

**CITY OF MASON
COUNCIL MEETING
October 22, 2007**

Mayor Pelfrey called the meeting to order at 7:07 p.m. Those present recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

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

RECOGNITION OF KNOTHOLE PRESIDENT BOB WEICKERT

Mr. Bob Weickert addressed Council for the purpose of thanking the Parks and Recreation Department for their support and assistance with the ball fields at Corwin Nixon Park. He presented a plaque to Michael Hecker in recognition of their efforts.

RECOGNITION OF EMPLOYEE EXCELLENCE AWARD WINNERS

Mayor Pelfrey recognized the winners of the Employee Excellence award that were in attendance. They were as follows: Officer Paul Martin, Mary Mueller-Account Clerk, Aaron Bosko-Firefighter/Paramedic, Doug Rolph-Firefighter/Paramedic, Jeremiah McCarthy-Firefighter/Paramedic, Brian Lazor-City Planner, Kendra Taylor-Secretary for Engineering & Building, Joe Reigelsperger-Finance Director, Sheri Collins-Secretary Parks & Recreation, Jann Taylor-Coordinator at the Community Center, Tony Gonzalez-Parks & Recreation Maintenance Worker, and Terry Saylor-Coordinator at the Community Center. Their colleagues nominate winners.

VETERANS DAY PRESENTATION BY JOHN LOOKER AND PAT BOWES

Monday November 12, 2007 at 6:00 p.m. a Veteran's Day ceremony will be held at the memorial or if raining, inside the City building. John Looker, Commander of the American Legion, said this year their will be a ceremony on November 11, 2007 in Lebanon on Silver Street. He added on November 12, 2007 the middle school will be presenting a program at 8:00 and 9:00 a.m. He also said another school program will be given at 7:30 p.m. after the city's ceremony at 6:00. He distributed agendas of the planned program.

Mayor Pelfrey recognized artist Todd Price , winner of the Mayor's award presented at eh Mason Area Art Festival . He addressed Council and explained how he created the concept that

lead to the Veteran's Memorial print that is for sale. Pete Beck, Chair of the Veteran's Memorial Committee explained the 8 x 10 prints are \$25 and the large prints are \$100. All proceeds go to the Veteran's Memorial Fund.

RECOGNITION OF VISITORS

Gene Nell of 607 Bunker Lane addressed Council and thanked them for their efforts. He said many things have been accomplished professionally and with class.

Chris Hobes of 6496 Caddy Way and Ken Murawski of 5555 Shockton Court addressed Council and asked about the abandoned property next to St. Susanna's school. They said there is an abandoned car wash that is a hangout for teenagers. He reported the city's current ordinance on abandoned property gives no real authority to clean up such places. They requested Council review the matter. A general discussion took place with councilmember in which it was determined the owner is willing to sell the property but for a large amount. The school does not need this property to complete their plans. Richard Air reported the City's Chief Building Official visited the site about 2 months ago. At that time the owner said she was going to remove the drive through portion of the building. Mayor Pelfrey asked Richard Fair and Ken Schneider to send a letter to the owner. She also asked Ken to draft property maintenance legislation.

Angela Tressler of 3743 Winding Hollow Way and Colleen McIntire addressed Council representing the Windemere Homeowners Association. They are requesting an area between their subdivision and Chestnut Hills remain a natural area and not be mowed. They said Chestnut Hills is in the township. She also said there is no access to this area by any street. She also noted it is in the 100 year flood plain and if mowed, eventually would result in erosion of the area. The Engineering Department has sent them a notice requesting it be mowed. Ken Schneider stated the city is currently reviewing that code and has advised them to take no action at this time. Angela said a few residents are asking for it to be mowed but the majority want it to stay natural. The Engineering Department will continue to review the matter with Ken Schneider.

Tom Muennich of 206 Short Street addressed Council and expressed concern over the junk vehicle ordinance. He noted the residents in the downtown area do not have a homeowners association. He asked about the status of the funding for the Veteran's Memorial. Eric Hansen said the City has paid the debt. Any funds raised will be to refund the City for this cost.

John Looker of 111 E. Main Street said regarding the Veteran's Memorial there are pledges still outstanding. He also noted the site has some maintenance requirements.

COMMITTEE REPORTS

Councilmember Bradburn reported Council Safety Committee will tour some Dayton Fire training and maintenance facilities on Tuesday October 23, 2007. He said the tour will be led by Chief John Moore and all of Council is invited.

Vice Mayor Grossmann reported the Finance Committee met to discuss the possibility of an Admissions Tax with the entities in the city that would be affected. He said a letter has been sent to them asking for more information and he will report on that in the future.

Councilmember Wurzbacher reported the Economic Development Committee met to discuss the Metro funding and the tax abatement request for Basco.

COUNCIL OLD AND NEW BUSINESS

Mayor Pelfrey stated a debate will not take place regarding the tax credit issue because one has been scheduled through the Chamber of Northeast Cincinnati on October 23 at 6:00 p.m. at Cedar Village. She added Council will individually give their comments on the matter at the end of this meeting.

Councilmember Kidd thanked those who performed the survey regarding the downtown area. He said the article that appeared in Mason Matters shows the majority of residents are supportive of the changes. He also stated the improvements will be a great catalyst for development.

Mayor Pelfrey reported on her efforts working on the issue of illegal immigrants in the workforce. She said a meeting is scheduled for November 13, 2007 at 7:00 p.m. in the Mason High School Fine Arts auditorium. This will include the County, Chamber, Deerfield Township, Sheriff and City. She also reported on her attendance at a Deerfield Township Trustee meeting and her appearance on a program on ICRC regarding the activities occurring in Mason.

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

▶ A dedication ceremony and ribbon cutting that was to occur today will be rescheduled due to weather for Quinn Park.

▶ The City is establishing a pattern of realizing cost savings by partnering with other jurisdictions or agencies on common projects or issues. This Spring, Council authorized the annual Street Resurfacing Program for the City with joint bidding with Deerfield Township. As a result of the increased quantities from jointly bidding both jurisdictions' work, the City realized an 8% savings in costs or a total of approximately \$72,000. This is a significant success and staff are optimistic that this particular partnership will continue in 2008 and that others will continue to develop.

▶ An opportunity to meet and hear the candidates who will be running for office in Mason is on Tuesday, October 23 from 6:00 to 9:00 p.m. at Cedar Village. The forum is free and open to the public.

▶ DARE graduation will be held at the Mason High School auditorium on Tuesday, October 23 at 7:00 p.m. This is Mason Police DARE Officer Jamie Van Wagner's final graduating class.

► On Saturday, October 13, over 400 scouts and over 300 guests attended Scout Day located at the Municipal Center. Most City Departments along with volunteers from the Senior Girl Scouts all participated to make ensure an extremely successful event. Scouts could choose from over a dozen different classes to attend in helping them achieve a badge. This program was initiated by the Mason Police and since its inception just a few years ago has evolved into a major event with participation from most departments of the City.

► Trick or treat in Mason will be held on Wednesday, October 31 between 6:00 and 8:00 pm.

► Tuesday, November 6 is Election Day. The Mason Municipal Center is a polling place and voting hours are 6:30 a.m. to 7:00 p.m.

RESOLUTION 2007-19 ADOPTION OF YOUTH SPORTS POLICY MANUAL

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

Eric Hansen explained to Council, Parks and Recreation staff started working on the Youth Sports Policy Manual last summer. He stated this manual represents a consensus of what professionals in the youth sports field firmly believe need to be the course of action taken to change the culture of youth sports and proactively support a fun and stress-free playing environment for youngsters. He reported the board reviewed and offered feedback on the manual beginning in August. Staff then met with the president and boards of the main local youth sports organizations such as MYO, SAY, Knothole and Mason Football. Eric concluded by stating adoption of this manual is recommended by the Parks and Recreation Board.

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 Resolution 2007-19 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

COMMUNITY REINVESTMENT AREA #10 BASCO SHOWER ENCLOSURES

Paige Rothstein addressed Council and explained the City has an opportunity to retain the growing operations of an existing company that has been a part of the business community since 1991. She said Basco Shower Enclosures is a family-owned operation that has successfully grown their corporate headquarters at the Mason location of 7201 Snider Road. Basco has grown to an industry leader designing, building and installing custom shower enclosures priced from \$200 upwards of \$5000 in homes nationwide. The company has experienced tremendous growth since first locating in our community. Even after the first abatement expired, Basco elected to expand their facility to 131,000 sq. ft. a second time in 2004 and increased their workforce to 190 employees. Basco selected Mason as their top location to grow their production that was taking the company to a regional level. Now, Basco is looking to expand for a third time where they have established a solid partnership, in Mason, Ohio. The company is

considering six locations, but has identified Mason as their top choice to locate operations needed to satisfy the production needs of their first national client, Lowe's. Basco's third expansion will introduce a new product line to manufacture a tempered glass shower door in 2009. To accommodate the company's continued growth, Basco's Board of Directors is considering investing \$2,500,000 to construct a 55,000 sq. ft. stand-alone facility and renovate the most recent expansion completed in 2004 with \$1,300,000 worth of electrical and machining upgrades. Mason is one of six locations being considered for this expansion. Company officials are seeking competitive proposals from each to locate this new operation. They will add at a minimum 20 new full-time employees by 2010 generating income earnings for the City of \$87,500. The total capital investment is estimated to be \$3,800,000.

Mr. Larry Langefels, Controller for Basco, addressed Council and stated they have enjoyed their relationship with the City and hope to continue it in the future. He said this abatement will make a difference to them when making a final decision.

Paige reported the Economic Development Committee of Council has reviewed the request for assistance with the company's third expansion that will allow all corporate production to remain in the Mason headquarters. Based on the continued investment in our community and company growth, the Economic Development Committee is recommending that full council approve a 7-year tax abatement, plus an annual reimbursement to the Mason City School District, to secure the third expansion in Mason, Ohio. Councilmember Wurzbacher, as Chair of the Economic Development Committee spoke in favor of granting this abatement.

A motion to approve the recommendation as stated was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-132 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 31 ACRES FROM B-PUD TO B-3 AND APPROXIMATELY 34 ACRES FROM B-PUD TO HT-1 LOCATED BETWEEN STATE ROUTE 741 AND COURSEVIEW DRIVE (NEYER/KENNEDY PROPERTY)

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

Brain Lazor addressed Council and stated , previously Council reviewed this request and decided to table the rezoning of the property for 120 days from the November 27, 2006 meeting to allow the owner to submit a new concept plan. That extension along with several additional months has passed with no plan being submitted to Planning Commission. Brain stated since no plans have been submitted and with direction from legal counsel, it is in order to rezone approximately 31 acres to B-3, Road Service District and rezone approximately 34 acres to HT-1, High Tech Light Industrial which coincides with the zoning designation of the property prior to the original Glimcher development. He said staff notified Neyer, the property owner, of the City's intent to present Ordinance 2006-132 at tonight's meeting. He clarified the property owner still has the right to submit a new rezoning application and concept plan in the future once development plans are ready.

A motion to adopt Ordinance 2007-132 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-130 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 10.86 ACRES LOCATED ON THE EAST SIDE OF COLUMBIA ROAD DIRECTLY ACROSS FROM MCCLELLAND AVENUE FROM B-4 TO R-1 (KINGS SCHOOL PROPERTY)

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

Brian Lazor explained to Council, the Kings Local School District is requesting rezoning approval for approximately 10.86 acres of B-4, Commercial Recreation land located on the south side of the Kings School district complex on Columbia Road. The property is located on the east side of Columbia directly across the street from McClelland Avenue. He said the District is requesting to rezone the property to R-1, Single Family Residential. The uses allowed in a R-1, Single Family Residential zone include residential development and school use. The proposed use for the property is for school bus parking and maintenance. While this is the proposed use, a specific use cannot be tied to a non-PUD zoned property. The majority of the property proposed for development by the District is located in Deerfield Township to the north; the 10.86 acres are within the City of Mason. Brian stated Planning Commission recommends approval contingent on the following:

1. The allowable uses in the R-1 zone are compatible with the surrounding land uses.
2. Rezoning from B-4, Commercial Recreation will not cause harm to the surrounding properties.

Brian concluded by stating the Future Land Use Map designates the properties as "Commercial Recreation". This is a specialized designation created especially for the large amusement attractions in the City including Kings Island, The Beach and the ATP Tennis Center. The proposed zoning does not meet the Comprehensive Plan. However, Kings Island has determined that the property is of little use to them and the next best use would be residential zoning for the schools. The School District desires to use the property for their facilities. It is unlikely that homes would be built in-between the school recreation complex and Kings Island.

Mayor Pelfrey opened the public hearing at 9:07p.m. Hearing no comments either for or against this legislation she closed the public hearing at 9:08 p.m.

A motion to adopt Ordinance 2007-130 was made by Councilmember Kline, seconded by Councilmember Kidd. 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 Wurzbacher. VOTE: ALL YEAS

Jennifer Heft explained to Council, every year the Police Department receives numerous complaints, usually in the spring and summer when people are working on their cars in the driveways. The department has responded to 42 complaints since January 1, 2006.

The City's current Codified Ordinances, Section 303.09, regulate leaving vehicles on private or public property. Currently the ordinance provides that vehicles cannot be left on public property, including streets, for a period longer than 48 consecutive hours unless notification is made to the Chief of Police. There is no approval process and no limit to the time the vehicle can remain on the street once notification is made. Section 303.10 relates to the storage of junk motor vehicles. Currently the ordinance requires that a vehicle meet three out of five criteria in order to be considered a junk vehicle. Under the current ordinance vehicles that appear to be junk do not meet enough of the criteria to take enforcement action. This results in repetitive complaints, responses and reports on the same vehicle.

Ordinance 2007-136 establishes criteria for classifying a vehicle as junk. A vehicle that meets two of the three criteria would allow an officer responding to a complaint to issue a summons to the Mason Municipal Court if necessary. The Court would then determine the fate of the vehicle. The proposed ordinance provides a 72-hour limit for vehicles left on private property and for vehicles left on a public street or right-of-way. In addition, penalties for the violation of this ordinance have been strengthened to prevent repeat offenses: the first offense is a minor misdemeanor, a second offense within one year will be guilty of a misdemeanor of the fourth degree, two or more violations within one year will be guilty of a misdemeanor of the third degree.

Modifications to the current ordinance would streamline the process, facilitate enforcement and reduce potential liability to the City. The process is more responsive to the needs of the community, preserves the individual's rights to due process, eliminates concerns of inaction, and prevents potential liability concerning the towing of the vehicles since the order to tow the vehicle will be done under due process of the court system.

Safety Committee has had an opportunity to review this section, as has legal counsel. A first reading was held on September 24 and the ordinance was tabled to allow distribution of current exhibits.

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

Chief Ferrell explained some of the details that would apply with the adoption of this legislation. He stated a covered vehicle must have license plates and they must be current and visible if parked on a public street. The covering on a vehicle must be in good condition not torn etc. Councilmember Bradburn stated this effectively takes the Chief of Police out of the equation. Eric Hansen clarified vehicles that are three years or older are not considered junk vehicles.

A motion to adopt Ordinance 2007-136 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-144 APPROVAL OF THE REPLAT FOR LOT 1 IN FALLING BROOK PHASE A

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

Brian Lazor addressed Council and stated the owners representative is requesting approval of the replat for lot 1 in Phase A of the Falling Brook Subdivision. He said this project is located between Fairway Drive and the Grizzly Golf Center. It is being developed as landminiums that require each unit to be recorded concurrently with the building's construction. This replat provides the individual building lots for lot 1. He noted Planning Commission and staff recommend approval of the replat.

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 2007-144 was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. VOTE: ALL YEAS (5) Matt Kline was absent for this vote.

ORDINANCE 2007-145 APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A PET CARE FACILITY ON A B-3 ZONED PROPERTY LOCATED ON THE WEST SIDE OF READING ROAD, SOUTH OF 6391 READING ROAD

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

Eric Hansen stated a public hearing on this legislation will be held on November 26, 2007 during the regularly scheduled council meeting.

ORDINANCE 2007-146 AUTHORIZING THE CITY MANAGER TO PROVIDE UP TO \$34,000.00 TO CINCINNATI METRO TO CONTINUE THE METRO 71/72 RUSH HOUR AND REVERSE COMMUTE PUBLIC TRANSPORTATION SERVICE TO AND FROM THE CITIES OF CINCINNATI AND MASON

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 City of Mason has been a funding partner with Deerfield Township, Warren County, SORTA and Hamilton County for the Metro Public Transportation system since 1997. Since the partnership began, Mason's financial contributions have varied from \$10,975 to as much as \$50,333. During 2000 and 2001, Mason's financial contributions were higher as some of the monies went to the Job Bus service that brought the Cincinnati workforce out to the Mason business community by way of extending transportation by van

shuttle to the business parks from the park-n-ride. It was determined in 2002 that this proved to be of little benefit for the Mason businesses, therefore routes were reduced and passenger fares were increased and Mason, Warren County and Deerfield Township discontinued the extended van transportation.

Eric stated each year it has been difficult to make a strong case for continuing support of the program based on rider ship. The Council has, in the past, supported Metro, citing a small benefit to businesses, specifically Kings Island, and the importance of maintaining the regional transit relationship. In 2007, both Warren County and Deerfield Township considered stopping participation, but ultimately concluded to fund the current year. Kings Island also initially determined to not financially participate as they have in the past, but then worked with Hamilton County and the city of Cincinnati to contribute funds.

He reported for the contract year 2007, staff was first contacted on March 30 to begin the discussion of this year's funding. The Economic Development Committee spent several meetings discussing options and benefits stating support of the business community has always been a priority. In May, Kings Island decided to not renew their 2007 contract. This decision furthered the Economic Development Committee's concerns that the benefits to Mason and its businesses did not equal the cost expenditure. After a discussion with committee and with Kings Island, the Economic Development Committee did agree to not recommend renewal based on concerns that the benefits to Mason and its businesses did not equal the cost expenditure.

Eric stated at the last Council meeting, the Economic Development Committee was asked to revisit funding for the Metro and met on October 12 with Metro officials to further review the issue. The Committee recommended presenting legislation to full Council, for discussion of a 2007 only contribution, but without the Committee's endorsement.

Metro General Manager and CEO Mike Setzer and CFO Ted Bergh presented Council with the positive reasons why the City should continue with supporting Metro. Those included energy efficiency, less traffic, saving parking expense, quality of life and community lifestyle choice. Councilmember Wurzbacher stated the Economic Development Committee has reviewed this matter and finds that no business in the City actively uses this service. He stated the press have incorrectly stated the City has changes their minds but what really happened is last year Council explained to Metro that would probably be the last year for financial support. He also said he objects to the City subsidizing this service with tax dollars that are benefitting so few residents. Vice Mayor Grossmann agreed with Councilmember Wurzbacher's comments stating this was supported in the past because of Kings Island's interest. Mayor Pelfrey said she supports contributing this year but challenges Metro to increase ridership to make it more attractive for Council's support. Councilmember Kline said he supports continuing this service as it is a benefit to the region. Mayor Pelfrey asked about the support they are receiving from Warren County and the surrounding areas. He replied two Warren County Commissioners are supportive, one is not. He also said Butler and Clermont County's are providing support but they have not approached the cities and townships. Councilmember Kidd said the concept is strong and asked if the City no longer participates, does that kill this project. Mike Setzer said he couldn't answer that because it depends on what the other partners do. Councilmember Kidd said he also would like to see more aggressive marketing. Councilmember Bradburn agreed with

other Councilmembers that he could support it this year for 2007 but must discuss any future participation.

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 2007-146 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: 4 YEAS, 2 NAYS (Wurzbacher and Grossmann)

ORDINANCE 2007-147 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TECHNICAL MACHINERY FOR TWO LED VIDEO SCREENS WITH PRODUCTION CREW AND SUPPORTING AUDIO EQUIPMENT, FOR THE RED, RHYTHM & BOOM CONCERT ON JULY 3, 2008 IN AN AMOUNT NOT TO EXCEED \$24,895.00

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

Eric Hansen explained to Council, over the last seven years, the City has witnessed tremendous growth with over 32,000 people in attendance at the Red Rhythm and Boom celebration. This year an LED screen was added to the main stage to provide better viewing of the event to the large number of attendees. The response to this addition was very positive. Based on participant feedback and a need to further improve viewing of the main stage for better flexibility in accommodating a large audience, it is recommended that an additional LED screen be positioned toward the back in the Concessions/Kids Zone area. This screen would have an additional audio sound system and will assist with the many requests that were received to have a screen and sound toward the back of the event.

Eric stated Ordinance 2007-147 will allow for video editing/switching, trucks, and production crew, and two 12' x 9' LED video screens for a total of \$24,895. The price for only one screen at the stage is \$15,000, similar to 2007. There is an option for a third 12' x 9' LED stage (stage right) screen for \$5,000 more. Eric noted if Council is interested in the option to provide an additional LED video screen on stage right (three total LED screens), an amendment to Ordinance 2007-147 is appropriate.

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 2007-147 was made by Councilmember Kidd, seconded by Councilmember Kline.

A discussion took place among Councilmembers on the cost to purchase the screens. Eric Hansen stated it is not only the ownership of the equipment but also the technical setup that is required for the event. Mayor Pelfrey asked the staff to find out the cost to purchase.

Vice Mayor Grossmann moved to table this legislation. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

ORDINANCE 2007-148 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$2,010,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING TE STORMWATER SYSTEM IN THE CITY.

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

Eric Hansen said this legislation deals with the issuance of bond anticipation notes for various storm water improvements. He said this is a housekeeping item. The reissued Bond Anticipation Notes will mature within six months in order to move the annual maturity closer to the maturity of other outstanding notes providing flexibility for converting this short-term debt to long-term bonds in the future. He added this 2007 includes \$105,000 principal and \$89,888 interest payment for this debt.

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 2007-148 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS (5) Matt Kline was absent for this vote.

ORDINANCE 2007-149 ESTABLISHING THE SALARY ADMINISTRATION PLAN, PROVIDING FOR CONSIDERATION OF INCREASES IN COMPENSATION ON AN ANNUAL BASIS, AND GRANTING A COST-OF-LIVING INCRFEASE

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

Jennifer Heft explained Ordinances 2007-149, 150, and 151 all relate to the same topic. She said Ordinance 2007-149 provides a 2% inflationary adjustment to current non-union, in good standing City employee compensation effective the first pay period following January 1, 2008. Like last year's adjustment, the Ordinance also identifies a merit component consisting of a gross dollar amount equal to 2.5% of payroll available for distribution to those employees that demonstrate exceptional effort. The actual dollar amount available to individual employees depends on performance evaluations, current rate of pay, and availability of funds and not on a percentage of their pay rate. These amounts will be calculated and administered within the first quarter of 2008. These recommendations were packaged with a review of the City's health insurance program and anticipate implementation of an \$800 annual deductible and negotiation of monthly contributions with union as well as non-union employees.

She further explained, Ordinance 2007-150 updates the City's Hiring Range schedule for non-union, full-time employees to reflect the 2% inflationary adjustment. As the City fills the hiring needs there are times when our hiring ranges are not competitive with the job market or other

jurisdictions. Based on the Employee Relations Committee's recommendation the hiring ranges of some specific positions have been updated. This ordinance also includes language giving the City Manager flexibility to exceed the top hiring range and to negotiate other benefits such as sick and vacation leave for Department head and senior management positions. There are times when this flexibility is necessary to secure a highly qualified candidate. None of these changes adjust the compensation of current employees.

She continued with Ordinance 2007-151 stating it creates the title of Service Director. Similar to the Safety Director position, the intent is to assign current City personnel and not fill another position. Experience and knowledge are critical components to the City's development success and enhancing coordination between Departments on capital investments. The City's 20-year capital improvement list includes over \$400 million in projects, mainly infrastructure and park development projects, that will demand a knowledgeable experienced employee to provide consistency and the ability to draw upon interdepartmental resources. She noted Ordinances 2007-149, 2007-150 and 2007-151 were discussed with the Employee Relations Committee

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 2007-149 was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2007-150 REPEALING ORDINANCE NO. 2006-168 OF THE CITY OF MASON, OHIO, AND ESTABLISHING HIRING COMPENSATION RANGES FOR CITYOF MASON EMPLOYMENT POSITIONS

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

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

A motion to adopt Ordinance 2007-150 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-151 CREATING THE POSITION OF SERVICE DIRECTOR IN THE DEPARTMENT OF SERVICE

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

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 2007-151 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-152 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO 015 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND ESI FOR ELECTRICAL CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT

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

Eric Hansen explained to Council, regarding the construction of the new water reclamation plant, due to the delays in substantial completion, ESI informed Dugan & Meyers that they intended to pursue a claim for extended overhead costs against the City. ESI also brought forward other claims involving interest on retainage and unresolved change order requests. The total amount of their claim was approximately \$340,000. The total amount that could be mutually agreed and that will close out this final contract for the completion of the new Water Reclamation plant is \$142,345. With the help of Dugan & Meyers, the City and ESI attempted to resolve these matters through a series of meetings. As a result, all major outstanding change orders from this project and the City has successfully kept the total of all change orders for this project under 5%, while the industry standard for this type and complexity of construction is 7% or more. The City's contract with Dugan and Meyers contains a contingency in the amount of \$850,000. With completion of this project, the City will receive \$637,500 (75%) and Dugan and Meyers will receive \$212,500.

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

A motion to adopt Ordinance 2007-152 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-153 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE DAVEY TREE EXPERT COMPANY FOR PROFESSIONAL LANDSCAPING MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$20,000.00

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

Jennifer Heft explained to Council, In October of 2006, Springboro was found to be infested with the Emerald Ash Borer (EAB) and Warren County was quarantined to prevent the spread of the pest. In response to concerns over the EAB, Council members Victor Kidd and Tony Bradburn were assigned to a Committee to evaluate the matter. At the same time, Mike Trader and Shawn Ford, two of Mason's Public Works employees were trained by the Ohio Department of Natural Resources and the Ohio Department of Agriculture to detect EAB. Both Mike and Shawn have been actively inspecting ash trees within the City. Residents can contact the Public Works Department at 229-8580 and request a site visit, for a potential infestation.

The City has approximately 12,000 trees within the right-of-way. The City maintains approximately 200 street trees along Mason-Montgomery Road, Tylersville Road, SR 741, US 42 through the downtown, Innovation Way, and portions of Terrace Drive and Snider Road. In 2004, a tree inventory indicated that about 1,200 of the City's street trees are ash trees. Most of the ash trees have been planted within the last ten years and are less than 6" in diameter. There are also numerous ash trees located within the City parks system.

Based upon the information to date, the Committee recommended treatment of ash trees. Staff obtained quotes from several vendors for applying pesticides to help protect the City's ash trees. The pesticide must be applied every year and the cost per tree will increase each year as the trees increase in size. The Davey Tree Expert Company has provided the best quote for these services as listed below:

The quote from The Davey Tree Expert Company was significantly less than the other quotes received and is the City's best option for treatment. The Davey Tree Expert Company also has an excellent reputation for providing quality service. The company will treat ash trees located on private property for the same cost as indicated above plus a \$65 service charge. The cost to treat private ash trees will be the responsibility of the property owner. Residents who wish to obtain this service should contact The Davey Tree Expert Company directly.

Information related to The Davey Tree Expert Company and other companies that will treat private residential ash trees will be made available thru the City's website, press release, Public Works Department and the Customer Service Counter. Historically, responsibility for the maintenance of trees within the right-of-way has been the obligation of residents or subdivision homeowners associations. While the City is not obligated to treat trees in the right-of-way, it does have the authority to do so. The Committee recommends the treatment of all ash trees in public right-of-ways and park entrances and other park areas that have a dramatic or safety impact. Recognizing that once the emerald ash borer arrives in Mason, treatment must be applied every year to effectively protect the ash trees, the City will reevaluate the treatment on an annual basis. The City anticipates a Fall treatment with a total estimated cost not to exceed \$20,000.

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

A motion to adopt Ordinance 2007-153 was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

COUNCIL DISCUSSION ON ISSUE 19/ FULL CREDIT ON INCOME TAX

Councilmember Bradburn stated he supports granting a full credit on income tax . He said it is not unique as many communities do it. He said some revenue will be lost but services will continue. He added Senior Citizens do not pay on pensions or social security payments. He closed by stating it is a fairness issue and it results in making your property more attractive when you sell.

Councilmember Kidd stated a vote on this issue is voting on whether you want to continue the current level of services or scale back a bit. He said it is crystal clear we will have to make some cuts if it passes or we will have to raise taxes. He added 70% of the communities that offer this full credit charge more than the 1% rate Mason charges. He also said another consideration is the current debt should be reduced before we cut taxes. He said other cities that offer this are not necessarily ones we want to follow. He noted it has been established since 1972 and it is fair. To eliminate it is to create a special class of citizen.

Councilmember Wurzbacher stated the City will continue to do well even if this passes. He added offering full reciprocity is the right way to do it. It has evolved that way for the majority of municipalities for a reason. Our tax policy should be in line with the other communities.

Councilmember Kline read Councilmember Osborne's comments in his absence. Councilmember Osborne believes the total effect of this proposal will be over \$31million in ten years. He also believes the phase in of 2% the first year is really 3.8% . He also relayed the idea that this effectively shifts the tax burden from one group to another. Regarding the fairness issue, he believes that this tax was in place when we moved into Mason and it if was so terribly unfair, we wouldn't have moved here.

Councilmember Kline said the local level of taxation is the most effective. He added we can continue services or if this passes, some will be reduced. He said the choice is up to the residents if they are willing to pay for the community they love.

Vice Mayor Grossmann said he supports the passage of this issue. He said all the major cities do it because it is the fair thing to do. He added it encourages labor to move freely among jurisdictions. He also said when the tax was first created in 1971, Mason was a different place.. We are now a major city with major business population.

Mayor Pelfrey stated the pros and cons on this matter. She said what it really comes down to is there is no right or wrong on this matter. She encouraged all residents to do tier own homework on this matter.

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tartan Fields Lane addressed Council and asked for clarification on placement of political signs. He stated his homeowners association does not allow them.

Gene Nell of 607 Bunker Lane addressed Council and said the electors should decide on the tax issue that affects their money.

EXECUTIVE SESSION

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

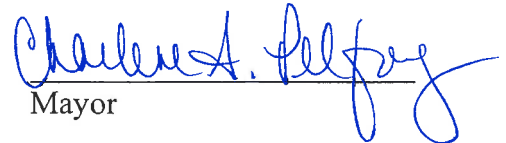
A motion to reconvene into regular session was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS
TIME: 11:33 p.m.



Clerk of Council



Mayor