

Betsy Kelly of 415 Glenspring Drive addressed Council and stated she was present to represent the Home Builders Association. She thanked staff for involving them in the review of the changes proposed for the Storm Water Manual. She said her organization suggested some changes and wants to go on record of supporting the changes with the suggestions included.

RECOGNITION OF VISITORS

Mayor Peltrey read the Proclamation recognizing Carl Muennich's 25 years of service in maintaining Rose Hill Cemetery. She also read the letter sent by his wife, which showed how devoted he was to the community.

PROCLAMATION TO CARL MUENNICH

Rachel Koptler addressed Council and provided an update of the Foundations activities and the filing for the 501.3c status. She stated their goals include community involvement and she noted the first project they will be working on is the totally accessible park on the city owned property located on SR 42.

PRESENTATION BY RACHEL KOPFLER OF MASON PARKS FOUNDATION

A motion to approve the minutes of the October 30, 2006 Worksession was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

A motion to approve the minutes of the October 30, 2006 joint meeting with the Chamber was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

A motion to approve the minutes of the October 23 2006 Council meeting was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. VOTE: 5 YEAS, 1 ABSTAIN (Osborne)

APPROVAL OF MINUTES

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

ATTENDANCE

Mayor Peltrey called the meeting to order at 7:02 p.m. Pastor Jerry Peltrey opened the meeting with a prayer. Those in attendance recited the pledge of allegiance lead by Boy Scout Troop #500.

**CITY OF MASON
COUNCIL MEETING
NOVEMBER 13, 2006**

Mimi McCain of 5423 Riverwalk Drive addressed Council and presented the Mayor with a copy of her father's book titled "I'll be Back". Her father, Harold Friedlander, wrote the book, which consists of letters he sent to his wife while he was in the service.

ORDINANCE 2006-131 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 1.86 ACRES LOCATED AT 208, 210, 212, 300, 302 AND 304 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 (MAIN STREET PROPERTY)

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

Brian Lazor explained to Council, Dave Harbin is requesting approval to add 208, 210, 212, 300, 302 and 304 East Main Street to the Downtown Overlay District. The properties are zoned R-4, Single Family Residential and encompass approximately 1.86 acres of land. Brian stated these lots are located on the north side of Main Street directly across from Dawson Street and each property contains a structure.

Brian also stated the Downtown Overlay District was created in November of 2005 and includes the parcels fronting Main Street from Mason Road to Dawson Street and the parcels fronting Reading Road from 4th Avenue to Main Street. The Zoning Ordinance, Downtown Design Guidelines Handbook and the Design Review Board help to shape development in the Downtown Overlay District. He added the Handbook provides guidance for renovation and redevelopment of properties to help create a quality and economically successful downtown.

Brian further explained 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. 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. 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. The Planning Commission recommended approval of the rezoning

Brian reported the Design Review Board recommended the following building classifications:

1. 208, 210 and 212 East Main Street as Background Structures.
2. 300 and 304 East Main Street as Contributing Structures.
3. 302 East Main Street as a Landmark Structure.

Mayor Pelfrey opened the public hearing at 7:32 p.m. Hearing no comments either for or against the legislation, the public hearing was closed at 7:33 p.m.

A motion to adopt Ordinance 2006-131 was made by Councilmember Wurzbacher, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

ORDINANCE 2006-132 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 34 ACRES FROM B-PUD TO B-3 AND APPROXIMATELY 34 ACRES FROM B-PUD TO HT-1 LOCATED BETWEEN STATE ROUTE 741 AND COURSEVIEW DRIVE (NEYER/KENNEDY PROPERTY)

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

Brian Lazor explained to Council, the City of Mason is requesting rezoning approval for approximately 65 acres of Business Planned Unit Development located between S.R. 741 and Courseview Drive that is no longer associated with the original 209 acre Glimcher City Park/Park Center project. The original Glimcher PUD is now void and this piece of land, currently zoned B-PUD, does not have a concept plan attached to it.

Brian stated at the request of the City's Law Director, staff is proposing to rezone the property back to the zoning classification it had prior to the approval of the original Glimcher PUD. Approximately 31 acres are proposed to be zoned B-3, Road Service District and approximately 34 acres are proposed to be zoned HT-1, High Tech Light Industrial. Previously, City Council returned 74 acres of land located on the north and south sides of S.R. 741 back to the zone they had prior to being included in the original Glimcher PUD. Since the new Glimcher plan is approximately 70 acres in size, this remaining 65 acres of land on the south side of S.R. 741 is zoned as a Business Planned Unit Development (B-PUD) zone without a Concept Plan.

He reported Planning Commission tabled this rezoning several times at the request of the property owner to give them an opportunity to submit a new development plan. At Planning Commission's October 3, 2006 meeting the owner asked to table the rezoning for an additional six months. After much discussion, Planning Commission made a motion to table the rezoning, which failed due to a 3-3 tie. Then Planning Commission made a motion to recommend approval of the rezoning which failed with 1 vote for and 5 votes against the motion. Therefore, the recommendation of Planning Commission is to deny the rezoning request.

Mayor Peltrey opened the public hearing at 7:36 p.m. Jim Neyer addressed Council and stated he was representing the property owner. He said it is their intent to submit a plan for this property. He stated they are currently reviewing a regional proposal with the County and have been talking to the County Commissioners. The public hearing was closed at 7:39 p.m.

A discussion followed among Councilmembers that included clarification from Jeff Forbes, the Law Director, that other property owners in the area requested the rezoning of this property. He added basically now it is without a plan and that essentially means it is "unzoned". He added the conservative approach is to rezone it to the previous zoning. It was also clarified that if Council

elects to rezone it, the process for the Neyer Co. remains unchanged time wise. Richard Fair stated the problem is if during this period the property would sell. Jim Neyer said the land is owned by two entities, Kings Mills LLC and the Kennedy Family. Mr. Neyer stated he would provide a plan within the 120 days. Jeff Forbes stated if the property is sold, Council could move to address the rezoning immediately.

Vice Mayor Grossmann moved to table the rezoning for 120 days. Councilmember Bradburn seconded the motion. VOTE: 6 YEAS, 1 NAY (Pelrey)

ORDINANCE 2006-140 AMENDING SECTION 549.09 THROWING OR PROJECTING MISSILE, OF THE CODIFIED ORDINANCES OF THE CITY OF MASON, OHIO, AND DECLARING AN EMERGENCY

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

A motion to adopt Ordinance 2006-140 was made by Councilmember Bradburn, seconded by Councilmember Wurzbacher.

A general discussion followed in which Vice Mayor Grossmann expressed concern over the language and its potential misuse where innocent children are involved and no harm is intended.

A motion to table for two weeks was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS.

ORDINANCE 2006-142 AMENDING THE ZONING CODE AND STORMWATER DESIGN MANUAL TO MODIFY AND UPDATE THE STORMWATER FACILITIES STANDARDS

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

Eric Hansen stated the public hearing on this legislation will take place on December 11, 2006 at approximately 7:05 p.m.

ORDINANCE 2006-143 AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND KZF DESIGN TO COMPLETE THE DOWNTOWN STREETSCAPE PLAN AND DECLARING AN EMERGENCY

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

Eric Hansen stated the purpose of this legislation is to authorize a change order for the removal of on-street parking from the current design along West Main St. between Reading Road and

Mason-Montgomery Road. He stated in April 2005, City Council approved Ordinance 2005-48 authorizing KZF Design to provide professional planning and engineering design services to complete a Downtown Streetscape Plan for the central business district. This design and engineering services included the addition of on-street parking along West Main Street, between Forest Avenue and Mason-Montgomery Road.

Eric explained the Downtown Committee of Council discussed whether on-street parking added significant value relative to the concerns it created. A worksession with City Council and representatives from Downtown Mason was held on October 30th to further discuss the issue. At this meeting, representatives of downtown indicated they understood the impacts of the project and felt the difficulties were worth the benefits of on-street parking. A commitment was made at the worksession to resolve the issue of whether on-street parking would remain in the project by the November 13th Council Meeting.

Eric stated as a follow up to the work session KZF Design has provided a price of \$29,000 to revise the drawings for the removal of the on-street parking on West Main St. between Reading Road and Mason-Montgomery Road. If the change order is approved, on-street parking would be removed from the design between Reading Road and Mason-Montgomery Road and the sidewalks, curb and gutter will still be replaced with new materials throughout the project area. If the change order is denied, then on-street parking will remain in the project design. A majority of the Downtown Committee recommends that on-street parking remain in the project, and, consequently that Ordinance 2006-143 is unnecessary.

Mr. Bob Sloan, addressed Council and stated he was shocked after 6 years of planning and discussion this is even being discussed. He said the DMA Design Committee worked to make this decision and determined on street parking is essential for the core values and a key element for creating a thriving pedestrian friendly downtown. He added it is an "old mindset" that Main Street must be a thoroughfare. He added a study must be done to re-route traffic from the downtown area. He also said businesses have made decisions to expand based on Council's previous approval of the on street parking. Bob Richardson of KZF addressed Council and provided a history of street design and the evolution in the downtown areas. He said on street parking is essential to show the business area is open and viable. Chet Mastalerz said he was a resident, business owner and president of DMA and has been working on this for 6 years. He said Council gave unanimous approval on this and many businesses made decisions to expand with that in mind. He added Springfield, Milford, Dublin and Loveland have all decided on street parking is essential to the downtown area. Dick Yost addressed Council and stated if on street parking is removed, he is not sure we should proceed with any improvements. He said you need to slow traffic down to make it a safer environment. John Harris, President of the Northeast Chamber of Commerce addressed Council and stated they made a decision to purchase the building they are currently located in based on Council's support of the plan showing on street parking. He said you cannot change the rules in the middle of the ballgame. Tom Muenich addressed Council and stated he is in favor of on street parking as it will slow the traffic in the area. He also said crossing SR 42 at the light is dangerous because the speed limits are not followed. Dr. Emmings addressed Council and stated he is in favor of on street parking to keep business and slow traffic down. Lee Hamilton addressed Council and stated if on street parking

is removed and that process is continued down SR 42 he will be out of business. He said he only has two parking places for his business and both are on the street. He noted he has worked well with the property owner behind him but he does not own the property. Francis Gilbert addressed Council and stated there is a necessity for on street parking as a safety measure.

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

A general discussion took place among Council in which it was debated if the on street parking plan really works. Vice Mayor Grossmann asked if the property owners realize 9 curb cuts will be removed to provide the on street parking. One man replied they have not been told that. Chet Mastalerz stated we have seen nothing on curb cuts and where parking is actually going. Paige Rothstein stated general discussions included curb cuts and it has been discussed in the Steering Committee. She added it would require cooperation between property owners. The study suggested combined parking areas at the rear of the buildings. Mayor Peltrey stated if we provide on street parking, curb cuts will go away over time. This provides an opportunity for the downtown area. Noble Johnson stated he lives at 316 S. West Street and if there is a Third Street bypass it will take his home. He is not in favor of this but is in favor of re-routing traffic. Mayor Peltrey explained another alternative of allowing parking on one side of the street. She stated if on street parking is allowed, it requires much cooperation between current property owners to provide parking in the rear of the properties.

A motion to adopt Ordinance 2006-143 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: 3 YEAS, 3 NAYS (Peltrey, Osborne, Kline) Ordinance Falls

ORDINANCE 2006-144 APPROVAL OF THE DEDICATION PLAT FOR THE MASON ANIMAL HOSPITAL

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

Richard Fair explained to Council, Baumann Engineering is requesting the approval of the dedication plat of right-of-way along Reading Road for the Mason Animal Hospital site. This plat will dedicate 50'-0" of right of way along Reading Road to the City of Mason. The plat also includes an ingress/egress easement to allow access to the adjacent property. Richard stated the plat is consistent with the requests made by Planning Commission on September 6, 2005 and the City of Mason Thoroughfare Plan.

He also reported Planning Commission and staff recommend approval contingent on the following:

1. Include the "Deed Reference" statement on the record plat.
2. Provide ingress/egress easement at proposed access drive on Reading Road.

1. Dedication plat for Batsche Trails Boulevard (Ordinance 2006-146)
This plat dedicates the right of way along Mason-Montgomery Road on the Board of Education property and the right of way for the collector road, which runs from Mason-Montgomery Road to the eastern property line.

Richard Fair explained to Council, Mr. James Sullivan representing Great Traditions is requesting approval of the dedication and record plats for the proposed Estates of Chestnut Hill Subdivision (Former Batsche property) located just north of the Chestnut Hill Subdivision in Deerfield Township. The Estates of Chestnut Hill Subdivision is proposed to have 81 residential lots ranging in size from 20,350 square feet to 48,316 square feet. These plats are consistent with the preliminary plat approved by City Council on October 24, 2005 and with the City of Mason Thoroughfare Plan. He stated the next four ordinance are part of this dedication request.

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

BOULEVARD
ORDINANCE 2006-146 APPROVAL OF THE FINAL PLAT FOR BATSCHE TRAILS

Councilmember Osborne removed himself from the meeting at this time.

A motion to adopt Ordinance 2006-145 was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

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

Richard Fair reported to Council, Gerard Berding with Berding Surveying, representing Crane Plastics Company, LLC is requesting approval of the dedication plat for the Crane Plastics property located at the corner of Bethany Road and S.R. 741. This plat will dedicate 1.58 acres of right of way along Bethany Road and .473 acres of right of way along S.R. 741 to the City of Mason. Richard stated the plat is consistent with the requests made by Planning Commission on July 11, 2006 and the City of Mason Thoroughfare Plan. Pursuant to the incentive agreement, the City is purchasing the right of way from Crane Plastics for \$30,000.

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

PROPERTIES
ORDINANCE 2006-145 APPROVAL OF THE DEDICATION PLAT FOR CRANE

A motion to adopt Ordinance 2006-144 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

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

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

ORDINANCE 2006-148 APPROVAL OF THE FINAL PLAT FOR ESTATES OF CHESTNUT HILL SECTION 1

A motion to adopt Ordinance 2006-147 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: 5 YEAS

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

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

ORDINANCE 2006-147 APPROVAL OF THE DEDICATION PLAT FOR PART OF THE HERMANN PROPERTY ALONG MASON-MONTGOMERY ROAD

A motion to adopt Ordinance 2006-146 was made by Councilmember Braburn, seconded by Councilmember Kline. VOTE: 5 YEAS

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

- 1. Approval from Greater Cincinnati Water Works will be required prior to recording.
- 2. Submit necessary Subdivider's contract and performance bonds.
- 3. No Final Certificates of Occupancy will be issued prior to the completion of the road improvements on Mason-Montgomery Road.

Richard reported Planning Commission and Staff recommend approval of the above ordinances contingent on the following:

- 2. Dedication plat for Hermann Property on Mason-Montgomery Road (Ordinance 2006 - 147) provides the right of way necessary for the required road improvements for this development and also satisfies the requirements of the City's Thoroughfare Plan.
- 3. Estates of Chestnut Hill Section 1 – Record Plat (Ordinance 2006 - 148) This section consists of fifteen (15) buildable lots and will dedicate the utilities, storm, and sewer easements as well as right of way necessary for this section of the development.
- 4. Estates of Chestnut Hill Section 2 – Record Plat (Ordinance 2006 - 149) This section consists of thirty-two (32) buildable lots and will dedicate the utilities, waterline, storm and sanitary sewer easements as well as right of way necessary for this section of the development.

ORDINANCE 2006-151 AUTHORIZING THE CITY MANAGER TO EXECUTE AN ACQUISITION AGREEMENT AND TO ACCEPT AN EASEMENT FOR THE MUDDY CREEK RESTORATION AND SANITARY SEWER IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (RICHARDSON)

A motion to adopt Ordinance 2006-150 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: 5 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

Richard Fair explained to Council, the purpose of this legislation is to release the performance bond and accept the public improvements as recommended by staff for Pebble Creek Section 3. He said Section 3 of Pebble Creek at Mason is located north of the Weatherstone Subdivision and has access off of State Route 741. The streets, which are private, include parts of Spanish Bay Drive and Spyglass Hill. The Public Utilities, Public Works, Engineering Department and Greater Cincinnati Water Works have inspected the public improvements. The utilities and other improvements will become the city's responsibility upon acceptance. He reported this is the last section of Pebble Creek Subdivision to be accepted. He added Staff recommends accepting the public improvements, contingent on the submission of a one-year maintenance bond.

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

ORDINANCE 2006-150 ACCEPTING THE PUBLIC IMPROVEMENTS FOR PEBBLE CREEK AT MASON, SECTION 3, AND RELEASING THE PERFORMANCE BOND

A motion to adopt Ordinance 2006-149 was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: 5 YEAS

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

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

ORDINANCE 2006-149 APPROVAL OF THE FINAL PLAT FOR ESTATES OF CHESTNUT HILL SECTION 2

A motion to adopt Ordinance 2006-148 was made by Councilmember Kline, seconded by Vice Mayor Grossmann. VOTE: 5 YEAS

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

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

Richard Fair explained to Council, on September 11, City Council authorized a contract with Sunesis Construction Company for the Muddy Creek Restoration and Sanitary Sewer Improvement Project. He said as part of the design of the new storm and sanitary sewer systems, it was necessary to extend and relocate a new 48-inch storm sewer and 8-inch sanitary sewer across the Richardson's property. The Richardson property is located on the west side of Mason Montgomery Road just north of the Muddy Creek and south of the Lexington Apartments. Richard stated the proposed improvements will replace a deteriorated existing sanitary sewer, allow the City to reduce the buried depth of the sanitary sewer from 25 feet to 5 feet and prevent problems with ongoing maintenance and future replacement. The existing 30-inch storm sewer pipe is in need of replacement and will be enlarged to complete the first section of the Library Project.

He also said this acquisition will allow for the relocation of the storm sewer easement and sanitary sewer easement and the dedication of the new easement across this property. The City has negotiated with the Richardsons to exchange the original sanitary sewer easement for the new storm and sanitary sewer easements without cost. Once construction is completed, an additional ordinance will be brought before council vacating the existing easements.

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

A motion to adopt Ordinance 2006-151 was made by Councilmember Bradburn, seconded by Vice Mayor Grossmann. VOTE: 5 YEAS

ORDINANCE 2006-152 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$5,800,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF MAKING PARK AND RECREATION IMPROVEMENTS IN THE CITY AND DECLARING AND EMERGENCY.

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

Eric Hansen explained to Council, the purpose of the next four ordinances is to provide for the issuance of Bond Anticipation Notes for the purchase of The Golf Center at Kings Island and for the construction of Mason Sports Park and providing reimbursement to the City for these capital improvements.

Eric stated on October 9, Council heard a first reading and on October 23 adopted Ordinances 2006 – 120, 2006-121, and 2006-122 approving the issuance of various purpose General Obligation bonds for the purchase of The Golf Center at Kings Island and for the construction of Mason Sports Park. This represented the conclusion of the City's due diligence period and Council's intent to move forward with the purchase contingent upon modification of some

existing easements and extension of the deadline for closing. Eric reported a closing date in early January is anticipated. However, before the City can issue the debt to secure the purchase of the golf course several items must be resolved. While staff and legal counsel have been pursuing modification of the easements, bond counsel has also indicated that modifications to the easement language is essential in order for the City to proceed with the issuance of tax-exempt debt for this purchase. The City is also pursuing a new Moody's rating in conjunction with the issuance of these bonds. Eric reported authorizing the following ordinances ensures the City has access to financing immediately available upon closing and provides flexibility for staff and bond counsel to pursue the more cost effective long-term bonds approved in Ordinances 2006-120, 121, and 122. He explained the purpose of each ordinance as follows:

Ordinance 2006-152 provides for the issuance of \$10 million, Golf Course Acquisition bond anticipation notes to provide for the financing of this purchase.

Ordinance 2006-153 authorizes the issuance of Park Improvement bond anticipation notes in an amount not to exceed \$5.8 million to provide for the construction of the Sports Park. This amount includes the base bid, alternates and contingency amounts for each.

Ordinance 2006-154 would allow the City to consolidate the debt for the purchase of the golf course and the construction of the Mason Sports Park into one issuance in an amount not-to-exceed \$15.8 million. By combining these projects into one debt issuance the City should be able to obtain a more attractive interest rate and reduce issuance costs.

Ordinance 2006-155 allows the City to reimburse itself through debt proceeds for capital improvements for the construction of Mason Sports Park. In order to ensure bid prices are maintained and this project is completed as scheduled, it is necessary to move forward with the construction. Staff anticipates that some construction costs may be incurred prior to the issuance of the debt necessary to finance the total construction of this project.

Eric further explained Staff wants to ensure that the City is in a position to finance this project at closing. The above ordinances provide a stop-gap solution to ensure short-term financing is available upon resolution of remaining issues and establishment of a closing date. Likely next Spring, the City will be in a position to issue the long-term bonds previously authorized by Council to provide the most cost-effective financing of this purchase.

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 general discussion took place among Council members in which was discussed whether a clerical error existed in the ordinances. It was determined the intent of Council is clear and the items can be corrected or re-stapled if necessary to insure the accuracy.

A motion to adopt Ordinance 2006-152 was made by Councilmember Wurzbacher, seconded by Vice Mayor Grossmann. VOTE: 5 YEAS

ORDINANCE 2006-153 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$15,800,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING A GOLF COURSE AND MAKING PARK AND RECREATION IMPROVEMENTS IN THE CITY AND DECLARING AN EMERGENCY

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

Councilmember Osborne returned to the meeting at this time.

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

A motion to adopt Ordinance 2006-153 was made by Councilmember Bradburn, seconded by Councilmember Wurzbacher. VOTE: 4 YEAS, 1 NAY (Kline), 1 ABSTAIN (Osborne)

ORDINANCE 2006-154 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$10,000,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING A GOLF COURSE IN THE CITY AND DECLARING AN EMERGENCY

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

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

A motion to adopt Ordinance 2006-154 was made by Councilmember Wurzbacher, seconded by Vice Mayor Grossmann.

Councilmember Kline noted the dollar figure was not correct in Section 9 of the ordinance. Vice Mayor Grossmann moved to amend the ordinance to reflect the correct dollar amount. Councilmember Kline seconded the motion.

A motion to adopt Ordinance 2006-154 as amended was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: 5 YEAS, 1 ABSTAIN (Osborne)

ORDINANCE 2006-155 DELEGATING AUTHORITY TO MAKE DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS WITH RESPECT TO REIMBURSEMENTS OF TEMPORARY ADVANCES DURING 2006 MADE FOR CAPITAL IMPROVEMENTS FOR THE CITY TO BE MADE FROM SUBSEQUENT BORROWINGS

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

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

A motion to adopt Ordinance 2006-155 was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: 5 YEAS, 1 ABSTAIN (Osborne)

ORDINANCE 2006-156 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BAYER BECKER ENGINEERS FOR THE DESIGN ENGINEERING OF THE IMPROVEMENTS TO THE FIRESIDE DRIVE AND TYLERSVILLE ROAD INTERSECTION

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 purpose of this legislation is to award a contract for engineering services to prepare construction drawings for the improvements to Fireside Drive and Tylersville Road Intersection, appraise the value of needed right-of-way, negotiate with property owners to purchase right-of-way, and provide construction inspection.

He explained this project consists of widening of the Tylersville Road and Fireside Drive intersection, adding turn lanes, and possibly adding a traffic signal in the future. Also a median will be installed between Fireside Drive and Butler Warren Road to restrict left turn movements and improve safety. This improvement will be performed in conjunction with the Warren County Engineer's Office as a joint project, since portions of the intersection are outside the city corporation limits. Richard stated an Issue 1 grant final application has been submitted for Program Year 21 (2007) for \$262,265 of the estimated \$535,000 project cost. The City's application has been approved for funding with funds available in July 2007 and the goal is to be prepared for construction in late summer 2007. Council entered into a cooperation agreement with the Warren County Commissioners with Ordinance 2006-110 on September 11, 2006 for the project costs. The City is responsible for 37% of the project costs with the grant request covering half of the City's responsibility.

Richard said the Engineering Department received proposals from two engineering firms for the design and right-of-way acquisition for the improvements with Bayer Becker's submitting the winning proposal. It includes the preliminary design and concept plans, geotechnical investigation and report, roadway design, maintenance of traffic, pavement markings, right-of-way plans, property appraisals of an estimated eight parcels, property negotiations, utility coordination and construction inspection for a not to exceed cost of \$97,055. The City Engineering Department is the lead agency for this project. Warren County will pay a portion of the right of way acquisition and all of the inspection services.

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 2006-156 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-157 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE ODB COMPANY FOR THE PURCHASE OF ONE (1) 2006 LEAF VACUUM MACHINE

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

Eric Hansen explained to Council, our annual leaf removal program is an extremely popular City service. The City's ability to continue to provide this service in a timeframe that is acceptable to residents is becoming more difficult as the City grows and leaf removal equipment ages. Public Works currently has three leaf vacuum machines that are used aggressively from October through December as part of the City's fall leaf pickup program. The last leaf vacuum was purchased in 1999. Leaf vacuums typically have a life expectancy of 10-12 years.

Eric stated in order to provide leaf pickup service to the residents in a reasonable time frame, all three machines are utilized every day of the week during the months of October through December. At that rate, crews typically pass through the entire City in a little over a week. A vacuum being out of service results in delays in this schedule and inconvenience to residents. Purchase of a new vacuum and reserving the 1994 vacuum for backup when equipment is out of service will allow the Department to provide a level of service that residents expect. A new ODB leaf machine can be obtained as part of the State Purchasing procurement program at a cost of \$14,995. Eric said this purchase was not included in the 2006 Budget, however funds are available in 2006 appropriations and if purchased now will save the City from large price increases anticipated for the similar equipment in 2007. The Equipment Committee of Council reviewed and recommended moving forward with the acquisition in 2006.

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 2006-157 was made by Councilmember Kline, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

ORDINANCE 2006-158 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TECHNICAL MACHINERY FOR A LED VIDEO SCREEN, WITH PRODUCTION CREW, FOR THE RED, RHYTHM & BOOM CONCERT ON JULY 3, 2007

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

Eric Hansen explained to Council, in response to Council's request, a video screen display can be added to provide better viewing for a large audience. The video screen will allow each audience member to clearly view the events occurring on stage. The LED video screens have a high quality resolution that can be seen well during the daytime. He stated this ordinance will allow for one 20' x 24' LED video screen to be elevated next to the stage for \$14,970 with a production crew. There is an option for a second 8' x 12' LED screen for \$8,000 with production crew to be located away from the stage at the center sound booth. Both LED video screens can be obtained for a total of \$22,970. Councilmember Kline asked how the cost for this event has escalated in recent years. Eric Hansen replied the cost now is approximately \$200,00 and 5 years ago it was \$75,000. Councilmember Wurzbacher stated this is the City's most popular event and he can support the decision to supply the additional equipment. Council collectively decided not to include a second screen.

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

A motion to adopt Ordinance 2006-158 was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2006-159 AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ACES AND EIGHTS HARLEY-DAVIDSON MOTORCYCLE, INC. FOR THE LEASE OF TWO HARLEY-DAVIDSON POLICE ELECTRA GLIDE MOTORCYCLES

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

Eric Hansen explained to Council, Aces and Eights have agreed to donate a lease of two Police package Harley-Davidson motorcycles to the City for five years in exchange for one dollar. He said this is a very generous offer from Aces and Eights as these particular motorcycles have an estimated value of \$18,000 each. The City agrees to maintain and insure the motorcycles during the term of the lease. The department estimates that each bike will be ridden approximately 6,000 miles a year. Officers assigned to the motorcycles will be trained and certified as having completed the extensive Harley-Davidson Law Enforcement Riders' Course. Currently two officers have successfully completed this training. He added the officers will continue to have access to patrol cruisers when weather does not permit the use of motorcycles.

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 2006-159 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Conestoga-Rovers & Associates (CRA) is a nationally known company that can provide such training. The CRA team members are certified instructors at the U.S. Department of Homeland Security-National Fire Academy. Staff have met with Mr. Dave Hagerly, CRA group leader, to discuss course content, available scheduling and quote for services. CRA will customize the training to the City of Mason including an evaluation of the current ICS process and then providing an intensive "Incident Command Boot Camp." The total proposal consists of an initial evaluation and 8 courses totaling 264 hours of in class instruction and tabletop exercises. Every member of the City Fire Department will be required to complete the appropriate level of training. Schedules will be arranged so that Firefighters will not be interrupted by calls for

Eric stated reports evaluating the Fire Department, most recently the Matrix Consulting Group report, identified the need for a full time training officer and a second Deputy Chief, increased emphasis on supervisory levels and training. While the Safety Committee is in general agreement with these recommendations, discussion continues on how best to structure the Department for long-term success. Meanwhile there is an immediate need to enhance the operations of the Fire Department with an aggressive training program. It has been suggested to hire an outside agency to accelerate these efforts and provide training to fire personnel as well as invite surrounding agencies and major industries to send representatives.

Eric Hansen explained to Council, the Department of Homeland Security has mandated that all government agencies at all levels incorporate the National Incident Management System process. City departments are currently developing a Community Emergency Management Plan in order to be compliant. City Departments have been introduced to the NIMS process, which is a simple modification of the existing Incident Command System (ICS) utilized in Police and Fire. It is the goal to incorporate and train each department to be able to function as one in the event of a major crisis incident.

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

ORDINANCE 2006-161 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CONESTOGA-ROVERS & ASSOCIATES TO PROVIDE INCIDENT COMMAND SYSTEM TRAINING INCLUDING THE NIMS PROCESS

Councilmember Bradburn stated this would be a first reading to allow the Safety Committee time to review the matter.

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

ORDINANCE 2006-160 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HORTON EMERGENCY VEHICLES FOR THE PURCHASE OF A 2007 TYPE I, 145 INCH MODULAR BODY LIFE SQUAD VEHICLE FOR USE BY THE CITY OF MASON FIRE DEPARTMENT

service and will be focused on the training. The proposed cost for this level of service will not exceed \$300,000, which is a significant investment in Department wide training, but a very competitive price considering the number of staff and scope of instruction to be delivered. Conestoga-Rovers offers additional training, management, and recruiting services that the City may wish to pursue following the Incident Command Boot Camp.

Eric stated with Council approval, the evaluation process can begin in December with the training to begin after the first of the year. The scheduling of courses in concert with fire response coverage will require overtime expenses, significant coordination and will span over three to four months, but the results will benefit the City immensely, putting the City of Mason's level of training and crisis management skills above most communities.

He reported Chief Ferrell and Chief Fletcher have reviewed the proposal and are impressed with the credentials of the training team as well as the breadth of training being offered. The Safety Committee of Council has reviewed the proposal and recommends adoption.

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

Councilmember Bradburn stated Mr. Dave Hagerly will bring the department up a notch. He said he is like the FBI of the fire industry.

A motion to adopt Ordinance 2006-161 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

◆ The DARE graduation will be held on Wednesday, November 15 in the Mason High School auditorium beginning at 7:00 p.m. City Council members are invited to attend.

◆ The annual Warren County Economic Outlook Breakfast is scheduled for Tuesday, November 21 from 7:00 a.m. to 9:00 a.m. at the Kings Island Resort and Conference Center. The cost is \$35 per person, the City can RSVP on councilmember's behalf –please call Joan before Tuesday, November 15.

◆ City offices will be closed on Thursday, November 23 and Friday, November 24 for the Thanksgiving holiday. Waste collection during Thanksgiving week will not be altered due to the Holiday.

◆ The annual tree lighting and opening ceremonies for the winter season at The Beach Waterpark will take place on Friday, November 24 beginning with a parade at 4:45 p.m. City Council members are invited to attend and participate in the horse-drawn carriage rides.

◆ The regularly scheduled second meeting in December falls on December 25. Eric stated he does not anticipate that a second meeting will be necessary following the December 11, 2006 meeting.

COMMITTEE REPORTS

Mayor Pelfrey asked about the status of the Admissions Tax discussion. Vice Mayor Grossmann said they are waiting on the comments from the Law Director. Councilmember Osborne stated he has just received those comments and they will proceed with talks with local business partners and get their input.

Councilmember Osborne reported the Employee Relations Committee is continuing to work on the City Manager search. He said the list is down to five candidates and interviews will take place next week. He also stated the Community Center is still being reviewed and they are making every attempt to not raise rates next year.

COUNCIL OLD AND NEW BUSINESS

Councilmember Osborne stated he has a very good experience with school children at the Veteran's Memorial. He stated it was enhanced by the presence of veterans also at the memorial at that time.

Mayor Pelfrey stated she has received a request to place a name on an unnamed alley in the City. She referred the matter to the Downtown Committee to review. She also noted the Grinch has taken the star that tops off the Christmas in Mason tree. She stated it is needed by December 1, 2006 and there is an all out search for it.

RECOGNITION OF VISITORS

Fuzzy Bruner of 122 S. East Street addressed council and noted the Little Muddy Creek improvements were suppose to fix a problem in his yard that was a swamp. He said now the design has been altered and he wonders if that area will actually still be fixed.

EXECUTIVE SESSION

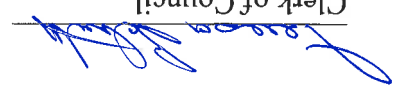
A motion to go into executive session for the purpose of discussing land acquisition was made by Councilmember Bradburn, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

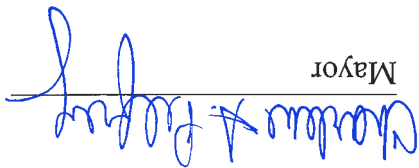
A motion to reconvene into regular session was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ADJOURN

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

TIME: 11:20 p.m.


Clerk of Council


Mayor