

**CITY OF MASON
COUNCIL MEETING
April 23, 2007**

Mayor Pelfrey called the meeting to order at 7:10 p.m. Those present recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

Clerk of Council, Terry Schulte, noted an amendment is needed to remove item #3 under Ordinance 2007-41 "Relocate basin out of proposed right of way". She stated this was not a requirement made by Planning Commission. A motion to amend the minutes of the March 26, 2007 meeting as stated was made by Councilmember Bradburn, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS A motion to approve the minutes as amended was made by Councilmember Kline, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

A motion to approve the minutes of the April 9, 2007 meeting was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

INDUCTION OF DESIGN REVIEW BOARD MEMBERS

Mayor Pelfrey inducted Kathy Harbison and Jeff Overlay to serve on the Design Review Board.

RECOGNITION OF VISITORS

Mayor Pelfrey excused herself from the meeting at this time. Vice Mayor Grossmann conducted the meeting in her absence.

Opal Ashburn of 217 Short Street addressed Council and asked Richard Fair to read a letter she had prepared for the meeting. Richard complied with her request, which stated the City's activity of resurfacing Short Street numerous times has created a drainage problem on her property. She said as a result she has had to spend \$1,801 to repair her walk in 2001. She stated she is on a fixed income and had to borrow the money to get this work done. She said now that the City has implemented a program for fixing sidewalks, she would like reimbursement for at least a portion of this cost. Richard Fair said her sidewalk is lower than the street and there is no curb and gutter in this area. Vice Mayor Grossmann suggested the Safety Committee review this matter and see how many times this might come before Council. Eric Hansen said the City has received other requests. Councilmember Bradburn stated the Safety Committee will look into the matter.

RESOLUTION 2007-05 DECLARING APRIL 28, 2007 ARBOR DAY

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

Kevin Jones, Chair of the Mason Tree Committee, addressed Council and presented the Tree City USA award to Vice Mayor Grossmann. He noted this is the eighth year the City has received this award. He added 36 communities received this designation in southwest Ohio. He thanked Council for their continued support.

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 Resolution 2007-05 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

RESOLUTION 2007-06 PROCLAIMING MAY 6-12, 2007 AS CLEAN WATER WEEK

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

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

A motion to adopt Resolution 2007-06 was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. VOTE: ALL YEAS

RESOLUTION 2007-07 OBJECTING TO THE APPLICATION FOR RENEWAL OF A LIQUOR PERMIT FOR VJ HOLDINGS LLC DBA KEVIN AND VINCE'S MASON PUB & PATIO AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council, each year, the City is notified of liquor permits that are subject to renewal in June. At that time the City, by motion, must approve or object to a renewal. Eric stated while the need to object to such permits is extremely rare in the City of Mason, the Police Department feels that the action is merited given the number of problems encountered over the past years at that location. The Police Department has responded to over forty-three incidents at Mason Pub during the past two years. The most notable incident was a homicide in August 2006. Chief Ferrell has met with the owners and discussed issues occurring at this location. In addition, officers have met with the staff of Mason Pub in an attempt to educate them on how best to handle intoxicated or difficult patrons. Eric stated the Police Department has provided and offers this pro-active service to facilities in Mason. Mason Pub

has continued to call and request pro-active assistance, however the Police Department remains concerned for the activities at that location. Eric stated for these reasons and based on their history, Resolution 2007-6 is recommended for adoption.

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 general discussion took place among Councilmembers clarifying what type of issues the Police Department has dealt with regarding this establishment. Vice Mayor Grossmann asked for more information regarding the disposition of the 43 incidents. Detective Hoelke addressed Council and stated they have had seven incidents at this address since March 24, 2007. She stated they are serving intoxicated customers and then allowing them to drive as well as serving underage individuals. She said no other liquor establishment in the City presents this much of a problem to the Police Department and the residents of Mason. Councilmember Wurzbacher asked if they have been notified we are voting on this tonight. Detective Hoelke said she explained to the establishment that the Police Department was going to object to the renewal of the liquor license.

A motion to adopt Resolution 2007-07 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

RESOLUTION 2007-08 ACCEPTING THE 2007 FIRE DEPARTMENT STAFFING REORGANIZATION PLAN

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 Safety Committee has invested considerable time for many months focusing on raising the level of Fire and EMS service in the City of Mason. The 10 point plan endorsed by City Council continues to be the guide for these long term efforts. He said in recent months, the Committee has focused on providing an aggressive Incident Command "Boot Camp" – 264 hours of intensive training provided to every member of the Department as well as outside agencies; conducting a fire station location analysis in conjunction with Deerfield Township and in preparation for future station construction; reviewing service levels and setting targeted response time goals of six minutes; and researching the best structure to serve the Department into the future. All of these efforts are the result of recommendations made by fire professionals who have been invited to review and comment on the Department.

Eric further reported that in recent months, establishing the structure of the Department has been the priority. Last week the Committee received a final report provided by Conestoga-Rovers & Associates and a synthesis of all structure recommendations prepared by Mike Kelly and Safety Director Ron Ferrell. A consistent theme has been that the Fire Department needs a new and carefully considered staffing structure with close emphasis to a new level of highly qualified front-line supervision. Last week's meeting was the culmination of a great deal of time, effort, and attention from consultants, staff and the Safety Committee to arrive at a recommended structure that best positions the Department for present success and future growth. Eric stated

the recommended structure includes: 1 Captain/Shift Officer for each shift (a total of 3 positions) 1 Lieutenant/Station Officer for each station and shift (a total of 6 positions currently with a total of 9 upon addition of a third station.) It also recommends a position of Assistant Chief of Administration and foresees a future time when activity levels may warrant an Assistant Chief of Operations.

He added additional Council authorization would be necessary before the positions are actually created and staffed. The recommendations presume that recruitment will be very selective and demanding to ensure that candidates are highly qualified and experienced to fill this crucial role.

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

Councilmember Bradburn, Chair of the Safety Committee, stated this has been a long process and this structure will work and provide accountability.

A motion to adopt Resolution 2007-08 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-61 APPROVAL OF THE REPLAT FOR LOTS 10, 11, 16, AND 17 IN FALLING BROOK PHASE A

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

Richard Fair explained to Council, Jeff Lambert with Bayer Becker Engineers, representing Hal Homes, is requesting approval of the replat for lots 10, 11, 16 and 17 in Phase A of the Falling Brook Subdivision. He stated this project is located between Fairway Drive and the Grizzly Golf Center. It is being developed as landminiums that requires each unit to be recorded concurrently with the buildings construction. Therefore, he said we will be looking at this project 26 more times. This replat provides the individual building lots for lots 10, 11, 16 and 17. He concluded by stating Planning Commission recommends adoption contingent on addressing some minor numbering issues.

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 2007-61 was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-62 APPROVAL OF THE DEDICATION PLAT FOR SINCLAIR COMMUNITY COLLEGE ON COURSEVIEW DRIVE

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

Richard Fair explained to Council the purpose of this legislation is to approve the dedication plat for Sinclair Community College as recommended by Planning Commission at the April 3, 2007 Planning Commission meeting. Richard stated this plat will dedicate the required 50'-0" of right of way along Courseview Drive and is consistent with the requests made by Planning Commission on January 2, 2007 and the City of Mason Thoroughfare Plan.

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

A motion to adopt Ordinance 2007-62 was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2007-63 ACCEPTING DEDICATION OF RIGHT-OF-WAY AND SEWER EASEMENT, AND AUTHORIZING THE EXECUTION OF A DEED FOR SOCIALVILLE-FOSTERS 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, this easement acquisition was delayed due to the transfer of land from Procter & Gamble to Walgreens, which affected several of Procter & Gamble's parcels. These documents are now in order and Procter & Gamble has agreed to donate the right-of-way and easements to the City. Richard said the right-of-way acquisition consists of a 5' wide strip of property along the road frontage and 0.988 acres of storm and sanitary sewer easement.

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 2007-63 was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-64 ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RUMPKE WASTE COLLECTION AND DISPOSAL SYSTEMS FOR THE WASTE COLLECTION AND DISPOSAL OF CERTAIN SOLID WASTES WITHIN THE CITY OF MASON AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council, Ordinances 2007-64 and 65 address the contract and resulting code changes with Rumpke Waste Collection and Disposal Systems. He stated on April 30, 2002, the City entered into a one-year contract with Rumpke, Inc., with an option to renew up to four additional years. The contract provided for solid waste collection and removal services for the City. This contract will expire on April 30 of this year. Consequently, bid specifications

were prepared to solicit bids for a new waste collection contract. Eric said the City's existing program includes weekly trash collection and curbside recycling. Mason residents' use of the yard waste program was eliminated in 2006 as a result of a high level of services provided directly by the City.

Eric stated there has been considerable price pressure each year of the current contract as Rumpke's fuel, landfill, labor and other expenses have risen. Rates over the past 10 years have ranged from \$9.07 in 2002 to \$11.00 in 2000 and the current \$10.21. Bids were opened on April 10th from two companies: CSI Waste Services and Rumpke Waste, Inc. Rumpke's annual bid prices were 21-25% less than CSI's bid.

He added despite a 21% increase over 2006 rates, Rumpke's proposed rates represent a competitive bid, and considerable savings to Mason residents. Compared to a typical individual waste collection bill of approximately \$20 in unincorporated areas without a municipal waste collection contract, a City of Mason resident will be saving approximately \$100 a year, based upon the proposed 2007 rate.

Eric noted a few notable items within the contract include the following:

- Residents will continue to enjoy unlimited number of container pickups. Residents are encouraged to notify the City when they do have a large number of containers for removal. This ensures the hauler is able to visit all residents scheduled for pickup that day.
- New Year's Day and Christmas Day holiday collections will be delayed one day, with all waste for those weeks being removed no later than Saturday.
- During the renovation of Downtown, collection services will continue. And, once new receptacles are installed, they will be serviced as part of the contract.
- Haulers were notified that the Ohio Department of Agriculture has quarantined Warren County for the Emerald Ash Borer.

He said Staff are recommending the following rates for residential and small business collection and curbside recycling: For year 2007, a total fee of \$12.50 and for year 2011 a total fee of \$14.07. While many Warren County communities are in the process of renewing their own contracts and experiencing rate increases, the current monthly rates for other municipal contracts in Warren County ranges from \$12.00 to \$16.25. Mason continues to enjoy one of the lowest rates in the County. Rumpke Waste Inc. has had a significant history with the City of Mason. The City receives relatively few complaints related to waste removal services, and Rumpke is very cooperative in responding to those issues. Ordinance 2007 – 64, authorizing a contract with Rumpke, Inc. and Ordinance 2007-65, amending the City's codified ordinances to reflect the above charges, are both recommended for adoption. Residents will see the rate increases in their June bill.

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

Vice Mayor Grossmann asked about the administrative fee. Eric Hansen stated Cincinnati Water Works handles the billing and the fee handles the administrative costs.

A motion to adopt Ordinance 2007-64 was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: ALL YEAS

Mayor Pelfrey returned to preside over the meeting at this time.

ORDINANCE 2007-65 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON , OHIO SECTION 961.04 CHARGES AND BILLING FOR RUBBISH AND WASTE COLLECTION AND DECLARING AN EMERGENCY

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

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

A motion to adopt Ordinance 2007-65 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-66 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WARREN COUNTY COMMISSIONERS REGARDING MASON MUNICIPAL COURT PUBLIC DEFENDER

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

Eric Hansen explained to Council both Warren County and the City of Mason are obligated by State statute to provide legal counsel to indigent persons charged with serious offenses in Mason Municipal Court violating either state or local ordinances. A Public Defender is appointed to represent such people and receives compensation from either the County or City according to state statutes. He also stated the County is eligible for partial reimbursement of their public defender expenses from the Ohio Public Defender's Office if a cooperative agreement exists between the City and County regarding public defender expenditures. In 2004, the County requested that the City authorize an agreement that would formalize the practice and allow the County to pursue reimbursement from the State. The County is now requesting annual renewal of this agreement to meet State of Ohio requirements.

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 2007-66 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-67 AMENDING THE ZONING ORDINANCE AND STORMWATER DESIGN MANUAL TO MODIFY AND UPDATE THE STANDARDS REGARDING STORMWATER FACILITIES

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

A public hearing was set for June 18, 2007.

Councilmember Bradburn suggested copies be sent to the Homeowners Associations so they can comment at the public hearing. Councilmember Wurzbacher commented they should be made aware these code changes will not be retroactive for older retention ponds. Richard Fair said the Homeowners Builders Association requested these changes. He said Planning Commission has reviewed this suggestion.

COUNCIL OLD AND NEW BUSINESS

Mayor Pelfrey reported on the various events she participated in including the Earth Day event. She also noted the work volunteers have done for the City and the resulting savings of approximately \$200,000 to the City.

Eric Hansen stated based on scheduling conflicts over the next several months, including the Memorial Day Holiday on May 28, it has been suggested that Council consider modifying the regular meeting schedule for the next three months so that regular Council meetings would be held on May 21st, June 18th, and July 16th. No other regularly scheduled meetings would be expected. Eric said he has reviewed the anticipated legislation need over the next several months with departments and believe that staff can arrange items requiring council action to meet this proposed schedule with relatively few concerns. A motion to approve this revised meeting schedule was made by Councilmember Kidd, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Kline stated they are currently involved in planning the Heritage Festival with the Festivals of Mason. Organization.

Councilmember Bradburn reported the Safety Committee will meet to discuss Fire Station locations.

Councilmember Wurzbacher stated the Ad Hoc Committee formed to review the solicitation ordinance has postponed the presentation due to the need for additional research.

Clerk of Council, Terry Schulte, reported the Chamber of Northeast Cincinnati was holding their legislative event this year, which involves inviting all members of the General Assembly to enjoy facilities in our area. It is scheduled around the Western Southern Tennis Masters event. She reported in the past the City has participated financially in this event at a not to exceed amount of \$1500. A motion to continue with the same contribution was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: 4 YEAS, 1 NAY (Bradburn)

Councilmember Bradburn mentioned Senate Bill 117 that has been introduced in the Senate at the state level. Terry Schulte, Clerk of Council, provided additional information on the bill as it has been introduced. Councilmember Bradburn moved to inform the 127th General Assembly that the City of Mason is opposed to this legislation and direct the Clerk of Council to inform them of this decision. Councilmember Kline seconded the motion. VOTE: ALL YEAS

Councilmember Kidd suggested the City look into making the downtown area and the parks wireless. He said he looks for that access himself and feels it would be something other residents would like. Mayor Pelfrey said the Park Board should review that matter and the Downtown Committee will also discuss it.

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

▶ The Warren County 11th annual Prayer Breakfast will be held on Thursday, May 3 from 7:00 to 8:30 a.m. at the First Baptist Church of Waynesville, 1009 Lytle Road, Waynesville. Lebanon Mayor, Amy Brewer, will be mistress of ceremonies, and Rev. Randy Snyder of Cross View Christian Church will present the keynote address. The cost is \$15 per person and tickets may be purchased by phone through Countryside YMCA at 932-1424, or stop by the YMCA to pick them up.

▶ DARE graduation will be held on Tuesday, May 8 at 7:00 p.m. in the Mason High School auditorium. The St. Susanna DARE Graduation will take place on Tuesday, May 15 at 9:30 a.m. at the Meyer Center in the old church.

▶ Mitsubishi will hold a reception on Wednesday, May 9 beginning at 4:00 p.m. to celebrate the 20th anniversary of their groundbreaking. The opening event is taking place at Mitsubishi headquarters at 4773 Bethany Road where there will be an introduction of officials followed by a guided tour of the facility. Immediately following, there will be a reception at Heritage Club, 6690 Heritage Club Drive. City Council is encouraged to attend and RSVPs may be called into Mitsubishi at 339-2233.

▶ City Council is invited to attend the 2007 City of Mason Police Department Memorial Service to honor police officers fallen in the line of duty. A ceremony will be held at the Municipal Center on Monday, May 14, 2007 at 9:30 a.m. Guest speaker will be Attorney General, Marc Dann.

▶ The NEC Chamber will sponsor its annual Spring Wine Gala Dinner and Auction on Thursday, May 17 at The Manor House. Reception begins at 5:00 p.m., cocktails and silent auction are at 6:00 p.m., the dinner is at 7:15 p.m., and the live auction begins at 8:30 p.m. Tickets are \$50 per person and tables for 8 are \$800. A motion is in order if Council wishes to authorize the City Administration and Economic Development Staff to attend this event on behalf of the City. Councilmember Wurzbacher moved to authorize that expenditure, seconded by Councilmember Kline. VOTE: ALL YEAS

► Eric Hansen reported the City has received a request for a liquor permit for Mongos Grill located at 727-29 Reading Road. Councilmember Kline moved to not require a hearing. Councilmember Wurzbacher seconded the motion. VOTE: ALL YEAS

Mayor Pelfrey stated an executive session will be added to this agenda for the purpose of discussing land acquisition and litigation.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

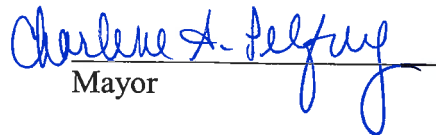
A motion to adjourn into executive session for the purpose of discussing land acquisition and litigation was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

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

ADJOURN

A motion to adjourn was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS
TIME: 9:13p.m.


Clerk of Council


Mayor