

**CITY OF MASON  
COUNCIL MEETING  
June 18, 2007**

Mayor Pelfrey called the meeting to order at 7:10 p.m. Pastor Tom Moll opened the meeting with a prayer. Those in attendance recited the pledge of allegiance.

**ATTENDANCE**

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

**APPROVAL OF MINUTES**

A motion to amend the minutes of the May 21, 2007 meeting was made by Councilmember Kline, seconded by Councilmember Wurzbacher. The amendment clarifies the discussion on Ordinance 2007-76 regarding how the solicitation restrictions impact those running for public office. Ken Schneider confirmed the language does apply to those individuals. A motion to approve the minutes as amended was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: 5 YEAS, 1 ABSTAIN (Osborne)

**RECOGNITION OF POLICE OFFICER ANDREW HERRLINGER**

Police Chief, Ron Ferrell introduced Andrew Herrlinger and explained his unselfish act of donating bone marrow to an individual with cancer. Mayor Pelfrey read a proclamation honoring this unselfish act.

**RECOGNITION OF MASON GIRLS VARSITY SOFTBALL TEAM**

Coach Brian Caster introduced the girls on this team who were in attendance. He explained they had been successful in reaching the state final four team competition. He said they finished with a 17-4 record.

**RECOGNITION OF VISITORS**

Mary Lou Shields of 5635 Lakeview Drive addressed Council and thanked them for their participation in the Memorial Day parade. She also asked the City to post no parking signs on Lakeview for the July 3<sup>rd</sup> event. She stated every year people park there and it is dangerous, as emergency vehicles would not be able to travel through. She also asked why the pedestrian bridge closed from Short Street to the cemetery. Richard Fair explained the Warren County Engineer stated it was unsafe.

**COUNCIL OLD AND NEW BUSINESS**

Mayor Pelfrey noted the various functions she has participated in and she noted the flags should be installed around the Veteran's Memorial for the July 3<sup>rd</sup> event. She noted the Wall of Tears has lime deposits and is not operating as intended. She stated she has contacted Pete Beck who chaired the Veteran's Memorial Committee to call a meeting and discuss the matter. Mayor Pelfrey also distributed copies of a letter she received from Christina Shepard and asked Council to review the matter as it would be discussed later.

### **COMMITTEE REPORTS**

Councilmember Osborne reported the cash flow planning tool is complete and he requested a worksession for Council to discuss the matter. He also stated the Community Center Committee has been meeting and is seeking partners to expand the facility. He noted they are working with the schools to make certain the plans coincide.

Councilmember Bradburn reported on the meeting with the Tree Committee and the Public Utilities Department to discuss the Emerald Ash Borer. He discussed some products that are on the market that state they are very effective. These products have to be applied every year. Perry Schwartz, Tree Committee member, said if the tree gets infected, it cannot be saved. Eric Hansen clarified the trees the City maintains are in the medians and the ones the City installed along major road ways such as Tylersville Road. It does not include those installed between the sidewalks and curbs in subdivisions. The City does not maintain trees in the right of way unless there is a specific safety issue. Councilmember Bradburn stated he has requested additional information from David Riggs on this product and he said if the City elects to use it, he would like the contract to be written so the homeowners associations could also receive the same price the City receives. Eric said a public information plan would be done if research proves this is a viable option. Mayor Pelfrey asked Eric to provide more information at the next meeting.

Councilmember Bradburn also reported the cost of replacing the pedestrian bridge is \$50,000-\$60,000. He stated the Committee is reviewing cost options, as this was not included in the budget.

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

Eric Hansen reported on the following items:

► The next regular meeting of the WCML will be held on Wednesday, June 20 beginning at 6:00 p.m. at Chantrell's in Springboro. The topic is emergency planning and will feature demonstrations of the County Haz/Mat unit and the mobile Communications Command Center. Program guest is Dave Hagerty of Conestoga-Rovers & Associates.

► The 3<sup>rd</sup> annual Kidz Safety Fest, hosted by the Mason Fire Department, will be held on Saturday, June 23 from 1:00 to 5:00 p.m. at Fire Station #52 on Cedar Village Drive. Events will include a fire safety magician, fire extinguisher demos, the Kids Fire Safety House and much more. Attendance is free and open to the public.

► The City will sponsor a special “executive session” for elected officials, administrators and executive staff from the business community on the National Incident Management System (NIMS). The two-day meeting will offer a unique overview of NIMS training and how local government can become NIMS compliant. David Hagerty of Conestoga-Rovers & Associates will be the program manager. The program is planned for Tuesday, June 26 from 1:30 to 4:30 p.m. and a follow-up session on Wednesday, June 27 from 9:30 a.m. to 1:30 p.m.

► The outdoor Lou Eves Municipal Pool will be closed on Tuesday, July 3 to prepare for the evening’s annual Red, Rhythm & Boom celebration at Corwin Nixon Park. Lou Eves Municipal Pool 2007 pass holders are invited to show their outdoor pool pass at the Mason Community Center for free admission to the indoor pool from noon to 5 p.m. on July 3.

► Red, Rhythm & Boom will be celebrated on Tuesday, July 3, at Corwin Nixon Park from 6:00 to 10:30 p.m. At 7:00 p.m. the Mason Idol winners be presented, followed by our feature acts, Kansas and Asia at 8:00 p.m. There will also be face painting, wall climbing, magic shows, food, and many other free activities from 6:00 p.m. until dark. The fun concludes with fireworks at 10:30 p.m.

► City offices will be closed on Wednesday, July 4 in observance of the Fourth of July holiday.

**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 Bradburn, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Eric Hansen explained to Council adoption of this legislation justifies receipt of local government monies as required by the State of Ohio.

Mayor Pelfrey opened the public hearing at 7:58. Hearing no comments either for or against this legislation, she closed the public hearing at 7:59 p.m.

A motion to adopt Resolution 2007-11 was made by Councilmember Bradburn, seconded by Vice Mayor Grossmann. 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 Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Richard Fair explained to Council, revisions were approved to the Stormwater Manual at the December 11, 2006. City Council asked staff to continue to work with the Ohio Valley Development Council (OVDC) to address their concerns on the following requirements:

1. Basins must be located on individual lots owned by the HOA. (Section 3.2.2.B)
2. Mechanical aeration or fountains must be installed in retention basins to help control algae. (Section 3.2.2.m)
3. The developer must prepare and submit a facility maintenance plan as part of the construction drawing and stormwater design calculations approval. (Section 3.2.5)

Richard reported staff has worked with OVDC and incorporated all of their suggested modifications in the attached document with the following exception:

OVDC would like to maintain the ability to limit access to the basin to maintenance purposes only. This means that not all basins will be accessible for use by the residents of the community. Staff and Planning Commission are concerned that with no access by the community, these basins will become neglected. Residents typically do not want to contribute their HOA funds toward something they do not have the ability to access.

Richard stated the summary of the proposed amendments is as follows:

Section 3.2.2.B Adds the ability to place an easement around basins rather than requiring to be on an individual lot and adds the ability to utilize a Lake Maintenance Association (LMA) as long as all homeowners in the subdivision are members of the LMA.

Section 3.2.2.5 Allows for draft maintenance plan to be submitted during construction drawing review and requires the final plan to be submitted prior to platting of the first section in a subdivision.

Richard concluded the proposed changes are a compromise and have addressed most of OVDC's concerns. However, staff and Planning Commission recommend that retention basins be constructed with mechanical aeration and stormwater facilities be accessible for use by all members of the subdivision.

Mayor Pelfrey opened the public hearing at 8:03 p.m. Hearing no comments either for or against this legislation, she closed the public hearing at 8:04 p.m.

A general discussion took place among Councilmembers on the various causes of algae and how it can be prevented. This problem has been brought before Council from existing subdivisions and Richard Fair said staff has comprised with the Ohio Valley Development Council to suggest these amendment however, they may be hard to implement. Councilmembers expressed concern over allowing public access to lakes located at the rear of a resident's property. Richard Fair stated retention ponds cause the problem while detention ponds do not.

A motion to table this legislation and refer it back to the Utility Committee was made by Councilmember Osborne, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2007-82 APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A RESIDENTIAL UNIT IN A B-1 ZONED BUILDING AT 216 KINGS MILLS ROAD**

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

Eric Hansen stated a public hearing will be held on this legislation on July 16, 2007.

**ORDINANCE 2007-83 APPROVAL OF THE DEDICATION PLAT FOR CHRIST'S CHURCH AT MASON**

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

Richard Fair explained to Council, this property is located at the southwest corner of Western Row Road and Mason-Montgomery Road. The subdivision consists of two lots separated by right-of-way, which is provided for the future extension of Central Park Blvd. The plat will dedicate 0.337 acres from Lot 1 (renamed to Lot 1A) and 0.035 acres from Lot 2 (renamed to Lot 2A) along Western Row Road and will also establish a drainage easement for a future storm connection. Richard reported Planning Commission recommend approval of this legislation.

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

A motion to adopt Ordinance 2007-83 was made by Councilmember Osborne, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2007-84 APPROVAL OF THE DEDICATION PLAT FOR LENSRAFTERS SUBDIVISION**

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

Richard Fair explained to Council, this property is located at the northwest corner of Western Row Road and Tylersville Road. This plat will dedicate 0.065 acres of right of way along Western Row Road. He reported Planning Commission recommends approval of this legislation.

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

A motion to adopt Ordinance 2007-84 was made by Councilmember Wurzbacher, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

**ORDINANCE 2007-85 APPROVAL OF THE FINAL PLAT FOR PROMARK ENTERPRISE PARK**

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

Richard Fair explained to Council, Promark Development Inc. is requesting final plat approval for a 51.123-acre industrial park located on S.R. 741, ½ mile north of Bethany Road directly south of the City owned Industrial PUD. The property is zoned I-1 Light Industrial and contains 9 lots. Lots range from 2.0 acres to 27 acres in size. Richard stated there is a 150'-0" utility easement that bisects the property. Acceleration, deceleration, and a left turn lane will be added to S.R. 741 where Welden Drive connects. This plat will dedicate the right-of-way, utility, sanitary and storm sewer easements necessary for this subdivision. Richard said Planning Commission recommends approval with four contingencies the most important is submit subdivider's contract and performance bond (\$165,000).

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

A motion to adopt Ordinance 2007-85 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-86 APPROVAL OF THE FINAL PLAT FOR MASON POINTE SUBDIVISION**

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

Richard Fair explained to Council, Ed Redwine with IND-COM Builders is requesting approval of the record plat for Mason Pointe Subdivision. This site, zoned I-1, is located on the south side of Bethany Road, approximately 700 feet west of the Bethany Road/S.R. 741 intersection. Initially, the applicant proposed the internal roadway, Mason Pointe Drive, to be public but is now requesting to establish it as private road. Richard stated as a private road, it will be the property owner's responsibility to maintain. This plat will provide the necessary access easements to establish Mason Pointe Road as well as the sanitary, utility and drainage easements. Richard reported Planning Commission recommends approval of the final plat with six contingencies the major one being the submission of a subdivider's contract and performance bond for public improvements other than roadway.

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

A motion to adopt Ordinance 2007-86 was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2007-87 AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO EXECUTE AND SIGN A PETITION TO CREATE SANMARGALE NEW COMMUNITY AUTHORITY, ON BEHALF OF THE CITY OF MASON, OHIO, AS THE "PROXIMATE CITY" UNDER OHIO REVISED CODE CHAPTER 349, AND DECLARING AN EMERGENCY**

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

Eric Hansen explained to Council, a New Community Authority is a development vehicle created by the State of Ohio that allows a developer to create a public body to oversee development and public infrastructure improvements for the unincorporated area that comprises the Authority. A New Community Authority is able to assess each resident a "Community Development Charge" which can be used to pay for improvements, operating, and maintenance costs for community facilities. The charge can also be used to pay debt service on bonds issued to pay costs for the development. While the New Community Authority does have the ability to pursue public improvements, it does not have zoning power or ability to provide police or fire services.

The SanMarGale development is neither in nor adjacent to the City of Mason. Eric explained it is a development on over 3,200 acres of land in Turtlecreek and Wayne Townships. It is known as SanMarGale, and includes condominium, single-family, retail, as well as open space and recreational uses. Upon full development, the project is expected to include over 2,100 housing units. The City of Mason will not have any responsibility or liability for debts of the New Community Authority and the Authority will not impact the City of Mason's own debt capacity. The City of Mason will not have any jurisdiction or be responsible for any services within the New Community Authority. Eric further explained the State legislation that established the New Community Authority concept, required that the "proximate" or largest City in the County approve the petition creating the Authority before it can be presented to the County Commissioners for final approval. This is the only reason the City's participation is necessary.

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

A motion to adopt Ordinance 2007-87 was made by Councilmember Osborne, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2007-88 AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH MARK LAY FOR LEGAL COMPLIANCE OF ENCROACHMENT**

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

Richard Fair explained to Council, Mark Lay, of 304 West Church Street, built a fence that encroached on property to the east and west of his site. When subsequently going through the permit process, it was discovered that while the fence could be relocated onto his parcel, his existing driveway and garage encroached onto City of Mason property adjacent to the west. Richard said to facilitate a settlement of the situation, the City of Mason can enter into a property license agreement that would allow Mr. Lay's encroachment to remain. However, should the garage or driveway be removed for any reason Mr. Lay or a future property owner is required

rebuild entirely on their property. Richard stated allowing the portion of the garage or driveway to remain on City property does not appear to have had any harmful affect on the City

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 2007-88 was made by Councilmember Kline, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

**ORDINANCE 2007-89 AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUTUAL RELEASE AND SETTLEMENT AGREEMENT WITH ERIE INSURANCE CO. REGARDING THE GREENVILLE GLASS BOND CLAIM**

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

Jennifer Heft explained to Council, during the construction of the Mason Municipal Center, one of the prime contractors, Greenville Glass Company could not provide materials and labor and thereby defaulted on their contract. The City of Mason, with the assistance of Dugan & Meyers, the construction managers on the project, declared Greenville in default and contacted their bonding company for compensation to complete the contract and repair faulty work already installed. A substitute glass company was authorized to finish the work while the negotiations were underway. Jennifer stated after repeated rounds of documentation, building testing, investigation and negotiation, staff and legal counsel are recommending release of the bond by accepting \$101,896.76. This money is reimbursement to the City for funds paid to the substitute glass contractor and material suppliers in order for them to complete the glass installation contract and repair faulty work by Greenville Glass. These funds will also offset the City's cost to make repairs to the windows and doors. Jennifer concluded this action would close the final contract for the Mason Municipal Center project.

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 2007-89 was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2007-90 AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE WARREN COUNTY COMMISSIONERS REGARDING VICTIM WITNESS ADVOCATE SERVICES IN THE ANNUAL AMOUNT OF \$20,000**

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

Eric Hansen explained to Council, at the April 9<sup>th</sup> Council meeting, Warren County Prosecutor Rachel Hutzel discussed the Victim Advocate program her office runs. State Code obligates



local Municipal Courts to provide Victim Witness Advocate services to victims of crimes for those cases filed within the Municipal Court. Eric stated the County has provided these services at no cost to the City for many years. However, the County Prosecutor has experienced an increase in caseload without a similar increase in staffing and can no longer provide these services at no cost. The County Prosecutor is asking each City in Warren County with a Municipal Court to annually provide \$20,000 to offset the expenses of continuing to provide Victim Witness Advocate services. The Prosecutor's office would hire, train, and supervise a Victim Witness Advocate to provide these services for Municipal Courts in Warren County including cases filed in Mason Municipal Court. He further explained the agreement would be ongoing at an annual cost of \$20,000 and could be terminated by either party with 60 days notice. The Court Liaison Committee has reviewed this request.

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

A motion to adopt Ordinance 2007-90 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-91 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT NOT TO EXCEED \$500 FOR THE ACQUISITION OF PROPERTY AT 209 MASON-MONTGOMERY ROAD WITH MASON GRANGE NO. 1680, AND DECLARING AN EMERGENCY**

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

Richard Fair explained to Council, as part of the Mason-Montgomery Road Improvement Project, it is necessary to acquire a portion of the property owned by Mason Grange No. 1680. The Grange owns the property at 209 Mason-Montgomery Road, which is on the west side of Mason-Montgomery just south of Tucker Drive. Richard stated this ordinance will authorize the City Manager to enter into a purchase contract with the Grange for 0.004 acres (193 square feet) of right-of-way frontage needed for the project. The Grange has agreed to our appraised amount of \$500 for the purchase. Richard reported this is the final right-of-way purchase needed for the project.

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

A motion to adopt Ordinance 2007-91 was made by Vice Mayor Grossmann, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2007-92 AUTHORIZING A PAYMENT TO CINCINNATI BELL IN AN AMOUNT NOT TO EXCEED \$150,000.00 FOR THE UTILITY RELOCATION IN DOWNTOWN MASON**

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

Richard Fair explained to Council Ordinances 2007-92 through 2007-96 all deal with the work being done in downtown area. The purpose of the legislation is to authorize reimbursement payments to Time Warner Cable, Cincinnati Bell, Embarq, Duke Energy and KDL for the relocation of the overhead utilities to underground in downtown Mason. Richard stated Mainline Road and Bridge will install the conduit for these utilities as part of the Downtown Streetscape project. Approval of these ordinances will allow for reimbursement payment for the removal of the overhead utilities along West Main Street between Forest Ave. to Mason-Mason Montgomery Road and along Reading Road between 1<sup>st</sup> Ave. to West Main Street. The cost estimates for this work are as follows:

Duke Energy	\$175,000.00
Time Warner Cable	\$ 45,000.00
KDL	\$ 30,000.00
Cincinnati Bell	\$140,000.00
Embarq	\$120,000.00

Richard reported the overhead lines will be relocated underground, rerouted around downtown or removed because they are no longer necessary. Richard also stated he was notified today the cost has been corrected by Cincinnati Bell to a not to exceed cost of \$150,000.

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

A motion to amend the ordinance to read \$150,000 instead of \$140,000 was made by Vice Mayor Grossmann, seconded by Councilmember Kline.

A motion to adopt Ordinance 2007-92 as amended was made by Vice Mayor Grossmann, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2007-93 AUTHORIZING A PAYMENT TO EMBARQ IN AN AMOUNT NOT TO EXCEED \$120,000.00 FOR THE UTILITY RELOCATION IN DOWNTOWN MASON**

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

A motion to adopt Ordinance 2007-93 was made by Vice Mayor Grossmann, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2007-94 AUTHORIZING A PAYMENT TO KDL IN AN AMOUNT NOT TO EXCEED \$30,000.00 FOR THE UTILITY RELOCATION IN DOWNTOWN MASON**

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

Richard Fair stated this work included installing fiber conduit in the downtown area.

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 2007-94 was made by Vice Mayor Grossmann, seconded by Councilmember Kline. VOTE: ALL YEAS

Mayor Pelfrey explained to accommodate the visitors, Council will be addressing Ordinance 2007-99 next.

**ORDINANCE 2007-99 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH UNION TOWNSHIP FOR THE ANNEXATION OF 262.967 ACRES TO THE CITY OF MASON (FALLS OF MASON, LLC)**

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

Eric Hansen stated the purpose of this legislation is to enter into an agreement with Union Township for the annexation of 262.967 acres. He explained to Council, on March 27, 2002 the new annexation law became effective in Ohio. This law provides for three special 'expedited' proceedings to annex territory into the City when 100% of the owners desire annexation. When the special 'expedited' proceedings are used, annexed territory must remain in the Township unless the township formally agrees to detach the territory in the special proceeding known as an 'Expedited Type 1' proceeding. There have been two annexations in Mason under the new law utilizing the Expedited Type 2 proceeding where there is no township agreement. These properties were not detached from Deerfield Township and remain both in the City of Mason and Deerfield Township and, as a result are subject to paying real property taxes in both the city and the township (including both fire levies). If residential property were to be annexed without detaching the territory from the township, the residents would be subject to real property taxes in both the township and the city and would be able to vote in both jurisdictions.

Eric stated this agreement between the City of Mason and Union Township allows the territory to be annexed and then detached from Union Township and placed in Mason Township. The developer has also reached an agreement with Union Township, which requires them to make payments to the township to compensate for lost tax revenues and to dedicate right-of-way on Cox-Smith Road for future road improvements. The developer's agreement removes the City's obligation to compensate Union Township over a 12-year period as provided in the annexation law. In addition, future Mason residents will avoid double taxation by not being subject to the township's property taxes. The City will provide all services, including police, fire and

emergency medical services to the property upon acceptance of the annexation, which could be by the end of summer.

He reported on August 23, 2004 City Council, approved Ordinance 2004-111 authorizing the City Manager to enter into a pre-annexation agreement with the Falls of Mason, LLC for the commitment for sewer service in order to close on the property. The developer now seeks to have a 263-acre parcel served by Mason's utilities. The property is adjacent to the City's water reclamation plant on Mason-Morrow-Millgrove Road and straddles both sides of the roadway with the southern track abutting Cox Smith Road. The City of Mason corporation limit is adjacent to the west and south property lines and the City of Lebanon corporation limit is adjacent on the east property line. The property is also in two school districts with 165-acres being in the Kings Schools and 98-acres in Mason Schools. The developer's current concept plans show the west portion of the property as an extension of the Carmelle subdivision and the east portion as a new subdivision called Falls of Mason both with a density less than 2 units/acre.

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

A motion to adopt Ordinance 2007-99 was made by Vice Mayor Grossmann, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2007-95 AUTHORIZING A PAYMENT TO TIME WARNER CABLE COMMUNICATION IN AN AMOUNT NOT TO EXCEED \$55,000.00 FOR THE UTILITY RELOCATION IN DOWNTOWN MASON**

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

Richard Fair stated Time Warner contacted him today and said the cost is incorrect and should be \$55,000. They explained they had missed one of their cables. Richard stated we have received no documentation for the cost estimate. Vice Mayor Grossmann suggested we authorize the expenditure but ask administration to obtain documentation verifying the expenditures.

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

A motion to amend the ordinance to \$55,000 instead of \$45,000 was made by Vice Mayor Grossmann, seconded by Councilmember Kline.

A motion to adopt Ordinance 2007-95 as amended was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2007-96 AUTHORIZING A PAYMENT TO DUKE ENERGY IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR THE UTILITY RELOCATION IN DOWNTOWN MASON**

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

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

Councilmember Osborne stated on all of these expenditures for the downtown utility work, we need documentation prior to paying the bill.

A motion to adopt Ordinance 2007-96 was made by Vice Mayor Grossmann, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2007-97 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT IN THE AMOUNT OF \$23,200 WITH LJB, INC. FOR A FEASIBILITY INVESTIGATION AND DESIGN OF SANITARY SEWER EXTENSIONS IN THE AREA SOUTH OF BETHANY ROAD AND WEST OF MASON-MONTGOMERY ROAD**

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

Eric Hansen explained to Council, the purpose of this legislation is to provide for design of sanitary sewers to eliminate the City's existing Parkside Lift Station and to make sanitary sewer service available to numerous unsewered residents in the area south of Bethany Road and west of Mason-Montgomery Road. Eric stated in 2005, LJB, Inc. was authorized to study the feasibility of eliminating the existing Parkside Lift Station, located on the south side of Bethany Road. The study determined that the lift station could be eliminated by the construction of a sanitary sewer running easterly in Bethany Road and tying into the existing gravity sewer at Heartwood Lane, Crooked Tree Subdivision. In the course of the study, it was found that a number of residents within the City limits south of Bethany Road and west of Mason-Montgomery Road were not sewerred, and that construction of a sewer from the Parkside Lift Station to Heartwood Lane could increase the feasibility of sewer extensions to serve these residents. This new sewer line would also provide service for the future development west of Mason Montgomery Road.

Eric reported an informational meeting was held on January 15 for residents located on Bethany Road, to discuss this project. These residents were interested in the future construction of a City sewer line and their ability to tap into that line. Eric stated LJB, Inc. was requested to submit a proposal for design of the sanitary sewer between the Parkside Lift Station and Heartwood Lane, and for evaluation of additional sewers to serve unsewered residents in the area. LJB, Inc. submitted a proposal in the amount of \$23,200, which staff considers very reasonable for the work involved. He reported this project was reviewed by the Finance Committee as part of the 2007 Budget process. The Utility Committee has also had a chance to review this project.

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

A motion to adopt Ordinance 2007-97 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-98 AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATIONS FOR AN OHIO PUBLIC WORKS COMMISSION, DISTRICT 10 STATE ISSUE 1 GRANT FOR PROJECTS SUBMITTED FOR PROGRAM YEAR 24**

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

Eric Hansen explained to Council, the City intends to continue the tradition of applying for State Issue 1 funds Program Year 24 which is 2010 this year. He explained the applications are due to Warren County by June 22, 2007 for Program Year 24 funding which begins in July 2010. Staff has identified the widening of US 42 from Butler-Warren Road to Tylersville Road as timely, high priority project for the City. The grant request is for \$1 million dollars.

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

A motion to adopt Ordinance 2007-98 was made by Vice Mayor Grossmann, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2007-100 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT, IN THE AMOUNT OF \$89,626.09 WITH CDW GOVERNMENT, INC. FOR THE PURCHASE OF FOURTEEN (14) PANASONIC CF-30 TOUGHBOOK MOBILE DATA COMPUTERS; TWO (2) GB OF ADDITIONAL MEMORY FOR EACH; TWENTY (20) MOUNTING SYTEMS; AND TWENTY (20) CF-30 COMPATIBLE DOCKING STATIONS**

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

Jennifer Heft explained to Council, the purpose of this legislation is to replace the mobile data computers to serve the public safety of residents in Mason. She stated the current Mobile Data Computers (MDC's) were ordered at the end of 2003 and received in January of 2004. These MDC's were ordered based on specifications developed by the Warren County Telecommunications Department, in order to be compatible with their system. Over the past three years, Warren County has continued to upgrade their system and capabilities. The County's latest upgrade converted their system to a new mobile interface product, Vision Tek, which requires significantly more processing power than the City's current MDC's are capable of providing. The City's current MDC's are not capable of being upgraded to these new specifications.

Jennifer further explained, compatibility with the County has a number of significant benefits including CAD dispatches directly to the patrol vehicles and direct access to LEADS, which is the state wide computer data base that provides information related to individuals driving records

and registration information The system will also provide remote access to the city's internal network, including the department's records management system (RMS), allowing field based reporting. The GSA contract is part of the State's Cooperative Purchasing program.

Jennifer added in addition to the computers, docking stations and mounts are required, but not yet available. The estimated cost for per station and mount is \$1,000. The total estimated cost will be \$89,626. She reported this project was reviewed by the Finance Committee as part of the 2007 Budget process. The Safety Committee has also had an opportunity to review this project. With a 30-day delivery period and a County estimate of one week per unit for setup and imaging, the units won't be available for installation for several months.

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

A motion to adopt Ordinance 2007-100 was made by Councilmember Bradburn, seconded by Councilmember Kline. VOTE: 5 YEAS-1 Abstain (Osborne)

**ORDINANCE 2007-101 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT, IN THE AMOUNT OF \$47,589.15 WITH STEINKE TRACTOR SALES, INC. FOR THE PURCHASE OF ONE (1) 2008 NEW HOLLAND TRACTOR**

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

Jennifer Heft explained to Council, the Public Works fleet currently has three tractors that are used for mowing the City right-of-way. The proposed 2008 New Holland tractor with mower will replace the 1994 Ford 260 tractor with flail mower attachments that is used for mowing over 42 miles of right-of-way. During 2006, even though the tractor was out of service for repairs in eight different months, it still was utilized for over 400 hours of mowing City right-of-way. October's repairs included a failing hydraulic cylinder and leaking hydraulic lines. The tractor was purchased in 1994 at a cost of \$38,655 and by the time it is replaced the repair costs will exceed the purchase price. Jennifer reported both the Council Equipment and Finance Committees' recommended the replacement of this vehicle as part of the 2007 Budget process. The 2007 Budget included \$44,000 for the purchase of a tractor. This tractor will be purchased as part of the State's Cooperative Purchasing Program. The actual state bid price is \$47,589.15, which includes a rear and side flail mower. The 8% cost increase can be attributed to the increase in steel prices and significant changes to the new diesel engines required to meet EPA clean air requirements.

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 2007-101 was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: 5 YEAS-1 ABSTAIN (Bradburn)

**RECOGNITION OF VISITORS**

Perry Schwartz of 6309 Tartan Fields Lane, addressed Council and mentioned residents be reminded to water trees in light of the lack of rain in our area.

Vice Mayor Grossmann asked Rick Inskeep if he would be available to answer questions regarding a petition he is circulating. He refused the opportunity.

**EXECUTIVE SESSION:**

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

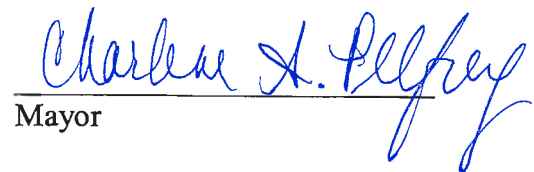
A motion to reconvene into regular session was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ADJOURN**

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

Time: 10:25 p.m.

  
Clerk of Council

  
Mayor