

**CITY OF MASON
COUNCIL MEETING
October 8, 2007**

Mayor Pelfrey called the meeting to order at 7:07 p.m. Following a prayer by Pastor Tom Moll, those present recited the pledge of allegiance, which was led by Troop Wekelo Cub Pack 230.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the September 24, 2007 meeting was made by Councilmember Bradburn seconded by Councilmember Kidd. VOTE: ALL YEAS

Mayor Pelfrey recognized the Fire and EMS graduates who have completed the National Incident Management System training program. Councilmember Bradburn noted the City of Mason is the first in the United States to bring this caliber of training to their entire department. Eric Hansen thanked Chief Fletcher and congratulated him on his retirement. Mayor Pelfrey introduced Mr. John O'Toole whose family has experienced a loss in the line of duty. He addressed Council and provided a brief background of the National Fallen Firefighter Foundation.

RECOGNITION OF RACHEL KOPFLER-MASON PARK FOUNDATION

Rachael Kopfler addressed Council and provided an update on the success of the first Park Foundation fundraising event in which Dick Hoyt was the featured speaker. She reported they earned over \$45,000 at this event with over 300 attending. She thanked the sponsors and stated they will refund \$5,500 to the City they were given to help cover the initial costs associated with the event.

RECOGNITION OF MEREDITH RAFFEL-MASON AREA ARTS FESTIVAL

Meredith Raffel addressed Council and provided an update of the Mason Area Arts Festival that hosted over 125 artists. She stated they had over 60 student volunteers and continue to enjoy the partnership with the Cincinnati Art Museum. She said over 95% of the artists are interested in returning next year. She thanked Council for their support and mentioned a few of the future events they are planning. She also thanked the Mayor for presenting the Mayor's Award.

RECOGNITION OF VISITORS

Phil Sommers of 970 Locust Court addressed Council and said the fair thing to do with tax reduction is to give all residents a break and not just a few. He said reducing property tax would

benefit more residents. He added he will personally benefit if the income tax credit issue passes but does not think it is the best thing for Mason. He asked how the 2% impact figure was calculated. Vice Mayor Grossmann stated it is a phased in credit and it is 2% each year. The 2% figure was calculated based upon phasing in the tax credit over a four-year period. The City has estimated that the impact will average \$600,000 to \$700,000 per year over four years. Because the general fund revenue for 2006 was over \$30 million, which means that the impact each phase in year is on average about 2% of general fund revenue. Vice Mayor Grossmann reported on why this is important to the City of Mason. He stated major businesses that employ non-residents care that the cities give a full credit, which is why many jurisdictions already do it. Councilmember Osborne stated he could not agree with the 2% figure. He stated by the year 2010 the impact is 10% of the annual revenues. He added the first year may be closer to 2% but once it is phased in the impact is almost 10%. Vice Mayor Grossmann responded by stating Councilmember Osborne's percentage is off because it compared the tax credit amount to the wrong general fund revenue year and ignored the increase in earnings tax revenue. Mayor Pelfrey stated this issue will be discussed further under council old and new business. She thanked Mr. Sommers for his interest in the matter.

Mr. Tom Muennich of 206 Short Street addressed Council and he's upset with Vice Mayor Grossmann's effort to defeat the skate park. He said it will be used by many. Vice Mayor Grossmann said he is in favor of a skate park if Deerfield Township participates with it financially. He said he would vote for it without the township's participation at a certain level.

COMMITTEE REPORTS

Councilmember Bradburn reported he met with the Mason Tree Committee and David Riggs to discuss the Emerald Ash Borer. He said the Law Director has advised the City to only treat trees in medians and on public right of way. He said extending the service to the right of way is an increase over current policy. He reported we have been advised not to go on private property. He also said the treatment will include large trees in the parks and the total cost is approximately \$20,000. A list of companies that will treat the trees will be prepared and provided to residents. Mayor Pelfrey noted treatment must be once a year for the next few years. Kevin Jones, representing the Mason Tree committee, stated the average cost to treat a tree is approximately \$6. He said this policy will be reviewed annually to determine if there is a new treatment available. Eric Hansen stated legislation would be presented to Council at the next meeting.

Vice Mayor Grossmann reported the Finance Committee met with representatives from Kings Island, the Beach and Tennis for Charity to discuss the possibility of an admissions tax. He reported they have been asked to supply information on how this tax would adversely affect their revenue. He said they stated a 6% tax would have a negative impact on them but they were not sure about a 1-3% tax. He noted they currently pay a 3% tax on the park they own in Sandusky and have been paying it since 1969.

Councilmember Wurzbacher reported the Economic Development Committee will meet on Friday at 7:30 a.m. to discuss the Metro partnership and other items. Councilmember Kidd stated the decision to not participate this year financially with Metro did not come from Council but was a decision made in Committee.

Mayor Pelfrey requested the Safety Committee review the possibility of legislation for bicycle helmets and safety gear.

CITY MANAGER'S REPORT

► City departments will host a "Scout Day" from 10 a.m. to 2:00 p.m. on Saturday, October 13 at the Mason Municipal Center. The event is open to all scout groups in the Mason area and to scouts attending Mason schools. It began two years ago as a way for the police department to serve the many scouts who wish to earn merit badges and has expanded to include all departments this year. Over 800 boys and girls attended last year.

► The employee picnic will be held at the Golf Center on Saturday, October 13 from 3 to 8 p.m. Employee Excellence Award winners for 2006 will be announced. Invitations to City Council for this event were mailed earlier this week.

► A meeting of the WCML will be held on Wednesday, October 17 at 6:00 p.m. at the Houston Inn. The program will be presented by the Ohio Department of Development.

► In the past, City Council has authorized the purchase of a ham, turkey or gift certificate for full-time City employees during the holidays. Vice Mayor Grossmann moved to repeat this again this year. Councilmember Kline seconded the motion. VOTE: ALL YEAS.

► The Chamber of Northeast Cincinnati will be holding a Candidates Forum on Tuesday October 23, 2007 at Cedar Village from 6-9:00 p.m.

RESOLUTION 2007-16 PROCLAIMING THE WEEK OF OCTOBER 7-13, 2007 AS NATIONAL FIRE PREVENTION WEEK AND OBSERVING NATIONAL FALLEN FIREFIGHTER MEMORIAL DAY

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

Jennifer Heft explained to Council, the purpose of this legislation is to bring public attention and appreciation for the City of Mason Fire department and fire preventions services and to generate remembrance for all Fall Firefighters and EMS personnel who have made the ultimate sacrifice. She said the NFPA theme for this year is "*Practice Your Escape Plan!*" The NFPA wants to teach families it's not enough to have a home fire escape plan. To escape safely, you've got to make sure that everyone in the home has practiced the plan. The majority of Americans have a fire escape plan, but most haven't practiced it. She said this includes the following steps:

- Install a smoke alarm on every level of your home and have one inside each sleep room and outside of each sleeping area.
- Test smoke alarms at least once a month.
- Develop a fire escape plan that identifies two ways out of each room and a family meeting place outside.

- Make sure your plan allows for any specific needs in your household. If everyone knows what to do, everyone can get out quickly.
- Practice using the plan, at least twice a year. If everyone knows that everyone else is ready to exit quickly, no one will lose precious time trying to help someone who doesn't need help.
- Some children and adults may not awaken to the sound of the smoke alarm. They may need help to wake up.

Jennifer concluded by stating their services include medical response to homes, businesses and traffic accidents as well as firefighting and fire prevention in the Mason area. She added this also includes educating the community.

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 Resolution 2007-16 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

RESOLUTION 2007-17 CELEBRATING OCTOBER 20-28, 2007 AS NATIONAL RED RIBBON WEEK

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

Jennifer Heft explained to Council this program focuses on raising community awareness of public education efforts in preventing and reducing alcohol and drug abuse. Red Ribbons have been designated for this weeklong celebration as a symbol to promote the public's awareness of the impact educational efforts have had in preventing and otherwise reducing alcohol and drug abuse. She stated red ribbons will also be displayed on police cruisers and other City vehicles. Jamie Van Wagner, the City's D.A.R.E. Officer, will be visiting several schools to educate the public, distribute red ribbons, and read the Resolution to school students and staff.

Jamie Van Wagner addressed Council and introduced Officer Ryan Tanner who will be the new DARE Officer. She stated she has held this position for 7 years and really enjoyed it. She thanked Council for their support. Officer Downey also spoke in favor of the DARE program.

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 2007-17 was made by Councilmember Bradburn, seconded by Councilmember Kline. VOTE: ALL YEAS

RESOLUTION 2007-18 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

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

Eric Hansen explained to Council, the purpose of this legislation is to comply with the Ohio Revised Code requirements per Sections 5705.34 and 5705.35. He stated this is a housekeeping item that occurs once the Warren County Budget Commission certifies the rates to the City of Mason. The City is then required to accept the rates through adoption of this resolution.

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 2007-18 was made by Councilmember Kline, seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2007-136 AMENDING SECTION 303.09 AND REPEALING SECTION 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

Jennifer Heft stated this legislation was introduced at the last Council meeting after the previous legislation was voted down as staff recommended.

Councilmember Bradburn stated he has received a call from a resident on this ordinance and would like more time to review the matter.

A motion to table Ordinance 2007-136 was made by Councilmember Bradburn, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-138 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 166.8 ACRES TO R-PUD (PEBBLE BROOKE)

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

Richard Fair explained to Council, Ordinances 2007-138 and 2007-139 address the same area which included a total of 263.9 acres. He said Ordinance 2007-138 is called Pebble Brook is approximately 166.8 acres in size. The proposed Residential Planned Unit Development will consist of 265 buildable lots ranging in size from a minimum of 11,475 sf to more than 23,000 sf. Stone Ridge Drive is shown to extend through the south west portion of the site and connect in with Mason-Morrow-Millgrove Road. He stated Ordinance 2007-139 is called the Reserves of Carmelle is approximately 97.1 acres in size. This proposed Residential Planned Unit Development will consist of 160 buildable lots ranging in size from a minimum of 12,750 sf to more than 25,000 sf. Stone Ridge Drive is shown to extend through the center of the property

which will connect Carmelle and Pebble Brook. Stone Ridge Drive will continue to exhibit the high quality landscaping that was started in the original Carmelle subdivision.

Eric Hansen stated a public hearing will be held on this legislation on November 12, 2007. He noted Council also will be addressing legislation to accept the annexation on that date.

ORDINANCE 2007-139 AMENDNG THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 97.1 ACRES TO R-PUD (RESERVES OF CARMELLE)

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

Eric Hansen stated a public hearing will be held on this legislation on November 12, 2007.

ORDINANCE 2007-140 ACCEPTING THE PUBLIC IMPROVEMENTS FOR GREAT WOLF PUD AND RELEASING THE PERFORMANCE BOND

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 release the performance bond and accept the public improvements as recommended by staff. He said the Great Wolf PUD is located on Kings Island Drive, adjacent to the Kings Island Theme Park. Improvements to be accepted include Great Wolf Drive, the two new signals on Kings Island drive (one at Showcase Cinema and other at Great Wolf Drive), and the road improvements to Kings Island Drive. He reported 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 concluded by stating 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 Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-140 was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-141 RENAMING BROWN BOULEVARD TO STRESS ENGINEERING WAY

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

Richard Fair explained to Council, Stress Engineering has purchased nine acres of land from the Home Builders Association of Cincinnati in order to construct a new 31,000 square foot manufacturing and laboratory facility that will retain 31 positions and attract an additional 11

engineering positions to Mason's corporate community. The Home Builders Association of Cincinnati originally proposed an office development on the acquired land and constructed a 600-foot cul-de-sac road to service the property. This roadway was named Brown Boulevard and recorded with the Warren County Recorder's office on September 4, 2007 under Plat Book 79, page 67. Richard stated as new property owners, Stress Engineering has requested that this road be renamed to Stress Engineering Way.

Councilmember Kline questioned the length of the name, as that had been a factor in the discussions when the Home Builders Association wanted to name the street. Richard said it could be a factor and would discuss abbreviating "Engineering".

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 2007-141 was made by Vice Mayor Grossmann, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2007-142 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER, IN THE AMOUNT OF \$113,225.00, TO INCREASE THE CONTRACT WITH BRAY ARNSPERGER EXCAVATING COMPANY FOR THE CONSTRUCTION OF MASON SPORTS PARK

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

Richard Fair explained to Council, this legislation deals with the Mason Sports Park. He said staff, particularly Project Manager Prem Garg, has worked to avoid any change orders, however, to keep the project moving forward changes needed to be made due to poor soil conditions, storm water drainage realignment and regulatory requirements. Wet conditions combined with poor existing soil conditions created many soft spots. These spots were found under the concession building, access roads, bike paths, and parking lots. Richard stated in order to eliminate undermining of the main entrance as well as reduce ditch maintenance a storm sewer pipe was extended to the detention pond near the main entrance. Building code requirements, Duke Energy, and the Warren County Plumbing Department necessitated some additional changes in the concession building. He said to keep costs down only minimum necessary changes were made and the Geotechnical Engineer, Woolpert_Consultants and Voorhis, Sloan, Welsh, Crossland Architects recommended these changes This change order adds \$113,225 to the contract for the General Contractor, \$6,000 to the electrical contract and about \$2,000 to the plumbing contract. City Council has previously approved a change of \$47,358 to provide an automated irrigation system in football fields and baseball field number five. To date, all change orders are less than 3% of the approved construction cost. Richard said generally a contingency of 6% to 8% is added to all construction contracts. It is expected that the construction shall be substantially complete by the end of November 2007 and the Park is expected to be open to the public in Spring 2008.

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 2007-142 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-143 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SPECTRA ENTERTAINMENT IN THE AMOUNT OF \$87,500 FOR THE RED, RHYTHM & BOOM CONCERT TO BE PERFORMED BY KENNY LOGGINS ON JULY 3, 2008

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

Eric Hansen explained to Council, the City of Mason Red, Rhythm & Boom celebration has grown into a regional patriotic celebration. The last seven years, the City has witnessed tremendous growth with over 30,000 people in attendance this year compared to the 21,000 estimated at the 2006 event. He said the City has an opportunity to bring Kenny Loggins for next year's entertainment. Loggins' impact on the music business has been extraordinary with many of his albums going to platinum. He has also become known as the king of the movie soundtrack, scoring Top Ten hits with "I'm Alright", "Footloose", "Danger Zone", and "Nobody's Fool". Staff is proposing Kenny Loggins as the main entertainment prior to the fireworks show with a well-known local band as the opening act for the evening. "The Menus" and "Hot Wax" are two possible bands being discussed. The proposal for fireworks will be presented before year-end. Staff presented entertainment line-up possibilities to the Parks & Recreation Board and received feedback to have one band for the main entertainment at a cost comparable to previous years.

Eric reported the contract amount for Kenny Loggins is \$87,500. He noted the 2007 price for *Asia* and *Kansas* combined was \$74,925. The proposed contract takes advantage of comparable pricing to 2007. A commitment to Kenny Loggins at this time will permit the City to obtain the required staging and hard line services at 2007 pricing. This includes lighting, backline and logistics for \$14,900, sound system set up for \$14,995, and stage set up for \$14,995. Delay speakers are also planned again for 2008 at the cost of \$6,000. Staff is recommending a second set of delay speakers for \$6,000 to carry the sound toward the Kids Zone area.

Eric also stated the same large video LED screen that was used this year is available at the same 2007 rate of \$15,000. Additional LED screens for audience viewing in the Kids Zone or concessions area away from the stage are also available for Council consideration. Legislation regarding the LED screen options will be presented at the next City Council meeting.

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

A motion to adopt Ordinance 2007-143 was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS

COUNCIL OLD AND NEW BUSINESS

Vice Mayor Grossmann stated the Chamber plans a candidate's night for October 23, 2007. He still is in favor of Council having a debate on the tax credit issue. Councilmember Kidd stated all of Council should weigh in on this issue because that is what the residents have elected them to do. Councilmember Osborne suggested discussing four or five major points and having all of Council weigh in on those. Mayor Pelfrey stated it would have to incorporate a time limit and ground rules.

Councilmember Osborne addressed Council and presented information on the current financial status of the City. He stated a measure was taken of the assets and liabilities to date. Assumptions were made based on the historical data, the experience of others and staff and department head expertise. He said with this information, they could project both long and short term financial data. He noted some of the data is "best estimate" and other is hard facts. He said the assumptions include such things as follows: bond rate, CPI, population, staffing lever's, expenses such as community center and parks etc. He added the concrete information is the city's debt structure. He reported including both the general fund and special fund the City's debt limit is at \$103.4 million dollars. Mason taxpayers pay both funds. Councilmember Osborne said the City cannot continue to spend at the current pace. He stated if the tax credit issue passes in the November election, we will incur a negative balance as early as 2012 with our current spending plans. He said this can be avoided by revisiting our capital expenditure plan. He stated Mason does not have excess funds. He added by law, the city maintains positive balances in the general account. He displayed a spreadsheet created which illustrates his conclusions. See Attachment "A".

Councilmember Bradburn state he feels this type of overview is beneficial as it presents a "caution" to Council to clearly list priorities and make good decisions. He stated he supports controlled spending.

Councilmember Kidd removed himself from the meeting due to illness.

Vice Mayor Grossmann said he has been Chair of the Finance Committee for four years and on the committee for six years. He said when we talk about the cities' debt we must examine the nature of the debt and how it is to be repaid. He stated only around half of the city's over \$100 million in debt is repaid out of general fund revenue. He added close to one third of the debt that is paid from the general revenue fund is related to investment property, which will generate income and can be resold at a profit. This results in both reducing the cities' debt and increasing revenue. He noted the property on SR 741 is such an investment. He also explained a brief overview of how the City calculates the budget annually and stated we will never spend too much or not provide services. Vice Mayor Grossmann said it is inappropriate to say that there was planned spending out to 2012 when in fact there is no planned spending for future years and certainly no planned spending out to 2012. He concluded by stating Councilmember Osborne's analysis assumed huge new spending increases in 2008 through 2012, which were highly speculative in terms of amount, timing and whether they would all occur. In the past and in the future, he stated, the City will slow the growth of spending without cutting any essential services or projects.

Councilmember Kline said he has a different point of view. He stated if a major employer leaves the City that can alter the City's revenue dramatically. He said while he doesn't think this will happen, this tool Councilmember Osborne has prepared, helps us measure the resulting impact.

RECOGNITION OF VISITORS None

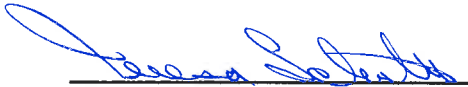
EXECUTIVE SESSION

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

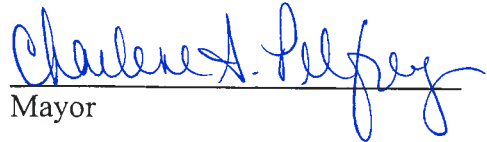
A motion to reconvene into regular session was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. VOTE: ALLYEAS

ADJOURN

A motion to adjourn was made by Vice Mayor Grossmann, seconded by Councilmember Kline.
VOTE: ALL YEAS
TIME: 10:55 p.m.



Clerk of Council



Mayor