

**CITY OF MASON
COUNCIL MEETING
September 10, 2007**

Mayor Pelfrey called the meeting to order at 7:10 p.m. Pastor J.D. Childers opened the meeting with a prayer. 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 and Charlene Pelfrey. Steve Osborne was absent.

APPROVAL OF MINUTES

A motion to approve the minutes of the August 27, 2007 meeting was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

RECOGNITION OF VISITORS

Don Williams of West Church Street addressed Council and asked Council to give serious consideration to repairing the pedestrian bridge. He said it has a lot of meaning for him and his wife. He then asked Eric Hansen what the current debt amount was for the City. Eric replied projected for 2008 is \$97.5 million. He said this may be slightly high due to the inclusion of the Western Row Road project. Don asked if the issues to appear on the ballot in November means that those working outside the City but living in Mason will not pay for the services that are provided. Eric replied if a resident pays 1% or more to another jurisdiction, they will not be liable for any income tax to Mason after the phase in. Vice Mayor Grossmann stated a Mason resident who pay taxes to another City does not decide if all or a portion of the municipal taxes he or she pays is returned to Mason. Mason makes that decision. He continued by stating Mason could enter into sharing agreements with other cities whereby it receives all or a portion of the municipal taxes our residents pay to other cities. Mason is not interested in doing that because it would lose money by doing so. Vice Mayor Grossmann stated the Finance Committee of Council determined the City collects more from non-residents than residents and thus determined it is not in the City's best interest to enter into a reciprocity or tax sharing arrangement with other entities. Don stated in 1971 the City put in place an income tax because they need the finances to maintain the services. He said at that time it was determined the fair way was to have everyone share with the paying for the services. He said everyone pulled together such as after the 1974 tornado that hit the City. He added "Heritage Days" used to be known as "Community Unity Days". He added he has heard talk about an amusement tax and charging service fees. He said that is not needed if this issue does not pass. He concluded by stating 97.5 million dollars of debt is a lot of money and it is the City's responsibility to see it gets paid. He quoted Socrates "our purpose in founding the city is not to make any one class surprising happy but to make the whole city as happy as possible." Vice Mayor Grossmann asked if Don knew why so many other cities offer a full credit. Don replied I don't know. Vice

Mayor Grossmann he said we will be dealing with facts in the future. Vice Mayor Grossmann said he appreciated his thoughts and there will be public debate about this topic. He asked that we have an open honest sincere debate that is at all times respectful. Councilmember Kidd said he did not support this concept but voted to allow the residents to decide the matter on the ballot. He wants the residents to be informed through an intelligent kind debate with the facts being discussed in public.

COUNCIL OLD AND NEW BUSINESS

Councilmember Kline noted CNG Financial has announced they are relocating from Mason to Kenwood in 2008. He stated they received an abatement from the City and requested the matter be reviewed by the Economic Development Committee and the Law Director to determine if the City can revoke the abatement. Eric Hansen stated the property owner receives the abatement and must live up to the terms of the agreement. He said in the past, Mason has been successful in attracting new business to replace those who move. Mayor Pelfrey referred the matter to the Economic Development Committee for further to review.

Mayor Pelfrey stated she had the opportunity to present and recognize Karch Kiraly a 3 time Olympic champion in volleyball during the event held in Mason last week. He was presented with the key to the City and a proclamation recognizing his accomplishments.

Vice Mayor Grossmann congratulated the four residents running for election to Mason City Council.

COMMITTEE REPORTS

Councilmember Bradburn reported the Public Works Committee met to discuss the pedestrian bridge that will come before Council tonight in Ordinance 2007-128. He also said the topic of various designs options for the I-71 at Western Row interchange were discussed.

Mayor Pelfrey said the Festivals of Mason Committee met and discussed the desire to add structure, accountability and documentation in the future. She added the clerical support will be supplied by the City instead of the Chamber in the future.

Councilmember Wurzbacher reported on the ribbon-cutting event for Sinclair College.

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

- ▶ A Council Work Session is planned for Thursday, September 13 at 6 p.m. in the Community Room.
- ▶ The Park Board meeting scheduled for September 13 has been moved to September 20 beginning at 7:00 p.m. in the 2nd floor Classroom.

► Deerfield Days will be held on Saturday, September 15, 2007 at Cottell Park and Mayor Pelfrey will participate in a “scoop off” against Township Trustee Dan Corey. The City will participate with a booth.

► The Mason Arts Festival will be held on Sunday, September 23, 2007 on the grounds at the Municipal Center. That event is from 10-5:00 p.m.

EXECUTIVE SESSION

Mayor Pelfrey stated a brief executive session will be held at this time pertaining to property acquisition. Councilmember Kline moved to adjourn into executive session, seconded by Councilmember Bradburn. VOTE: ALL YEAS

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

ORDINANCE 2007-107 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BRAY-ARNSPERGER EXCAVATING, INC., IN THE AMOUNT OF \$432,622.50, FOR THE CONSTRUCTION OF THE MASON SKATE PARK PROJECT

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

Eric Hansen provided a brief history of this legislation stating it was first introduced to Council in 2004. He stated several design concepts were determined in 2005 and Deerfield Township was contacted to discover if they were interested in partnering financially in this venture. They responded they had no interest. Eric further reported the selected proposal was with Bray-Arnspenger Excavating Inc. for \$432,622.50. He said the 2007 budget included \$360,000 for this project with the anticipation that sponsorships would offset the cost.

Vice Mayor Grossmann stated the previous Deerfield Township Trustees agreed to work together on this project, however the current Trustees have presented the City with an offer, which included the trading of two parcels of land for an amount below appraised value. He explained they would then participate. He stated he views this more like a gift rather than participation and he suggests we include them in the discussion on this project even though the current offer we have with the contractor will expire. He said we can always get new offers. He suggested a joint public meeting with the Trustees on this subject to build trust and build a level of cooperation. Councilmember Kidd stated he will support this legislation. He said it is something our residents want as shown by the number of petitions they submitted to Council in the past. He stated he does not understand why the Township does not want to participate but clearly they do not. Councilmember Kline stated this has been debated for a very long time. He clarified that the budgeted amount was less than the engineer’s estimate because we were looking for sponsorships. He asked if any thought had been given to reducing the scope of the park. Eric Hansen replied that would require redesigning the park and additional engineering expenses. Councilmember Bradburn stated he will vote no on this legislation. He said the

budgeted amount is under the cost of the project and this is discretionary spending. He added he is not sure many residents will use it and the funds could be used for something like lighting ball fields at Heritage Oak Park. Councilmember Kidd said the City has spent a lot of funds at the Mason Sports Park for ball fields and Frisbee golf. He said skateboarding is the fastest growing sport. Councilmember Wurzbacher said he could not support this project without the Township participating as a partner. He added it doesn't mean it will never get built, but it must be as a partnership. Mayor Pelfrey stated she will vote for this project. She said kids are using other areas for skateboarding since there is no designated area for them. She agreed it is the fastest growing sport in America. Councilmember Kidd asked Vice Mayor Grossmann if he would support a skate park for a certain amount of money. He replied yes but he wants documentation the Township has been invited and refused to participate. Mayor Pelfrey suggested Vice Mayor Grossmann and Councilmember Wurzbacher contact the Township Trustees for further collaboration on the matter.

A motion to adopt Ordinance 2007-107 was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: 3 YEAS, 3 NAYS (Bradburn, Wurzbacher, Grossmann) Ordinance defeated.

ORDINANCE 2007-124 AMENDING SECTIONS 303.09 AND 303.10 OF THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO REGARDING JUNK MOTOR VEHICLES

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

Eric Hansen recommended this ordinance should be tabled to allow for further review by the Safety Committee.

A motion to table Ordinance 2007-124 was made by Councilmember Kline, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-125 APPROVAL OF THE REPLAT OF SNIDER CROSSING SECTION 1 PUD

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

Richard Fair explained to Council, the owner of the property is requesting approval of the replat of Lots 2 and 3 of the Snider Crossing Section 1 PUD. He said this plat will consolidate Lot 2 and Lot 3 into one lot which satisfies Planning Commission requirements for this project. He added this also includes an easement for the sanitary sewer, which was extended to the site.

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

Councilmember Kline asked for clarification on building on a drainage easement. Richard Fair said it is not permitted unless it is a parking lot. He said he would check into it. Mayor Pelfrey asked if this reduces a curb cut. Richard explained there will be two curb cuts for this parcel. One is on Snider Road and one is on Tylersville Road. He said that is a right in –right out only access. He added a median will be built on Tylersville Road. He said if they open prior to the median being built, the Tylersville Road access will be closed.

A motion to adopt Ordinance 2007-125 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-126 AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT FOR RIGHT OF WAY MAINTENANCE WITH EAGLE VIEW HOMEOWNERS ASSOCIATION

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

Richard Fair explained to Council, Eagle View Subdivision, which is located south of Fairways of Pine Run off of Eagle View Court, contains 30 single-family residential homes and was constructed in the early 1980s. He said within the subdivision there are three landscaped islands and a subdivision monument sign located in the City right-of-way. Technically, because the islands and sign are located in the right-of-way, they are the City's responsibility to maintain. However, the Eagle View HOA has been maintaining these areas since construction. Current subdivision regulations provide that landscaped islands and the property on which signs are located be on a separate lot and deeded to the HOA. Richard stated the HOA is then held responsible for repairs and maintenance. He added the Eagle View HOA has applied for a sign permit to update the existing Eagle View subdivision monument sign. Prior to approval of the permit, staff is recommending the HOA enter into a written agreement with the City, outlining the HOA's responsibility for repair and maintenance of the sign and eliminating any future issues

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 2007-126 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-127 AUTHORIZING THE CITY MANAGER TO SUBMIT FINAL APPLICATIONS FOR THE OHIO PUBLIC WORKS COMMISSION, DISTRICT 10 GRANT PROGRAM YEAR 22

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

Eric Hansen explained to Council, this legislation is required of staff to apply for a Ohio Public Works Commission Grant for the following projects: Kings Island Drive safety improvements, Western Row Road to north corporation limits and Bethany Road widening, SR 741 to Mason

Montgomery Road. He explained to Council that submitting a final application does not guarantee funding and staff is always looking for additional funding sources for these projects.

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 2007-127 was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2007-128 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FRYMAN-KUCK GENERAL CONTRACTORS, INC., IN THE AMOUNT OF \$69,854, FOR THE PEDESTRIAN BRIDGE REPLACEMENT 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, after researching the matter it appears the pedestrian bridge over Muddy Creek from S. East Street to Rose Hill Cemetery was replaced in 1917. He said in 1969 in lieu of replacement, repairs were made to the bridge. In 1982, a swollen creek caused an abutment to collapse and the damaged bridge fell into the creek. It was eventually repaired. Eric reported the Public Works Committee has reviewed several options regarding this bridge. He stated the options include the following:

1. Replace the bridge with a pre-designed, prefabricated structure
2. Replace the bridge superstructure and incorporate existing trusses into railing
3. Design a bridge to match the existing
4. Repair the bridge on site without removing
5. Remove the existing bridge, repair onsite or off site.

Eric reported the Public Works Committee recommended moving forward with option 1, which is safe and the most cost effective, timely, low maintenance solution. Three bids were received for this project with the best and lowest coming from Fryman-Kuck General Contractors, Inc. at \$69,854.00. Eric added lighting along the access to the bridge will be installed at the approximate cost of less than \$15,000.

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

Mayor Pelfrey reported the Historical Society had been contacted and their response was the first choice is to preserve the current structure but they also noted the City has a financial responsibility to the taxpayers and must act accordingly. She said safety is a primary objective. She asked Eric to have the Public Works Committee look into removing part of the old bridge and placing it at another location with a historical marker.

A motion to adopt Ordinance 2007-128 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-129 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CARGILL, INC., FOR THE PURCHASE OF APPROXIMATELY 4,500 TONS OF ICE AND SNOW REMOVAL SALT AT \$44.49 PER TON

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

Eric Hansen explained to Council, the cooperative purchasing group, Southwest Ohio Purchasers for Government (SWOP4G) requested bids for rock salt for the 2007-08 season. Cargill Inc. provided the lowest and best bid. Cargill's price is \$44.49 per ton, which is 1% higher than the \$44.05 per ton paid last year. The SWOP4G program continues to be more effective for the City than the State Purchasing program. The State bid price for rock salt is \$48.99 per ton. Eric stated Ordinance 2007 – 129 authorizes a contract to purchase up to 4,500 tons of rock salt at a per ton price of \$44.49. Approximately 5,500 tons of salt was purchased last season. He added the total cost if 4,500 tons of salt are needed and purchased is \$200,205 plus a \$3/ton stockpile fee.

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

A motion to adopt Ordinance 2007-129 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

RECOGNITION OF VISITORS

Noble Johnston of 316 S. West Street addressed Council and stated he would like to see the pedestrian bridge done by Christmas. He added he agrees with preserving the heritage of the city but also agrees safety is a bigger concern. He thanked Council for taking care of the matter.

Regarding the skate park, Mayor Pelfrey made the following comments: "The Township Trustees were elected to serve their residents, making and taking responsibility for decision in their best interest as we have our residents. I have found discussion with them and their administrator to be fair, reasonable and in good faith. I appreciate the integrity they maintained. I will not participate in further debate on the Skate Park matter but I'd like to make a sincere appeal to not make this a public spectacle of further rebuke for the sake of the progress we have made in agreeing to disagree on key issues and doing it with respect. All other opportunities to partner with the Township are still a go, we are always looking for way to work together to save taxpayer dollars and provide better service."

EXECUTIVE SESSION

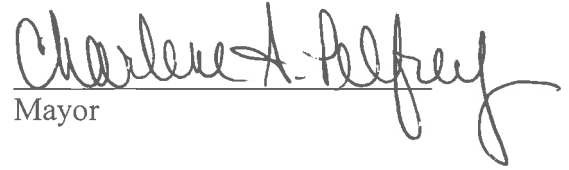
Councilmember Bradburn moved to adjourn into executive session for the purpose of discussing personnel. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

Councilmember Kidd moved to reconvene into regular session. Councilmember Wurzbacher seconded the motion. VOTE: ALL YEAS

ADJOURN

Councilmember Wurzbacher moved to adjourn the meeting, seconded by Councilmember Bradburn. VOTE: ALL YEAS
TIME: 9:57 p.m.


Clerk of Council


Mayor