

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 12, 2007**

Mayor Pelfrey called the meeting to order at 7:03 p.m. Pastor J.D. Childers opened the meeting with a prayer. Those in attendance recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the January 22, 2007 meeting was made by Councilmember Kline, seconded by Councilmember Wurzbacher. Councilmember Kline noted a correction stating he currently does not have a pass to the Community Center. Vice Mayor Grossmann stated a comment should be added regarding it was his intention to include memberships to the Community Center instead of raising the pay levels for Council. A motion to approve the minutes as amended was made by Councilmember Kidd, seconded by Councilmember Kline.
VOTE: ALL YEAS

RECOGNITION OF VISITORS

Mr. Bill Scherbenberg, Clerk of the Mason Municipal Court, addressed Council and stated the Court proceedings will be broadcast live on Tuesday, Thursday from 1-5:00 p.m. and on the third Friday of the month from 8:30- 2:30 p.m. He stated they are the first in the state to do this live. He added this is a trial period and will last for 60 days. He thanked Eric Hansen and Larry Rudd for their assistance in getting this accomplished.

ORDINANCE 2007-19 AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE AND INSTALLATION OF A COURT MANAGEMENT SOFTWARE PACKAGE FOR THE MASON MUNICIPAL COURT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE ORDERS

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

Eric Hansen explained to Council, Mason Municipal Court has submitted three purchase orders totaling \$143,466 for a CMI Court Management Package. The purchase orders are all drawn from Court Funds and do not request any dollars from the City's General Fund. Eric stated the Court Funds can only be expended by the request of Mason Municipal Court, but since the dollar amount exceeds \$15,000 City Council approval is necessary to authorize staff to process the purchase on behalf of Mason Municipal Court.

The Court Liaison Committee has met on several occasions to discuss Court's plans for upgrading software and it was also discussed during the 2007 Budget process with the Finance Committee. According to Municipal Court, the preferred vendor was chosen based on providing a price discount from other proposals that were reviewed and their ability to migrate existing data. Eric reported the Court Liaison Committee has had the opportunity to review Court's request and recommends moving forward.

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

A motion to adopt Ordinance 2007-19 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-20 AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE EXISTING MANAGEMENT AGREEMENT WITH MALHOTRA REAL ESTATE, INC.

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

Richard Fair explained to Council, they authorized the purchase of the former David Lutes property at 208 Kings Mills Road, a 1.4812-acre parcel, in December 2006. He stated closing on the property is anticipated within the next week. This property is located directly down stream of the Pine Hill Lake Dam and the property will help in the future to reduce the classification of the dam and/or reduce the potential for future ODNR regulation enforcement. He added this property is also strategically located for future design and construction of a bike path from Kings Mills Road to Hanover Drive. Since the house and property are in excellent condition, the City can recoup some of the purchase price by renting the house until it is needed sometime in the future. Therefore, management of the house is necessary.

Richard further reported Malhotra Real Estate, Inc. currently manages the Lexington Square Apartments and do an excellent job of keeping the units rented for a nominal service fee. Passage of this legislation will continue the relationship by adding the Lutes Property to the current Management Agreement. Malhotra will provide all of the billing, maintenance and other necessary items associated with managing City owned property for 10% of the monthly gross revenue. Furthermore, the amendment authorizes the City Manager to add additional City owned property to the agreement when they are acquired.

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

A motion to adopt Ordinance 2007-20 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd VOTE: ALL YEAS

ORDINANCE 2007-21 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH J. DANIEL & COMPANY FOR THE INSTALLATION OF CONDUIT ACROSS WESTERN ROW ROAD

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

Richard Fair explained to Council, work to be performed under this contract includes the installation of approximately 2,470 linear feet of 4" conduit for the relocation of overhead electric, telephone and cable crossovers. This conduit will allow utility companies to reduce the number of overhead crossovers when they relocate their facilities in Spring 2007. Later in the spring or early summer staff will advertise the Western Row Road Improvement project for bids, pending right-of-way acquisition. Installing the conduit now will allow the utility companies to relocate their facilities and avoid any conflict with the other contractor when road is widened. This will help to reduce construction time and lead to better bid prices.

Richard stated this project was bid on February 2, 2007 with seven (7) bids received. Bids were requested for installing the conduit by open cutting the entire length. In addition, two alternate bids were requested for boring and jacking the portion of the work under existing pavement and for boring and jacking the entire length. Richard reported J Daniel & Company submitted the lowest and best bid of \$56,461.60.

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

A motion to adopt Ordinance 2007-21 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-22 CREATING THE POSITION OF RECREATION SUPERVISOR IN THE PARKS AND RECREATION DEPARTMENT AND ESTABLISHING COMPENSATION

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

Eric Hansen explained to Council, the Mason Community Center has been operating the Mason Manta Rays swim team since its inception in 2003. During that time, the Manta Rays have seen explosive growth, starting at 110 swimmers in the team's inaugural year to 180 swimmers this past season, a 64% increase in participants. In 2003, staff estimated that a proposed swim team program would net \$27,000. For this year the program is projected to generate net revenues of \$77,800. Eric stated the primary responsibilities of an additional recreation supervisor would be to function as an Assistant Coach for the Mason Manta Rays program, with additional pool and facility management duties. Staff anticipates that with the addition of the recreation supervisor, the Manta Ray program could grow in the first year to a capacity of 260 participants, an approximate 45% growth in participation and an additional \$50,000 in net revenues for the Center. Even after the first year, staff anticipates the program will continue to grow and may generate an additional \$25,000 of net revenues.

Eric reported staffing levels of group swim teams in the Cincinnati area (Cincinnati Marlins, Cincinnati Aquatic Club, and Northern Kentucky Clippers) show a ratio of 3 full-time coaches to 180 swimmers. Currently, the Manta Rays program has one full-time coach to 180 swimmers. The Mason Community Center aquatics program has made significant strides in program quality and revenue generation in the past three years. Currently we serve approximately 5,000 participants in swim lesson programs, generating \$180,000 in program revenue annually.

Eric concluded by stating the Finance Committee reviewed and recommended the inclusion of this position as part of the 2007 Budget process and it was subsequently included in the Budget.

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

A motion to adopt Ordinance 2007-22 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-23 CREATING THE POSITION OF ECONOMIC DEVELOPMENT TECHNICIAN IN THE CITY OF MASON ADMINISTRATION DEPARTMENT AND ESTABLISHING COMPENSATION

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

Eric Hansen explained to Council, the Economic Development Office attraction and retention functions support over 100 corporations within the City of Mason, maintaining contact with over 200 individuals within the companies as well as approximately 80 developer and brokerage firms. Since 1995, the City has recruited new investment from 148 corporate headquarters, regional headquarters and industrial/manufacturing companies to the City of Mason, resulting in over 4.6 million in new square feet.

He stated the Economic Development Office has been assisted by a student co-op or temporary position consistently since 1998 to help meet the demands of a growing department. However, since the start of 2002, the Economic Development Office has employed thirteen (13) students, of which only four (4) have fulfilled the two-quarter requirement. We are realizing that this consistent turn over rate of students is not a productive environment for the business community or the student.

Eric reported as part of the 2007 Budget process, the Finance Committee reviewed and recommended creation of the Economic Development technician position.

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

A motion to adopt Ordinance 2007-23 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-24 SUBMITTING TO THE ELECTORS OF THE CITY OF MASON, OHIO, AN AMENDMENT TO THE CHARTER SECTION 3.02A REGARDING TERM LIMITS FOR COUNCIL MEMBERS AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council the purpose of this legislation is to place an amendment to the City of Mason Charter on the May 8, 2007 ballot which would alter the number of terms an individual can serve on Council from two to three consecutive terms. If passed, the amendment shall commence July 1, 2007, and be applicable to the current members of city council.

Tom Anderson of Crooked Tree Drive addressed Council and stated the next two ordinances are self serving. He stated they illustrate self-interest of current Councilmembers and the emergency clause should not be present on either ordinance. He said the purpose of the emergency clause is for the preservation of peace, health, safety or welfare of the public. He stated this doesn't apply. He stated if individuals want to serve longer than two terms they can now if they sit out for two years. He added the way it is written; he believes it is unconstitutional to be retroactive. He closed by stating if it passes, Council will have a battle on their hands.

Ken Schneider responded this is a general welfare matter if Council so decides. He stated he will check on the constitutionality of the matter if questioned.

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: 5 YEAS, 1 NAY (Kline)

Vice Mayor Grossmann stated this ordinance only places it on the ballot so the public can decide. He stated valuable past members of Council could not run again because of the current two term limit. He said much experience is lost because of this and we miss the expertise. Councilmember Kidd stated he does not like term limits and wished they would not exist. He said he would like to see this ordinance to not include the emergency clause and to modify the language so it does not affect anyone now on Council. Councilmember Wurzbacher stated he supports term limits. He said he will vote to place this on the ballot but will personally not vote to pass it. Mayor Pelfrey announced she will not run for another term so this in no way impacts her role on Council. She stated she supports placing it on the ballot. Councilmember Bradburn stated he has no real feelings on the matter. He agreed continuity is an issue as some of the projects Council works on take a long time to complete. He stated he will not run for a third term. He supports letting the public decide. Vice Mayor Grossmann said he supports placing this on the May ballot as it is an issue oriented matter. He said in November, it could get overshadowed by the other races. Councilmember Kline stated he does not support the use of the emergency clause and he does oppose term limits. He stated he feels this is perceived as self-serving and would rather see it on the November ballot when a larger number of residents vote.

A motion to adopt Ordinance 2007-24 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: 4 YEAS, 2 NAYS (Kidd, Kline) Ordinance is defeated as it requires five votes for passage of a charter amendment.

ORDINANCE 2007-25 SUBMITTING TO THE ELECTORS OF THE CITY OF MASON, OHIO, AN AMENDMENT TO THE CHARTER SECTION 10.04 REGARDING INCOME TAX CREDIT AND DECLARING AN EMERGENCY.

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

Eric Hansen explained to Council this legislation would place on the May 8, 2007 ballot a charter amendment that grants an increase to a full one percent credit from the City's current practice of granting .5% credit to residents who pay income taxes to another municipality. He said this ordinance allows for a phase in of a 65% credit for 2007, 80% credit for 2008, 90% credit for 2009 and 100% for 2010 and all subsequent years.

Dick Yost of 3427 Mason Montgomery Road addressed Council and stated in his research he discovered 80% of the cities across the state give a partial credit as Mason currently does. He said it is not responsible government to put this on the ballot.

Don Williams of 214 Church Street provided a brief history of how the income tax was originally created. He said it was created to be as fair as possible to all citizens. He added the indebtedness of the City is ever increasing and we must continue to do the road projects to keep things going. He said if this legislation is adopted and the City loses this revenue, it will result in some residents only paying property tax for the services they receive. He added the amount the City receives from the property tax is very small. He asked about the status of the admissions fee. Eric Hansen stated the Finance Committee of Council is discussing the matter and is contacting those businesses that will be affected. He said they are really in the gathering information phase. Don asked how much money would be lost if this legislation is passed. Eric Hansen said the earnings tax revenue for 2005 would have been less by \$2.1 million if a full credit were in place. Don stated what they are doing will influence future Councils.

Gary Sheid, Vice President and General Manager of Kings Island, who resides in the Chestnut Landing subdivision, stated he met with Councilmember Osborne and Eric Hansen to discuss the admissions tax and was assured these two items were not connected. He said Kings Island cannot make up a \$2.1 million dollar difference in city revenues via the admissions tax. He said when the park was annexed into the City they were promised that no admissions tax would be implemented and they feel it is a moral issue that Council honor that promise. He stated they will fight an admissions tax. He also stated a study done by the University of Cincinnati showed that if a 6% admissions tax were implemented, they would lose 14% total revenue. He said this would impact not only their business but also the area restaurants and hotels. Councilmember Bradburn asked him how many of their parks have an admissions tax. Mr. Sheid replied only one out of their 12 parks. Councilmember Bradburn stated 67 communities in the state have an admissions tax in place. Mayor Pelfrey assured Mr. Sheid that he would have the opportunity to discuss the matter with Council before any decisions are made. Mr. Sheid stated he was told

there was no reason to discuss the matter with the Finance Committee. Eric Hansen clarified that they were told they could speak to Council and would be better served than going to the smaller Finance Committee.

Rick Inskeep of Butler Warren rddressed Council and stated Ordinances 2007-24 and 2007-25 will never go on the ballot due to the time restraint of 90 days prior to the election. He said Council has missed the time line for the May ballot. He said that is in the City Charter.

Richard Cox of Reading Road addressed Council and stated he does not support this legislation as it places more of a burden on small business. He said residents should pay their fair share for services. He added the City is not built out and more road improvements projects are still needed.

John McCurley of Buckeye Court addressed Council and said it is not fair to live here and not pay for services you receive. He said as a former Councilmember, Kings Island was told the City had no intention of implementing an admissions tax. He asked who on Council will be directly affected by this legislation. He also said if you are looking for a way to give back taxes, why don't you look at reducing the burden on those on fixed incomes.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Vice Mayor Grossmann. VOTE: 5 YEAS, 1 NAY (Kline)

Vice Mayor Grossmann stated he has always campaigned on this issue. He said the matter surfaced in 2003 and was referred to the Finance Committee. He said Mr. McCurley voted in November 2003 to place the issue on the ballot and allow the voters to decide. He said tax revenues for the City have been increasing substantially each year. He added the phase in was created so there would always be an increase in revenue for the City. He also stated statements of intent by previous Councils on the admissions tax is not legally binding. He added the current tax is not fair as it is double taxation on our residents who pay in the communities where they work. Councilmember Kline suggested the way it is written could be improved. He stated he supports debating the issue and including the public. He said it should be written in a statutory form that empowers future Councils to be able to decide on credits. He suggested perhaps placing two issues on the ballot with one of them empowering future Councils. Councilmember Kidd stated we should wait until November to place this matter on the ballot and there should be community forums so all the facts and implications are clear to everyone. He also suggested a Council work session be held on this topic. Vice Mayor Grossmann stated he will never vote to increase taxes by a vote of Council. A general discussion took place among all Councilmembers debating the issue and discussing what other areas in the state do on this matter.

A motion to amend the ordinance to remove the emergency clause and place the matter on the November 6, 2007 general election ballot was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: 5 YEAS, 1 NAY (Kidd) Motion passes.

A motion to table the ordinance was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE 3 YEAS, 3 NAYS. Motion is defeated.

A motion to adopt as amended was made by Councilmember Bradburn, seconded by Vice Mayor Grossmann. VOTE: 4 YEAS, 2 NAYS (Kidd, Kline). Ordinance requires five affirmative votes to pass. Ordinance reverts to a first reading. The second reading will take place at the meeting on February 26, 2007.

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

▶ The next DARE graduation is on Tuesday, February 20 at 7 p.m. at the Mason High School Auditorium. All Council Members are invited to attend.

▶ City offices will be closed on Monday, February 19 in observance of President's Day.

▶ The city will host the 5th annual United Way Bowl-a-thon beginning at 10:00 a.m. on Monday, February 19 at Mason Bowl. The proceeds from the games will be donated to the City's 2007 United Way Campaign. Council members are welcome to attend. This has traditionally been one of the more successful fundraisers raising about 20% of the total contributions.

▶ Due to travel considerations, the band "America" has canceled their contract with the city to perform at Red, Rhythm & Boom in 2007. An alternative contract has been signed with "Asia" to perform instead. The four original members of Asia are celebrating their 25th anniversary world tour in 2007. Their hits include "Only Time Will Tell," "Heat of the Moment," "Sole Survivor," and "Don't Cry."

▶ There will be a membership meeting of the Warren County Municipal League on Wednesday, February 21 beginning at 6:00 p.m. at the Shaker Run Golf Course. Sandra Meyer, President of Duke Energy Ohio & Kentucky, will be the featured speaker.

▶ The National League of Cities conference conflicts with the regularly scheduled March 12 Council meeting and he did not expect that a quorum of Council will be available. Staff is preparing to have any necessary legislation prepared for either the February 26th or March 26th Council meetings so that the March 12th meeting can be cancelled if Council wishes. Councilmember Kline moved to not hold the meeting on March 12, 2007. Councilmember Wurzbacher seconded the motion. VOTE: ALL YEAS

A liquor permit request for 7876 Mason Montgomery Road has been received by the city. Councilmember Bradburn moved to not require a hearing. Councilmember Kline seconded the motion. VOTE: ALL YEAS

The City has received a liquor permit request for 6188 Tylersville Road. Councilmember Bradburn moved to not require a hearing. Vice Mayor Grossmann seconded the motion. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Bradburn reported the Safety Committee met and the second session of the Boot Camp for the Fire Department is proceeding. He also reported they have asked the Public Works Department to survey the size of the City's ash trees in the right of way to determine if a line item should be included in the budget to address the Emerald Ash Borer problem. He also noted they plan to meet with MSA to discuss future fire station locations. He clarified that at this time there is no discussion or intent to recreate a joint fire district with the township.

Councilmember Kidd reported new playground equipment will be purchased for Quinn Park and the new skate park will come before Council in the next couple of months.

Councilmember Wurzbacher reported the Community Center Ad Hoc Committee is happy to report the final deficit for 2006 was \$98,000. He said that is very good considering the deficit the prior year was \$800,000. He added this is a result of efforts to cut costs and focus on profitable programs.

Councilmember Kline reported the Festivals Committee met and reviewed the Christmas in Mason event and is planning for the Heritage Festival.

COUNCIL OLD AND NEW BUSINESS

Councilmember Kidd stated he has heard from a resident how appreciative the community is for such a professional Council.

Councilmember Wurzbacher asked about the financial support the City provided for the lighting display for Christmas in Mason. Mayor Pelfrey replied the actual cost was \$23,000.

Councilmember Bradburn thanked the Public Works Department for the great job they have done in snow removal.

A motion to approve the minutes of the December 11, 2006 Council worksession that was held prior to the regular Council meeting was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

RECOGNITION OF VISITORS

Rich Cox of Reading Road addressed Council and asked for clarification on the vote taken for Ordinance 2007-25.

EXECUTIVE SESSION

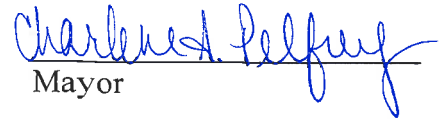
A motion to adjourn into executive session for the purpose of discussing land acquisition was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

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

ADJOURN

A motion to adjourn was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS
TIME: 10:52 p.m.


Clerk of Council


Mayor