

**CITY OF MASON
COUNCIL MEETING
DECEMBER 17, 2007**

Mayor Grossmann called the meeting to order at 7:05 p.m. The meeting was opened with a prayer from Pastor J. D. Childers. Those present recited the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Victor Kidd, Christine Shimrock, Tony Bradburn, Todd Wurzbacher and Tom Grossmann. Matt Kline was absent.

APPROVAL OF MINUTES

A motion to approve the minutes of the November 26, 2007 meeting was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: 4 YEAS, 2 ABSTAIN (Beck, Shimrock)

A motion to approve the minutes of the December 1, 2007 meeting was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

RECOGNITION OF WINNERS OF DOWNTOWN MASON WINDOW DISPLAY CONTEST

Mayor Grossmann stated Councilmember Wurzbacher served as one of the judges for this event. Councilmember Wurzbacher said this is the fourth year these awards have been given. He provided background on the details considered when selecting the winners. He announced the following businesses who won: Baysore's Flower Shop received first place, Main Street Sweets received second place, Dowrey Stover Insurance received third place and Busken Bakery received honorable mention. Gift certificates provided by the Chamber of Commerce were presented to the winners.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

Mayor Grossmann stated there will be a brief executive session for the purpose of discussing personnel.

A motion to adjourn into executive session for the purpose of discussing personnel was made by Councilmember Wurzbacher, 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

Mayor Grossmann explained Council must make a decision on the replacement of Matt Kline prior to the next regularly scheduled council meeting. He prefers this to be a consensus among Councilmembers. He said it has been decided there will be a meeting of Council on Thursday December 20, 2007 at 6:30 p.m. At that time he said Council will go into executive session to discuss the seven candidates that qualify for the appointment. He said a decision will be made that night. He added if Council cannot reach a decision collectively, the Mayor makes the appointment. Councilmember Kidd stated he is interested in interviewing the candidates prior to making a selection. Vice Mayor Beck agreed stating this has not occurred in Mason for many years. He said it is important to go through the process and determine who is the best individual. No decision has been made at this time.

COMMITTEE REPORTS None

COUNCIL OLD AND NEW BUSINESS None

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

▶ Mason city offices and the Mason Community Center will be closed on Tuesday, December 25 and Tuesday, January 1.

▶ There will be no trash collection on Christmas Day and New Year's Day. Tuesday trash collection will be picked up on Wednesday and all customers will have a one-day delay in their normal pick up times.

▶ The City's leaf collection program is wrapping up. Christmas trees can be chipped for recycling in the City's parks as part of the City's regular brush pickup program. All ornaments and tinsel should be removed from the tree before placing it at the curb for pickup.

▶ Deerfield Township has requested permit fees be waived for the construction of a storage building they are planning to build at Rose Hill Cemetery. He said it would amount to a value of approximately \$325. Councilmember Wurzbacher moved to waive the fees. Vice Mayor Beck seconded the motion. VOTE: 5 YEAS, 1 NAY (Bradburn)

▶ Mason City School District is requesting an exemption from all permit and inspection fees for their proposed additions to the existing Mason High School building at 6100 Mason-Montgomery Road. The estimate for all building permit and site construction fees typically associated with this type of project is \$69,000. Councilmember Wurzbacher moved to refer the matter to Finance Committee. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

RESOLUTION 2007-24 COMMENDING MATT KLINE FOR HIS OUTSTANDING DEDICATION AND SERVICE TO THE CITY OF MASON

Mayor Grossmann read the resolution.

A motion to adopt Resolution 2007-24 was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn.

Mayor Grossmann said Matt Kline could not attend tonight. Councilmember Bradburn and Councilmember Wurzbacher offered favorable comments regarding his time on Council particularly noting his efforts regarding the Downtown Committee.

ORDINANCE 2007-154 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 45 ACRES FROM R-1 SINGLE FAMILY RESIDENTIAL TO RESIDENTIAL PUD WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED AT THE NORTHEAST CORNER OF TYLERSVILLE ROAD AND MASON-MONTGOMERY ROAD (MASON CITY SCHOOLS)

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

Mayor Grossmann opened the public hearing at 8:42 p.m. Brian Lazor explained approximately 45 acres are involved with this concept PUD plan for property located at the northeast corner of Mason-Montgomery Road and Tylersville Road. He said the purpose of the legislation is to review and take action on the rezoning and concept PUD plan submitted by the Mason City Schools. Brian stated this plan represents the School's future Master facility Plan for the property. The proposed uses include tennis courts, practice fields, a building for baseball activities and other improvements to the campus. The major feature of the plan shows the construction of a building to house new facilities for the school and Middletown Regional Hospital. This building is to be located on the northern side of the football stadium. The plan shows the dedication of right of way in the northwest corner of the site for the existing Park Drive as well as the extension of Foxfield Drive along the eastern property line according to the City of Mason Thoroughfare plan.

Brian explained there are several areas of the site that do not conform to the requirements of a Planned Unit Development. This is mainly due to the fact that this is an existing site that was built to a different standard. He stated the applicant is requesting to reduce setbacks for the existing facilities as well as for the new ones including: northern and eastern setbacks from 50 feet to 0. Existing structures are shown in the southern and western setbacks. Staff does not oppose these setbacks due to the nature of the development and the fact that the plan far exceeds the required open space of 20% for a total of approximately 50%. He added Planning Commission recommended approval of the concept PUD plan and rezoning.

Mayor Grossmann opened the public hearing at 8:45 p.m. Jim Voorhis addressed Council as the architect representing the Mason City School District. He provided additional details on the square footage of the new building. Mike Brannon, Assistant Superintendent of Operations with the Mason City Schools discussed the status of the extension of the Foxfield Drive. He said it

appears on the plan to conform to the City's Thoroughfare plan but the school has no interest in pursuing it at this time.

Cathleen Groeschen of 6739 Bluefield Lane in the Durfield Estates subdivision addressed Council and said they are not opposed to the school's plans but have some concerns on the extension of Foxfield Drive. She stated this would result in increased traffic in their subdivision and roads are not adequate. She said it was not designed to be a thoroughfare. She is asking Council to remove that from the thoroughfare plan. Ken Schneider stated Planning Commission must be involved with any change in the thoroughfare plan. Mayor Grossmann said the developer must show compliance of the City's thoroughfare plan on their plans but that does not mean it is going to be built. Council does not have the authority to remove that from the plan tonight. Ken Schneider stated any changes to the thoroughfare plan would have to be presented to Planning Commission for consideration. Teresa Paxton of 6642 Bluefield Lane in the Durfield subdivision addressed Council and said they did go to Planning Commission and were told to come to Council. Ken Schneider said Council is only reviewing this plan tonight for the Schools' project. This plan must conform to the thoroughfare plan but that does not mean it will be built. He also said to alter the thoroughfare plan, Planning Commission must be involved. He added the public can make a presentation to Planning Commission requesting a change in the thoroughfare plan. He clarified the School could build a private road without Council's approval if they chose to do so. Councilmember Wurzbacher confirmed with the Schools' representative that the school has no interest in building the road. Richard Fair stated perhaps the appropriate time to discuss the matter is during the comprehensive plan process.

Mayor Grossmann closed the public hearing at 8:58 p.m.

ORDINANCE 2007-155 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 76 ACRES FROM R-1 SINGLE FAMILY RESIDENTIAL AND R-2 SINGLE FAMILY RESIDENTIAL TO RESIDENTIAL PUD WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED AT THE SOUTHEAST CORNER OF MASON-MONTGOMERY ROAD AND FOXFIELD DRIVE (CITY OF MASON)

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

Brian Lazor explained to Council, the City is seeking approval of a Concept Planned Unit Development Plan and rezoning of approximately 75 acres of land located at the southeast corner of Mason-Montgomery Road and Foxfield Drive. The property contains Mason High School, Mason Community Center and Mason Municipal Center. The site is accessed off of Mason-Montgomery Road. The property is currently zoned R-1 and R-2 single family residential, which permits these public facilities. Brian stated this plan represents the City's future plan for expansion and addition of a wellness component for the Community Center. Several areas of the plan do not meet the setback requirements of a Planned Unit Development. He explained the City is not seeking a reduction of the setbacks, just to allow existing structures to remain within the setbacks as shown on the plan. Open space exceeds the requirements of the Zoning

Ordinance with total of approximately 24%. If the Concept PUD is approved, a final PUD plan will be submitted with the actual sizes of the proposed buildings. This will help to determine the correct amount of parking needed in the development. A parking plan will be provided which may include sharing of facilities with the municipal center to ensure that all patrons of the development can use these public buildings. Brian concluded stating Planning Commission recommended approval of the concept PUD plan and rezoning and staff agrees with this recommendation.

Mayor Grossmann opened the public hearing at 9:03 p.m. Seeing no comments either for or against this proposal, he closed the public hearing at 9:04 p.m.

Vice Mayor Beck asked about the reduction of parking spaces and why we are using the Residential PUD zoning. Eric Hansen said the parking options have yet to be reviewed but the City is aware of the situation and it will be addressed in the future. Brian Lazor explained Residential PUD was selected when you look at the predominant use in the area and schools fall in the residential use category.

A motion to adopt Ordinance 2007-155 was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2007-174 REPEALING SECTION 181.15(a) OF THE CODIFIED ORDINANCES OF THE CITY OF MASON, OHIO, AND ADOPTING A NEW SECTION 181.15(a) TO REFLECT THE CHANGES IN THE CITY OF MASON'S CHARTER, AND DECLARING AN EMERGENCY

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

Jennifer Heft explained to Council, this legislation is needed as a result of the November 7, 2007 meeting when voters approved the City of Mason's Charter amendment, which modifies the amount of credit for taxes paid to another municipality. She said Ordinance 2007 - 174 is necessary to bring Mason's Income Tax Ordinance in compliance with the City's Charter. She also said there were some mistakes on the exhibit that appeared before council at the last Council meeting and those have been corrected.

Mayor Grossmann said he recommends adoption. Vice Mayor Beck spoke in favor of this effort to return dollars to the residents. Mayor Grossmann stated residents will be receiving explanations on how this impacts them.

A motion to adopt Ordinance 2007-174 was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-180 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH R.B. JERGENS CONTRACTORS, INC., IN THE AMOUNT OF \$678,910.11, FOR THE TYLERSVILLE ROAD & FIRESIDE DRIVE ROAD WIDENING PROJECT

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

Richard Fair explained to Council, the purpose of this legislation is to award a contract to the lowest and best bidder for construction of a road improvement at the intersection of Tylersville Road & Fireside Drive. He said the City was able to partner with Warren County for an Ohio Public Works Commission grant in the amount of \$262,265. The City's share of the grant is \$101,001. Warren County will be reimbursing the City for their share of the project, which totals approximately \$176,650. The City's share is approximately \$240,000. He stated city staff will administer the contract and Warren County will provide inspection services. Richard also stated this project improves the safety at this intersection by adding left turns on Tylersville Road and Fireside Drive along with ancillary improvements such as; ditch relocation and lane improvements outside the City on Tylersville Road. Currently there are no left turn lanes at this intersection. The improvement will give vehicles a safe area to rest until gaps are provided on Tylersville Road to make left turns onto Fireside Drive. The intersection will be constructed so a traffic signal can be added in the future when Fireside is extend to the north and traffic signal warrants are met.

Richard noted 10 bids were received with the best and lowest bidder was R.B. Jergens Contractors, Inc. for a not to exceed amount of \$678,910.11.

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

A motion to adopt Ordinance 2007-180 was made by Councilmember Wurzbacher, seconded by Vice Mayor Beck. VOTE: ALL YEAS

ORDINANCE 2007-181 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ELEX, INC., IN THE AMOUNT OF \$206,075.00, FOR THE SNIDER ROAD & CEDAR VILLAGE DRIVE/COMMERCE COURT SIGNAL PROJECT

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

Richard Fair explained to Council this ordinance authorizes a contract with Elex, Inc. for construction of the Snider Road & Cedar Village Drive/Commerce Court traffic signal project and other signal system upgrades. He stated last year the City of Mason was successful in attracting Prasco Laboratories corporate headquarters to a new campus at the Mason Commerce Park on Commerce Drive. Construction of this signal has been planned to coincide with the opening of the office portion of the new facility in the spring. Prasco's traffic study showed that the existing westbound traffic at the intersection met signal warrants during the peak hours without considering the additional traffic from Prasco. Richard said this is due, in part, to the connection of Snider Road between US 42 and Tylersville Road that has caused a growth in traffic along the Snider Road corridor. Adding the traffic signal will help relieve the current

congestion and provide for the added Prasco traffic. Richard also stated five bids were received with the best and lowest bid submitted by Elex, Inc. for \$206,075.00.

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

A motion to adopt Ordinance 2007-181 was made by Councilmember Bradburn, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-182 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BURNS CONSTRUCTION, IN THE AMOUNT OF \$618,550.00, FOR PARTIAL DEMOLITION OF THE OLD WATER RECLAMATION PLANT

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

Eric Hansen explained to Council, in May of 2006, the newly constructed Water Reclamation Plant at 3200 Mason-Morrow-Millgrove Road was placed into service; all wastewater flow was transferred from the old Water Reclamation Plant to the new plant. The old plant was then decommissioned, and the tanks and other process facilities were emptied and cleaned. He stated several existing structures, (Control Building, Blower Building, Press Building, and UV Building), at the old plant are currently being used as a temporary facility for parks maintenance. Council declared some of the equipment and fixtures surplus and they have since been auctioned off. The rest of the old plant, including the Preliminary Treatment Building, oxidation ditches, clarifiers, lift stations, digesters, equalization basins, and above-ground piping are of no further use to the City and are a potential safety and health issue. The firm of R.D. Zande & Associates was retained to prepare bidding documents for demolition of these portions of the old plant. Eric stated nine bids were received with the best and lowest being submitted from Burns Construction in the amount of \$618,550.00.

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

A motion to adopt Ordinance 2007-182 was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-183 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 32 FORD FOR THE PURCHASE OF FOUR 2008 FORD CROWN VICTORIA POLICE INTERCEPTORS AND ONE FORD EXPEDITION 4 WD, FOR THE TOTAL AMOUNT OF \$116,893.00

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

Jennifer Heft explained to Council the purpose of this legislation is to continue replacement of vehicles to serve the public safety of residents in Mason. She stated the State of Ohio has

awarded the contract for 2008 Police vehicles. The base price for one 2008 Ford Crown Victoria Police Interceptor is \$20,053. This is an \$863 increase over last years price. With options for Police vehicles, the final price is \$22,688. The price of one 2008 Ford Expedition is \$25,941 and 32 Ford has agreed to sell the Expedition, which is consistent with other safety service vehicles, to the City of Mason at a price that is \$3,750 less than the anticipated State of Ohio purchase price. Jennifer stated the total price for four cruisers is \$90,952 and with the 2008 Expedition the total purchase is \$116,893.

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

A motion to adopt Ordinance 2007-183 was made by Councilmember Bradburn, seconded by Councilmember Wurzbacher. VOTE: 5 YEAS, 1 ABSTAIN (Bradburn)

ORDINANCE 2007-184 ANNUAL APPROPRIATION ORDINANCE

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

Jennifer Heft explained to Council, the Finance Committee, chaired by Vice-Mayor Beck, has met several times to review the 2008 budget document. She said the budget continues to be based on very conservative practices. Earnings tax revenues were budgeted to remain at 2007 levels keeping with the past practice of conservatively estimating revenues. Individual budgets continue to end the year with positive balances as department heads and other City staff closely monitor expenses throughout the year. Annual carryover balances continue to be healthy, and without being included in annual revenue estimates, provide Council the flexibility to address new or changing priorities the following year without negatively impacting the annual budget. She said during the budgeting process, over \$12 million of initial departmental requests were removed by the Finance Committee and City Management. The result is a budget based on conservative revenue estimates, attention to controlling expenses, and ambitious investments in community infrastructure that provides the funding necessary for the City to deliver services effectively in the coming year 2008.

Jennifer stated highlights of the 2008 budget include the following:

- Two additional Police Officers to be funded in the General Fund.
- A Parks Maintenance Worker for the new Mason Sports Park.
- An Assistant City Planner.
- Continued discussion with Council's Safety Committee for finalizing Fire Department requests.
- Over \$10 million investment in community infrastructure.

She concluded by stating overall for 2008, operating line items are budgeted about 2% below 2007 budgeted amounts. The Finance Committee along with Administration evaluated all requests and after making adjustments, recommends this ordinance for adoption.

Finance Committee Chair, Vice Mayor Beck spoke in favor of this budget and thanked Council and staff for their diligent work to reach this goal.

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

A motion to adopt Ordinance 2007-184 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-185 AMENDING THE CODIFIED ORDINANCES OF THE CITY OF MASON TO INCLUDE CHAPTER 720 ADDING PROVISION FOR COMPETITIVE VIDEO SERVICE AND AUTHORIZATIONS, ESTABLISHING FEES, DEFINING CERTAIN TERMS, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO PROVIDE SERVICE IN THE CITY PURSUANT TO A STATE AUTHORIZATION; AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council, the City currently has a cable franchise agreement with Time Warner Cable, which expires in 2009. Under terms of the agreement the City receives 5% of gross revenues from Time Warner. With the recent changes in state law, video service providers are actively pursuing Mason to provide cable service. This issue recently came to our attention and staff and legal counsel are working to understand the implications of the new law.

Jeff Forbes, assistant City Law Director, addressed Council and explained The Cable Communications Policy Act was adopted in 1984 and amended in 1996. This Act gave franchising authority to local governments. On September 24, the Telecommunications Act of 1996 was amended to include Sections 1332.21 through 1332.34. These sections will substantially reduce the City's ability to regulate cable and/or video service offered in the City using facilities and equipment located in public right-of-ways. Jeff stated the legislation has a clause that requires a response to a prospective provider within 10 days of notification. Without appropriate legislation in place, the City's interests and possible revenues can be lost. Once legislation is adopted, further discussion can be held and revisions made to the Ordinance as needed. He concluded by saying Legal counsel is recommending adoption of Ordinance 2007 - 185.

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

A motion to adopt Ordinance 2007-185 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

Mayor Grossmann stated Ordinance 2007-186 would be attend to the agenda.

ORDINANCE 2007-186 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SPECTRA ENTERTAINMENT IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR THE RED, RHYTHM & BOOM CONCERT TO BE PERFORMED BY A BAND ON JULY 3, 2008 AND REPEALING ORDINANCE NO. 2007-143

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

Eric Hansen explained to Council it is uncertain if Mr. Loggins can perform at the Red Rhythm and Boom concert. He said he has agreed to perform at the City of Blue Ash's event and that may preclude him from performing at Mason's event. He stated this legislation allows administration to enter into a contract with Spectra Entertainment to secure another band that Council has previously mentioned would be desirable.

A motion to suspend the rule was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

A motion to adopt Ordinance 207-186 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

Councilmember Bradburn introduced a video he secured from You Tube called "Remember Me". He stated it is a tribute to our solders who are currently serving and have served our country.

RECOGNITION OF VISITORS None

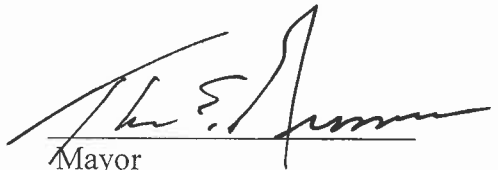
ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Vice Mayor Beck. VOTE: ALL YEAS

TIME: 9:56 pm.



Clerk of Council



Mayor