

**CITY OF MASON
COUNCIL MEETING
MARCH 27, 2006**

Mayor Pelfrey called the meeting to order at 7:07 p.m. Those in attendance recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the March 13, 2006 Council meeting was made by Councilmember Kline, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

A motion to approve the minutes of the March 20, 2006 Council worksession was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS

RECOGNITION OF VISITORS None

ORDINANCE 2006-24 APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT PET CARE FACILITY (PET NATION) ON A 2.07 ACRE PARCEL LOCATED ON THE WEST SIDE OF SNIDER ROAD BETWEEN TYLERSVILLE ROAD AND READING ROAD (US 42) APPROXIMATELY 700 FEET NORTH OF THE SNIDER /READING INTERSECTION IN A B-3 ROAD SERVICE DISTRICT

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

Brian Lazor addressed Council and stated the builder representing Pet Nation is requesting approval for a conditional use permit for an 18,070 square foot pet care facility with 16 parking spaces. The 2.07 acre lot is zoned B-3, Road Service District. He stated the proposed use of the property is an animal care facility similar to a pet hotel. All animals will be contained within the facility at all hours of the day, except when they are dropped off at the facility. He further stated this facility represents a trend in animal care that includes indoor exercise areas, individual suites with windows looking onto the atrium area with televisions and Internet access (for the owners to check in on their animals.) A maximum of 80 animals will be located in this building at any one time. He said the building is proposed to be a metal structure with the rear and two sides covered

by split faced painted concrete block. The façade of the building is proposed to consist of cast stone and hardy plank siding. The roof consists of standing seam metal and shingles.

Brian reported Planning Commission, at its February 7th, meeting, voted 5 to 0 to recommend approving the Pet Nation pet care facility Conditional Use application contingent on the following items:

Conditional Use Standards

1. Match the color of the proposed standing seam metal roof of the main building to the surrounding businesses on Snider Road. The roof of the building entrance and drop-off portico must be shingled in a matching color.
2. Animal waste from the business must be disposed of through the use of dumpsters.

Site Plan

1. Revise the ground mounted sign to be a maximum of six feet in height.
2. Provide stormwater management calculations to help determine fee-in-lieu of detention cost.
3. Move the access drive approximately 15 feet south to line up with the main parking area. Reduce the entry drive width at the right-of-way to a maximum of 24 feet.

Landscape Plan

1. Label the vegetation in the floodplain as “to be preserved.”
2. Note that the junipers are to be 30 inches on the plant schedule.
3. To create a continuous 30-inch screen at the front of the property on the side of the access drive, join the two planting beds shown and plant with additional shrubs.
4. Continue the 30-inch screen around the north side of the drive circle to the building.
5. Relocate the dumpster to the rear of the building and screen with evergreen material.

Mayor Pelfrey opened the public hearing at 7:12 p.m. Dr. Fox addressed Council and said she was confused about the City’s treatment of her project due to the zoning restrictions. Richard Fair explained since her project was developed, the City has adopted a new code revision. It became effective last year, which allows for a conditional use permit. Mayor Pelfrey closed the hearing at 7:17 p.m.

A motion to adopt Ordinance 2006-24 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-32 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SUNESIS CONSTRUCTION CO. FOR THE CONSTRUCTION OF THE SOCIALVILLE-FOSTERS ROAD WIDENING PROJECT

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

Richard Fair explained adoption of Ordinance 2006-32 and 2006-33 awarding a contract for the performance of work necessary in the construction of the Socialville-Fosters Road Improvement Project and issuance of Bond Anticipation Notes for project financing. Richard explained in the process of project design, Cinergy filed suit versus Warren County, Butler County, and Clermont County to recoup the costs of pole relocation on projects. Due to the litigation, Socialville-Fosters Improvement was delayed contingent of the outcome. In an attempt to move the project forward, City Council entered into an agreement with Warren County and Cinergy to authorizing the City to pay 50% of the cost of the relocation of the electric utility poles and power in June 2005. This agreement allowed the parties to equally divide the disputed costs of relocating the utilities (our costs in the City only) and allowed the relocation work to begin and enable staff to move forward with the Socialville Fosters Road improvement. Warren County won the case at the Court of Appeals level and the deadline to appeal to the Ohio Supreme Court was mid-February. The Appeals Court determined that the County (and thus the City) is not required to pay for the pole relocation. Cinergy's utility line relocation work is nearly complete along Socialville-Fosters Road.

Richard further stated bids were opened on March 9th for the project with four construction firms submitting bids. The lowest and best bid was received from Sunesis Construction Co. for \$3,242,242.89. The project was bid as a combined project with the Warren County Engineer. The City will be the lead agency and will manage the contract, but Warren County will be responsible for inspection of work outside the City. The costs and quantities for the project were separated between the County and the City with some common project-wide costs being split 50%-50%. The City's portion is \$1,937,913.54 in which \$500,595 will be reimbursed by OPWC. The County will reimburse the City for their project costs within their portion of the project. This project and financing for it were included as part of the 2006 Capital Improvement budget.

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

A motion to adopt Ordinance 2006-32 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-33 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$2,000,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING SOCIALVILLE FOSTERS ROAD IN THE CITY.

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

A motion to adopt Ordinance 2006-33 was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2006-34 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,500,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING MASON-MONTGOMERY ROAD IN THE CITY.

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

Scot Lahrmer stated the purpose of this legislation is for the re-issuance of Bond Anticipation Notes for the improvements and widening of Mason Montgomery Road. He stated bond anticipation notes were originally issued in 2001, in the amount of \$6 million for this project. In 2004, \$1 million dollars was paid toward principal on these notes. The new issue represents a principal payment in the amount of \$1,000,000.

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 2006-34 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-35 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,850,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING WESTERN ROW ROAD IN THE CITY.

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

Scot Lahrmer stated the purpose of this legislation is to provide for the re-issuance of Bond Anticipation Notes for the improvements, widening, intersection and traffic signal of Western Row Road and Snider Road. He said in 2004, bonds in the amount of \$5 million dollars were issued to finance the construction of this project. The new issue represents a principal payment in the amount of \$1,000,000.

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 2006-35 was made by Councilmember Kline, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

ORDINANCE 2006-36 ADOPTING SECTION 133.07 OF THE MASON CODIFIED ORDINANCES ALLOWING PARTICIPATION IN JOINT PURCHASING PROGRAMS

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

Eric Hansen explained to Council for purchases above \$15,000 the City of Mason, by Charter and Ordinance, must follow advertising and competitive bidding procedures. For efficiency and improved cost savings, the City has authorized exceptions that allow the City to participate in joint bids or purchasing programs. He said the State Cooperative Purchasing Program (“State Bid”), the ODOT Cooperative Purchasing Program, and the Southwest Ohio Purchasers for Government (SWOP4G) are among these exceptions. They allow the City to join with other jurisdictions in a larger, pooled competitive bid to enjoy larger discounts and savings than if the City were to independently compile specifications and solicit bids. The City has had a history of success with these programs and realized significant savings in vehicle purchases, road salt, furniture, and other commodities. Eric further explained while reviewing options for replacing the playground equipment at Corwin Nixon Park, staff identified a joint purchasing program that offered potential savings on this project. To take advantage of this program, City legal counsel recommended adopting Ordinance 2006-36 to add Joint Purchasing Programs that are available through state or national associations as an alternative to independent bidding. These programs operate similarly to the State Bid program and provide another alternative to pursuing the lowest possible cost. He stated the playground replacement project at Corwin Nixon Park was anticipated to cost \$169,000 and was included as part of the 2006 capital budget. Michael Hecker, the City’s Parks and Recreation Director, has presented various playground designs to the Park Board and over 200 children in Mason City Schools. The majority feedback prefers a playground design available through Landscape Structures. Landscape Structures is part of a joint purchasing program called US Communities. The price for the preferred playground equipment is \$104,955 (not including labor, shipping, or rubber safety surfacing) but US Communities has secured a bid of this same equipment of \$96,558. The City would both save money on this project and better control product selection through participation in this program. Ordinance 2006-36 allows the City to pursue additional options for competitively bid purchases with potentially greater savings for Mason taxpayers and is therefore recommended for adoption.

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

A motion to adopt Ordinance 2006-36 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

CITY MANAGER’S REPORT

◆A work session regarding the downtown is being planned for Monday, April 3 beginning at 6:00 p.m. in the Community Room. Dinner will be provided.

◆Taxes are due on Monday, April 17. The City of Mason Tax Office staff will assist residents in completing their Mason tax return free of charge. Residents are asked to bring in all the necessary W-2's (copies are acceptable), the first page of the Federal Form 1040, and any pertinent federal schedules to the customer service counter which is open from 8:00 a.m. to 4:30 p.m., Monday through Friday. For the convenience of taxpayers, the Tax office will have the following extended hours: Saturday, April 8 from 8 a.m. to noon; Wednesday, April 12 from 8 a.m. to 7 p.m.; and Monday, April 17 from 8 a.m. to 7 p.m.

◆The City of Mason has worked with the City's waste hauler, Rumpke, to eliminate the need for purchasing stickers for separate collection and disposal of yard waste. The City contracts with Rumpke for waste disposal for residents, but the City directly provides year-round brush chipping and seasonal leaf collection services. Because of the effectiveness of these programs, the need to continue a sticker program has diminished. Beginning March 27th, residents with yard waste will no longer need to purchase stickers or call to schedule a pick-up with Rumpke. Yard waste, either mingled or separated from household waste, and appropriately bagged or bundled will be collected with Rumpke's regular collection routes. Residents who have unused yard waste stickers may bring them to the City of Mason Municipal Center at 6000 Mason-Montgomery Road for a refund before May 5th.

◆The Mason Public Library has requested the City waive their fee for a parking lot project. The fee is \$300, which is for site plan review and landscaping plan. A copy of the request is included in your packet. Councilmember Bradburn moved to waive the fee. Councilmember Kline seconded the motion. VOTE: ALL YEAS

◆A request has been received for a liquor permit from Wings R US located at 6050 Snider Road. Councilmember Bradburn moved to not require a hearing. Councilmember Kline seconded the motion. VOTE: ALL YEAS

COMMITTEE REPORTS None

COUNCIL OLD AND NEW BUSINESS

Vice Mayor Grossmann asked if Rick Inskip, a resident in the audience, would like to explain some of the comments he has made in recent newspapers regarding abatements and schools not receiving the promised funds. Mr. Inskip addressed Council and stated he has documentation for the issues he has raised through letters to the editors. Mayor Pelfrey requested he supply this information to the Chair of Finance, Vice Mayor Grossmann, so he could review the information and discuss it with Mr. Inskip. He stated he would be happy to distribute the information to all of Council. Mayor Pelfrey stated the matter would then be referred to the Finance Committee for further review. Mayor Pelfrey commented she did not appreciate some of the derogatory terms he has

used in his letters to the editors. She reminded him Council is made up of residents that have a desire to see the City become the best it can be. She commented they do not deserve that kind of disrespect. He had commented he has tried to contact Council members and no one returns his calls. Mayor Pelfrey asked if anyone on Council is aware they received a call from Mr. Inskip. All of Council stated they had received no call. She requested in the future he contact Council and discuss his concerns first before he takes other action.

Councilmember Kline requested a contact be made to Deerfield Township one last time to be certain they do not want to partner on the Skate Park. He also suggested it might be good to meet with them annually or semiannually each year to keep communications open.

Councilmember Bradburn stated he has requested information from Richard Fair regarding placing the utilities underground in the area of Western Row Road. He requested the matter be discussed in a worksession.

Mayor Pelfrey provided information to other members of Council that she obtained while in Washington D.C. at the National League of Cities Conference. Also in attendance was Councilmember Wurzbacher, Terry Schulte and Scot Lahrmer. She stated they met with key members of Congress and worked to retain the CDBG funding. She also noted the passing of Charelle Rodenbaugh the former reported of the Community Press.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

Councilmember Kline moved to adjourn into executive session for the purpose of discussing land acquisition and personnel. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

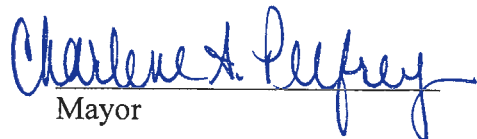
Councilmember Wurzbacher moved to reconvene into regular session. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

ADJOURN

Vice Mayor Grossmann moved to adjourn, seconded by Councilmember Kline. VOTE:
ALL YEAS
TIME: 8:58 p.m.



Clerk of Council



Mayor