

**CITY OF MASON
COUNCIL MEETING
March 26, 2007**

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

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the February 12, 2007 Council meeting was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

Vice Mayor Grossmann asked the minutes be amended to include the actual voting that occurred by Council regarding the income tax credit in 2003. The motion to amend the minutes to reflect that change was made by Councilmember Bradburn and seconded by Councilmember Kidd.

A motion to approve the minutes of the February 26, 2007 as amended was made by Councilmember Kidd, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

Vice Mayor Grossmann noted to the Clerk, the actual amendment should be made to the February 12, 2007 meeting minutes.

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tartan Fields Lane addressed Council and stated the article on the planned monument for the downtown plaza was too expensive. He suggested postponing it and considering the possibility downtown merchants contribute to the monument.

COUNCIL OLD AND NEW BUSINESS

Vice Mayor Grossmann addressed the newspaper article, which reported that Council allegedly had violated the Charter, the U.S. Constitution and the Ohio Constitution by failing first to circulate a petition to place a proposed charter amendment on the ballot. He said Council has not violated the law. He referred to Mr. Rick Inskeep's comments in a newspaper article and at the previous Council meeting of February 26, 2007. Vice Mayor Grossmann cited three previous Ohio Supreme Court decisions relating to this matter and all confirm the City and Council have followed the law and that the advice given to Council by its law director had been correct. He stated that he was providing this information to demonstrate that this issue had been thoroughly researched. He asked Law Director, Ken Schneider, to confirm that the Council had relied on legal advice of his office and that his research supported what Vice Mayor Grossmann has said.

Ken Schneider stated the City has the right to place an issue on the ballot without circulating a petition. He said the City followed the correct procedure. Vice Mayor Grossmann said Mr. Inskeep and Tom Anderson initially claimed that the procedure for amending Mason's Charter was covered by Section 9 of the Charter, which deals with initiative petitions and referenda not charter amendments. Based upon Section 9 of the Charter, Messrs. Inskeep and Anderson initially said Council had to act to put an amendment on the ballot at least 90 days before an election. After Council noted that this was not the case and that charter amendments were covered by Section 11.03, Messrs. Inskeep and Anderson changed their position and claimed that the aforementioned section which refers to Article XVIII, Section 9 of the Ohio Constitution, which sets forth the procedure for amending city charters, required both a petition and at least a two-thirds vote of Council to place a charter amendment on the ballot. Vice Mayor Grossmann noted that Messrs. Inskeep and Anderson could not have looked up the case law and had not read the law carefully. The courts have ruled on this topic and decided that city councils could place an amendment on the ballot without any petitions if two-thirds of council voted for it. In addition, the Ohio Supreme Court has ruled that if sufficient petitions are submitted, a city council must act to place the matter on the ballot even if the council disagreed with the amendment. Thus, either petitions or a vote of two-thirds of council is sufficient. Both Sections 8 and 9 of Article XVIII of the Ohio Constitution have similar language and have been interpreted the same way by the courts. Each in relevant parts provide that a city council "may" put a charter or an amendment to a charter on the ballot by a two-thirds vote and "shall" submit the matter to the board of elections if a petition of 10% of the electors of the city is presented to council. Vice Mayor Grossmann noted that Messrs. Inskeep and Anderson's interpretation ignored the verbs in the law as well as the relevant case law. He added that he is a lawyer and takes allegations of violating the law very seriously. It was also noted that Mr. Inskeep in 1993 submitted to Council a petition to place a charter amendment on the ballot regarding term limits. Vice Mayor Grossmann said he has read the minutes regarding that issue from 1993 and that Council never voted to place the term limit amendment on the ballot. It appears that Council did not support the matter, and it is clear that Council did not vote, much less vote by a two-thirds majority, to place it on the ballot. Nevertheless, Council still submitted the proposed term limit amendment to the board of elections because it was required by law to do so. Vice Mayor Grossmann stated that Mr. Inskeep, who was involved with this earlier charter amendment, should have remembered this and therefore remembered that both a petition and a two-thirds vote of Council was not required. Vice Mayor Grossmann also noted that even if both a petition and a vote of two-thirds of Council were required, the law did not say one had to come before the other. To the extent that Messrs. Inskeep and Anderson have claimed that a petition has to come first, this is an invention on their part and not in the law. In any event, Vice Mayor Grossmann stated if a recall petition is being circulated for members of this Council, he hoped residents would not sign it because he believed that it is false.

Ken Schneider stated it is a resident's right to circulate recall petitions but they are limited to language that is truthful in the petition. He said they have been unable to get a copy of the actual language on the rumored petition but have seen draft language. He referred to Ohio Revised Code Section 3599.14 which states that anyone directly or indirectly knowingly circulates a petition containing false information could be guilty of a felony of the fifth degree. Vice Mayor Grossmann asked if this also could apply to anyone associated with sponsoring or circulating the false petition. Mr. Schneider responded that he had found no case law on this, but that this

possibly could be true. Vice Mayor Grossmann invited Mr. Inskeep to contact him personally and discuss the law on charter amendments.

Mayor Pelfrey read a prepared statement that stated three entities must work together for the good of the community. She said those three are residents, the elected members of Council and the media. She said the integrity of these three entities is vital for the vision of the greater good for this community. She commented the media has not been fair but used headlines that sensationalized matters rather than state the truth. She said Mr. Inskeep has questioned the integrity of this Council and their inability to follow the Charter and that deserves a public response. She noted that Council members attend all meetings accompanied by a professional team from the City who advise them on the law and the Charter. She noted the draft language of this recall petition exploits seniors on a fixed income. She stated she has provided to the media, letters Mr. Inskeep has sent to the editors and on previous litigation efforts he has made towards the schools and the City. She invited Mr. Inskeep to contact her to discuss the matter if he desires. She also said the expectations of a perfect Council that makes everyone happy is totally unrealistic, there has never been and never will be because on any given decision, there are residents with conflicting perspectives.

Mayor Pelfrey stated she addressed the opening at the Great Wolf Conference Center and attended the Eagle Scout Ceremony for Nathan Finnern. Mayor Pelfrey also read letters sent to her by students she addressed at the Mason Elementary School.

COMMITTEE REPORTS

Vice Mayor Grossmann reported the Court Liaison Committee is reviewing the matter of the Court's health insurance and the fact that cost are increasing and there may be insufficient funds in the Court's account to cover the cost. Eric Hansen agreed the Court's fund is experiencing a decreasing balance.

Councilmember Wurzbacher reported he represented the Economic Development Committee when he attended a regional awards luncheon. He also stated on the agenda tonight is a request for funds to complete an I-71 growth study. He noted Steve Osborne and Jeff Forbes are working on the ordinance dealing with door-to-door solicitations.

Councilmember Kline reported the downtown Committee has received a proposal for the monument on the plaza. He stated that is all that has occurred. He added there is no budget for it and the Committee is not close to making a decision.

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

► The annual State of the City address will be held on Thursday, March 29 at 7:00 p.m. at the Great Wolf Lodge Conference Center. Council members and residents are encouraged to attend.

► The Area Progress Council will host the Warren County Commissioners “State of the County” report on Friday, March 30 beginning at 12 noon at Shaker Run Golf Club in Lebanon. Reservations are required and the cost is \$25 per person, payable in advance or at the door.

► Mason’s Annual Easter Egg Hunt is Saturday, March 31 beginning at 12 noon at Heritage Oak Park. The hunt is open to children ages 1 to 11, with a special area for the tots.

► Taxes are due on Monday, April 17. The City of Mason Tax Office staff will assist residents in completing their Mason tax return free of charge. Residents are asked to bring in all the necessary W-2’s (copies are acceptable), the first page of the Federal Form 1040, and any pertinent federal schedules to the customer service counter which is open from 8:00 a.m. to 4:30 p.m., Monday through Friday. For the convenience of taxpayers, the Tax office will have the following extended hours: Wednesday, April 11 from 8:00 a.m. to 7:00 p.m.; Saturday, April 14 from 8:00 a.m. to 12 noon; and Monday, April 16 from 8:00 a.m. to 7:00 p.m.

► A request for a liquor permit has been received from LEME INC for 6011 Tylersville Road which is the El Caporal Mexican Grill. Councilmember Wurzbacher moved to not require a hearing. Councilmember Bradburn seconded that motion. VOTE: ALL YEAS

ORDINANCE 2007-37 AUTHORIZING PAYMENT OF \$8,000 TO THE MASON HISTORICAL SOCIETY, A PRIVATE NON-PROFIT ORGANIZATION

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

Eric Hansen explained to Council the City began partnering with the Mason Historical Society in 1993 when the City contributed \$5,000 to the Mason Historical Society, \$2,500 in 1994 and 1995; and \$5,000 in 1997 through 2002. In 2003 and 2004 the Society received \$7,500 and in 2005 and 2006 they received \$8,000. He stated both the Mason Area Arts Council, the Historical Society approached the Finance Committee during the Budget process with requests for further funding in 2007. The Committee reviewed their requests and agreed to revisit the issue and develop a policy to guide contributions to such groups. Eric reported the Committee again met with both groups last month to review a recommended policy to limit City contributions to \$8,000 and no more than a third of a group’s budget. This is accomplished through a matching program where the City would contribute one dollar for every two dollars raised from other sources by the non-profit group. The maximum contribution would remain \$8,000. He concluded the Mason Historical Society is requesting that they receive the full \$8,000 based on 2006 income.

Sherri Federle, President of the Mason Historical Society, addressed Council and thanked Council for their support of the activities of the Historical Society. She gave a brief overview of the organizations’ activities and involvement in the community. Councilmember Osborne asked for a clarification of the contribution as it was intended to be based on the amount of funds they raise throughout this year with a cap set of \$8,000. Sherri Federle stated it was their understanding it was based on the funds raised in 2006. A general conversation followed among Council. Mayor Pelfrey stated this recommendation is from Finance Committee but has not been

discussed by full Council and the policy has not been clarified in writing. Sherri Federle stated she preferred the amount be based on the funds raised in 2006 because it is not certain that amount will be raised again in 2007. Vice Mayor Grossmann reported Finance Committee's intent is for the City to partner with the organizations not to completely fund them. Councilmember Kidd stated it may be too abrupt for the Historical Society to accept this policy this year. He said he favored giving them the funds based on 2006 and implementing the policy next year. Councilmember Wurzbacher agreed with this recommendation but also said we must have a clear written policy. Councilmember Osborne suggested tabling this matter until the clarifications can be made. He added the policy has been thoroughly worked out the only question is the qualifying year.

A motion to table this ordinance until the next Council meeting was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: 4 YEAS, 3 NAYS (Wurzbacher, Kline, Osborne)

ORDINANCE 2007-38 AUTHORIZING PAYMENT OF \$8,000 TO THE MASON AREA ARTS COUNCIL, A PRIVATE NON-PROFIT ORGANIZATION

Meredith Raffel approached Council and thanked them for their support. She said it would help her organization if this could be dealt with earlier in the year. She asked about the carry-over amount being received last year being included in this year's funding. Vice Mayor Grossmann stated this should be tabled as well so this detail can be discussed.

A motion to table this ordinance until the next Council meeting was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: 4 YEAS, 3 NAYS (Osborne, Wurzbacher, Kline)

Mayor Pelfrey stated this will be on the agenda for the next meeting. Meredith Raffel stated the Arts Council could assist with the icon being discussed for the downtown area. She said the second Mason Area Arts Festival is September 23, 2007.

ORDINANCE 2007-39 APPROVING THE PRELIMINARY PLAT OF RESERVES OF BETHANY SUBDIVISION

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

Richard Fair explained to Council, Mr. Joe Farruggia with Classic Properties is requesting preliminary plat approval for a 9.91-acre residential development located along Bethany Road, just east of Parkside Subdivision. The development, zoned R-1 Single Family Residential, will consist of eight build able lots and an open space lot where the retention facility will be located. The two existing residences and accessory structures are to be removed. Richard stated since Bethany Road is a major arterial, this preliminary plat includes the dedication of 50-foot of right of way to satisfy the Thoroughfare Plan, 50-foot wide landscape buffer easement to satisfy the City's Landscape Ordinance. However, the required left turn lane and deceleration lane were not included on the plat and would require a variance to be approved as designed. Richard pointed

out in the future there exists the potential for several access points out onto Bethany Road. He also stated the sanitary sewer will connect to the City sewer system at the existing pump station located in the Parkside Subdivision, adjacent to Bethany Road. The sewer will extend south through the site and provide for a future tie in for the adjacent property. The waterline will be extended to the southern property line as well.

Richard reported Planning Commission and staff recommend approval of the preliminary plat contingent on the applicant addressing the following items:

1. Planning Commission recommended granting the variance for the required left turn lane and deceleration lane.
2. The median in the proposed roadway is too close to Bethany Road and must be moved south to allow for the future widening of Bethany Road.
3. Under General Notes, remove the statement "or by the individual lot owners who's property falls with said areas." A Home Owners Association must maintain the retention/detentions basins.

Richard said he has received a request from Mr. Lucke a note be placed on the final plat stating he will always have full access onto Bethany Road in case there is an island installed in the road in the future. He added he is 90% sure this will be agreeable unless it creates a safety issue. Mr. Bob Lucke of 4900 Bethany Road addressed Council and stated these will be custom homes on one-acre lots with a total of eight lots. He noted he is eliminating two curb cuts that could be built on Bethany Road. A general discussion took place among Councilmembers on the potential issues that could arise with the future improvements to Bethany Road. Law Director, Ken Schneider, suggested amending Section 1 of the ordinance to state Council will make every effort to provide full access to Bethany Road provided it does not cause a traffic safety problem and subject to ODOT approval if necessary.

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 2007-39 as amended was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-40 APPROVAL OF THE REPLAT OF 424 READING ROAD

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

Richard Fair explained to Council, Mr. William Ellison with Ellison Surveying, Inc. representing Christopher Koob is requesting the approval of the replat of Lot 286 in the Sarah Wykoff's Addition to the Village of Mason, zoned B-1. He said currently, there are two separate building on the existing lot. The purpose of this replat is to split the site, a 0.3124-acre lot, into Lot 286A and Lot 286B. The dimensions and size of both lots satisfy the City of Mason Zoning Code requirements for B-1.

Richard reported Planning Commission recommends approval of the replat contingent on including the dedication of 50'-0" from the centerline of the roadway to satisfy the City of Mason Thoroughfare Plan.

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 2007-40 was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: 6 YEAS (Wurzbacher was absent)

ORDINANCE 2007-41 APPROVAL OF THE FINAL PLAT FOR BETHANY ESTATES

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

Richard Fair explained to Council, Robert E. Lucke with Robert Lucke Homes Inc. is requesting final plat approval for Bethany Estates located off of Bethany Road, across from Mitsubishi facility. He stated the development, zoned R-1 Single Family Residential, will consist of three lots with the existing residence to remain. The applicant has received variances from the Zoning Board of Appeals (ZBA) for the reduction of required frontage for lot 3 from 150 feet to 20 feet and for the fence located in the front yard. With these variances, ZBA required that all lots access Bethany Road at a shared access point and preserve as many trees as possible.

Richard stated since Bethany Road is a major arterial, the plat includes the dedication of 50-foot of right of way to satisfy the Thoroughfare Plan. However, the applicant requested variances for the following:

1. The left turn and deceleration lane requirements.
2. Installation of the Bike Path as per the Bicycle and Pedestrian Way Master Plan.

Richard reported upon review, Planning Commission and staff recommend approval of the final plat contingent on the following items:

1. Planning Commission recommended granting the variance for the required left turn lane and deceleration lane. Planning Commission recommended waiving the "fee in lieu of" for the bike bath in exchange for dedication of the right of way and providing a 20-foot temporary construction easement for future widening of Bethany Road.
2. Remove the eastern access easement from the record plat.
3. Add 50'-0" landscape buffer easement along Bethany Road.

Mr. Bob Lucke addressed Council and requested the City engineer send him a letter stating the City will make their best effort to maintain full access to Bethany Road.

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 2007-41 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-42 APPROVAL OF THE DEDICATION PLAT FOR 0.270 ACRES ON U.S.42

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

Richard Fair explained to Council, Mr. Ryan Jeter of McCarty and Associates, LLC representing Mr. D's Carwash is requesting approval of the dedication Plat. The project is located at 4100 US 42 adjacent to the hotel and former E-Check facility and includes two automatic and two self serve wash bays. The dedication plat will dedicate 50'-0" of right of way along Reading Road to the City of Mason. Richard stated the plat is consistent with the City of Mason Thoroughfare Plan and requests made by Planning Commission at the August 2006 meeting. He stated Planning Commission and staff recommend approval of the dedication plat.

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

A motion to adopt Ordinance 2007-42 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-43 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LIQUOR PERMIT MANAGEMENT AGREEMENT WITH GRIZZLY GOLF CENTER, INC. AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council, Ordinance 2007-43 is required to allow the City to utilize the liquor and vendor's license currently issued to the Grizzly Golf Center Inc. He said upon closing on the purchase of the facility, the application process to transfer ownership of the liquor permit takes approximately fourteen weeks. A liquor permit number is required in order to obtain a City of Mason vendors license for this location. Eric said in order to ensure no interruption of business during the application process, a management contract is necessary. This contract allows the facility to operate under the current permits issued to the Grizzly Golf Center, Inc. and to comply with all State laws related to the remittance of the state sales tax. Legal Counsel has reviewed the agreement and application process.

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 2007-43 was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-44 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, ACCEPTING TERMS AND CONDITIONS OF AGREEMENT #21321 FOR THE LED RETROFIT OF EXISTING TRAFFIC SIGNALS

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

Eric Hansen explained to Council, the City was successful in obtaining a grant from ODOT to improve the reliability and visibility of the current traffic, school crossing, and railroad crossing signals. The \$215,400 project cost has a cost breakdown of 20% City (\$43,080) and 80% ODOT (\$172,320). When completed, this project will improve safety while also reducing maintenance and operating costs. It will also provide battery back up to five traffic signals at key locations. This ordinance authorizes the City Manager to enter into a contract with ODOT for the project. Eric stated the City of Mason will administer the contract and set the schedule for design and 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 2007-44 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-45 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HERITAGE PRESBYTERIAN CHURCH, MASON S.A.Y. SOCCER, AND MASON SOCCER CLUB FOR USE OF PROPERTY

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

Eric Hansen explained to Council, for over ten years the City of Mason and Mason S.A.Y Soccer have held a joint use agreement with Heritage Presbyterian Church to utilize additional green space at the church site for extra soccer fields. He stated Heritage Presbyterian provides parking space and the field space, while the city provides for the scheduling, turf maintenance, and mowing of the green space and Mason S.A.Y Soccer and Mason Soccer Club provide outdoor restroom facilities, donate \$500 towards grass seed and for reseeding the area and assist with trash pick up for the space. A change in the agreement this year is to extend it to two years at the request of all parties involved.

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 2007-45 was made by Councilmember Bradburn, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2007-46 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE ACQUISITION OF PROPERTY LOCATED AT 226 MASON-MONTGOMERY ROAD WITH CLARENCE A. COWAN III AND AVA JEAN COWAN, 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, as part of the Mason-Montgomery Road Improvement Project, it is necessary to acquire a portion of the Mason-Montgomery Road frontage owned by Clarence and Ava Cowan at 226 Mason-Montgomery Road for right-of-way. The owner has agreed to our appraisal price of \$4,450 for the 0.086 acres of right-of-way. The cost includes the necessary easements and payment for two large trees in the front yard that will have to be removed for the project. Eric stated additional right-of-way purchases for this project will be forthcoming for City Council's consideration

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 2007-46 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-47 AUTHORIZING THE CITY MANAGER TO PROVIDE THAT FUNDS BE MADE AVAILABLE TO THE MASON PORT AUTHORITY TO FUND AN I-71 GROWTH CORRIDOR STUDY AND DECLARING AN EMERGENCY

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

Eric Hansen reported to Council the purpose of this legislation is to provide oversight to the study of a critical growth corridor and employ key professional, public, and private sector partners in the process to identify a strategy to reach the highest and best potential of this area.

He stated over the past five years the City of Mason with the Economic Development Committee of Council, has focused on economy building efforts focused along I-71. The I-71 Growth Corridor is identified as a geographic area beginning around the south corporate limits of Mason, including both the Western Row Road and Kings Mills interchange exits and extending to the areas surrounding the north corporate limit. In 2003, Mason City Council established the I-71 Corridor Tax Increment Financing District, recognizing the growth opportunities within this key business corridor. This area of over 2,000 acres, has been a focus for the recruitment efforts of high-tech, advanced manufacturing and corporate headquarters. Within the past several years, the economic strategy expanded to include the involvement of tourism driven development and its correlation with business investment interests. The Great Wolf Lodge Conference Center is an example of how new tourism related investment, over \$80 million with this development, is becoming an attention driver for corporate exposure leading potentially to future permanent investment.

Eric said it has become increasingly clear that the area designated as the I-71 Growth Corridor holds significant potential to capture investment from both the tourism/recreation and office technology sectors. With the momentum of current development and on-going interests, it will be important to put in place a focused development strategy that maximizes that potential. The

Mason Port Authority's work will identify a short-term process to evaluate strengths, weaknesses and opportunities and formulate a method to deliver and utilize the results. The use of the Mason Port Authority for this project is a good fit, similar to how other port authorities are used around the State, allowing for project oversight by an objective body that can play a role in the creation of public-private partnerships and extend beyond jurisdictional boundaries.

Eric reported the Economic Development Committee recommends that Mason City Council approve Ordinance 2007-47, granting \$58,000 to the Mason Port Authority in furtherance of economic development objectives for targeted industry sector business attraction and recruitment, including office, technology, and tourism along the I-71 Growth Corridor

Councilmember Wurzbacher stated the concern is the development in this area will occur piecemeal and it will not reach its full potential. This study will provide for an organized approach.

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

A motion to adopt Ordinance 2007-47 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: 6 YEAS, 1 ABSTAIN (Osborne)

Mayor Pelfrey added Resolution 2007-02 to the agenda.

RESOLUTION 2007-2 STATING CITY COUNCIL'S POSITION REGARDING ITS ABILITY TO SUBMIT CHARTER AMENDMENTS TO THE ELECTORS WITHOUT PETITIONS OF RESIDENTS

Law Director, Ken Schneider, read the resolution.

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 Resolution 2007-2 was made by Councilmember Kidd, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

Eric Hansen stated a request has been received from the Mason Parks Foundation for \$6,000 to assist with the costs of holding a fund raiser. He said they are committed to repaying this amount to the City. Councilmember Kidd moved to approve the payment of \$6,000 to the Park Foundation. Councilmember Wurzbacher seconded the motion. VOTE: ALL YEAS

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

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

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

Mayor Pelfrey stated Ordinance 2007-52 would be added to the agenda.

ORDINANCE 2007-52 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE ACQUISITION OF PROPERTY LOCATED AT 212 MASON-MONTGOMERY ROAD WITH TRENT E. HEIMANN AND LISA A. HEIMANN, AND DECLARING AN EMERGENCY

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

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

A motion to adopt Ordinance 2007-52 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

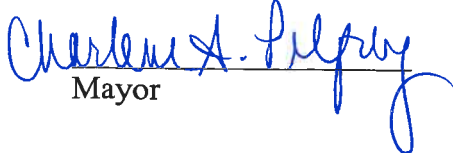
Councilmember Kidd moved to authorize the City Manager to settle the Campbell case. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

ADJOURN

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

TIME:10:50 p.m.


Clerk of Council


Mayor