

1. Aggressively and proactively petition the state legislators for immediate drafting, endorsement and passage of substantive state immigration reform that formalizes and strengthens the partnership of law enforcement authorities to deter and apprehend; gather intelligence, detain, prosecute and transport illegal magnets.
2. Make it unlawful to rent, lease, or sublease residential property or hotel rooms to any person for use as an accommodation for an illegal alien.
3. Require the use of the SAVE online system to verify eligibility for all state and local public benefits, and encourage local employers to do the same.

Judy Lahman and Mike Barnhill addressed Council and discussed the City's roll in dealing with illegal immigration. Mr. Barnhill's explained his son was killed by an illegal immigrant in the City of Mason. He requested the City consider the following recommended measures:

PRESENTATION BY JUDY LAHMAN AND MIKE BARNHILL OF CITIZENS FOR LEGAL COMMUNITIES

County Engineer Neil Tunison addressed Council and provided a brief historical overview of the road improvements project that have occurred in the past. He stated it is his goal to within the next three months have the various County jurisdictions enter into a memorandum of understanding so our area will have one voice with the state and federal entities for assistance in future road improvements. He asked if the City's participation in this effort. He suggested a committee be formed representing all entities and mentioned either Richard Fair or Eric Hansen as possible Mason representatives. Mayor Peltrey stated the Public Works Committee of Council would be his contact for future agreement on collaborative efforts.

PRESENTATION BY WARREN COUNTY ENGINEER- NEIL TUNISON

A motion to approve the minutes of the January 8, 2007 Council meeting was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

APPROVAL OF MINUTES

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

ATTENDANCE

Mayor Peltrey called the meeting to order at 7:05 p.m. Those present recited the pledge of allegiance.

Eric Hansen explained to Council, two of the five board positions of the Mason Port Authority were one-year terms when it was established. The expired one-year terms will now be 4-year terms for those members. The Board was set up to serve initial staggered terms of one, two, three and four years, with the intent for all terms, eventually to be four years. The Mayor, with the recommendation of the Economic Development Committee of Council, support the re-appointment of the two current members, Craig Ross, Vice President of Marketing at Kings Island and Jim Ashworth, of Great American Insurance, to 4-year terms.

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

RESOLUTION 2007-01 CONSENTING TO APPOINTMENTS OF MEMBERS OF THE BOARD OF DIRECTORS OF MASON PORT AUTHORITY

RECOGNITION OF VISITORS none

Police Chief, Ron Ferrell, and Warren County Sheriff, Tom Ariss, addressed Council to discuss their current ability to deal with the problem. Chief Ferrell explained a City of Mason police officer could be trained as an Immigrations Agent but then they would be asked to serve other areas. Sheriff Ariss stated he has met with the Barnhills previously and is looking into additional options such as a palm scan. He said this device could allow a police officer to know if they have any previous record on illegal immigration. If they do, they would get turned over to the immigration agent. He explained if no laws are broken, they can't do much. Vice Mayor Grossmann stated this area of the law is preempted by Federal law, which leaves us hand tied. Law Director, Ken Schneider, stated the City is very limited on what it can do. He said he will check into the matter but we cannot single out a specific group. Councilmember Osborne stated we should go after the individuals that rent and hire these individuals. Lt. Colonel Steve Schuchart and Bruce McGary representing the Prosecutor's office also provided clarification on the matter and how limited the officers are on the street. Mayor Peltrey stated the City is interested in supporting this effort and will work with legal counsel to pursue the matter. Bill Jones of 9567 Sweigert Road in Hamilton Township addressed Council and asked if the Mexicans working for the landscapers with City contracts are legal. Eric Hansen said the City has addressed this question with the contractor's and were told any foreigners working have a green card and are here legally.

4. Require your law enforcement agencies to verify the lawful presence of any person suspected of or arrested by an agency on a criminal charge. Push for a state amendment that clarifies the peace officer arrest authority for immigration crimes, including misdemeanor violations.
5. Charge back to the Illegal Immigration defendant all costs associated with his defense including the costs associated with the provision of an interpreter, and a public defender.

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

A motion to adopt Ordinance 2007-13 was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

- The 2007 passes and daily admission fees should remain at the previous years' rates.
- Continue to offer a 20% discount on season passes for Community Center pass holders. See below.
- The Guest Pass, which permits 10 daily admissions, should continue at the 2006 rate of \$21. This was the same for previous years, 2003-2006.

Eric Hansen explained to Council, due to the increase in Season Pass sales and the utilization of various cost-saving measures, the Lou Eves Municipal Pool deficit was the lowest in the pool's history at \$4,165. The fees and financial statements have been discussed at the November and December Parks & Recreation Board meetings. Eric stated it was discussed that new rates for the pool stay the same as 2006 therefore, the following is recommended by staff and the Park Board:

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

ORDINANCE 2007-13 AMENDING ORDINANCE NO. 2005-154 TO ESTABLISH NEW RATES FOR THE LOU EVES MUNICIPAL SWIMMING POOL LOCATED AT CORWIN M. NIXON PARK

Eric Hansen stated a public hearing on this legislation will be held on February 26, 2007.

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

ORDINANCE 2007-12 AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF MASON, OHIO, TO INCLUDE AREAS ADJACENT TO THE CITY LIMITS

A motion to adopt Resolution 2007-01 as amended was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

A motion to amend the resolution to include the emergency clause 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 Kidd. VOTE: ALL YEAS

ORDINANCE 2007-14 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TEC ENGINEERING, INC. FOR THE TRAFFIC SIGNAL SYSTEM OPERATIONS AND MAINTENANCE CONTRACT

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

Richard Fair explained to Council, the City currently has 39 traffic signals and know of 4 potential new signals coming on line in the near future. He stated there exists a need to have in place a comprehensive and systematic plan to operate and maintain the City's traffic control systems in order to have a more proactive approach to traffic management. Currently the City uses TEC extensively for traffic signal operations and maintenance in addition to signal timing, plan review, traffic study review, street light design, etc. He reported on an almost daily basis staff gets contacted or notices issues with the traffic system that needs to be addressed. A typical month's worth of service costs the City between \$3,000 and \$5,500. Without internal staff available an effective alternative is to contract out for this service.

Richard further reported at the encouragement of the Safety Committee and Finance Committees of City Council, Engineering staff and TEC Engineering have put together a proposal to provide traffic signal system operations and maintenance for the City. Currently, TEC provides some of these services to the City on an as needed basis, but not in the comprehensive manner proposed in the contract. The purpose of this contract is to formalize the City's relationship with TEC for operations service and provide continuous and uniform traffic signal system service instead of simply reacting to problems and situations. Richard said with this one-year contract, TEC will essentially become the City's Traffic Engineer and the City will receive the benefit of an entire organization instead of one individual. Plan review, traffic study review, signal plan development, etc. are not part of this proposal and will continue to be case-by-case expenses. The proposed cost for the one-year contract is \$3,750 a month or \$45,000 a year and is meant as a trial period for both TEC and the City.

Mayor Peifrey asked if TEC will assist the City while the downtown area is going through this transition. Richard Fair stated yes, they will assist with the signals in that area. Councilmember Bradburn asked Richard Fair to clarify the suggestions submitted by TEC. Richard stated they suggested installing dome cameras at 8 intersections at approximately \$5,000 each and will be used for traffic congestion only.

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

A motion to adopt Ordinance 2007-14 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Eric Hansen explained to Council, in 2004, the City entered into a formal agreement to provide funding for the community festivals held in Mason through the Festivals of

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

ORDINANCE 2007-16 AUTHORIZING PAYMENT OF \$50,000 TO FESTIVALS OF MASON, INC. IN SUPPORT OF THE 2007 HERITAGE FESTIVAL AND CHRISTMAS IN MASON

A motion to adopt Ordinance 2007-15 as amended was made by Councilmember Kline, seconded by Councilmember Osborne. VOTE: ALL YEAS

A motion to amend the ordinance to include a total cost expenditure of \$100,000 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 Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

Richard Fair explained to Council, the purpose of this legislation is to award a contract to the lowest and best bidder for capital investments and repair to the City's sidewalks. He stated this project will include sidewalk replacement along Church Street, N. East Street, and N. Forest Avenue. In addition to sidewalk, all curb ramps in the project area will be updated to meet current ADA specifications. Richard reported last year, the Safety Committee of Council recommended that instead of the administrative complexity of providing matching funds or partial reimbursement to property owners, that the City should pursue a program similar to the street resurfacing program. Annually a set amount would be budgeted, the City's sidewalks evaluated, and those most in need of attention would be repaired or replaced as appropriate. During the 2007 Budget Process, and at the Finance Committee's recommendation, \$100,000 was budgeted to initiate this program. The best and lowest bidder was Jackson Construction, Inc. with a bid of \$79,542. Richard explained because of the lower than expected bid, more sidewalks than anticipated could be done within the original budget amount. This would be a good way to take advantage of the low bid and repair additional sidewalk. Ordinance 2007-15 authorizes a contract with Jackson Construction, Inc. for the bid amount of \$79,542.00. If Council would like staff to pursue expanding the program, an amendment adding a section authorizing a change order for up to a total expenditure of \$100,000 for sidewalk work would be appropriate.

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

ORDINANCE 2007-15 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JACKSON CONSTRUCTION, INC. FOR THE 2007 SIDEWALK REPLACEMENT PROGRAM

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

ORDINANCE 2007-18 AMENDING SECTION 121.06 OF THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO REGARDING COMPENSATION FOR COUNCIL MEMBERS AND THE MAYOR

A motion to adopt Ordinance 2007-17 was made by Councilmember Kline, 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 Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Eric Hansen explained to Council, this year's patriotic celebration is scheduled for Tuesday, July 3. He stated the past several years, the City has witnessed rapid attendance growth to the Red, Rhythm, and Boom event, with 2006 estimates of 21,000 attendees. A tradition of entertainment and patriotic fireworks is now firmly established. Rozzi's Famous Fireworks has been providing Mason's fireworks since its inception in 1999. They have the ability to provide, first and foremost, a safe display and secondly, the best exhibit for the money. In 2006 Rozzi's provided a quality 25-minute fireworks display for \$25,000. Eric stated for 2007's event, Rozzi's is proposing the same caliber of show with no rate increase.

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

ORDINANCE 2007-17 AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH ROZZI'S FAMOUS FIREWORKS AND ROZZI, INC. TO PROVIDE A FIREWORKS SHOW DURING THE CITY OF MASON'S "RED, RHYTHM & BOOM" FOURTH OF JULY CELEBRATION

A motion to adopt Ordinance 2007-16 was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

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

Mason organization. This year, Festivals of Mason is again requesting funding in the amount of \$50,000 to support Heritage Festival (\$35,000) and Christmas in Mason (\$15,000). This is the same amount City paid in 2006. Eric stated the City is the primary financial backer of these events in addition to providing other resources and significant labor hours to make the events successful. Festivals of Mason also relies on sponsorship, sales, vendor fees and other revenues to offset the expenses of these community. Tom Kaper addressed Council and provided a brief overview of the 2006 activities.

Michelle Blair introduced Dr. Ken Moore, Senior Vice President of Sinclair Community College, who stated Sinclair's desire to locate to the City of Mason and be in operation by the fall of 2007. Michele stated the proposed educational facility is single story and approximately 18,000 square feet. Classes will be held both day and evening at this location. Sinclair will explore the options of future expansion that could bring the structure up to 40,000. Once Sinclair evaluates the volume and success of this site, the growth plan will be developed. Michele explained for the current facility, Sinclair is pursuing a long-term 15-year lease with opportunities for purchase during the term of the lease. The real property investment is estimated at \$3.2 million, personal property investments estimated at \$1.3 million and total investment including land is nearly \$5.4 million. Sinclair's proposal will create an initial 20 jobs and within three years an additional 13, bringing employment to 32 full-time or full-time equivalent positions with an average salary of approximately \$38,000. Payroll is approximately \$1 million. She reported the Economic Development Committee is favorable to both the investment and contributions that Sinclair's presence will bring to the Mason business and residential community. This type of institutional investment is expected to forge valuable partnerships that will both strengthen the existing business base and be seen as attractive to potential future companies. Michele said the Economic Development Committee

COLLEGE

COMMUNITY REINVESTMENT AREA #5: SINCLAIR COMMUNITY

A motion to adopt Ordinance 2007-18 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: 1 YEA, (Grossmann) 6 NAYS Ordinance Defeated

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

Vice Mayor Tom Grossmann explained he supported this legislation due to the fact it is a benefit to the residents of Mason if members of Council are present in the Community Center. He stated they can in effect be ambassadors for the City and the residents and it would not cost the city any money. He stated this is a suggestion instead of increasing the pay Council received. A general discussion took place among Councilmembers with the majority stating, while some could follow the reasoning of this suggestion, it was not something they wished to participate in due to the perception of impropriety. Councilmember Osborne stated there was in fact a cost to the City as he has joined and paid the membership rates. Mayor Peltrey stated she does want to suggest an increase in pay for Councilmembers and the Mayor to \$750 to Council and \$1000 for the Mayor per month. She explained the time requirement it is larger than most individuals realize and even with this suggested increase, it is a token payment for the time and effort. Council decided collectively to think about the suggestion. Councilmember Osborne stated he would like to know what other communities pay such as Blue Ash. Mayor Peltrey stated Lebanon pays their Council members \$6,000 per year and the Mayor \$9,000 per year. She also said Springboro pays their Council \$7290 and the Mayor \$7890 per year. She noted since she is term limited out of office at the end of 2007, she will not personally benefit from this suggestion.

Councilmember Bradburn reported on Incident Command Training he recently completed. He stated he foresees Mason leading the way to comply with federal

COMMITTEE REPORTS

► A liquor permit request has been received for 6011 Tylersville Road, El Caporal Mexican Grill. A motion to not require a hearing was made by Councilmember Bradburn, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

► He is planning to be on vacation from February 26 through March 9. Council will need to appoint someone to act as City Manager in his absence. he recommended a motion to appoint Richard Fair as Acting City Manager during this time. Richard will also cover the February 26th Council meeting. Councilmember Kline moved to approve that appointment of Richard Fair as acting City Manager in Eric Hansen's absence. Councilmember Bradburn seconded that motion. VOTE: ALL YEAS

► The last section of the initial Incident Command System training sessions will be tomorrow, January 20. At the end of the day, all full-time and part-time firefighters will have received 20 hours of training. All firefighters will also attend 20-hour sessions in both February and March. Command-level staff will receive additional training later this spring.

► *Funformason* will be distributed on February 1. Mason residents should look for this publication in their *Pulse-Journal* newspaper on Thursday.

► The 14th session of the Citizens Police Academy will begin on Thursday, February 22 from 7:00 to 9:30 p.m. and continue each Thursday until May 10. This free course is open to adults who are residents of Mason. For an application, call the Mason Police Department at 229-8560 or visit the website at www.imagemason.org.

Eric Hansen reported on the following items:

CITY MANAGER'S REPORT

Councilmember Kidd moved to approve the recommendation of the Economic Development Committee and grant an abatement of 100% of real property improvements for 7 years on the value of the new building contingent on an annual compensation payment to the Kings Local School District for the 7-year term. Councilmember Osborne seconded the motion. VOTE: 6 YEAS, 1 ABSTAIN (Wurzbacher)

Local School District for the term of the abatement period. and contingent upon the company making an annual compensation payment to the Kings expansion as authorized by the State of Ohio Community Reinvestment Area Program 100% of real property improvements for 7-years on the value of the new building Community College an abatement under the Community Reinvestment Area Program of Sinclair recommends that Mason City Council make and approve a motion to grant to Sinclair

mandates that will allow us to draw on their support in the future. He thanked Council for the support in providing the funding for his participation in this training.

COUNCIL OLD AND NEW BUSINESS

Vice Mayor Grossmann commented on the traffic problem in the downtown area. He stated the analysis revealed the traffic signals are currently is operating at a "D" or "F" level. He asked Richard Fair if it will worsen with the changes in the downtown area. Richard Fair said that is correct. Vice Mayor Grossmann suggested this Council should address this issue and either determine if options such as building a bypass will help or expand the number of lanes. Following a general discussion, Council determined a worksession should be scheduled for further discussion on the issue. Mayor Pelfrey asked Eric Hansen to provide the background information to Council on the alternatives TEC provided.

Councilmember Kidd explained the Schools are discussing a future project with Middletown Regional Hospital for a physical therapy facility. He stated the Park Board asked him to look into the matter. He added there is some confusion on the matter as it was anticipated by the City this type of facility would be located in the Community Center. Vice Mayor Grossmann stated they must rezone the property to fulfill their plan. Ken Schneider stated they do have to request a rezoning for this project but if the City would not grant one, they have another option as a governmental entity. Vice Mayor Grossmann stated he is on the Board of Middletown Regional Hospital and asked Ken if he should remove himself from discussions on the matter and any voting. Ken Schneider stated he would suggest he not participate. Councilmember Kidd asked for Council's approval to look into the matter and talk to the concerned parties. Councilmember Osborne moved to allow Mayor Pelfrey and Councilmember Kidd to look into the matter as an Ad Hoc Committee of Council. VOTE: 6 YEAS, 1 ABSTAIN (Grossmann)

Councilmember Osborne asked what the current status of the rezoning request for the property on Kings Mills Road. He said an extension has been granted and he would like to have Richard Fair contact them and see if they are going to comply with the submission of a plan. Councilmember Wurzbacher stated they are working on a plan.

Councilmember Kline reported the Downtown Committee met recently and the meeting was very positive. The curb cuts were discussed and identified. He said he feels they will be successful with closing some of them.

Councilmember Kidd stated it has been brought to his attention that the traffic signal currently located on Kings Mills Road may be relocated for the Glimcher project and the property owners would like it to stay where it is now. He said they feel they have paid for the traffic signal and did not get proper notification in previous discussions. Richard Fair said the owners were at the last meeting and the most recent plan shows the signal remaining at the current location.

Charles W. Peltrey
Mayor

James Braburn
Clerk of Council

A motion to adjourn was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS
TIME: 12:25 p.m.

ADJOURN

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

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

EXECUTIVE SESSION: LAND ACQUISITION

Rick Inskip of Butler Warren Road addressed Council noted Resolution 2006-01 should read 2007-01. Mayor Peltrey stated it is correct on the document.

RECOGNITION OF VISITORS

Councilmember Osborne said he has received a third request from a resident to correct the entrance to UDF just north of Socialville Fosters Road. He asked if we can remove it because it creates a dangerous situation. It is located too close to the intersection. Mayor Peltrey asked Richard Fair to look into the matter and report back to Council on the number of accidents at this location.

Councilmember Braburn reported a resident complained about kids meeting under the bridge that leads over to the cemetery. She lives at 212 S. East Street and requests a streetlight be installed in this vicinity. Eric Hansen stated they are aware of the problem and are looking into placing a light in this area. He added it is a more difficult location to reach. Councilmember Braburn also reported a resident in Parkside had mentioned the possibility of a membership to the Community Center for college students that works with the holidays and vacations they receive so they would be able to use the facility. He also would like college students to receive a full tax credit for the City's income tax.