

**CITY OF MASON
COUNCIL MEETING
APRIL 9, 2007**

Mayor Pelfrey called the meeting to order at 7:05 p.m. Following a prayer by Pastor Jerry Pelfrey, those in attendance 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 March 23 Council Worksession was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS

Vice Mayor Grossmann requested the minutes of the March 26, 2007 be amended to clarify the points he made regarding the challenge to Council's handling of the charter amendments. Councilmember Kline moved to table the approval of the minutes until the next Council meeting. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

PRESENTATION OF PROCLAMATION TO THE GRANGE

Mayor Pelfrey read the Proclamation and presented it to Grange President, Paul Steiner. He stated they are celebrating the 99th year of the Grange in Mason.

PRESENTATION BY WARREN COUNTY PROSECUTOR, RACHEL HUTZEL

Rachel Hutzel, Warren County Prosecutor, addressed Council and stated she was here to discuss the Victim Advocate Program. With her was Jane Conn, who distributed information to Councilmembers. Rachel explained the importance of the program for the victims and the growth the program has been experiencing. She stated these cases are responsible for one-fourth of the case load in her office. She noted the County has been funding this program but it really is the responsibility of the Municipal Courts. She is now approaching those courts in Warren County and requesting \$20,000 per year to fund a full time position. Mayor Pelfrey referred the matter to the Court Liaison Committee and stated they would have a decision in two weeks. Mayor Pelfrey asked how more people could learn about this program. Rachel replied they have distributed brochures in the police departments and in drop in centers. She suggested an article in the City's newsletter.

RECOGNITION OF VISITORS

Mark Gerano, President of the Fire Fighters Union addressed Council and gave an overview of the history of the Fire Department since the 2005 fire in the Crooked Tree subdivision. This

included the recommendations made to hire a training officer and address the rank structure. He stated the fire fighters are now receiving excellent training from a qualified professional firm. He noted one of the problems identified was a lack of response standard. He stated improvements have been made and have become a better fire department because of the training they have received. He said there are now four men on a truck and the adoption of a response standard is getting close. He also said there needs to be more done with staff, locations of fire stations and training. He said the fire fighters don't want to rely on other jurisdictions to cover Mason residents. He requested Council please make the improvements that are still needed in the fire department a top priority. Mayor Pelfrey stated Council shares their same desires and this Council has been very aggressive in support of the department. She noted the adoption of the ten-point plan. Councilmember Bradburn stated the Safety Committee is wrapping up loose ends but will probably recommend building additional stations. He said he has been participating in the training offered to the fire fighters and said the instructors are excellent. Eric Hansen stated the City has made an aggressive investment of time and attention towards the progress of the fire department. Vice Mayor Grossmann stated he received a letter from a resident stating he hoped Council does not blow off the finding of the fire fighters response on the latest fire. He asked Mark if they feel Council has done that. Mark replied no, Council has been responsive. Bill Quinn, the local representative of the International Association of Fire Fighters from Dublin Ohio stated Mark is in a difficult spot and that while the City has hired additional fire fighters, some have left thus neutralizing the effect. He said Council is moving very slowly and would like to see the improvements fast tracked. He said it has been 22 months since the first fire in Crooked Tree subdivision. He said more people need to be hired and the rank structure still isn't in place. Eric Hansen stated the City did not receive the Matrix report until the fall of 2006. He said that was the first report the City did to review the structure of the Fire Department. He stated the Safety Committee has been working aggressive since we have received the report. He noted the staffing has been increased. There has been an increase in consistency in the department. He said much progress has been made in six months. He stated Council's expenditure of \$300,000 for training for every individual in the department illustrates the City's priority to this matter. He said he does not believe there is a fire department in the area that has made a greater commitment. Mayor Pelfrey asked Bill Quinn if there is any other fire department that has been more aggressive in improving the department. She also asked if he would be here tonight if there had not been a fire two weeks ago. He replied Council does deserve credit for the improvement to the department. He said it has been aggressive but it is not where it needs to be. He said he is here because of the negative coverage the media gave the members of the department. He agreed Council has given a lot of what the fire fighters have asked for. Mayor Pelfrey responded she takes offense as his comments. She stated she is sorry the press coverage was negative but he is now sensationalizing this. She said no wedge exists between the Fire Department and Council. She said Council is behind this department and have supported them and will continue to do so. Councilmember Osborne stated the fire department should be commended because no one changes unless they want to. He said Council has provided the tools but they have done it themselves. Councilmember Kidd stated Council has addressed this matter and chosen a measured wise approach to correct the situation. He said it was Council's desire to do it right and do it well. Lori Shutrump of Wheatmore Court addressed Council and said the Fire Department has done a good job and provided a quick response. She said they have risked their lives and every house fire is a different situation. John Paquette of 4151 Meadowbrook Lane addressed Council and thanked the Fire Department and asked Council to "stay the course". Francis

Gilbert of 210 West Main Street addressed Council and spoke in support of the Fire Department and remembered when her husband was alive and part of the department.

COUNCIL OLD AND NEW BUSINESS

Vice Mayor Grossmann reported he has not been contacted by Mr. Inskeep or Mr. Anderson to discuss the recall matter or the charter amendment issue. He said the offer is still open to them.

Mayor Pelfrey announced the Prayer Breakfast will be held on May 3, 2007 at the First Baptist Church in Waynesville and the Mayor of Lebanon, Amy Brewer, will be the host. She also noted the 20th Anniversary of Mitsubishi will be held on May 9, 2007 at 4:00 pm and the Tree City Award Ceremony will be held on April 20, 2007 in Waynesville. She requested Council members assist with attending these functions. She noted she has received a letter from Congressman Mike Turner, which mentions the National Trust Main Street Program. She directed Eric Hansen to look into the details.

Mayor Pelfrey reported on her attendance at the National League of Cities Legislative Conference in Washington D.C. She stated the Childhood Obesity Topic was very interesting and she presented Eric Hansen with some information on a program that may be possible for the City to offer its residents. Councilmember Bradburn reported he attended a Safety Seminar at the NLC conference; Councilmember Kidd reported on the Predatory Lending Seminar he attended. Councilmember Wurzbacher attended an Economic Development Seminar and provided information on the US Commercial Service. Mayor Pelfrey also stated Councilmembers had a opportunity to meet with Congressman Turner and Senator Brown.

COMMITTEE REPORTS

Councilmember Osborne reported the Ad Hoc Committee working on the solicitation legislation should have something at the next Council meeting. He said this will give the police and the City more strength when trying to enforce the laws. Councilmember Wurzbacher, also working on that committee suggested the legislation be submitted to Council but have two readings to provide those interested an opportunity to review it.

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

- ▶ The annual State of the City address was held at the Conference Center at Great Wolf Lodge on March 29. Citizens who were unable to attend may see the address on ICRC cable or by visiting the web site for the schedule.
- ▶ April issue of Mason Matters should be delivered on April 11 in the Pulse-Journal.
- ▶ City of Mason's 4th annual Volunteer Appreciation Reception will be held on Wednesday, April 18 from 5:30 to 7:30 p.m. in the Mason Municipal Center Atrium. Those volunteers who

have given 50 hours or more of service to the city will be honored. Light hor d'oeuvres and punch will be served, with the recognition program beginning at 6:00 p.m.

RESOLUTION 2007-03 PROCLAIMING APRIL 21, 2007 AS EARTH DAY

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

Eric Hansen explained to Council the City will be celebrating Earth Day on Saturday April 21, 2007. He noted there will be a 5K run and Earth Day expo as well as tree seedlings distributed by the Mason Tree Committee.

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 Resolution 2007-03 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

RESOLUTION 2007-04 STATING THE CITY OF MASON'S POLICY REGARDING CHARITABLE CONTRIBUTIONS TO BE CONSIDERED BY THE CITY OF MASON'S COUNCIL

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

Eric Hansen stated following the last Council meeting and the tabling of Ordinances 2007 -37 and 2007-38, the following resolution was compiled to document and provide a consistent policy statement when addressing requests from civic or charitable groups for financial participation from the City. He said the original recommendation was to limit City contributions to a total of no more than \$8,000 in a calendar year and to ensure that the City did not provide more than a third of a group's budget through a matching program. The program requires the requesting group to raise two dollars from other sources before being eligible for each dollar of the City's contribution. To access the maximum City contribution of \$8,000 the group would have to separately raise \$16,000. Eric explained the Resolution addresses the questions raised at the last meeting including not allowing carry-over of base contributions and requiring that the funds be raised in the same calendar year as the City contribution is requested. The resolution makes additional clarifications and administrative parameters for participating groups.

A general discussion took place among Councilmembers in which the following items were discussed: using the previous year as a basis for contribution from the City, concern over creating a cash flow problem within the agencies, new organizations not having a previous year of data, ease of administering payment within City departments, time of payments and type of organization applying for funds. It was stated by Meredith Raffel, representing the Mason Area Arts Council, that she agrees with this policy and it is an incentive to raise additional funds. She asked if grants and in-king contributions could apply towards the matching amount. Eric Hansen stated grants are not specified as an exception so they would count. He said the City could count

an in-kind contribution at their discretion. He said this would apply to something that has monetary value. Sherri Federle, representing the Mason Historical Society, addressed Council and said they determined their request on 2006 revenues based on the City's past contribution. Dave Moushey addressed Council and stated he is not in favor of giving money prior to them raising funds. He also asked what the criteria is for groups applying for the funds. Does a Boy Scout group qualify? Eric Hansen replied each group must come before Council and will be determined on an individual basis.

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 2007-04 was made by Vice Mayor Grossmann, seconded by Councilmember Osborne. 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 Wurzbacher. VOTE: ALL YEAS

Councilmember Kline moved to amend this ordinance to reflect payment based on the past year as originally intended by the Historical Society. The motion died for lack of a second.

A motion to adopt Ordinance 2007-37 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

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

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

A motion to adopt Ordinance 2007-38 was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2007-53 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE URBAN PAVING PROJECT TO PLANE AND RESURFACE PORTIONS OF U.S. 42 THROUGH THE CITY OF MASON

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

Kurt Seiler reported to Council, as part of the Ohio Department of Transportation Urban Paving Policy, U.S. 42 is scheduled for resurfacing in ODOT calendar year 2007. ODOT is requesting the City approve a final ordinance authorizing a contract with the Ohio Department of

Transportation for the actual paving of the road. Kurt stated contract language requires the City to cooperate with ODOT to pay for the non-federal share of the construction costs and 100% of items not paid for by ODOT. This program has an 80/20 funding split, with ODOT paying 80% and the City paying 20% of the construction costs, plus items not covered by the Urban Paving Policy. He said the City share was estimated by ODOT at \$262,784, which included ODOT inspection services not itemized last year. With the passage of Ordinance 2006-88, \$150,000 was encumbered for the project from the 2006 budget and the remainder was included in the 2007 budget.

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 2007-53 was made by Councilmember Kline, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

ORDINANCE 2007-54 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHN R. JURGENSEN COMPANY FOR THE 2007 JOINT STREET RESURFACING PROGRAM

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

Kurt Seiler reported Ordinances 2007-54 and 2007-55 both relate to the same project. He said annually the City of Mason pursues a Street Maintenance program to repair and prolong the life of City roadways. Typically, between \$750,000 and \$1,000,000 is budgeted for this annual program. This year, for the first time, the City has pursued a partnership with Deerfield Township for street resurfacing. Ryan Tyree, Engineering Technician for the City worked with Township representatives for several months to successfully coordinate a combined resurfacing project. By increasing contract quantities, both the City and Township are benefiting from reduced unit bid prices, despite the continued rise of asphalt prices. Kurt said it is estimated the City and Township will realize an 8% savings by working together on this joint venture. He added five bids were received with the lowest and best bid coming from John R. Jurgenson Company. Kurt stated Ordinance 2007-54 allows the John R. Jurgenson Company to be awarded the 2007 Joint Street Resurfacing contract in the amount of \$1,365,664. The estimate for Deerfield Township's portion of the total contract is \$580,000, which will be refunded to the City through monthly progress payments during construction. Deerfield Township personnel will inspect their streets and make recommendations back to City staff on payment quantities. Adoption of Ordinance 2007-55 authorizes a reimbursement agreement with Deerfield Township for resurfacing and maintenance to streets within Deerfield Township.

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 2007-54 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-55 AUTHORIZING THE CITY MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH DEERFIELD TOWNSHIP TRUSTEES FOR THE RESURFACING AND MAINTENANCE OF STREETS LOCATED WITHIN DEERFIELD TOWNSHIP, TO BE COMPLETED WITH THE 2007 JOINT STREET RESURFACING PROGRAM

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

A motion to adopt Ordinance 2007-55 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-56 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,000,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING SOCIALVILLE FOSTERS ROAD IN THE CITY

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

Eric Hansen explained Ordinances 2007-56, 57 and 58 all related to the issuance of bonds for the road improvements. He said Ordinance 2007-56 is for the re-issuance of Bond Anticipation Notes for the construction of the Socialville-Fosters Road Improvement Project. He noted this project was done in partnership with Warren County. The City was the lead agency and managed the contract with Sunesis Construction, while Warren County was responsible for inspection of work outside the City. The costs and quantities for the project were separated between the County and the City with some common project-wide costs being split 50%-50%. The City's portion of the project was \$1,937,913.54, of which \$500,595 will be reimbursed by OPWC. In addition, the County will reimburse the City for their project costs within their portion of the project. Eric stated bond anticipation notes were originally issued in 2006, in the amount of \$2 million for the City's portion of this project. The new issue represents a principal payment in the amount of \$1,000,000.

Eric stated Ordinance 2007-57 is for the re-issuance of Bond Anticipation Notes for the improvements and widening of Mason Montgomery Road. He stated bond anticipation notes were originally issued in 2001, in the amount of \$6 million for this project. In 2004, \$1 million dollars was paid toward principal on these notes. The new issue represents a principal payment in the amount of \$1,000,000.

Eric further explained that Ordinance 2007-58 is for the re-issuance of Bond Anticipation Notes for the improvements, widening, intersection and traffic signal of Western Row Road and Snider Road. He stated in 2004, bonds in the amount of \$5 million were issued to finance the

construction of this project. The new issue represents a principal payment in the amount of \$1,000,000.

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 2007-56 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-57 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$2,550,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING MASON-MONTGOMERY ROAD IN THE CITY

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

A motion to adopt Ordinance 2007-57 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-58 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$2,850,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING WESTERN ROW ROAD IN THE CITY

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

A motion to adopt Ordinance 2007-58 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2007-59 AUTHORIZING THE CITY MANAGER TO APPROVE A CONTRACT WITH OHMER CONTRACTING, INC. FOR AS-NEEDED INSPECTION SERVICES

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

Kurt Seiler explained to Council, there are several major capital improvement projects, including Mason Sports Park, Western Row Road Widening, Muddy Creek Bike Path, Downtown

Revitalization and Mason-Montgomery Road Widening that were approved as part of the 2007 budget. During the 2007 budget process the Finance Committee discussed the need for additional staff to assist with the number of projects. Staff recommended waiting to see how the projects and priorities unfolded during the year before pursuing staffing decisions. As the projects are moving forward and with the fulltime assignment of an inspector to the Downtown project, staff feels it is necessary to contract for private inspection services on an as-needed basis.

The proposed contract for construction inspection services is needed to cover subdivision and commercial site inspections. The cost for subdivision inspections is charged to the Subdivision Fund and recouped from developers.

Kurt reported Chuck Ohmer of Ohmer Contracting, Inc. has experience as an engineering inspector for several years. His company is very familiar with subdivision, site, and resurfacing inspection. He noted proposals from other firms ranged in price from \$42/hour to \$60/hour for a technician at 8 hours per day. Rates were higher for overtime and did not include mileage. Mr. Ohmer's fee of \$50/hour includes overtime, weekends and mileage. The City has been utilizing Mr. Ohmer's construction services on small projects and we are pleased with his knowledge, cost saving ideas and performance. Mr. Ohmer has the ability to add other inspectors, as needed, to keep up with the workload through the summer.

Kurt said staff anticipates a need for these service based upon 35 weeks at 40 hours per week with extra hours for peak time and a second inspection if needed. This Ordinance 2007- 59, is for an amount not to exceed \$85,000.

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 2007-59 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-60 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR ACQUISITION OF PROPERTY LOCATED AT 200, 205, 206, 207 AND 210 MASON-MONTGOMERY ROAD WITH DON S. BOWYER, 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 reported to Council, as part of the Mason-Montgomery Road Improvement Project, it is necessary to acquire property owned by Don Bowyer. He said Mr. Bowyer owns property on both sides of Mason-Montgomery Road, between Church Street and Tucker Drive. This ordinance will authorize a purchase contract for right-of-way frontage on the west side of the road (205 and 207 Mason-Montgomery Road) and for the purchase of three homes on the east side of the road (200, 206 and 210 Mason-Montgomery Road) as well as a vacant lot between 200 and 206 Mason-Montgomery Road. Mr. Bowyer has agreed to sell the frontage on the west side and the parcels on the east side for a total cost of \$410,000. 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.

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

A motion to adopt Ordinance 2007-60 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

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

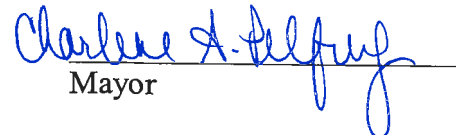
A motion to reconvene into regular session was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

Councilmember Osborne moved to increase Eric Hansen's pay by 3% as indicated in the employment contract. Vice Mayor Grossmann seconded the motion. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS
TIME: 10:27 p.m.


Clerk of Council


Mayor