. Eric concluded by stating the Employee Relations Committee reviewed the proposal and recommended moving forward with extending this benefit to part-time firefighters.

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

A motion to adopt Ordinance 2005-164 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-165 APPROVAL OF THE FINAL PLAT FOR CARMELLE SUBDIVISION SECTION 2**

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

Richard Fair explained to Council the engineering firm representing the developer is requesting approval of the final plat for Section 2 of the Carmelle Subdivision. He said this site, zoned R-3, is located on the east side of SR 741, approximately 0.4 miles south of U.S. 42. This section contains a total of 33 lots on 15.9 acres. This plat will dedicate the right of way, landscaping, utility, sanitary and storm sewer easements needed for this subdivision.

Richard said Planning Commission recommends approval of the final plat contingent on six items the most important is to submit a subdivider's contract and performance bond. He added the amount of the bond is \$350,000 because the asphalt has not been completed.

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

Councilmember Kline stated through his experience on the Zoning Board of Appeals, he is aware there are many variances requested for decks etc. in the new subdivisions. Richard Fair stated that is due to the cost of land in the subdivisions and the size of the home that is being

placed on the lot. Councilmember Kline suggested it be reviewed if R-3 is adequate for large homes.

A motion to adopt Ordinance 2005-165 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-166 APPROVAL OF THE REPLAT OF TRAILSIDE ACRES SUBDIVISION, LOT 39 AND ADJACENT UNPLOTTED LOT**

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

Richard Fair explained Gene and Jody Grant are requesting the approval of the replat of Lot 39 and an .8514-acre unplatted lot in the Trailside Acres Subdivision, which is, zoned R-2. He said the unplatted lot was a former easement for Dayton Power and Light but was released and is now buildable. This replat will revise the property line between lot 39 and the adjacent unplatted lot. Lot 39 is to be renamed Lot 39A and will be .5960 acres while the unplatted lot is to be named lot 160 and will be reduced to .7845 acres. The dimensions and size of both lots meet the City of Mason Zoning Code requirements for R-2. Richard also said Planning Commission recommends approval of the final plat

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

A motion to adopt Ordinance 2005-166 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2005-167 AUTHORIZING THE ACCEPTANCE OF THE GRANT OF UTILITY AND DRAINAGE EASEMENTS FOR THE LAKEVIEW DRIVE DRAINAGE IMPROVEMENT PROJECT BY THE CITY MANAGER**

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

Richard Fair explained to Council construction of the Fairway Drive/Lakeview Drive/Monte Drive Drainage Improvement project was presented to City Council for approval in November. This project consists of several small projects. Although the drainage improvements at Monte Drive do not require the City to acquire right-of-way, nine permanent utility and drainage easements were required to construct the improvements located in the yards of residents along Lakeview Drive. A cooperation agreement with the Golf Center is required for the drainage improvements in the area of Fairway Drive. Richard said engineering staff has been working with the nine property owners adjacent to the Lakeview Drive portion and have acquired all necessary easements at no cost to the City. The Lakeview Drive improvement takes into account the existing roadway drainage and all improvements needed to replace the existing storm sewer system, which has collapsed. Richard also said engineering staff has also been working with the Golf Center to create an agreement that outlines the responsibility of both parties relative to the

Fairway Drive improvement. The Fairway Drive improvements will reduce flooding in the area of Van Buren Drive.

Richard reported adoption of Ordinance 2005-167 authorizes the acceptance of Utility and Drainage easements for Lots 15, 16, 17, 18, 19, 36, 37 of Elkwood, First Addition and Lot 13, 14 of Mason Heights required for the performance of work necessary in the construction of the Lakeview Drive Drainage improvements and Ordinance 2005-168 authorizes the City Manager to enter into an agreement with Grizzly Golf Center, Inc., necessary for the construction of the Fairway Drive drainage improvements.

In response to questions from Council, Richard said the completion date is March 1, 2006 with a \$3,000 per day penalty to the contractor if the deadline is missed.

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

A motion to adopt Ordinance 2005-167 was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2005-168 AUTHORIZING THE CITY MANGER TO EXECUTE AN AGREEMENT WITH GRIZZLY GOLF CENTER, INC., TO CONSTRUCT A NEW BRIDGE AND COMPLETE 550 LINEAR FEET OF CREEK RESTORATION OVER A TRIBUTARY TO THE MUDDY CREEK AND DECLARING AN EMERGENCY**

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

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

A motion to adopt Ordinance 2005-168 was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2005-169 APPROVING THE DEDICATION PLAT FOR BUILDERS FIRST SOURCE AND DECLARING AN EMERGENCY**

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

Richard Fair explained to Council Emily Lichtenberg with Lichtenberg Construction, representing Builders First Source, is requesting the approval of the dedication plat of right-of-way along Reading Road for the Builders First Source site. He said this plat will dedicate 90'-0" of right of way along Reading Road to the City of Mason. The plat is consistent with the City of Mason Thoroughfare Plan and Planning Commission recommends adoption.

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

A motion to adopt Ordinance 2005-169 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2005-170 AUTHORIZING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO U.S. 42 BETWEEN BUTLER-WARREN ROAD AND TYLERSVILLE ROAD**

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

Scot Lahrmer explained to Council the City received a \$3.5 million grant award for widening US 42 from Tylersville Road to Butler Warren Road. The grant covers approximately 50% of the construction costs for this 2-mile long stretch of US 42. The Engineering Department and TEC Engineering completed the grant application seeking funds through the OKI Transportation Improvement Program. As a follow up to the grant, City Council awarded the Phase I design contract by authorizing a contract with KZF Design Inc. for a not-to-exceed cost of \$341,318. Scot said ODOT officials are now requesting that the City consent to cooperate with the Director of Transportation to complete the project. This is a standard agreement that is used on all ODOT sponsored projects. They will require final legislation just before the project goes out for bids. As part of the agreement the City is responsible for all engineering, right-of-way acquisition, our share of the construction costs, and payment for construction items, which are not necessary for the improvement as determined by the State and FHWA. ODOT will administer the grant for OKI and according to their schedule; Phase I design is scheduled to be complete in 18 months and Phase II to follow with a completion set for the end of 2007. Scot said they have established a construction date of 2009 with right-of-way acquisition due in 2008.

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

A motion to adopt Ordinance 2005-170 was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2005-171 ANNUAL APPROPRIATIONS ORDINANCE**

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

Eric Hansen explained to Council the City's budget continues to be based on very conservative practices. Revenue growth for 2006 is conservatively projected at 9% over 2004 actual revenues. Individual budgets continue to end the year with positive balances as department heads and other City staff closely monitor expenses throughout the year. Annual carryover balances continue to be healthy, and without being included in annual revenue estimates, provide Council the flexibility to address new or changing priorities the following year without

negatively impacting the annual budget. Eric stated over \$6.3 million of the initial departmental requests for equipment, personnel, and projects were removed from the City Manager's recommendations. The Finance Committee recommended additional reductions of over \$7.8 million. The result is a budget based on conservative revenue estimates, attention to controlling expenses, and ambitious investments in community infrastructure that provides the funding necessary for the City to deliver services effectively in the coming year 2006.

Eric said highlights of the 2006 budget include the following:

- Two additional Police Officers to be funded in the General Fund
- Two Maintenance workers, one in Public Works and one in Parks
- A Plans Examiner and a Project Manager to assist with growing workloads in Engineering & Building
- Ongoing investment in community infrastructure

Eric also said for 2005, nearly \$4 million is budgeted to reduce debt. Conservative budgeting has allowed the City to be more aggressive than required in reducing outstanding financial obligations planning in 2006 to pay \$3,966,848 .

The Finance Committee along with Administration evaluated all requests and after making adjustments are recommending the attached Appropriation Ordinance for the year 2006 be approved.

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

A motion to adopt Ordinance 2005-171 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2005-172 ESTABLISHING THE SALARY ADMINISTRATION PLAN, PROVIDING FOR CONSIDERATION OF INCREASES IN COMPENSATION ON AN ANNUAL BASIS, AND GRANTING A COST-OF-LIVING INCREASE**

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

Eric Hansen explained to Council the next two ordinances address modifying the City's compensation rates. In the past, City Council has considered legislation each summer authorizing merit increases for non-contractual employees. Last year, Council's Employee Relations Committee reviewed the City's compensation system and recommended several changes to how employee compensation is handled.

Eric reported the Committee identified six goals to guide this effort that included maintaining control over the system and being sensitive to comparable benefits enjoyed by contractual employees; minimizing costs of frequent employee turnover; maintain a merit system that rewards high performance; improve recruiting effectiveness; maintain conservative financial



management by unbundling inflationary pressures, merit incentives, and system maintenance; and providing an administratively consistent structure.

A key element was the Committee's intent to review compensation and hiring ranges during the budget process and recommend inflationary adjustments to take effect January 1 of each calendar year. Ordinance 2005-172 provides a 3% inflationary adjustment to current non-union City employee compensation effective the first pay period following January 1, 2006. Eric said unlike last year's adjustment, the Ordinance also identifies a merit component of up to 2.5% of payroll that is available for those employees that demonstrate exceptional effort. These amounts will be calculated and administered within the first quarter of 2006. Ordinance 2005-173 updates the City's Hiring Range schedule for non-union, full-time employees with a 3% adjustment.

Eric reported the Employee Relations Committee recommended the above action, City Council had the opportunity to discuss the recommendations during a subsequent executive session and agreed to move forward with the above legislation.

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

A motion to adopt Ordinance 2005-172 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-173 REPEALING ORDINANCE NO. 2004-139 OF THE CITY OF MASON, OHIO, AND ESTABLISHING HIRING COMPENSATION RANGES FOR CITY OF MASON EMPLOYMENT POSITIONS**

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

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

Councilmember Bradburn suggested a comparative study be done with surrounding area to determine the amount paid to committee members. He stated from his experience it seemed very low. Law Director, Ken Schneider agreed it seemed low in relation to other communities. Vice Mayor Grossmann asked the City Manager to look into the matter.

A motion to adopt Ordinance 2005-173 was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-174 AMENDING ORDINANCE NO. 2005-147 ESTABLISHING THE POSITON AND RATES OF COMPENSATION FOR EMPLOYEES OF THE MASON MUNICIPAL COURT AND DECLARING AN EMERGENCY**

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

Eric Hansen explained to Council the Court Liaison Committee met with Mason Municipal Court on November 15 to review a document and presentation from Court on "Salary Philosophy & Projections." The presentation proposed a revision of the compensation system of Municipal Court and adjustments to the salary levels of a number of Court employees. Following this meeting a memo was received along with a number of status change forms making changes to the compensation of a number of Court positions. Eric further explained based on this memo, Municipal Court is seeking to modify the current compensation of twelve positions. The submitted forms indicate the increases should be retroactive to June 1, 2005 so the legislation contains an effective date of June 1, 2005.

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

Councilmember Osborne asked for clarification on the proposed retroactive increase. Vice Mayor Grossmann reported the Court Liaison Committee met prior to this Council meeting. He stated the Court has had no cost of living increase for two years. He also said the Supreme Court has reviewed the salaries and determined they are on the low side. Brian Grismer reported it is the Court's objective to offer salaries in the middle range. Vice Mayor Grossmann said the Court has not exceeded the budget amount with these increases. He stated most of the increases are for positions the City has no control over as dictated by the Ohio Revised Code. He asked Brian if they agree not go over their budget. Brian Grismer agreed the Court would not exceed their budget. He also stated they were waiting for information from the Ohio Supreme Court before they submitted this request. Councilmember Osborne asked if they would contact a compensation consultant to review this professionally. Brian agreed they would do that.

A motion to adopt Ordinance 2005-174 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: 5 YEAS, 1 ABSTAIN (Bradburn)

Vice Mayor Grossmann requested Ordinance 2005-177 be added to the agenda and addressed next by Council as it relates to the previous legislation.

**ORDINANCE 2005-177 AMENDING ORDINANCE NO. 2005-174 ESTABLISHING THE POSITIONS AND RATES OF COMPENSATION FOR EMPLOYEES OF THE MASON MUNICIPAL COURT AND DECLARING AN EMERGENCY**

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

Eric Hansen explained the memo dated November 7 shows a final exhibit that clarifies what Council will be approving with this ordinance. He stated it is in effect an overhaul of the compensation. Vice Mayor Grossmann explained almost all of the positions are for Deputy Clerks, which the Court has sole discretion on their salary. Second he stated the pay schedules are consistent with other Deputy Clerk positions in the State of Ohio, about the middle range. Third, Vice Mayor Grossmann stated the actual increase will be approximately \$36-38,000 which is a 5-6 % increase. Councilmember Kidd stated they are still under budget and have done

the research to determine the comparative amounts to pay. He said with the amount of homework they have done on this, it is very defensible. Councilmember Osborne asked if this increase falls into the line item of the budget amount. Brian reported no it is \$15,000 more for the line item but it does stay within the total budgeted amount. Following a general discussion among Council in which there was some confusion regarding the changes requested, it was moved by Councilmember Osborne to table to allow more time for review. Councilmember Kidd seconded the motion. VOTE: 5 YEAS, 1 NAY (Grossmann)

**ORDINANCED 2005-175 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 5.48 ACRES LOCATED SOUTH OF LUXOTTICA PLACE WEST OF TYLERSVILLE ROAD AND NORTH OF WESTERN ROW ROAD FROM B-PUD TO HT-1 (LENCRAFTERS PROPERTY)**

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

Scot Lahrmer stated the public hearing for this legislation will be held on January 9, 2006 at approximately 7:05 p.m.

**ORDINANCE 2005-176 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 6.71 ACRES LOCATED AT THE EAST END OF SUNNY DRIVE IN THE TYLER STATION SUBDIVISION IN MASON AND ALSO LOCATED WEST OF THE ROSEMONT SOUTH SUBDIVISION IN DEERFIELD TOWNSHIP FROM R-1 TO R-3 (RHEIN INTERESTS)**

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

Scot Lahrmer stated a public hearing will be held on this legislation on January 9, 2006 at approximately 7:10 p.m.

Vice Mayor Grossmann stated an executive session will be added to the agenda for the purpose of discussing litigation.

**CITY MANAGER'S REPORT**

All of the Council action necessary to close the year has been placed on our December 12 agenda. There will not be a second Council meeting in December.

Rebecca Ryan explained Skilled Care relocated to Mason in 1993 and has experienced significant growth since 1999, considering expansion several times at their current location. Their space, personnel and cost requirements have directed the search region-wide. After nearly a 6-month relocation process, Skilled Care has narrowed its choice to three communities, one of which is Mason. She stated their plan is a major capital investment with the construction of a

\$3.3 million corporate headquarters and operations building. The company will consolidate an off-site Blue Ash facility that houses 35 employees with the Mason corporate facility of 193. They will support well over 200 employees at the new location with a projected payroll of \$7.5 million annually and an average salary of \$35,000. The site chosen for this development will also allow for future expansion of the proposed 40,000 square foot office/pharmaceutical operation. The Mason site under consideration is located within the Tri-Way Industrial Commerce Park on Hi-Tek Court. This location is attractive to the company because of multiple variables including the professional environment created by the infrastructure investments at Snider and Western Row Roads as well as ease of access to this park.

Rebecca stated because of the City's commitment to partner with our existing business community and support continuous growth in Mason, the Economic Development Committee recommends that Mason City Council approve an abatement under the Community Reinvestment Area Program of 100% of real property improvements for 15-years on the value of the new building as authorized by the State of Ohio Community Reinvestment Area Program and contingent upon the company making an annual compensation payment to the Mason City School District for the term of the abatement period. Councilmember Kidd moved to approve the recommendation, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

### **COMMITTEE REPORTS**

Vice Mayor Grossmann reported the Finance Committee met to discuss the budget and the Court Liaison Committee met to discuss the legislation that was brought before Council this evening.

### **COUNCIL OLD AND NEW BUSINESS** None

### **RECOGNITION OF VISITORS**

Don Williams of 214 W. Church Street addressed Council and asked about the status of the development on SR 741. Scot Lahrmer respond the required development agreement has not been pursued. He said the developer has let some of the options go on the property in the area. He has purchased approximately 70 acres and it is expected a new plan will be submitted in 2006.

Brian Grismer representing the Court thanked Council for the professional way in which they conducted the Court's request this evening.

### **EXECUTIVE SESSION**

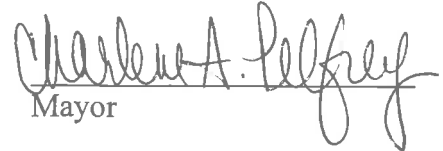
Councilmember Wurzbacher moved to adjourn into executive session for the purpose of discussing litigation. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

Councilmember Bradburn moved to reconvene into regular session. Vice Mayor Grossmann seconded the motion. VOTE: ALL YEAS

**ADJOURN**

A motion to adjourn was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS  
TIME: 9:32 p.m.

  
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Clerk of Council

  
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Mayor