

**CITY OF MASON  
COUNCIL MEETING  
May 21, 2007**

Mayor Pelfrey called the meeting to order at 7:03 p.m. Pastor Rick Huff opened the meeting with a prayer. 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 and Charlene Pelfrey. Tom Grossmann was absent.

**APPROVAL OF MINUTES**

A motion to approve the minutes of the April 23, 2007 meeting was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: 4 YEAS, 2 ABSTAIN (Pelfrey, Osborne)

**RECOGNITION OF MASON MANTA RAYS SWIM TEAM**

Ken Heiss, Head Swim Coach, stated the swim team has had a very successful year. He said the Manta Rays ranked in the top 100 teams nationally out of more than 2800 teams. He reported they've only been in existence for three years and the membership has soared from 110 to 230 year round swimmers. He introduced the high school players present that competed at the state level.

**RECOGNITION OF SCIENCE FAIR WINNERS**

Mayor Pelfrey introduced Jay Koepfle, Jamie Sobotka and Kaeleigh Warfield who received numerous awards for their science projects, which focused on water quality. She also introduced Kathy Dorman, the City's Stormwater Engineer, who assisted the students with their projects. The students explained their projects and thanked those individuals who assisted them in the process.

**RECOGNITION OF FIRE SAFETY POSTER WINNER**

Chief Fletcher introduced Karen Manning who introduced Jordan Hoak, winner of the Fire Safety Poster Contest. Chief Fletcher reported this is the seventh year for the contest and this is the second time we have had the contest winner out of 200 applicants in the state.

**RECOGNITION OF VISITORS**

Chon Jung of 6523 Yankee Road addressed Council and stated he is a Liberty Township resident and owner of the Mason Pub. He stated he would like an opportunity to discuss Council's decision to try to remove his liquor license. Councilmember Osborne clarified the City has requested a hearing on this matter and does not have the authority to suspend the license. Mr. Jung said he took over the pub in 2005. He said the establishment had a negative history at that

point. He said he has improved the place since then. He said in August 2005 a murder occurred in the vicinity but it was after the pub had locked the doors for the evening. He showed an aerial view of the location of the crime and the location to their business. He stated some incidents involving the police have occurred in their parking lot after they have closed and as a result they are receiving an unfair rap. He stated they are inexperienced in running a pub and can do better. Law Director, Ken Schneider asked him if he has ever received a citation from the Board of Liquor Control. Mr. Jung replied yes for over serving an individual. Ken asked if he was cited for serving a minor. Mr. Jung said they are attending a hearing on that matter.

Perry Schwartz of 6309 Tartan Hills Lane addressed Council and stated he is a member of the Mason Tree Committee and would like to discuss the Emerald Ash Borer problem in the State of Ohio and Warren County. He reported the Governor's office has proclaimed this week as the Emerald Ash Borer Week. Once infected, trees die in 3-5 years. Mayor Pelfrey asked if a spray is effective against this problem. Perry responded once infected, the trees cannot be saved. He stated it is probably cheaper to replace trees when they are small. He suggested the City does have a plan to address this problem but in light of the severity of the problem, parts of the plan should be addressed. He stated it has spread so fast due to transporting firewood.

Bryan Buchanan addressed Council and stated he is a patron of this pub and voiced support of the effort Mr. Jung and his partner are making at the pub. He stated he is no stranger to violence when growing up. He said the owners of the pub are good hard working people and he feels it is a safe environment. Mayor Pelfrey stated the City does want to accommodate small business and maintain a safe environment for residents. Councilmember Kidd stated he knows they have made improvements to the establishment since he has been on Council. He said it is the Department of Liquor that will decide the matter. He said our Police Department is one of the best in the state and if they say there is a problem with an establishment, Council must listen. Mr. Jung stated the Police Department has been soliciting statements against them from surrounding property owners. Ken Schneider stated it is Council's intent to request a hearing. He stated there are other options the City can take. It is the City's goal to address the numerous offenses at this establishment. Ken also said the Department of Liquor Control will decide the matter and Mr. Jung will be given adequate time to defend his business at that time.

### **COUNCIL OLD AND NEW BUSINESS**

Mayor Pelfrey reported on numerous events in which she represented the City over the past several weeks. She also noted the Memorial Day Parade will take place on May 28, 2007 at 10:00 a.m.

Councilmember Osborne stated the Great Wolf Lodge is new to Mason and is a wonderful facility and recommended it to residents. He said they brought over 700 jobs to the area.

Councilmember Wurzbacher reported the Doctors Urgent Care is now open on Tylersville Road.

### **COMMITTEE REPORTS**

Councilmember Osborne reported the Ad Hoc Committee of Council working on solicitation has an ordinance on tonight's agenda to update the City's position on the matter. He added the

Ad Hoc Committee dealing with the School Board and the partnership with the Community Center have been meeting and making progress. He reported a detailed financial analysis tool is being prepared to evaluate the City's financial position in the future when considering altering current revenue streams. He suggested a worksession be scheduled in June to discuss the matter so all of Council has an understanding of the subject. Mayor Pelfrey directed Eric Hansen to set up the worksession date.

Councilmember Bradburn reported on the Safety Committee discussion on future fire station locations and an update on the status of the boot camp.

### **CITY MANAGER'S REPORT**

Eric Hansen reported on the following items:

- ▶ City offices will be closed on Monday, May 28 for Memorial Day. The Memorial Day parade will begin at 10:00 a.m. through downtown, ending at Rose Hill Cemetery. The Mason Community Center will be open from 8 a.m. to 6 p.m.
- ▶ The Lou Eves Municipal Pool will open for its 12<sup>th</sup> season on Memorial Day weekend, Saturday, May 26 through Monday, May 28. Daily operation of the pool begins on Monday, June 11 through August 19. The pool will be closed on July 3. Hours are noon to 9 p.m.
- ▶ The Mason Police and Fire Departments, in an effort to reduce injuries and the illegal use of fireworks, will visit a total of 11 Mason neighborhoods during May and June. They will have samples of legal and illegal fireworks as well as copies of the city's fireworks ordinance. Jonathan Salatin, the son of a city employee, will accompany them. Jonathan, an Iraqi war veteran, is still recovering from serious injuries he received at home last Independence Day when a fireworks container exploded prematurely. He is helping to stress the importance of leaving fireworks to the professionals. The schedule neighborhoods are posted on the city's web site.
- ▶ The 13<sup>th</sup> annual Sunshine Concert Series begins in Corwin M. Nixon Park on Sunday, June 10. The concerts will start at 6 p.m. and end at 8 p.m. The first concert will feature Robin Lacy & DeZydeco.
- ▶ A transfer of a liquor permit has been received from the Golf Center at Kings Island to the City of Mason. A motion to not require a hearing was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

### **RESOLUTION 2007-09 PROCLAIMING THE WEEK OF MAY 20-26, 2007 AS EMERGENCY MEDICAL SERVICES WEEK**

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

Eric Hansen explained to Council, National Emergency Medical Services Week will be celebrated May 20-26, 2007. He stated Emergency Medical Services Week is an opportunity to recognize the contribution emergency medical services agencies make to the quality of life. Eric

said last year, the City's emergency medical staff responded to over 2,200 emergency medical calls, for an average of more than 6 runs per day.

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 Resolution 2007-09 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

**RESOLUTION 2007-10 PROCLAIMING MAY 20-26, 2007 AS NATIONAL PUBLIC WORKS WEEK**

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

Eric Hansen reported to Council, the purpose of this legislation is to generate public attention and show appreciation to the employees of the City of Mason's Public Works Department. The American Public Works Association sets aside a week in May each year to celebrate those services provided by public works and utilities departments throughout the country. He said services provided by the Public Works Department include street maintenance, snow and ice removal, brush chipping, leaf pick-up, mowing public right-of-way, litter control, maintaining guard rails and traffic signs, street light repair, tornado sirens, vehicle maintenance, storm sewer maintenance, and catch basin restoration.

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 Resolution 2007-10 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

**RESOLUTION 2007-11 ADOPTING THE BUDGET OF THE CITY OF MASON FOR THE YEAR JANUARY 1, 2008 THROUGH DECEMBER 31, 2008**

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

Eric Hansen stated the public hearing for this legislation will be held on June 18, 2007.

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

Mayor Pelfrey stated this legislation appears on the agenda but will be postponed until the June 18, 2007 meeting.

**ORDINANCE 2007-68 APPROVAL OF THE REPLAT OF WALL 2 WALL PUD**

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

Richard Fair, City Engineer, explained to Council, the purpose of this legislation is to approve the replat as recommended by Planning Commission on May 1, 2007. He stated the property is located on the east side of Reading Road and on the north side of Tri-Way Drive. The purpose of the replat is to consolidate lots 2, 3 and 4 into one lot (2A) to allow for a future medical office expansion.

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 2007-68 was made by Councilmember Osborne, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2007-69 APPROVAL OF THE FINAL PLAT FOR MASON SELF STORAGE**

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

Richard Fair explained to Council, the purpose of this legislation is to approve the record plat for Mason Self Storage Center, located on the northeast corner of Bethany Road and S.R. 741. The project includes six buildings on a single lot, which was approved by the Zoning Board of Appeals at their July 25, 2006 meeting. Richard said the buildings range in size from 6,150 to 26,713 square feet and contains a total of 80,213 square feet of storage space. Richard said this plat consolidates the existing lots into one 6.248 acres lot and also dedicates the right of way necessary to meet the 2007 City of Mason Thoroughfare Plan. He also stated Planning Commission recommends approval.

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 2007-69 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-70 APPROVAL OF THE DEDICATION PLAT FOR LICHTENBURG LANDSCAPING**

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

Richard Fair explained to Council, Steve Lichtenberg of Lichtenberg Landscaping is requesting approval of the dedication plat for the development at 1110 and 1170 Western Row Road. The site contains two properties totaling 6.2 acres and is located on the north side of Western Row Road between Reading Road and Snider Road. It is directly across the street from the Mason Industrial Park and Industrial Row Drive. Richard said the owner intends to use the western

property (2.5 acres) as a retail garden store and the eastern property (3.7 acres) for a landscaping contract business. This plat will dedicate right of way to meet the 2007 City of Mason Thoroughfare Plan.

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

1. The existing right of way line does not match what we have on file. Our records indicate that 30'-0" should be dedicated as opposed to the 25'-0" shown.

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 2007-70 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-71 ACCEPTING THE PUBLIC IMPROVEMENTS FOR ROSEMONT MANOR PUD AND RELEASING THE PERFORMANCE BOND**

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

Richard Fair reported to Council, the purpose of this legislation is to release the performance bond and accept the public improvements as recommended by staff. He stated Rosemont Manor PUD is located west of Greenbrier Subdivision and west of Tyler Station Subdivision. Streets to be accepted include Evergreen Court and part of Rosebrook Way. Richard stated the Public Utilities, Public Works, Engineering Department and Greater Cincinnati Water Works have inspected the public improvements. The utilities and other improvements will become the city's responsibility upon acceptance. He added staff recommends accepting the public improvements, contingent on the submission of a one-year maintenance bond.

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 2007-71 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-72 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE ACQUISITION OF PROPERTY LOCATED AT 216 MASON-MONTGOMERY ROAD WITH BOBBY JERRY GLASS, AND DECLARING AN EMERGENCY**

A motion to read by title only was made by Councilmember Osborne, seconded by Councilmember Kidd. 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 property owned by Bobby Jerry Glass. Mr.

Glass owns the property at 216 Mason-Montgomery Road, which is on the east side of Mason-Montgomery just north of Tucker Drive. Eric stated this ordinance will authorize the City Manager to enter into a purchase contract with Mr. Glass for right-of-way frontage and temporary easement needed for the project. He said Mr. Glass has agreed to our appraised amount of \$12,150 for the purchase.

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 2007-72 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-73 AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR AN OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR REMOVAL AND REPLACEMENT OF HANDICAP ACCESSIBLE CURB RAMPS IN THE OLYMPIA FIELDS SUBDIVISION**

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

Jennifer Heft, Assistant City Manager, explained to Council between 1990 and 2002, nearly \$460,000 in CDBG funds had been used for the replacement of curb and gutters, sidewalks, driveway approaches, and street resurfacing in the Meadows Subdivision. She stated in 2003, Mason received its largest CDBG allocation ever, \$52,700, which was used to replace handicap accessible curb ramps along U.S. 42 and various other locations. The FY 2007 grant application is for replacement of handicap accessible curb ramps in the Olympia Fields subdivision.

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

A motion to adopt Ordinance 2007-73 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-74 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MAINLINE ROAD & BRIDGE CONSTRUCTION, INC. FOR THE MUDDY CREEK BIKE PATH PROJECT**

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

Richard Fair explained to Council the purpose of this legislation is to award a contract to the lowest and best bidder for construction of the Muddy Creek Bike Path Project. He stated this project includes installation of a ten-foot wide asphalt bike path along Muddy Creek connecting Mason-Montgomery Road to Pine Hill Lakes Park and a new bridge over Muddy Creek. He said five bids were opened on April 19th with the best and lowest bidder beings Mainline Road & Bridge Construction, Inc. for not to exceed \$462,712.

Richard explained Mainline Road & Bridge Construction, Inc. has never worked in the City of Mason, however references contacted were favorable. ODOT has also recommended awarding the contract to Mainline, as this is an ODOT Local Let Project. 80% of the cost of construction, not to exceed \$347,780 will be reimbursed to the City by ODOT. Construction is expected to begin in June and be completed by August 31, 2007. Richard said this capital project was reviewed by the Finance Committee as part of the 2007 Budget process and \$550,000 was included in the 2007 Budget adopted by Council.

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

A motion to adopt Ordinance 2007-74 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-75 ACCEPTING A PROPOSAL UNDER THE U.S. COMMUNITIES JOINT PURCHASING PROGRAM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LANDSCAPE STRUCTURE, INC., FOR A PLAY BOOSTER PLAY STRUCTURE**

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

Eric Hansen explained to Council, the current playground at Thomas P. Quinn Park is eleven years old and has reached the point that the parts/features are no longer replaceable. Safety and liability concerns warranted the removal of a portion of the equipment last year because replacement parts could not be obtained. He said replacement was discussed and ultimately recommended and included in the 2007 budget. Park Board reviewed various design concepts in January and recommended five concepts. The Parks & Recreation Department sent letters to over 200 households around and near the park requesting their input. He reported thirty-eight residents attended the March 8 meeting to provide input on one of the five concepts that were presented.

The playground has a variety of features for all ages and interests. The City installed a Landscape Structures playground at Heritage Oak Park in 2001 and has found it to be the only playground structure in the City park system installed prior to 2006 that has not experienced any corrosion.

City legal counsel recommended and City Council approved in March 2006 Joint Purchasing Programs, such as US Communities, that are available through state and national association as an alternative to independent bidding. These programs operate similarly to the State Bid program and provide another alternative to pursuing the lowest possible cost.

It is recommended that the Landscape Structures playground be purchased for \$65,755 including shipping, through the US Communities joint purchasing program. The standard price for the



preferred playground equipment is \$67,815 (not including shipping) but US Communities has secured a bid of the same equipment for \$63,746, saving the City \$4,069.

Eric explained once the playground equipment is authorized for purchase, the City will pursue installation of the playground equipment and purchase of rubber mulch for the playground fall zone area. Quotes received for both the installation of the equipment and purchase of the playground rubber mulch are each below \$15,000, so additional legislation should not be required. The playground rubber mulch is considerably less expensive than the pour-in-place rubber and is safe, clean and virtually maintenance free. The rubber mulch was preferred by the residents and recommended by park board.

Eric stated a total of \$100,000 was included in the 2007 Budget for this project, including the installation and playground shock absorption material. Additional lighting for the playground was discussed at the park board meetings and is being pursued for installation this summer.

Councilmember Kidd asked if there was anyway the old play equipment could be of use to someone else. Eric Hansen explained this has been looked at before and it was determined it was not recommended to donate the equipment due to the liability that the city would face. Ken Schneider stated the problem is the lack of willingness of our insurance company to cover the city on this matter. Mayor Pelfrey asked Ken Schneider to review the matter further and determine if there is anything that can be done before this equipment is destroyed.

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 2007-75 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2007-76 ENACTING CHAPTER 707 OF THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO REGARDING CANVASSERS, PEDDLERS, AND SOLICITORS**

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

Eric Hansen explained to Council, on March 10, 2003, Council, as a result of U.S. Supreme Court decisions and recommendation of the City's Law Director approved Ordinance 2003-27 repealing the City's solicitation ordinance. Recently, due to a myriad of complaints from residents about the continuous solicitation in their neighborhoods Council asked staff to re-evaluate implementing a solicitation ordinance. He reported Councilmembers Osborne and Wurzbacher were assigned to review the City's options.

Over the past several months, Chief Ferrell and legal counsel have been working on the development of a new ordinance that is sensitive to local groups, (i.e. Girl Scouts) and fundraising efforts, while remaining effective for more aggressive solicitors.

Eric stated Ordinance 2007-76 will require vendors to register with the Police Department for any sale or solicitation in the City. The administration fee for each registration is \$75. Tax-exempt entities, as defined by ORC Section 5709.04, will be exempted from obtaining a permit. Individual representatives of vendors who have obtained a permit are required to carry a copy of that permit while engaged in solicitation in the City. The ordinance also allows owners of a premise, who oppose any solicitation, to post "No Solicitation" signs at the entry of their premise or the entry to the principal building on the premise that imposes a penalty on vendors violating the signage. In addition, the Ordinance further states that no solicitation tactics shall be employed which are coercive, abusive or misleading. Door-to-door solicitation shall only be between the hours of 9:00 a.m. and 6:00 p.m.

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

Councilmember Osborne explained the process that took place to reach this new solicitation ordinance. He noted efforts were made to not affect non-profit organizations such as the Girl Scouts Cookie Drive. He moved to amend the legislation regarding a change in the hours. The change would allow solicitation until 8:00 p.m. from May through October and until 6:00 p.m. from November through April. Councilmember Wurzbacher seconded the motion to amend. VOTE: ALL YEAS

Councilmember Kline asked for clarification regarding individuals running for an elected office. Councilmember Osborne responded that was not their intention.. Ken Schneider stated this would apply to individuals seeking an elected office.

A motion to adopt Ordinance 2007-76 as amended was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: 5 YEAS, 1 NAY (Kline)

**ORDINANCE 2007-77 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MAINLINE ROAD AND BRIDGE CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE DOWNTOWN MASON STREETScape AND MASON-MONTGOMERY ROAD WIDENING PROJECT**

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

Eric Hansen explained to Council, Ordinances 2007-77 and 78 both deal with the downtown project. He stated the purpose of Ordinance 2007-77 is to award a construction contract to the lowest and best bidder for construction of the Downtown Streetscape and Mason Montgomery Road Widening project and to provide for financing for the Downtown Streetscape portion of the project. Eric stated the Downtown Streetscape and Mason Montgomery Road project consolidates two major projects within the downtown area. The Streetscape project includes burying the utilities along West Main Street, realignment of the intersection of West Main Street and Reading Road, new sidewalks, lighting, on-street parking and a community plaza, which will

include a future icon for Downtown Mason. In order to accommodate for this future icon, staff intends to non-perform a 35'-0" diameter green space in the community plaza and extend the necessary utilities to this area.

Eric further explained the Mason-Montgomery Road project will widen Mason-Montgomery Road between West Main Street and the I & O railroad bridge. This project will install new sidewalks, bike path, curb and gutter from Church Street to the bridge. The roadway will increase in size to three or four lanes from West Main Street to the bridge. Eric said besides a significant cost savings, combining the two projects creates one point of contact to oversee both projects, coordinate traffic detours, reduce construction delays and minimize the disruption that the construction will cause in the downtown area.

Five (5) bids received from construction firms with the lowest and best bid coming from Mainline Road and Bridge Construction, Inc. for \$5,013,708.14. Eric reported Mainline Road & Bridge Construction, Inc. has never worked in the City of Mason, however all references checked were favorable. Construction is expected to begin in June and be substantially complete by July 2008. The City has also been working with Time Warner Cable, Cincinnati Bell, Embarq, Duke Energy and KDL regarding the costs for relocating the overhead utilities underground. Staff estimates these costs will be around \$500,000 and anticipate presenting these reimbursement agreements to Council at a future meeting. Ordinance 2007 - 78 provides for the issuance of not-to-exceed \$5.8 million bond anticipation notes to finance the Downtown construction portion of this project.

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

Mayor Pelfrey stated she has worked on this project for 7 years along with other key partners including the DMA Association, local businesses, Council and city staff. She stated she is concerned about the inconvenience to local businesses as the work is being done and she encouraged community support during the construction.

A motion to adopt Ordinance 2007-77 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-78 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$5,800,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PROVIDING FUNDS FOR DOWNTOWN IMPROVEMENTS AND DECALRING AN EMERGENCY**

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

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

A motion to adopt Ordinance 2007-78 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2007-79 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,350,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING REAL ESTATE IN THE CITY AND DECLARING AN EMERGENCY**

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 purpose of Ordinance 2007-79 is for the re-issuance of Bond Anticipation Notes for the acquisition of property known as White Oak Farms. He stated this property is located on the west side of SR 741, north of Binion Way and contains approximately 142 acres. He also stated Ordinance 2007-80 authorizes the re-issuance of Bond Anticipation Notes for the construction of Mason Sports Park. He noted on November 13, 2006, Council approved Ordinance 2006-153, which authorized the issuance of an amount not to exceed \$5.8 million bond anticipation notes for the construction of the Mason Sports Park. This amount includes the base bid, alternates and contingency amounts for each contract.

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 2007-79 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2007-80 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$5,600,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE FO MAKING PARK AND RECREATION IMPROVEMENTS IN THE CITY AND DECLARING AN EMERGENCY**

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 Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-80 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-81 DECLARING CERTAIN CITY EQUIPMENT AT THE OLD WATER RECLAMATION PLANT AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO ADVERTISE, AUCTION AND ENTER INTO A CONTRACT FOR SALE OF SAID EQUIPMENT**

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

Jennifer Heft explained to Council, Ordinance 2007-81 is a housekeeping item necessary to dispose of surplus city property through public auction. She stated in May 2006, the City's new Water Reclamation Plant (WRP) on Mason-Morrow-Millgrove Road was placed in operation. All City sanitary sewage flow was diverted from the old WRP on US 42 North to the new WRP. With the exception of the emergency generators, the fixed equipment at the old WRP was not suitable for use at the new WRP, due to technological advances since the old WRP was last updated in the mid 1990's and capacity differences. The equipment has been well maintained and is in good condition. Staff has taken a complete inventory of such items and is currently arranging to dispose of these items through auction. Surplus property has little remaining use for the City, but some monetary value on the open market. A limited market exists for possible sale of the equipment to other municipalities or to various industrial establishments.

Councilmember Bradburn asked for a list of the surplus items. Eric Hansen read the list of 20 items declared as surplus. Councilmember Bradburn asked what the long term plans are for the old plant. Eric responded the buildings are in good shape. They are providing storage until a long term overall property assessment is done on City property.

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

A motion to adopt Ordinance 2007-81 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**RECOGNITION OF VISITORS** None

**EXECUTIVE SESSION**

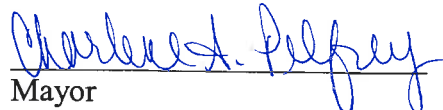
A motion to adjourn into executive session for the purpose of discussing land acquisition, personnel and litigation was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

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

**ADJOURN**

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Kidd.  
VOTE: ALL YEAS  
TIME: 11:20 p.m.

  
Clerk of Council

  
Mayor