

**CITY OF MASON
COUNCIL MEETING
DECEMBER 11, 2006**

Mayor Pelfrey called the meeting to order at 7:05 p.m. Following a prayer by Rabbi Josef Kalmanson, those present recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the November 13, 2006 Worksession was made by Councilmember Kline, seconded by Councilmember Osborne. VOTE: ALL YEAS

A motion to approve the minutes of the November 13, 2006 Council meeting was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

A motion to approve the minutes of the November 27, 2006 Council meeting was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: 4 YEAS, 1 ABSTAIN (Kline)

RECOGNITION OF WINNERS OF DOWNTOWN WINDOW DISPLAY CONTEST

Mayor Pelfrey stated the following are the winners of the Downtown Mason Window Decorating contest: 1st Place-Baysore Florist; 2nd place-Dupriest Antiques and 3rd Place-Children's Theatre. The Mayor presented plaques to the winners.

RECOGNITION OF VISITORS

Rick Inskip of Butler Warren road addressed Council and stated the volume and speed of traffic on Butler Warren Road is a hazard. He said subdivisions with expensive homes receive stop signs to control the speed. He would like to know why one couldn't be placed on Butler Warren Road. He stated the residents are not treated equally. Mayor Pelfrey stated he is welcome to appear before this Council as a resident anytime he wishes but not to further a personal agenda. She said she is not going to allow him to continue to attend meetings and address the public with negative innuendoes regarding Council's actions. She stated if he has a specific item he wishes to discuss, he should mention it. She also stated he is welcome to call her personally if he wants to discuss other items. Richard Fair stated this is the first time he has heard of a request for a stop sign on Butler Warren road. He said ODOT has set criteria for installing stop signs which include accident history of the area, if a traffic signal planned for the area or if the traffic coming for all four directions and can it be controlled by speed limits. He added this matter is further complicated by more than one jurisdiction. He said half of the road is in Butler County. He also

said the Traffic Safety Committee can review the matter and report back to the City Manager. It should take approximately one month.

Frank Miller of Walnut Lane addressed Council and asked if the public will be able to speak when Council is addressing the ordinances on the agenda that involve the purchase of real estate. Mayor Peltrey said he could ask questions now. He then asked why the City was paying over the appraised value for property. Eric Hansen stated this property will be used for the bike path expansion and is adjacent to the City parkland and that it was not over appraised. He also said some of the land is needed for right of way for future road improvements. He said the property at the end of David Lane will most likely be divided so the home can be sold.

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 Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS

Kurt Selier reported to Council this legislation is the proposed changes to the City's storm water manual focusing mainly on the maintenance of detention/retention basins, plus add some additional design standards that will make long-term maintenance less of a burden for residents. He stated staff met twice with members of the Ohio Valley Development Council (OVDC) of the Home Builders Association to discuss their comments on the regulations. He added they have resolved most of the issues; however, OVDC still has three concerns that he outlined as follows:

Section 3.2.2 b) – Staff recommends that the retention facility be on a lot or lots owned and maintained by an HOA. OVDC would like to add an option for the developer to alternatively locate the retention facility in an easement dedicated to the HOA for recreational use and maintenance, provided that the City reviews and approves HOA document language that covers accessibility and maintenance of the facility before plat recording.

Section 3.2.2 m) – Staff recommends requiring mechanical aeration or fountains in retention basins to help control algae and provide aesthetic value. OVCD would like the option to not install aeration provided a professional with retention basin maintenance experience states in the maintenance plan that it is not necessary.

Section 3.2.5 (first paragraph) – Staff recommends that the developer prepare and submit a facility maintenance plan as part of the construction drawing and stormwater design calculations approval. OVDC would like to submit a draft maintenance plan with the construction drawing approval and obtain final approval of the maintenance plan at the time of the final plat approval.

Kurt reported Planning Commission has the ability to grant variances to the stormwater manual for developments that show significant hardship or some other reason for such a variance. Staff

believes that the proposed regulations should be approved as the minimum requirements and if developers show good reason for a variance then one could be granted.

Mayor Peltrey opened the public hearing at 7:33 p.m.

Becky Kelly representing the Home Builders Association addressed Council and said they support the adoption of the proposed changes to the code with the inclusion of their recommended language. She explained their concerns are based on future delays to the review process and new language that may curtail creativity by some of the developers. A general discussion took place among Councilmembers clarifying the need for access to detention/retention ponds be made available to the Home Owners Associations for maintenance and placing easements on the property regarding the ponds. Richard Fair sited two examples of ponds that currently exist in the City of Mason that have presented maintenance problems.

Mayor Peltrey closed the public hearing at 7:51 p.m. Mayor Peltrey suggested Council consider adopting the ordinance tonight and than if staff will continue to work with the OVDV and if additional changes are needed they can be brought to Council in the future.

A motion to adopt Ordinance 2006-142 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

RESOLUTION 2006-13 APPOINTING CITY MANAGER ERIC HANSEN TO THE WARREN COUNTY 911 PLANNING COMMITTEE

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

Eric Hansen explained to Council, the Warren County Department of Emergency Services has informed the City of the County's responsibility to amend their 9-1-1 plans and to address wireless 9-1-1 services. He stated each County in the State is now required to amend their 9-1-1 plans to account for implementation of the wireless process. The Ohio Revised Code mandates that the City Manager of the most populous City in the county be appointed to the County committee. The County is asking Mason to make this appointment via formal resolution.

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 Resolution 2006-13 was made by Councilmember Osborne, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2006-173 APPROVING A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF MASON AND DEERFIELD TOWNSHIP FOR FIRE STATION RESPONSE TIME/MAPPING SERVICES AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council earlier this fall, the Safety Committee of Council recommended hiring a firm to analyze possible Fire Station locations and impact on response times. The study was to include a "blank slate" analysis that looked at ideal locations regardless of current facilities, and then develop the study to account for existing facilities, future development, and growth of Fire station locations. The Safety Committee encouraged pursuing a joint study with Deerfield Township to identify any opportunities for sharing resources or providing more consistent coverage between the two entities. Eric stated MSA Architects has been working with City staff to gather the needed data to begin the analysis. The proposal includes analysis of solely Mason corporate limits and an option to expand that analysis to include Deerfield Township. Eric reported after discussing the proposal with Deerfield Township, they have indicated a willingness to partner with the City in providing their own data and perspective to the study. The proposal is structured so that baseline analysis for both entities will be produced and either jurisdiction may elect to pursue additional scenarios separately and at separate cost or it may provide opportunities to explore additional joint scenarios. The Joint Participation Agreement provides for Deerfield Township to join the City's analysis with MSA Architects and to reimburse the City up to \$4,100 for their share of the services.

Dan Evers addressed Council representing Deerfield Township and stated they are pleased to be entering into this collaborative effort. He said the Trustees will vote on the matter at their December 19, 2006 meeting.

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 2006-173 was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2006-174 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 32 FORD FOR THE PURCHASE OF FOUR (4) 2007 FORD CROWN VIC POLICE CRUISERS

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

Eric Hansen reported to Council, the City is requesting the purchase of four 2007 Ford Crown Victoria Police Interceptors from 32 Ford. He said the State of Ohio has awarded the contract for 2007 models. The price for one 2007 Ford Crown Victoria Police Interceptor under the state contract price is \$21,556. This amount is only \$321 more than last years price of \$21,235, and represents an excellent value.

He stated the total price for four cruisers is \$86,474, which includes one shop manual on CD. Delivery of the vehicles will be in the spring of 2007. These vehicles are not bid by the State of

Ohio until fall, which is why the authorization typically occurs in November or December. Eric said the 2006 Budget approved four (4) cruisers to be replaced with 2007 models for a budgeted amount of \$88,000. This purchase was reviewed and recommended by both the Equipment and Finance Committees of Council as part of the 2006 budget process.

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 2006-174 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: 4 YEAS, 1 ABSTAIN (Bradburn)

Councilmember Osborne excused himself from the meeting for a few minutes.

ORDINANCE 2006-175 ACCEPTING THE PUBLIC IMPROVEMENTS FOR HICKORY WOODS SECTION 3A AND RELEASING THE PERFORMANCE BOND

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

Richard Fair explained to Council, Section 3A of the Hickory Woods Subdivision located south of Parkside Subdivision and east of the Mason Early Childhood Center is ready to be accepted by the City. He stated this includes Hawthorn Court, Cherrywood Court and part of Hickory Woods Drive. Richard reported the Public Utilities, Public Works, Engineering Department and Greater Cincinnati Water Works have inspected the public improvements and they will become the City's responsibility upon acceptance. He added this recommendation is contingent on the submission of a one-year maintenance bond. Councilmember Kline noted the maintenance bond requirement is not mentioned in the ordinance. Richard Fair replied it is a requirement in the City code.

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

A motion to adopt Ordinance 2006-175 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS (4)

ORDINANCE 2006-176 ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE LANDING OF OAKWOOD LAKES SECTION 1 AND RELEASING THE PERFORMANCE BOND

A motion to read by title only was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. 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 Section 1 of The Landing at Oakwood Lakes. He said this is located south of Oakwood Lakes Section One and east of the Western Row Golf Course. The streets, which are private, include parts of White Oak Court and

Black Oak Lane. 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. Richard concluded by stating staff recommends accepting the public improvements, contingent on the submission of a one-year maintenance bond.

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 2006-176 was made by Councilmember Bradburn, seconded by Councilmember Kline. VOTE: ALL YEAS (4)

ORDINANCE 2006-177 ACCEPTING THE PUBLIC IMPROVEMENTS FOR WEATHERSTONE SUBDIVISION SECTIONS 1, 2, 4A, 4B AND 4C AND RELEASING THE PERFORMANCE BOND

A motion to read by title only was made by Councilmember Wurzbacher, seconded by Councilmember Kline. 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. He reported Sections 1, 2, 4A, 4B and 4C of the Weatherstone Subdivision include Marble Ridge Lane, Forest Ridge Drive, Lava Court, Granite Court, Stone Ridge Drive, Forest Ridge Drive, and Gemstone Court. He stated 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 added staff recommends accepting the public improvements, contingent on the submission of a one-year maintenance bond.

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 2006-177 was made by Councilmember Bradburn, seconded by Councilmember Kline. VOTE: ALL YEAS (4)

ORDINANCE 2006-178 ACCEPTING THE PUBLIC IMPROVEMENTS FOR WINDEMERE SUBDIVISION PHASE 4

A motion to read by title only was made by Councilmember Wurzbacher, seconded by Councilmember Kline. 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. He stated Phase 4 of the Windemere Subdivision is located on the north side of Bethany Road, west of Windemere Subdivision Section 1. The streets being accepted include Chanticleer Lane and Oakland Court. He reported 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 contingent on the submission of a one-year maintenance bond.

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 2006-178 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS (4)

ORDINANCE 2006-179 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH T.R. GEAR LANDSCAPING, INC. FOR THE INSTALLATION OF LANDSCAPING AND IRRIGATION ON SNIDER ROAD AND WESTERN ROW ROAD

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

Richard Fair explained to Council the Snider Road and Western Row Road streetscape improvement project began in 2005 with the widening of Western Row Road and Snider Road. The initial phase, consisting of a new signal, bridge work, curb, gutter, bike path and sidewalks has been completed. The next phase is the installation of landscaping and irrigation, which will complete the streetscape transformation. Richard stated this second phase includes street trees along Snider Road, approximately 400 feet north of Western Row Road to the south Mason corporation line along with trees on approximately 1,800 feet of Western Row Road between Cherokee Drive and 200 feet west of the I & O Railroad. The project also includes landscaping and irrigation for the five medians along Snider Road. Richard reported staff provided the in-house design of the landscaping which was based upon existing streetscape projects within the City.

He further reported the project was bid on December 6, 2006. T.R. Gear Landscaping had the lowest and best bid of \$154,988 T.R. Gear previously held the median landscaping and irrigation maintenance contract with the City of Mason between 2002 and 2004 and performed quality work. Richard said as part of the 2006 Budget process, the Finance Committee reviewed the project and recommended \$250,000 be included in the 2006 Capital Improvement Budget. The project is schedule to begin in early 2007 with a completion date of June 1, 2007.

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 2006-179 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS (4)

ORDINANCE 2006-180 ANNUAL APPROPRIATION ORDINANCE

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

Eric Hansen reported the Finance Committee, chaired by Vice-Mayor Grossmann, has met several times and reviewed the entire 2007 budget document. Previously, the Equipment Committee met to review vehicle requests while Employee Relations met to review compensation. Departments were provided an opportunity to present their requests to the Finance and Equipment Committees. Eric stated the budget continues to be based on very conservative practices. Revenue growth for 2007 is conservatively projected at 9% over 2005 *actual revenues*. Individual budgets continue to end the year with positive balances as department heads and other City staff closely monitor expenses throughout the year. Annual carryover balances continue to be healthy, and without being included in annual revenue estimates, provide Council the flexibility to address new or changing priorities the following year without negatively impacting the annual budget. During the budgeting process, over \$21 million of initial departmental requests were removed by the Finance Committee and City Management. The result is a budget based on conservative revenue estimates, attention to controlling expenses, and ambitious investments in community infrastructure that provides the funding necessary for the City to deliver services effectively in the coming year 2007.

Eric stated highlights of the 2007 budget include the following:

- Two additional Police Officers and a Police Clerk to be funded in the General Fund.
- An Economic Development Resource Technician to provide consistent support for growing economic development operations.
- A Recreation Supervisor to function as an Assistant Coach for the Mason Manta Rays program, with additional pool and facility management responsibilities.
- \$15,000 increase for Prosecutor services.
- Estimated expenses for the anticipated operations of The Golf Center at Kings Island have been included.
- Funding for anticipated expenses of Municipal Court based upon Court estimates and revisions to compensation system more consistent with City system.
- Continued discussion with Council's Safety Committee for finalizing Fire Department requests.
- Over \$20 million investment in community infrastructure such as the following examples:

He further stated in 2006, \$2 million was used to reduce debt. Conservative budgeting has allowed the City to be more aggressive than required in reducing outstanding financial obligations. It is anticipated that this trend will continue in 2007. Based upon the Finance Committee's encouragement, staff are being challenged to reduce operating expenses within their department during 2007. As part of the 2008 budget process, staff will report those areas where expenses have been successfully reduced.

Eric said the 2007 Budget represents significant time and effort from each Department, City staff, and the Finance, Equipment, and Employee Relations Committees of Council to identify and ensure that City priorities are funded appropriately. Throughout the year, expenditures over \$15,000 will be presented to and require the approval of Council. Every other expenditure is carefully reviewed and approved by Department Heads, the Finance Director and City Manager. The result is a process that ensures City revenues are carefully used to enhance the quality of life

for Mason residents, while providing the discretion and flexibility that a fast paced, high growth environment with new and shifting priorities such as Mason requires.

Councilmember Kline stated he would like to see four police officers hired instead of two due to the increase in number of residents. Mayor Peltrey asked what the standard ratio is for police officers in City's with our population. Eric Hansen replied he was not certain of the exact number but he believes we are under the standard ratio. Councilmember Kline pointed out the increase in the City's daily population with Kings Island and now the Great Wolf Lodge. Mayor Peltrey referred this request to the Safety Committee. Councilmember Wurzbacher stated consideration should also be given to exploring options such as radar equipment to fully utilize the existing number of officers. Councilmember Bradburn stated Safety Committee would review the matter. He said he believes it was reduced when reviewed in Finance Committee. He said earnings tax generated more income than budgeted so this provides a layer of comfort for future projects. He also stated in January and February of 2007 the Fire Department will finalize personnel and equipment needs.

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 2006-180 was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS (4)

Mayor Peltrey stated Ordinances 2006-181, 2006-182 and 2006-184 will be moved to later in the meeting when Councilmember Osborne returns.

ORDINANCE 2006-183 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SALE AND PURCHASE OF REAL PROPERTY WITH RICHARD D. HADLEY AND JANET K. HADLEY FOR AN AMOUNT NOT TO EXCEED \$360,000.00

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

Eric Hansen explained to Council, over the past 6 months City staff has been working with Richard and Janet Hadley to complete a grant application to purchase their property. Although the grant was not funded, Mr. and Mrs. Hadley are still interested in selling and have reduced the purchase price to \$360,000 from \$495,000 for the 7.268-acre parcel. Mr. and Mrs. Hadley would like to close on the property in January 2007 and to occupy the home after closing until June 30th, 2007. Mr. and Mrs. Hadley would be responsible for paying all utilities associated with occupying the property during that time. Eric stated this parcel is strategically located along the Muddy Creek and potential future bike path connection to Heritage Oak Park.

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 2006-183 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS (4)

ORDINANCE 2006-185 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR PURCHASE AND SALE OF PROPERTY WITH KINGSWAY COMMUNITY CHURCH FOR AN AMOUNT NOT TO EXCEED \$24,700.00

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

Eric Hansen reported to Council the Kingsway Community Church, located at the second curve on Cox-Smith Road east of SR 741 has completed their internal process to approve the selling of the Cox-Smith Road right-of-way to the City. This right-of-way was initially dedicated to the City during their site plan process in October 2000. However, it was discovered by church officials that the procedure to sell assets outlined in their covenants was not followed. They made the City aware that the original dedication plat was not binding and they wanted compensated for the right-of-way and the plat re-recorded. Wood & Lamping and staff spent months working out the details and negotiating a payment of \$24,700 for the right-of-way. The price is fair and the right-of-way is needed for the future re-alignment of Cox-Smith Road.

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 2006-185 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS (4)

Councilmember Osborne rejoined the meeting at this time.

ORDINANCE 2006-186 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS NOS. 014 AND 015 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 read by title only was made by Councilmember Bradburn, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Eric Hansen explained to Council the next four ordinances deal with change orders associated with the construction of the Water Reclamation Plant. He stated 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.

He explained in the course of finalizing WRP construction, the need arose for change orders to the construction contracts. It is now appropriate for the following change orders to be approved:

<u>Trade</u>	<u>Contractor</u>	<u>Ordinance</u>	<u>Amount</u>
Contract A (General), C.O. 14,15	Adams Robinson	2006-186	\$ -56,289

Contract D (Plumbing), C.O. 9	Nelson Stark	2006-187	2,331
Contract E (Electrical), C.O. 13	ESI	2006-188	13,793
Total			\$ -40,165

Eric explained change orders Nos. 14 and 15 for Adams Robinson (Contract A) are deductive change orders involving a credit to the City for deleted overlay paving in Mason-Morrow-Millgrove Road and compensation to the City for additional electrical and plumbing work required to install the biosolids dryer. Change Order No. 9 for Nelson Stark (Contract D) is for additional NPW piping at the Screening & Grit Building. Change Order No. 13 for ESI (Contract E) involves electrical additions required for control communications between equipment in the Solids Processing Building, and additional starters for the biosolids drying system.

He also stated Ordinance 2006-189 is for an Amendment in the amount of \$10,830 to the WRP Construction Management Agreement between the City and Dugan & Meyers, and covers accrued construction management fees for contractor change orders under the terms of the Agreement.

He further stated the total of all construction change orders previously approved and the change orders presented above is approximately 3.3% 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. At this point in time, the construction is complete and very few areas of potential dispute with the contractors remain to be resolved. As a result, it is anticipated that all changes through completion of the project will be not greater than 5%. By comparison, the normal industry standard is approximately 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 Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

A motion to adopt Ordinance 2006-186 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-187 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 009 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 Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS

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

A motion to adopt Ordinance 2006-187 was made by Councilmember Wurzbacher, seconded by

ORDINANCE 2006-188 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 013 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 Kline. VOTE: ALL YEAS

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

A motion to adopt Ordinance 2006-188 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-189 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING AGREEMENT BETWEEN THE CITY OF MASON AND DUGAN & MEYERS CONSTRUCTION CO., INC. FOR CONSTRUCTION MANAGEMENT OF THE CITY'S NEW WATER RECLAMATION PLANT

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

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

A motion to adopt Ordinance 2006-189 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-181 AMENDING ORDINANCE NO. 2006-20 ESTABLISHING THE POSITIONS AND RATES OF COMPENSATION FOR EMPLOYEES OF THE MASON MUNICIPAL COURT AND DECLARING AN EMERGENCY

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

Eric Hansen reported to Council individual pay rates for Court employees are set by Municipal Court; however, since the City is responsible for providing the payroll for Municipal Court, Council authorization of pay rates is necessary for City staff to make the necessary payroll payments. Council has from time to time been asked by Municipal Court to modify the ordinance that authorizes these positions and pay rates. In the past, this Ordinance has identified

the positions and, effectively, pays ceilings for Municipal Court staff. Any requests for payment for individuals beyond this ceiling required amendment to the Ordinance and City Council authorization.

Eric reported as part of the 2007 Budget process, the Finance Committee discussed with Municipal Court alternatives to this compensation process. This ordinance is a result of that discussion noting the ordinance also sets a maximum total amount to be paid out of the General Fund and Court Special Funds. He explained these amounts are based on Court's current staffing and payroll plus 5%. This is intended to effectively match the City's 2.5% cost of living adjustment and 2.5% effect on payroll merit calculation. This provides greater flexibility to Municipal Court, but also creates additional administrative need for City staff to monitor expenses. Should expenses exceed the ordinance or should funds not be available in Court Special Funds, then amending legislation will be necessary to avoid payroll delays.

Councilmember Bradburn asked Mr. Bill Scherpenbeck, in attendance representing the Court, to answer a few questions. He said the stream of revenue seems to be dwindling from the Court's Probation Fund, is that correct. Bill Scherpenbeck said it appears that could happen. He added the Chief of Police required more training, which is a one-time cost. He stated if the expenses exceed the funds, they would look at implementing layoffs. Bill stated they would not come back to Council for additional funds. A general discussion took place regarding a typo on the salary request for Chief Deputy Technology. The correct compensation should read \$17,504.44-\$23,339.25 Court Account 236 plus benefits; \$17,504.44-\$23,339.25 Court Account 238 plus benefits.

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 amend the exhibit for the salary limit on the Chief Deputy Technology as stated previously was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

A motion to adopt Ordinance 2006-181 as amended was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

It was noted any further changes could be handled by the ordinance returning to Council for amendments if necessary.

ORDINANCE 2006-182 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SALE AND PURCHASE OF REAL PROPERTY WITH PHILIP R. CARSON AND LOUDONNA MARSH CARSON FOR AN AMOUNT NOT TO EXCEED \$325,000.00, AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council this property, 500 David Lane, is located adjacent to Pine Hill Lake Park and the Golf Center at Kings Island. City staff has been working with the listing agent for Randy Carson and LouDonna Marsh owners of the property. The purchase price for this 2.75-acre parcel has been reduced to \$325,000 from the \$375,000 original asking price. The current owners would like to close on the property on or before Dec. 29th, 2006 and to occupy the home after closing until Feb. 28th, 2007. Mr. Carson would be responsible for paying all utilities associated with occupying the property during that time. The acreage provides a good investment for future park expansion or development.

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 2006-182 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: 4 YEAS, 1 ABSTAIN (Osborne)

Councilmember Osborne requested a clarification on the legislation and then asked another vote be taken. Mayor Peltrey asked for a motion to reconsider. Councilmember Wurzbacher move to reconsider, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2006-184 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SALE AND PURCHASE OF REAL PROPERTY WITH ESTATE OF DAVID LUTES, JANICE WALKER, CO-EXECUTRIX AND PAULA HUMMELL, CO-EXECUTRIX FOR AN AMOUNT NOT TO EXCEED \$162,750.00, AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council, City staff has also been working with the heirs of David Lutes for the property located at 208 Kings Mills Road over the past 6 months. The purchase price has been reduced from \$175,000 to \$162,750.00 for the 1.4812-acre parcel. The current owners would like to close the property on or before Dec. 29th, 2006. This property is located directly down stream of the Pine Hill Lake Dam and purchasing this property will help in the future to reduce the classification of the dam and/or reduce the potential for future ODNR regulation enforcement. This property is also strategically located for future design and construction of a bike path from Kings Mills Road to Hanover Drive.

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

A motion to adopt Ordinance 2006-184 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2006-190 AUTHORIZING THE CITY MANAGER TO EXECUTE
CHANGE ORDER NO. 016 AND EXHIBIT A 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 read by title only was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS

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

A motion to amend the ordinance to reflect the addition of the phrase "and declaring an emergency" was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

A motion to adopt Ordinance 2006-190 as amended was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2006-191 APPOINTING ERIC HANSEN TO THE POSITION OF CITY
MANAGER, EXECUTING AN AGREEMENT ESTABLISHING THE RATE OF
COMPENSATION AND DECLARING AN EMERGENCY**

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

A motion to adopt Ordinance 2006-191 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

The Law Director stated the following ordinances were passed without the required five members present to suspend with a second reading. He stated Council's action should be repeated.

**ORDINANCE 2006-175 ACCEPTING THE PUBLIC IMPROVEMENTS FOR HICKORY
WOODS SECTION 3A AND RELEASING THE PERFORMANCE BOND**

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

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

A motion to adopt Ordinance 2006-175 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2006-176 ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE
LANDING OF OAKWOOD LAKES SECTION 1 AND RELEASING THE
PERFORMANCE BOND**

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

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

A motion to adopt Ordinance 2006-176 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2006-177 ACCEPTING THE PUBLIC IMPROVEMENTS FOR
WEATHERSTONE SUBDIVISION SECTIONS 1, 2, 4A, 4B AND 4C AND RELEASING
THE PERFORMANCE BOND**

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

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

A motion to adopt Ordinance 2006-177 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2006-178 ACCEPTING THE PUBLIC IMPROVEMENTS FOR
WINDEMERE SUBDIVISION PHASE 4**

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

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

A motion to adopt Ordinance 2006-178 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2006-179 AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT WITH T.R. GEAR LANDSCAPING, INC. FOR THE INSTALLATION OF
LANDSCAPING AND IRRIGATION ON SNIDER ROAD AND WESTERN ROW ROAD**

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

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

A motion to adopt Ordinance 2006-179 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2006-180 ANNUAL APPROPRIATION ORDINANCE

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

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

A motion to adopt Ordinance 2006-180 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2006-185 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR PURCHASE AND SALE OF PROPERTY WITH KINGSWAY COMMUNITY CHURCH FOR AN AMOUNT NOT TO EXCEED \$24,700.00

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

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

A motion to adopt Ordinance 2006-185 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2006-186 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS NOS. 014 AND 015 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 read by title only was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

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

A motion to adopt Ordinance 2006-186 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2006-183 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SALE AND PURCHASE OF REAL PROPERTY WITH RICHARD D. HADLEY AND JANET K. HADLEY FOR AN AMOUNT NOT TO EXCEED \$360,000.00

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

A motion to adopt Ordinance 2006-183 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

♦ The annual Employee Christmas Lunch will be held on Wednesday, December 13 from 11:30 a.m. to 1:00 p.m. in the Community Room of the Municipal Center. He stated all Council members are encouraged to attend. Turkeys, hams, and gift certificates will also be distributed to full-time employees during the course of the day.

♦ The annual Warren County Municipal League holiday meeting will take place on Wednesday, December 13 beginning at 6:00 p.m. at Heatherwoode Golf Club in Springboro.

♦ City offices will be closed on Monday, December 25 for Christmas and Monday, January 1 for New Year's Day. Since both holidays fall on a Monday, there will be no trash collection those days. Trash collection will be delayed one day the week of December 25 and January 1.

♦ The last day of the City's popular leaf collection program is December 15. Christmas trees can be chipped for recycling in the city's parks as part of the city's regular brush pickup program. All ornaments and tinsel should be removed from the tree before placing it at the curb for pickup.

♦ Great Wolf Lodge will open its new 401-suite hotel and waterpark with a ribbon cutting ceremony on Thursday, December 14.

♦ All of the Council action necessary to close the year has been placed on our December 11 agenda. There will not be a second Council meeting in December.

COMMITTEE REPORTS

Councilmember Bradburn reported the Safety Committee has a Boot Camp planned for January for members of the Fire Department. He stated there is an ongoing review of that department. He said there is nothing to report for the Utility Committee.

Councilmember Osborne said there is nothing to report for the Employee Relations Committee.

Councilmember Wurzbacher stated there is nothing to report from the Building Committee and the Economic Development committee meets next Wednesday.

Councilmember Kline reported the Downtown Committee meets tomorrow January 9, 2006.

COUNCIL OLD AND NEW BUSINESS

Councilmember Osborne reported the Finance Committee has been reviewing all the requests for funds received from a variety of organizations. He said they are going to establish a fair and equitable formula for contributing to the organizations that will be applied to all requests. He also noted they plan to meet with the stake holders regarding the admissions tax.

Councilmember Bradburn stated the earning tax revenue for the year was three million dollars more than expected. He commended staff for doing a great job with keeping expenses down.

Mayor Peltrey asked staff to check into the status of the clean up from the house the Fire Department burned down on Mason Road.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

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

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

ORDINANCE 2006-192 AUTHORIZING THE LAW DIRECTOR TO EXECUTE AN AGREED ENTRY REGARDING THE USE OF PROPERTY ADJACENT TO CITY-OWNED PROPERTY IN DEERFIELD TOWNSHIP AND DECLARING AN EMERGENCY

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

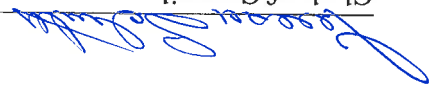
A motion to adopt Ordinance 2006-192 was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ADJOURN

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

TIME: 10:45 p.m.

Clerk of Council



Mayor

