CITY OF MASON
COUNCIL MEETING
SEPTEMBER 25, 2006

Mayor Pelfrey called the meeting to order at 7:04 p.m. Those in attendance recited the pledge of allegiance.

APPROVAL OF MINUTES

A motion to approve the minutes of the August 28, 2006 Council meeting was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS

ATTENDANCE

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

SWEARING IN OF NEW POLICE OFFICERS

Chief Ferrell introduced new Police Officers Kari Smith and Sean McCormick. They were sworn in by Mayor Pelfrey.

RECOGNITION OF MASON IN BLOOM AWARD WINNERS

Wendi Sheets presented the winners of the Mason In Bloom "Best Backyard " contest. Jim and Lisa Souder of 636 Lindeman won the water garden category. Fred and Betty Emerson of 5244 Bentwood Court won the haven contest. Payne and Kathy Correll of 3811 Top Flight won the best floral display category. Mike and Cindy Donnelly of 6546 Tall Timbers won the award of excellence.

PRESENTATION OF HERITAGE FESTIVAL AWARD WINNERS

Tom Kaper awarded the David Lyons Award to the Deerfield Buffaloes. He also stated that Christmas in Mason is scheduled for December 1 and the light display will begin in Heritage Oak Park on December 2, 2006.

RECOGNITION OF VISITORS

Frank Miller of Walnut Court addressed Council and thanked Councilmember Bradburn for his response to his question on the number of vehicles responding to an emergency call. He then said 10 months ago he asked Council what they intended to do about the deficit on the Community Center. He added it has not been addressed and with the addition to the City's debt from buying the golf course, it needs to be resolved. Mayor Pelfrey stated he has just made several false statements. She said Council has addressed this matter prior to him raising the issue before at a Council meeting. She added stating nothing has been done is false because, as he

knows, a Committee of Councilmembers was assigned to research the matter. Councilmember Osborne stated Administration has been directed to look into the matter and has done a wonderful job. He said it has not been communicated to the public yet because they wanted to get more information. He reported for this year so far the revenues are up and the expenses are down. He added the deficit will not be as large as it has been in the past and could possibly be reduced by as much as 75%, which is $200,000. Councilmember Osborne also stated it is not a moneymaker and we don't expect it to be.

Don Williams of 214 Church Street addressed Council and stated traffic on his street was increased when the waterline was being installed on RTE 42 but overall people were pretty good. He said the police did a good job during that period.

ORDINANCE 2006-96 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 0.40 ACRES LOCATED AT 209 AND 211 EAST MAIN STREET FROM R-4 TO R-4 AND DOWNTOWN OVERLAY DISTRICT AND TO AMEND THE DESIGN GUIDELINES HANDBOOK TO ADD THE PROPERTIES TO THE DOWNTOWN OVERLAY DISTRICT (PINSON-WITTMAN PROPERTY)

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

Brian Lazor explained to Council the property's current zoning allows residential, agricultural, and institutional uses. The Overlay District allows what is permitted in the underlying zoning to continue to exist and adds the permitted uses in the B-1, Central Business District which consist of retail, commercial, office and institutional uses. He said in addition to the uses permitted in the B-1 district, the Downtown Overlay District allows parks, outdoor seating, public parking along with financial institutions, drug stores, cafes and coffee shops with drive through facilities. Brian also stated the overlay district specifically prohibits the following: vehicle sales, rental and services; equipment sales, rental and services; auto repair, body shops, automobile accessories; automobile washing facilities; automobile service stations; and vehicle storage. He reported Planning Commission recommended approval of the rezoning based on the following findings:

1. The land use map for the City of Mason designates this property, as "Downtown" which is consistent with the proposed district.
2. The Downtown Overlay District will help to facilitate redevelopment with goals of architectural compatibility and integrity.

Mayor Pelfrey opened the public hearing at 7:43 p.m. Rick Inskeep of Butler Warren Road addressed Council and questioned whether the property can be used for business and does the owner need to reside on the property as stated in the zoning code. Brian Lazor explained the parcels really have two zoning restrictions, R-4 and B-1 as a result of the overlay district. Ken Schneider, Law Director, replied the City is interpreting the code correctly. Vice Mayor Grossmann added this rezoning is at the property owners request. Mayor Pelfrey closed the public hearing at 7:49 p.m.

A motion to adopt Ordinance 2006-96 was made by Vice Mayor Grossmann, seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2006-108 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO, SECTION 941.08 (a)(2) RATES FOR SEWER SERVICE

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

Eric Hansen explained to Council at the meeting on September 11, Council voted to amend this ordinance revising the summer sewer usage cap by expanding the number of "summer" months. Council also voted to table the amended Ordinance until the September 25 meeting to allow for an evaluation of the impact the amendment would have on sewer revenues. Eric stated the amendment approved by Council would modify the winter month's usage to November through March, thus eliminating the months of October and April from the calculation. GCWW has estimated that based upon 2005 usage, the approximate impact on revenues from this change would be an additional $26,000. Eric added implementing a change to the summer sewer rate structure at this point in time would create major billing complications for GCWW. If a change is authorized GCWW is recommending that the change be implemented when the summer sewer rates typically become effective, which was originally May, but will now be April as reflected in the amendment to the Ordinance.

Councilmember Kline stated his biggest concern is if all the expenses are going to be met? Eric replied yes. He then asked for clarification on when this would go into effect. Mayor Pelfrey noted the Exhibit A it will take effect next April. Vice Mayor Grossmann stated he has been working on this for a long time. He thanked the Utility Committee for their work on the matter and he said the resulting change in billing will be fair.

A motion to adopt Ordinance 2006-108 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2006-113 APPROVAL OF THE WATERLINE EASEMENT PLAT FOR THE MASON EARLY CHILDHOOD CENTER

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

Richard Fair explained to Council, Jeffery Lambert with Bayer Becker Engineering is requesting approval of a waterline easement located on the Mason Early Childhood Center property which is on the west side of Hickory Woods Drive, just south of Parkside Subdivision. This plat will dedicate a twenty-foot wide waterline easement from Heritage Club, Section 11 to Hickory Woods Drive. He stated the purpose of this easement is to provide a future secondary source of water for Heritage Club and additional water capacity for the schools.

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

A motion to adopt Ordinance 2006-113 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-114 AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE CLEAN OHIO CONSERVATION FUND

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

Richard Fair explained to Council, as part of the Clean Ohio Conservation Fund, the Ohio Public Works Commission will assist in financing Clean Ohio Conservation Program projects. He stated the commission provides grants for open space and riparian corridors. He said staff is in the process of applying for two grants to purchase approximately 14.431 acres of floodplain along the Muddy Creek. Acquiring this land will preserve floodplain, protect the riparian corridor; create green space for habitat protection and a possible route for a future bike path.

Richard explained the first grant area is actually a re-application to acquire about 5.682 acres along Muddy Creek, south of the former State of Ohio property. In addition to floodplain protection this will also create a link between Quinn Park and the property that the City purchased from the State (Ordinance 2004-84), thus protecting a total of approximately 44 acres. The second grant area to be acquired is approximately 6.749 acres. The property located at 208 Kings Mills Road, the former Dave Lutes property, is 1.4812 acres in size and is located along Pine Run Creek at its confluence with Muddy Creek. The second property located at 305 Lakeview Drive, owned by Richard and Janet Hadley, is 5.268 acres and is located along Muddy Creek between Kings Mills Road and Overlook Drive. Staff is also working with a final property owner, opposite the Hadley property, which may result in approximately 2 additional acres. Richard reported staff is still working with the property owner and the appraiser; however, the City is applying for $237,914.87, which is 51 % of the total estimated project cost of $466,499.75. The grant applications are due October 13 and the Ohio Public Works Commission will issue approval notifications in early November, money for this grant will be available at that time.

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

A motion to adopt Ordinance 2006-114 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2006-115 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SPECTRA ENTERTAINMENT FOR THE RED RHYTHM & BOOM CONCERT PERFORMED BY THE BANDS AMERICA AND KANSAS ON JULY 3, 2007

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

Eric Hansen explained to Council, the 2007 Red, Rhythm & Boom is scheduled for Tuesday, July 3. The City has an opportunity to bring two notable performing groups for next year's entertainment: America, the biggest selling act of the 1970's with hits such as "A Horse With No Name," "Sister Golden Hair" and "Ventura Highway," and Kansas, another top 1970s rock band, whose biggest selling single includes "Dust in the Wind." Eric stated the proposed show would begin at 7:00pm for America, 9:00pm for Kansas then the fireworks show at 10:30pm. The proposal for fireworks will be presented before year-end. Event insurance for reimbursement in the event of rain or poor weather was researched, but was found to be cost prohibitive. He said staff presented the entertainment line-up to the Parks & Recreation Board and received positive feedback for both bands as the choice for the 2007 Red, Rhythm & Boom entertainment. The contract amount for both groups combined is $74,925 and is an increase of nearly $20,000 over the 2006 cost for *Styx*. Eric explained the proposed contract takes advantage of an available package rate reducing the cost of obtaining the groups individually. A commitment to these groups will permit the City to obtain the required staging and hard line services at 2006 pricing. This includes lighting, backline and logistics for $14,900, sound system set up for $14,995, and stage set up for $14,995. These costs are fixed regardless of the number of bands, so the attractiveness of a package deal is increased.

Eric also stated staff is recommending as an additional 2007 cost, procuring delay tower speakers for $6,000. These are delay stack speakers set up in the crowd farther away from the stage to carry in sync the sound further out into the park. Large video screen displays for audience viewing are also available at an additional cost of $15,000 if City Council is interested in this option, staff will pursue details including preparing the necessary legislation.

A general discussion took place among Councilmembers as to the choice of band. It became the general majority's decision that *Journey* or *Doobie Brothers* would be their first choice. They determined this is a very popular event with residents and it would be wonderful to continue to build on it every year and reach a wider range of audience. Eric stated it may not be possible to schedule either of those choices and in doing so we may risk losing Park Board's recommendations. He also noted the cost for either of the choices would be in excess of $100,000. Concern was voiced regarding using two bands instead of one. It was noted the time it takes to set up the stage for two bands results in less playing time. Councilmember Kidd suggested a list of bands, price and other related info be given to Council so their input can be incorporated into next years concert. Councilmember Bradburn suggested since this is such a popular event maybe the City can look into doing a series of concerts. Eric Hansen suggested Council approve this legislation and he will contact *Journey* and *Doobie Brothers* to see if their calendar allows for this performance. He said if it doesn't, we can immediately book America and Kansas thus not risk losing them.

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

A motion to adopt Ordinance 2006-115 contingent on first trying to book *Journey* or *Doobie Brothers* was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2006-116 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HADCO OUTDOOR LIGHTING FOR THE PURCHASE OF TWELVE HADCO STREET LIGHTS

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

Eric Hansen explained to Council the City's 2006 Budget included $39,000 for the replacement of the existing street lights along Cintas Boulevard. These existing street lights are corroding and replacement parts are getting harder to obtain. In addition, the new street lights will match the existing decorative street lights along Tylersville Road, Mason-Montgomery Road, and the Municipal Building parking area. Eric said there are a total of twelve street lights that will be replaced by the Public Works Department. The new street lights will improve the overall look of Cintas Boulevard and increase illumination along the street. The material cost of replacing the street lights will be $27,462.12. This includes the street light poles, arms, heads, bulbs, fuses and fuse holders. All of the material will be Hadco Outdoor Lighting material. As part of the 2006 budget process, this project was discussed and recommended by the Finance Committee for inclusion in the 2006 Budget.

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 2006-116 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

CITY MANGER'S REPORT

Eric Hansen reported on the following items:

♦The Mason Police Department, along with residents and the Parks & Recreation Department, will sponsor a cleanup day at Thomas P. Quinn Park at 1 p.m. on September 23. Volunteers will assist with cleaning up a considerable amount of trash in the woods by the creek, found by police while investigating complaints of juveniles loitering there. Residents had expressed an interest in working with police to clean up the area.

♦The opening of the new Water Reclamation Plant on Mason-Morrow-Millgrove Road will be held on Tuesday, September 26. There will be a luncheon at the Maintenance Building at the plant for City employees and invited guests from 11:30 a.m. to 1:00 p.m. Staff tours will be given at 10 a.m. and again at 1:00 p.m. The facility will be open to the public for an open house from 3:00 to 8:00 p.m. the same day. City Council is invited to attend the luncheon, tours, and/or open house.

♦The groundbreaking ceremony for hope Center, previously scheduled for Monday, September 25, has been postponed due to unforeseen circumstances. A new date and time will be announced soon.

♦ The Public Works Department will be conducting its annual leaf pick-up program beginning Monday, October 9. Bright orange and black temporary signs will be posted at the entrances to each neighborhood in advance of the leaf collection.

♦The October issue of Mason Matters will be delivered to residents on October 12 with delivery of the Pulse Journal newspaper.

COMMITTEE REPORTS

Vice Mayor Grossmann reported on a news article that appeared recently regarding the case load of the Mason Municipal Court. He stated while the facts are basically correct, there are other factors to consider. He mentioned there is no drop in the number of cases from the Mason Police Department. He also said a grant no longer exists that affected the number of cases and there was construction on I-71 which results in a reduction of the number of citations. Vice Mayor Grossmann also stated the staffing of the court was mentioned in the article and he noted several factors influence the financial picture of the court. One of which is the accounting principles related to the space allocated in the new building. He said he will take another look at the current staffing levels and salary levels.

Councilmember Osborne reported on the status of the search for a new city manager.

Councilmember Bradburn reported on the Safety Committee activities. He said they had met with the Fire Chiefs in Springdale and Sharonville to review their organization structure.

COUNCIL OLD AND NEW BUSINESS

Councilmember Wurzbacher asked about the sidewalk in front of the Mason Early Childhood Center. He said there is a sign posted stating the schools are not responsible for the condition. Richard Fair stated the developer is responsible for the installation and the Homeowners Association maintains it. He added the schools planted the street trees and the City is working with the developer to get the walks cleaned.

Mayor Pelfrey stated the front lawn of the Early Childhood Center should be mowed. She asked who is responsible for it. Richard said the Homeowners Association is responsible for it and it should not be longer than 8 inches. He will check into it.

Mayor Pelfrey stated she addressed the SWOEA at the new water reclamation plant and she attended the first Mason Arts Festival. She also addressed an article that appeared in the Community Press that stated there was inaccurate data on the Veteran's Memorial. She said the Veteran's Memorial was a joint effort between the city, the business community and the veterans.

She stated it took three years to complete. She also noted when you check various web sites for historical information you find conflicting data. She added History and English teachers and the Veteran's Association all approved the draft. She also said the City all but begged for public input on this project and where was the author of the article then. Councilmember Osborne noted we should enjoy the monument for what it is and not pick it apart. It is a fabulous service to those who served our country.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

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

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

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS TIME: 10:11 p.m.

Clerk of Council

Mayor