

**CITY OF MASON
COUNCIL MEETING
AUGUST 14, 2006**

Mayor Pelfrey called the meeting to order at 7:03 p.m. Father Dan Schuh opened the meeting with prayer, which was followed by the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Braburn, Matt Kline, Todd Wurzbacher and Char Pelfrey. Tom Grossmann joined the meeting at 7:10 p.m.

APPROVAL OF MINUTES

A motion to approve the minutes of the July 24, 2006 Council meeting was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

MASON AREA ARTS COUNCIL UPDATE BY MEREDITH RAFFEL

Meredith Raffel presented an overview of the activities of the Mason Area Arts Council. She stated they received their not-for-profit status in May and they plan to apply for a grant from the Ohio Arts Council. She also provided details on the event planned in September with 85 artists participating. It is expected to attract between 2 to 3,000 people. She addressed the financial requests made to the City. Councilmember Braburn moved to agree to furnish the following items:

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|---|----------------|
| 1. Parks Department provide dumpster and liners | \$300 |
| 2. Parks Department provide manpower to empty trash, etc. | \$662 |
| 3. Inspection of tents being set up on Saturday, Sept. 23 rd | \$200 |
| 4. Use of City P.A. system | included in #2 |
- Councilmember Kidd seconded the motion. VOTE: ALL YEAS

REPORT ON DOWNTOWN REVITALIZATION BY PAIGE ROTHSTEIN

Paige Rothstein addressed Council and stated during the July 24th City Council meeting, Councilmember Victor Kidd brought to the forefront the very important topic of promoting downtown Mason to ensure the long-term survival of the downtown business community. This has been a concern of staff, the merchants, and Council since talk of the revitalization began in 2004. Victor's comments have generated meetings between staff and him, the Downtown Committee of Council and 10 downtown merchants. Paige said these conversations have quickly evolved into a plan of action to develop a three-fold partnership that is designed to work in tandem to ensure the future success of downtown Mason. The plan was described as follows:

Downtown Mason will be "Under Construction, Open for Business" through the end of 2007. It will take a partnership between the City, the businesses, and future investors to build

A general discussion took place among Councilmembers on the virtues of this suggestion. Councilmember Osborne stated the focus should be placed on "Why" people should come to Downtown Mason. He said with the area competition that has entered our area, it has to be a reason people will come to this location. Vice Mayor Grossmann said he would agree to the placement of some signs and placing an article in *Mason Matters* but spending money as proposed doesn't accomplish much. Councilmember Wurzbacher stated he does support a marketing effort for downtown but cannot support this proposal without a break down of the costs. Councilmember Osborne said it would be more beneficial to see a business recruitment plan. Councilmember Kidd said these are good points being made but nothing is being done. He said the businesses are struggling in downtown. Councilmember Kline suggested tabling this for two weeks to get details on the cost breakdown. Vice Mayor Grossmann moved to table the matter for two weeks. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

Linda Roemer addressed Council and stated while she lives in Mason she has a different zip code and would not receive the mailers. She does not think they are worth the funds necessary to create and mail them. She added residents already know what is downtown. Eric Hansen stated she lives in the Avalon Farms subdivision which is in the northern area of the City's corporation line.

If council is supportive of being a partner in this process, it will include staff time and an investment of approximately \$45,000 over the next 18 months. Paige stated in summary the funds will go towards bi-monthly advertising to Shop Downtown Mason, printing of informational flyers on construction progress to be mailed to the entire 45040 zip code, downtown directional signage, and posters and table tents promoting the streetscape, web site and shopping experience.

At the August 14th council meeting, staff will present a foundation to start moving the promotion of downtown Mason forward immediately. The presentation will include the unveiling of an informational campaign that staff has been working on with Rocket Science + Design since early May that can "Put Downtown Mason on the Map." It will also include an overview of a recent meeting held by the downtown merchants to discuss ways to "Sell the Experience." After just one meeting with downtown restaurant and retail storeowners, a number of promising ideas to boost sales both during construction and well into the future were identified. A second meeting has already been scheduled for August 21st to ensure that they are ready to "Sell the Experience" once the city "Puts Downtown Mason on the Map." Inviting investors to "Act on the Opportunities" is the third component of this partnership that will evolve through our solid economic development efforts and as the marketplace strengthens.

- City of Mason – Put Downtown Mason on the Map
- Downtown Merchants – Sell the Experience
- Investors – Act on the Opportunities

downtown Mason into the shopping and entertainment destination desired. The roles identified for each partner are:

RECOGNITION OF VISITORS

Mayor Peltrey introduced student, Caroline Sheets who had interviewed the Mayor and then wrote a book. She led those present in a second pledge of allegiance.

Don Dominic of 3706 Woodburne Drive addressed Council and asked about the status of the retention basin matter involving Drees. He asked if Drees has submitted a letter to the City. Richard Fair stated he has requested a letter but to date none has been received. He said the City has a bond for \$60,000 on this development and it matures in February 2007. Ken Schneider stated the City could use the funds at that time to make corrections to bring it up to City specification. A general discussion took place among Councilmembers in which the following suggestions were made: ask press to focus on the issue as it seems to get a response from the developer; don't issue any more permits to this developer until he deals with this problem; set a deadline for the developers to act and then take the bond. Ken Schneider stated he will look into creative alternatives to resolve the matter. Don Dominic stated he applauds Mr. Fair's new regulations for basins. Richard Fair explained the revised Storm Water Detention Basin Manual will include the changes if adopted by Council. Ken Schneider stated they should be passed in ordinance form at the next meeting. Vice Mayor Grossmann asked if this would solve the algae problem in this detention basin. Richard Fair stated no. Councilmember Kline said there should be a penalty phase included in the proposed changes. Mayor Peltrey asked how the changes were determined. Richard said they consulted other cities that have experienced this problem including Columbus, Ohio and Overland Park Kansas.

Norman Roemer of 3178 Falcon Ridge in Avalon Farms subdivision addressed Council and said he appeared before Council over 2 years ago with a retention bond issue. He said the City still has the bond on the developer but he has been told it may not be sufficient to clear up all the problems. He asked why the City hasn't helped this subdivision with the problem. Richard Fair stated the City does have the bond on this development but there is a lawsuit involving the builder, developer and engineer. Mr. Roemer stated it was sold as a pond owned by the Homeowners Association. He added the HOA has never been turned over. Richard Fair said the City would not release the bond until all items on the punch list are fixed. He said he has no timeline for this. Vice Mayor Grossmann clarified the problem is the pond does not hold water but there is no violation to City specifications at the time it was built. He added this limits the City's ability to deal with the problem. Richard Fair said there is some silting issues. He added they do need to clean out the pipes and do maintenance around the outlet structure. The developer refuses to do it. Mayor Peltrey asked if a retention basin can become a detention basin. Richard Fair said theoretically yes but not in this case. She then asked if the City can dictate only one or the other. Richard replied yes if Council chooses to do so. He added some retentions ponds are very nice and mentioned Lexington Park. He added there are over 200 basins in the city. Councilmember Kline suggested we do not grandfather the requirements. Ken Schneider stated it has always been the position of Council to not regulate residential privately owned land. Don Dominic stated it would take 247 homeowners in the Oaks of Crooked Tree Subdivision to change anything. That is 75% of residents must agree. Mr. Roemer stated he would like a deadline for the items to be fixed and he wants the pond included. Mrs. Roemer said she wants to make sure future residents are not bothered with this problem.

ORDINANCE 2006-89 APPROVAL OF THE MASON COMMERCE PARK REPLAT (FRASCO)

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

Richard Fair explained to Council, Mr. Jade Ritter, of Cincinnati United Contractors, is requesting approval for a replat of the Mason Commerce Park subdivision, lots 2-6. He stated the project area is situated near Snider Road at the west end of Commerce Court. Planning Commission approved a final planned unit development plan for the Prasco Corporate Campus, which incorporates office space, warehousing, and recreational amenities. The replat includes the consolidation of five lots ranging in size from 3.4 acres to 11.4 acres down to a single lot of 28.5 acres to accommodate this corporate user.

Richard reported Planning Commission recommends approval of this replat with the contingency the developer is required to pay for 50% of the proposed traffic signal at the intersection of Commerce Court and Snider Road.

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 2006-89 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: 6 YEAS (Kline absent)

ORDINANCE 2006-90 AUTHORIZING THE CITY MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH WARREN COUNTY COMMISSIONERS FOR THE I-71/WESTERN ROW ROAD/STATE ROUTE 741 INTERCHANGE CONCEPTUAL ALTERNATIVES STUDY

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

Richard Fair explained to Council the final results of the Southwest Warren County Transportation Study (SWCTS) adopted by OKI in October 2005 listed modifications to the I-71 interchanges located in Mason as high priority projects. These modifications include expanding I-71 at Western Row Road to a fully operational interchange and making major improvements to the I-71 interchange at Kings Mills Road. Richard stated the next course of action, according to ODOT's Project Development Process (PDP), is to develop conceptual alternatives, which is step 5 in a 14-step process. He said four alternatives were identified and are to be evaluated as part of this study that will focus on interstate level impacts between the interchanges at State Route 741 and at Western Row Road. The four alternatives include:

- No Build
- Build #1, which upgrades the interchanges and leaves the Western Row Road interchange as a partial interchange
- Build #2, which upgrades the interchanges and makes Western Row Road a full interchange

Ordinance 2006-91 addresses Change Order No. 13 for Adams Robinson (Contract A). Eric said the result is a net credit of \$1,999 for deleted work in the Maintenance Building and additions for revisions to asphalt paving, changes in the plant non-potable water (NPW) system, additional signage, changes in the ornamental fence, and increases in site manhole diameters. Eric reported Ordinance 2006-92 addresses Change Order No. 4 for Howell Contractors (Contract B) and covers the difference in cost between the removal of abandoned trunk sewer on the Carmelle property and the removal required by Contract B itself. The total dollar value is \$13,000. Eric said Change Order No. 8 for Nelson Stark (Contract D) is to re-route NPW strainer discharge piping per OFPA requirements and amounts to \$3,222. The final Change Order No. 12 for ESI

Eric Hansen explained to Council Ordinances 2006-91, 92, 93 and 94 all address change orders associated with the new Water Reclamation Plant. He reported construction is now complete. All equipment has been final tested and started up. The East Trunk Sewer (representing approximately one-third of total City flow) was diverted to the new WRP on May 10, 2006. All remaining flow was diverted to the new plant in early June. Eric explained in the course of construction, the need arose for change orders to the construction contracts.

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

ORDINANCE 2006-91 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 013 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND ADAMS ROBINSON ENTERPRISES FOR GENERAL CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT

A motion to adopt Ordinance 2006-90 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: 6 YEAS, 1 ABSTAIN (Kline)

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

Richard said the Warren County Engineer's Office will be the lead agency in this project and City Engineering Staff will assist with review and final recommendations. The City will reimburse Warren County as the Warren County Engineer's Office administers the contract for a not to exceed cost of \$149,380.50.

The project limits will extend to the existing interchanges to the north at S.R. 48 and to the south at Fields-Ertel Road. Intersections on the crossing arterials will also be included: S.R. 741 at Courseview Drive to the west and Columbia Road to the east; and on Western Row Road at Innovation Way to the west and Columbia Road to the east. The intersection of Socialville-Fosters Road and Columbia Road is also added to the project limits since alternative design of the Western Row Road interchange may affect the Columbia and Western Row Road intersection.

- Build #3; which is the same as #2 but assumes Western Row Road is extended east to U.S. 22.

(Contract E) and involves electrical additions required for the dryer system, additional power and control wiring, and additional lighting. The total dollar value for this change order is \$131,608.

Eric reported the total of all construction change orders is approximately 3.4% of the total construction contract amount of \$29,247,620. The Construction Manager and the staff of the Public Utilities Department carefully scrutinized any potential changes in the field to make sure that they were necessary to the project and that the best possible price was obtained for the City. In addition, before any changes were considered for approval, they were reviewed by a committee of City personnel representing Administration, Finance, Engineering and Building, Parks & Recreation, and Public Utilities Departments. The committee met with the Construction Manager at the jobsite every two weeks. This process was very successful, both in minimizing costs and in identifying opportunities for cost savings. As a result, it is anticipated that all changes through completion of the project will be between 4% and 5%. By comparison, the normal industry standard is around 5% to 7% for this type and complexity of construction.

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 2006-91 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-92 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 004 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND HOWELL CONTRACTORS, INC., FOR OFFSITE PIPELINE CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT

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

A motion to adopt Ordinance 2006-92 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-93 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 008 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND THE NELSON STARK COMPANY FOR PLUMBING CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT

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

A motion to adopt Ordinance 2006-93 was made by Councilmember Wurzbacher, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

ORDINANCE 2006-94 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 012 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND ESI, INC., FOR ELECTRICAL CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT

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

A motion to adopt Ordinance 2006-94 was made by Councilmember Wurzbacher, seconded by Vice Mayor Grossmann VOTE: ALL YEAS

ORDINANCE 2006-95 REPEALING ORDINANCE NO. 2005-106, APPOINTING KENNETH J. SCHNEIDER AS LAW DIRECTOR AND CONTRACTING WITH THE FIRM OF WOOD & LAMPING FOR LEGAL SERVICES

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

Eric Hansen explained to Council this ordinance reflects an annual review of the Law Director's compensation.

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

A motion to adopt Ordinance 2006-95 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

◆ Congresswoman Jean Schmidt toured the downtown area on Monday, August 14, accompanied by the Downtown Committee of Council and Paige Rothstein, Downtown/Small Business Coordinator. Representative Schmidt is interested in seeing the efforts to date, the current status of downtown, and the plans for the revitalization.

◆ The Mason Farmers Market is being held every Saturday from 8 a.m. to noon at the Mason Middle School parking lot on the corner of Tylerville and Mason-Montgomery Roads. Visitors to the market can select from baked goods, fresh cut flowers, salsas, potted perennials, and homegrown and fresh-picked produce. The market is held rain or shine.

◆ This year's Heritage Festival will be held on August 26. Due to downtown construction, the parade has been moved to Mason-Montgomery Road. It will begin at 10:00 a.m. at HOPE Church and will end at the north entrance to the Municipal Center. Vendor booths and the entertainment stages will be set up in the school parking lots. Music will be provided by the Mason Community band starting at 1:30 a.m., followed by several other bands including Bad Company with Brian Howe, which will take the stage at 2 p.m.

◆ Police Chief Ron Ferrell was one of only two law enforcement officials to receive the Egon Bitter Award from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) this July. The award recognizes long service to both law enforcement and CALFA and is presented to Chief Executive Officers who have been in command and have served continuously for at least fifteen years at an accredited agency or agencies. The other recipient of the award was Chief Timothy Wallace of the Hurst (TX) Police Department.

◆ Registration for City of Mason recreation programs begins at 8:00 a.m. on Saturday, August 19 for city and school district residents. Open registration begins at 8:00 a.m. on Wednesday, August 23. Residents are encouraged to register online at www.imagineason.org. The Community Center will be closed that day except for walk-in registration. Individuals who wish to register in person that day should use the north entrance to the Community Center.

◆ The 2005 Employee Excellence Award winners were announced at the Employee picnic held on August 5th. Full-time employees receiving the award are: Jeff Kohus from Public Works; Neal Chamberlain from Public Utilities; Troy Applegate from Parks & Recreation; Amanda Hisey from Finance; Kathy Dorman from Engineering & Building; Dave Manning from Fire; Karen Eve from Police; and Robin McKeehan from Administration. Part-time winners included: Blake Peters from Administration; Billie Zappone and William Willis from Fire; Jessica Manwaring from Finance; Tracey Bellamy from Engineering & Building; and Jamie Wise, Kathy Riffe and Stephen Niehaus from Parks & Recreation. The two city-wide employees of the year are Kathy Wray of the Public Works Department and Eric Hansen of Administration. The employees were selected by their peers for excellence in serving the public's needs.

◆ The City has received a request for a liquor permit from Lundy's Special Events to service the Tennis Tournament. A motion to not hold a hearing was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Bradburn reported there was nothing to report on the Equipment Committee. He stated the Warren County Municipal League will be meeting on Wednesday in Springboro.

Councilmember Osborne reported the Employee Relations Committee is moving through the process of hiring a new city manager. He stated a brochure is currently being developed.

Councilmember Kidd stated the Utilities Committee has already been covered and there is no report from the Park Committee.

Vice Mayor Grossmann reported there is no report currently from the Finance Committee but they will be meeting to discuss the admissions tax and the credit on income taxes for those working and paying elsewhere. He also stated the Court Liaison Committee has satisfactorily worked on the matter regarding warrants issued. He said he has requested a Diversion Program be reviewed for implementation. Eric Hansen stated he would like to ask employees of the Court to attend the next Court Liaison Committee for further discussion of this topic.

Councilmember Wurzbacher stated there is no report from the Building Committee. He stated the Economic Development Committee is hosting CEO's and Developers at the Tennis Masters Series.

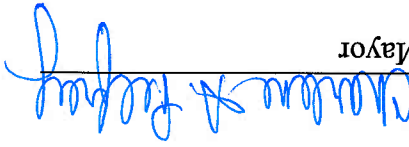
Councilmember Kline stated there is no report from the Downtown Committee. He said the Festivals of Mason are planning a light display in Heritage Oak Park at Christmas created by Carson Williams. He said there would be a meeting next week to discuss the presentation.

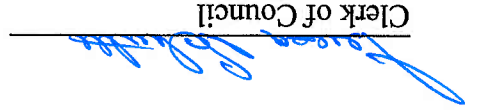
Councilmember Bradburn said the Safety Committee has received the final draft of the report by the Matrix Consulting Group on the organizational, effectiveness and efficiency of the Fire Department. Travis Miller from Matrix, addressed Council and presented an overview of the study noting the process that was followed and the resulting findings. They are as follows:
1. The Fire Department collects extensive data regarding operations and administrative issues. Many of these data are summarized into reports which are provided to the Safety Committee, City Council and City Management. However, little analysis is performed by staff to identify and address issues using these data.

2. The Fire Department has outgrown its current organizational structure. The current command staff configuration does not provide sufficient support of administrative capability to address the various goal, objectives and issues faced by the MFD.
3. The lack of permanent company officers and the use of the "officer in charge" or OIC program has resulted in a general lack of accountability and oversight in the Fire Department. The current approach further limits the capability of the command staff to take on key administrative, research and other management tasks. This issue is further exacerbated by the continued use of the "Paramedic 52" position.
4. The Fire Department does not have a training officer who is responsible for coordinating the delivery of training to both the career and part-time staff. This has resulted in further lack of accountability for this key program.

5. The Fire Department currently operates with no pre-defined service level objectives, goals or missions. The lack of formally defined objectives limits the ability of the Council and Manager to effectively budget and to oversee operations. The lack of these formal goals and service level targets also hampers the ability of the Chief to evaluate programs and service delivery.

Mr. Miller noted items 3 and 4 are probably the most important. He stated the location of a third fire station was very important.


Mayor


Clerk of Council

Councilmember Kidd moved to adjourn, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS
TIME: 11:35 p.m.

ADJOURN

Councilmember Kidd moved to adjourn into executive session for the purpose of discussing land acquisition and personnel. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS
A motion to reconvene into regular session was made by Vice Mayor Grossmann, seconded by Councilmember Osborne. VOTE: ALL YEAS

EXECUTIVE SESSION

RECOGNITION OF VISITORS None

Councilmember Kidd said a business owner suggested the creation of a Community Bulletin Board at the Community Center. He said he was told it currently is not allowed. Eric Hansen said he believes it is limited to City or school information. Paige Rothstein is looking into the matter. Councilmember Kline said a kiosk has been discussed for the downtown area and having another at the Community Center could be a good idea.
Mayor Peltrey noted this is last meeting before Heritage Days. She asked for a car for the parade. Tony Bradburn said he has a 1978 Spitfire Convertible that he will offer to use if it does not rain.

COUNCIL OLD AND NEW BUSINESS

Mayor Peltrey stated this report from Matrix is part of the 10-point plan for our Fire Department. She stated Chief Ferrell would be addressing Council in the next few weeks.

Councilmember Kline noted Matrix would need direction from Council as to what level of service we want to provide. Is it 4 or 5 minutes? He also said working with Deerfield Township makes sense if it can be accomplished.

Councilmember Bradburn asked for Council to agree to expand the study to include a review of fire station locations. He added cooperation with Deerfield Township needs to be explored to determine how that can be a benefit to both parties. He said the public works garage could be a possible location for another fire station. He requested Council review the report and get back to him with their thoughts.