

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 25, 2008**

Mayor Grossmann called the meeting to order at 7:08 p.m. Those present recited the pledge of allegiance.

ROLL CALL

The following members of Council were present: Victor Kidd, Christine Shimrock, Don Prince, Tony Bradburn, Todd Wurzbacher, Pete Beck and Tom Grossmann.

APPROVAL OF MINUTES

A motion to approve the minutes of the February 11, 2008 council meeting was made by Councilmember Kidd, seconded by Vice Mayor Beck. VOTE: ALL YEAS

RECOGNITION OF KEITH MACKINNON AS RETIRING PARK BOARD MEMBER

Michael Hecker introduced Keith MacKinnon who, after serving 15 years on the City's Park Board, is retiring. Michael thanked him for donating funds to install a water fountain for dogs in the Mason Community Building campus. Mayor Grossmann presented a Proclamation to Mr. MacKinnon designating February 25, 2008 as Keith MacKinnon Day in Mason.

RECOGNITION OF VISITORS None

ORDINANCE 2008-04 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 7.75 ACRES FROM R-2 SINGLE FAMILY RESIDENTIAL TO INDUSTRIAL PUD WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED AROUND 7392 MASON MONTGOMERY ROAD EAST OF THE MANOR HOUSE (MANOR HOUSE)

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

Brain Lazor addressed Council and stated the original Manor House PUD was created in 1997 and contained two lots. Lot 1 contains the Manor House facility and lot 2 contains the Mercy Medical facility. These two lots are approximately 11.34 acres. This new proposal includes land located to the north and east of the existing development. If the addition is approved, the development will total approximately 19.1 acres. Brian further stated the Concept Plan shows the two existing facilities as well as the proposed additions. The plan shows three new structures: an 18,000 square foot future conference addition attached to the existing facility; a separate 3,000 square foot chapel east of the

existing building; and a 50,000 square foot, 60-room, hotel along the eastern edge of the project. The plan does not significantly change the existing development and the addition to the development meets the 20% green space requirement by itself.

He stated three modifications are being requested to adjust the setbacks of the development. The northern, eastern, and southern property lines require a 75-foot setback between non-residential and residential districts. The plan shows the northern and eastern setbacks at 20 feet and the southern at 70 feet. Adjacent to the northern and eastern areas is the current golf course. The Future Land Use Map in the Comprehensive Plan indicates the area to the north to be a Business Park and the area to the east to be residential. Brian said because of the nature of this proposed development, staff does not believe that the reduction of the setback to the north will cause issues. Likewise, if the Golf Course is redeveloped and the area to the east becomes residential, adequate buffers can be installed to reduce the impact this development may cause. The third modification is a slight setback reduction along the south end of the site. The 75-foot setback is requested to be modified to 70 feet to accommodate parking. Parking for the clubhouse currently exists in this area and the applicant is proposing to remove it back to the 70-foot setback. This should help to improve any negative impacts that exist on site. Brian reported the Planning Commission recommended approval of the concept PUD plan and rezoning as shown.

Brian said staff has reviewed the plans and feel the proposed expansion generally conforms to the Future Land Use Map of the Comprehensive Plan. If approved, similar to other Planned Unit Developments in the City, during the Final PUD process, the applicant must address landscaping, buffering, lighting, signage, modifications to the existing covenants and restrictions, stormwater facilities, and a traffic study along with many other requirements.

Mayor Grossmann opened the public hearing at 7:17 p.m. He asked if anyone was present to speak in favor of this rezoning. Bill Kinane owner and operator of the Manor House addressed Council and stated they have been in business in Mason for 10 years. He stated what they are planning is a 66 room "boutique" hotel that would accommodate their customers and the addition of a chapel. It will have a southern mansion feel to it. He said they are planning more plantings on the southern property border and the stormwater will be contained on their site. He also said the lighting will be subdued lighting as currently exists on their property. Councilmember Prince stated he had received calls from residents in White Blossom regarding existing stormwater problems. He would like to see more detailed drawings to make sure this problem is not increased

Mayor Grossmann asked if there was anyone present who wished to speak in opposition of this project. Dr. Roger Sublett, President of the Union Institute of the University of Cincinnati, resides at 7504 Kousa Court addressed Council and stated the proposed hotel will be 200 feet from private homes. He said he opposed the rezoning of approximately 7.5 acres of property abutting the White Blossom residential subdivision. He stated he received no notification of the hearing at Planning Commission. He noted the City files show that a letter was sent to households on December 14 notifying them of the January

2, 2008 Planning Commission meeting. He questioned sending the notices out so close to the holidays when people are traveling. He did not receive the letter. He said there were only 11 residents that received a letter. He added this feels like a rush to judgment for this rezoning when there are so many acres available. It is his opinion that letters should have been sent out to every resident of Mason asking them to help decide how 140 acres in the heart of Mason should be developed. He stated his concerns included the negative impact this will have on his property value. He suggested they place the project on the northern portion of the property, which has no neighbors. He said north and west of the Manor House is ample room to build a hotel. He said if this were approved he would like an attractive brick wall, similar to what exists behind the Wal Mart on Mason Montgomery Road, to protect his property along with trees and landscaping. He added the additional parking and noise will further have an impact on their residential property. He referred to the previous Council's actions when they refused to rezone this property for a Kroger Store and retail development. He also noted an article from the local newspaper November 24, 2007 that quoted the listing agent stating the owner's intention and the City's intention are one and the same. He added he is not opposed to responsible development but not at the cost of private residents. He also quoted a statistic 43% of the hotel rooms in Cincinnati go vacant. He asked Council to refuse the rezoning of this request, as it is not in the best interest of Mason residents.

Mr. Joe Brown of Kousa Court stated he would like a fence and screening to protect his property. He added he is concerned about the noise the hotel will create and the lighting.

John Harris, President of the Northeast Cincinnati Chamber of Commerce, addressed Council and spoke in favor of the development. He stated property owners have the right to develop their property and the product the Kinane's have brought to Mason has been a high level one.

Mr. David Lacey of 4647 Cedar Village Drive addressed Council and said he was a resident of the White Blossom subdivision. He asked how high the building would be. Bill Kinane replied it will be three stories. He added two and three story buildings have been approved for the Cedar Pointe PUD located between Kousa Court and Mason Montgomery Road. He added if the rezoning request gets denied tonight, he will purchase the property in the Cedar Pointe PUD and build the hotel there where the zoning is in place. Mr. Lacey expressed frustration with the City and the lack of information they were given when they were buying a home. He said his wife went to the Zoning Department and was given a zoning map. He said they did not know they needed to ask for a Comprehensive Plan.

Kathy Kinane addressed Council and stated the average crowd they accommodate on Saturday night is 800 and based on the percentage of occupancy Dr. Sublett gave that will mean the hotel will increase to 860. She also noted they have been in business since 1997 and these homeowners moved in 2002 and were aware of the development behind their property. She said at this time they do not have plans to build a pool. It is not their intention to add noise to the area.

Mayor Grossmann closed the public hearing at 7:50 p.m.

Richard Fair stated the current zoning is R-2 but it is shown as a business park on the Comprehensive Plan in 2001. He said this is a master plan that is developed by residents which serves as a twenty-year plan for future development. He added the Thoroughfare plan is created to plan the roads for Mason's future. Mayor Grossmann stated Council does not have to follow these plans but it allows developers to know what the City is expecting to be built in certain areas. He said this gives them an indication if they bring a project to the City and it complies with the comprehensive plan, they can anticipate it will be received favorably. Dr. Sublett said he asked the City what would happen to the vacant acreage and was told it was zoned R-2. Mayor Grossmann asked Brian Lazor to explain the PUD zoning. Brian explained that process and said if this plan is approved tonight, a more detailed plan will go before Planning Commission. Mayor Grossmann stated this is a public meeting and residents can come and comment or object to it.

Councilmember Prince stated he requested more detailed information on this development. Bill Kinane replied he does not have those plans yet. Brian Lazor explained the first step is the concept plan, which is what we have before Council. Councilmember Wurzbacher stated there was much discussion during the Planning Commission meeting on the buffering. He said the golf course would not be developed residential because the property is too expensive. He added the Manor House is more desirable than many other projects would be. Mayor Grossmann asked Richard Fair to explain who gets notified about the meetings. Richard Fair said the zoning code stated property owners within a 300-foot radius are mailed letters by the Planning Commission and then are sent registered letters by the Clerk of Council. The mailing lists are the same. Bill Kinane stated he couldn't build further north on the golf course property due to a high power line and easement that exist. Councilmember Kidd asked Bill Kinane if a rock wall or something like that would be acceptable. He replied he could not comment on that now. He said at Planning Commission more vegetation was discussed. He stated he is willing to do whatever seems to be fair and whatever it takes. He said they want it to look beautiful. Vice Mayor Beck stated Manor House has been a good corporate citizen. He said when the Manor House first was built; we approved the concept plan without the details required in the final plan. He said he feels this is a good use of the property and is in favor of moving forward with it. Councilmember Wurzbacher asked if this Council has a commitment from the Kinane's to work with the residents for a satisfactory buffer. He replied he would do that and host the meeting. He said their goal is to be a part of the community and have a beautiful property. He said Council has his commitment to do whatever it takes to make the project successful and everybody happy. He noted the increase in traffic that is a concern of some is really not there because that parking is already in this area with the golf course. He said it would be controlled and beautified. Councilmember Prince stated he would like to see more detail and while he does not think this would be a bad development in his own backyard, he will not vote for it tonight.

A motion to adopt Ordinance 2008-04 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 NAY (Prince)

ORDINANCE 2008-05 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 1.25 ACRES FROM R-4 AND B-1 TO R-4 DO (DOWNTOWN OVERLAY) AND B-1 DO (DOWNTOWN OVERLAY) LOCATED AT: 104 AND 106 NORTH FOREST AVENUE; 305, 309, AND 311 CHURCH STREET; AND A PROPERTY ON THE NORTH SIDE OF CHURCH STREET BETWEEN THE RAILROAD TRACKS AND 304 CHURCH STREET AND TO AMEND THE DESIGN GUIDELINES HANDBOOK TO ADD THESE PROPERTIES TO THE DOWNTOWN OVERLAY DISTRICT DOWNTOWN PROPERTY

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

Brain Lazor explained to Council, Downtown Mason property owners are requesting to add six properties to the Downtown Overlay District. The Overlay District has been expanded several times in the past to include properties located on East Main Street, east of Kings Mills Road. The properties proposed for inclusion are, 104 and 106 N. Forest Avenue; 305, 309, 311 West Church Street; as well as the City owned property located on Church Street west of 304 W. Church Street.

He stated the Downtown Overlay District was created in November 2005, and encompasses the parcels fronting Main Street from Mason Road to parcels east of Dawson Street and the parcels fronting Reading Road from 4th Avenue to Main Street.

Brian said presently five of the properties are zoned R-4 single family residential, which permits residential, agricultural, and institutional uses. The property at 104 Forest is zoned B-1, Central Business District, which permits commercial uses. The Overlay District permits the underlying zoning to continue but also adds the permitted uses in the B-1, Central Business District: retail, commercial, office and institutional uses. The overlay district specifically prohibits the following: vehicle sales, rental and services; equipment sales, rental and services; auto repair, body shops, automobile accessories; automobile washing facilities; automobile service stations; and vehicle storage. In addition to the uses permitted in the B-1 district, the Downtown Overlay District allows parks, outdoor seating, public parking along with financial institutions, drug stores, cafes and coffee shops with drive through facilities. He added Planning Commission recommended approval of the rezoning.

Brian also stated the Design Review Board met on November 15, 2007. Due to a lack of a quorum, an official recommendation could not be made. However, the members present discussed the proposal and they suggested the following building classifications:

1. 104 Forest, 106 Forest and 309 W. Church as Non-Historic Structures.
2. 305 and 311 W. Church as Background Structures.
3. City owned property on north side of Church Street as a Contributing Structure.

Brain said staff has reviewed this plan and feels the Future Land Use Map designates the properties as "Downtown." Downtown is considered to be the heart of the City and could benefit from the mixing of uses. Some prominent characteristics of downtown are retail, office, higher-density residential and architectural compatibility. There are concerns that this rezoning includes a small portion of Church Street, which starts to change the dynamics of the neighborhood. If City Council approves the district expansion, then staff would recommend that all of Church Street be reviewed for potential inclusion.

Mayor Grossmann opened the public hearing at 8:27 p.m. and asked for any comments from those in support of this rezoning. Sally Nally of 319 Kings Mills Road addressed Council and stated she is representing the property owners and they are in support of this rezoning request. In 2006 Council approved the downtown streetscape, which was the first part of the downtown improvements. She said the Downtown Mason Association (DMA) was charged with improving the parking in the downtown area. She said they are trying to work with the businesses and property owners cooperatively to add parking. She added the firm hired by Council, TEC Engineering identified the area behind the Chamber office as a potential increased parking area. She said in order to make that happen, they needed to change the zoning in the area. She said this rezoning would help accomplish this. John Harris representing the Chamber of Commerce said several years ago when they were planning the revitalization of downtown, the DMA was told by Council to work cooperatively with the property owners and businesses and come up with a plan to improve the parking in the area. He said this is a result of the stakeholders working together. He said we have gone through the Design and Review Board and the Planning Commission. He noted others are also talking about joining together to provide parking in other areas of downtown. He concluded by stating the Chamber is in favor of this request.

Mayor Grossmann closed the public hearing at 8:38 p.m.

Councilmember Bradburn asked Sally Nally about the future plans for this area. She replied ideally the next step would be a discussion of a property exchange between 104 Forest and Church Street. She stated the hope would be to level that building to allow for more parking for the community. Councilmember Bradburn asked if the Chamber was buying her property. She replied no. Vice Mayor Beck stated, if approved, this will have an impact on the property owners on Church Street. He said once this becomes part of the overlay district, additional restrictions would be enforced. Councilmember Wurzbacher stated it is in the City's best economic interest to see this become part of the overlay district to enhance parking for the businesses. Councilmember Kidd stated this is consistent with our comprehensive plan. He said only the properties within the zoning request will be affected by the overlay guidelines. Mayor Grossmann stated if there were significant opposition from the property owners, he would not approve it.

A motion to adopt Ordinance 2008-05 was made by Councilmember Kidd, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2008-20 AUTHORIZING A CONTRIBUTION OF \$22,016.00 TO THE WARREN COUNTY DRUG TASK FORCE

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

Eric Hansen explained to Council, the City has participated in the Warren County Drug Task Force since its inception. He said local agencies collectively match State and Federal grants. In 2000 and 2001, Eric explained, the City of Mason contributed \$21,097 annually based on population figures from 1999. In 2003, the contribution was \$10,000 and from 2004 through 2007 the contribution was \$22,016. This year the Task Force is again requesting membership fees based on population. According to the 2000 Warren County Census, the population of Mason is 22,106. Therefore, the funding request is in the amount of \$22,016. John Burke, Commander of the Task Force, was introduced and presented details on their activities for 2007. He stated the Warren County Commissioners have used Mason's annual payment along with other communities as leverage for State and Federal monies.

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

A motion to adopt Ordinance 2008-20 was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2008-21 AUTHORIZING PAYMENT OF \$50,000.00 TO FESTIVALS OF MASON, INC. IN SUPPORT OF THE 2008 HERITAGE FESTIVAL, CHRISTMAS IN MASON, AND CHRISTMAS IN LIGHTS

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, in 2004, the City entered into a formal agreement to provide funding for the community festivals held in Mason through the Festivals of Mason organization. This year, Festivals of Mason is again requesting funding in the amount of \$50,000 to support Heritage Festival, Christmas in Mason, and Christmas in Lights. Eric stated this is the same amount the City paid in 2007. The City is the primary financial backer of these events in addition to providing other resources and significant labor hours to make the events successful. Public Works, Police, Engineering and Building, Fire and Parks & Recreation all contribute staff support to Festivals of Mason events. Eric further explained last summer, the City was asked to help provide ongoing administrative support for Festivals. In 2007, the city began providing on a trial basis a year-round contact point and business support through a Finance Clerk. The intent was to see how well the arrangement worked and what impact it had on City operations. As a result, an employee was assigned to work with Festivals of Mason last July and has spent approximately 80 hours of her time on Festivals business. It is estimated that no more than 130 hours would be spent per full year. After meeting with Festivals of Mason representatives, they indicated they are pleased with the arrangement and would like it to continue. While we will need to continue to monitor how this arrangement impacts our

employee's responsibilities, I believe that with Council's consent staff will continue to be able to accommodate this additional responsibility.

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

A motion to adopt Ordinance 2008-21 was made by Councilmember Kidd, seconded by Councilmember Shimrock. VOTE: ALL YEAS

A motion to continue the administrative support for the Festivals of Mason was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS

CRA DISTRICT #4 AMERICAN BUSINESS PERSONNEL SERVICE, INC.

Michele Blair addressed Council and explained Mason City Council has the opportunity to bring an attractive new investment to the Central Parke of Mason Business Park at Cedar Village Drive and Central Parke off of Mason-Montgomery Road. She said this business is currently located in Deerfield Township and has been in operation for over thirty years. American Business Personnel Service, Inc. search for a new corporate headquarters location was narrowed to Mason and Deerfield office sites. Michele said the company will own their new location and build a facility to accommodate future office employment growth. The company employs 22 full-time positions that are on location and another 200 that are part of the placement services. Many of the 200 off-site are placed within the Mason business community. Future partnership with this company is desirable to help strengthen the job placement of workforce within the Mason corporate and manufacturing communities.

She further explained the proposed office development will initially include a one-story 6,240 square foot office, expandable to 12,000 square foot, two-story build-out. The lot will allow for additional square footage to be added. The real property investment is estimated at \$1 million, personal property investments estimated at \$200,000 and total investment including land is over \$3.3 million. The company projects employment at 27 jobs by 2011 and an average salary of approximately \$53,000. Payroll is approximately \$1.5 million. This new investment makes an estimated new economic impact investment of over \$120,000 to the community during the term of the incentive.

Mr. Toby Tripp, Vice President of American Business Personnel Services, Inc. addressed Council and stated if this abatement is approved, it will become the priority locations for the relocation.

Michele reported the Economic Development Committee recommends helping attract this smaller office development because it is a single-use structure and company-owned facility that projects both office space and employment growth by granting an abatement under the Community Reinvestment Area Program. The abatement will include 100% of real property improvements for 4-years on the value of the new building expansion as authorized by the State of Ohio Community Reinvestment Area Program. This is

contingent upon the company making an annual compensation payment to the Mason City School District for the term of the abatement period.

Councilmember Wurzbacher spoke in favor of this abatement stating it is appealing for work force development and the diversity it brings to the City's business index. Vice Mayor Beck moved to approve this abatement, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2008-22 AUTHORIZING THE CITY MANAGER TO ENTER INTO A TWO-YEAR CONTRACT WITH TEC ENGINEERING, INC., TO OPERATE AND MAINTAIN THE CITY'S TRAFFIC SIGNAL SYSTEM, IN THE AMOUNT OF \$45,000.00 FOR YEAR ONE, AND \$46,500.00 FOR YEAR TWO.

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

Richard Fair explained to Council, last year City Council authorized a one-year contract with TEC Engineering for the operation and maintenance of the City's thirty-nine traffic signals. This first year was meant to be a trial period for both TEC and the City. One of the most notable accomplishments resulting from this contract was the reduction in signal maintenance costs, down from over \$50,000 per year to under \$20,000 in 2007, while the amount spent with TEC Engineering remained the same. Richard stated another major accomplishment was TEC's work with ODOT to allow us to interconnect their signals into our system along SR 741 and along Western Row Road to help improve traffic flow during peak times. TEC also assisted in acquiring and installing three additional pan-tilt-zoom (PTZ) cameras to help quickly diagnose problems at major intersections. Richard said with the success of the first year we asked TEC for a proposal to continue the operations and maintenance contract for a two-year period. He reported the first year they have agreed to keep the monthly fee at \$3,750 and are proposing a 3% increase for the second year. Their proposal lists all the services TEC is to provide including major items, such as: 24-hour monitoring of the thirty-nine traffic signals in the City, monthly inspections of all signals, daily review of all logs, daily electronic archiving of all reports; daily archiving and review of the traffic counts, minor signal timing changes, verification of all complaints (225 received last year), weekly signal reports and review of all coordinated systems. Included in the contract is the addition of at least one new signal at Snider Road/Cedar Village Drive during the contract period bringing the number of signals the City is responsible for to forty. The proposed cost for the first year of the contract is \$3,750 a month or \$45,000 for the year and the second year is \$3,875 per month or \$46,500 for the year.

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

A motion to adopt Ordinance 2008-22 was made by Councilmember Shimrock, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2008-23 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KZF DESIGN, INC., IN THE AMOUNT OF \$553,077.00 FOR ENGINEERING SERVICES FOR PART 2, STAGES 2 AND 3 PLANS AND RIGHT-OF-WAY ACQUISITION SERVICES FOR THE IMPROVEMENTS TO US 42 FROM BUTLER-WARREN ROAD TO TYLERSVILLE ROAD

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

Richard Fair explained to Council, the purpose of this legislation is to award a contract for engineering services to prepare final plans for right-of-way, traffic control, lighting, maintenance of traffic and quantities for the improvements to U.S. 42. Richard stated the City received a \$3.5 million grant award for the widening of U.S. 42 from Tylersville Road to Butler Warren Road. The grant covers approximately 50% of the construction costs for this 2-mile long stretch of U.S. 42. This is the largest grant the City has received and a great opportunity to move forward on a needed road improvement. Like many grants the City is required to commit to several conditions. Richard explained the grant award amount does not include engineering, right-of-way, utility relocation, or environmental assessment costs, which are estimated to total about \$2 million. He stated in November 2005, Council authorized a contract, in the amount of \$341,318, with KZF for the design of Phase 1 plans. KZF designed the downtown streetscape and also the improvements to US 42 in Butler County. The firm has extensive experience working with ODOT and complying with Federal environmental guidelines. ODOT has established a schedule showing Stage 3 plans to be submitted by December 2008 and a construction contract to be awarded in October 2010. The schedule allows about eighteen months to obtain all the necessary right-of-way and begin utility relocation. In order to meet this schedule, engineering for Stage 2 and 3 will need to begin immediately. Richard said ODOT recommended splitting the design into 2 Phases: Phase 1 is now complete and Phase 2 includes Stage 2 and 3 plans. The proposal submitted by KZF for Phase 2 includes title work, appraisals and negotiations for seventy-nine (79) parcels, at a cost of \$553,077. He concluded by stating the 2008 budget includes \$1.1 million for this work and to begin right-of-way acquisition and the Public Works Committee has reviewed this project and is recommending adoption.

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

A motion to adopt Ordinance 2008-23 was made by Councilmember Kidd, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2008-24 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER, IN THE AMOUNT OF \$68,708.51, TO INCREASE THE CONTRACT OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE CLOSED LOOP TRAFFIC SYSTEM PROJECT

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

Richard Fair explained to Council, on May 13, 2002, Council adopted legislation entering into a contract with ODOT for the construction of the Closed Loop Traffic Signal System Project. The City received a \$574,000 grant to replace and upgrade several traffic signals downtown and along Mason-Montgomery Road. Construction on the project started in March 2004 with a contractor chosen by ODOT from the Columbus area. In June of 2005, the City was told the final change order was in the amount of \$9,063, which was within the contract amount and did not require Council action. The account and project were subsequently closed. In the spring of 2007, the City received another change order in the amount of \$75,481 for ODOT inspection services that was not anticipated. ODOT estimated construction inspection fees at \$47,163.87 and the actual costs incurred were \$104,915.64. This is the major item that caused the project to exceed the grant amount and by contract the City is responsible for paying these fees. After months of negotiating over the amount of the change order, the City is required to pay an additional \$68,708 or face grant sanctions by ODOT. Public Works Committee has reviewed this item and is recommending adoption.

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

Vice Mayor Beck asked for clarification on the state's requirement for these additional funds.

A motion to adopt Ordinance 2008-24 was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2008-25 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STANTEC CONSULTING SERVICES, INC., IN AN AMOUNT NOT TO EXCEED \$56,600.00 FOR THE MUDDY CREEK HYDRAULIC STUDY

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

Richard Fair explained to Council, this ordinance will authorize a contract with Stantec in the amount of \$56,600 for surveying, data collection, hydraulic model development and report preparation for the remaining two sections of streams that are fully developed and have not been studied in detail. One section is the Muddy Creek from Tylersville Road to Kings Mills Road. He noted this section connects two previous studies and includes the

majority of the downtown area. The other section is located in the upper reaches of Branch #2 of the Muddy Creek in the area of the Tyler Station subdivision. The total savings realized by completing this leverage study versus a detailed study is over \$40,000 for the Muddy Creek section and close to \$20,000 for the Branch #2 of the Muddy Creek. This project was included in the 2008 budget. He said the Public Works Committee has reviewed this project and is recommending adoption.

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

A motion to adopt Ordinance 2008-25 was made by Councilmember Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS

Vice Mayor Beck requested Resolution 2008-1 be added to the agenda.

RESOLUTION 2008-1 OPPOSING DUKE ENERGY OHIO PROPOSED RATE INCREASES AND CUSTOMER CHARGES IN CASE NO. 07-589-GA-AIR

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

Vice Mayor Beck stated he opposed the gas rate increase currently before the Public Utilities Commission of Ohio. He said he was notified by the Ohio Consumer Council and Duke energy on the requested increase. He noted the percentages range from 150% increase to overall 33% increase on customer's bills. He said bills are usually calculated on what you use but he noted this rate increase increases the customer charges, which removes a customer's ability to reduce their bills by reducing their usage. He also noted the increase in the fee for replacing the gas pipelines was too large.

Mayor Grossmann said he is not informed enough about this to pass the resolution. He stated he would like to hear from Duke Energy. Councilmember Kidd echoed the concerns of Mayor Grossmann. Vice Mayor Beck suggested this be reviewed by the Utility Committee and they report to Council. Councilmember Bradburn noted the charges include Duke Energy taking over the service to the house. He stated his concerns are the same as Vice Mayor Beck's. A motion to refer the matter to the Utility Committee was made by Councilmember Kidd, seconded by Vice Mayor Beck. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

► The Mason Community Center is offering a free, all-day open house on March 1, 2008 from 1:00 to 4:00 p.m. to celebrate its Five-Year Anniversary. Family-friendly activities are planned throughout the day and there will also be demos of the most popular group exercise and youth classes, plus door prizes every hour. As members swipe their cards the

week before, their name will be entered into a special drawing for a grand prize of a one-year free membership to the Mason Community Center.

▶ The Park Board has done a review of the Lou Eves Municipal Pool fees. The 2007 season was the first time the pool turned a profit. It is the Park Boards recommendation that the rates remain the same for 2008.

▶ The 2008-2009 edition of the City Guide is ready for distribution. Copies are available at the Municipal Center.

▶ Eric reported he is planning to be out of town the week of March 23rd. Council will need to appoint someone to act as City Manager in his absence. Councilmember Kidd moved to appoint Jennifer Heft as acting City Manager the week of March 23, 2008. Councilmember Shimrock seconded the motion. VOTE: ALL YEAS

▶ To better accommodate upcoming schedules, the National League of Cities Conference, holidays and upcoming legislation needs, it is necessary to adjust the Council meeting schedule. Moving the regularly scheduled March 24th meeting to March 17th and canceling the April 28th and May 26th meetings will be possible. Councilmember Bradburn moved to approve the revised schedule for council meetings in March and April. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Bradburn reported on the OKI meeting he attended. He also reported the Warren County Municipal League met and Warren County Commissioner Dave Young was the speaker. He reported Dave Young mentioned they are looking at the possibility of passing a Warren County Park Levy.

Councilmember Wurzbacher reported on the meeting with the Economic Development Committee of Council.

Councilmember Prince reported on the Public Works Committee meeting.

OLD AND NEW BUSINESS None

RECOGNITION OF VISITORS

Rich Cox of 657 Reading Road addressed Council and stated the absence of a skate park in Mason is a problem. He said kids want a small park for a place to go. He stated he realized the City looked into it in the past but the park under discussion then was a large skate park. He asked Council to look into providing a small park for skate boarding purposes. He also stated he is interested in serving on the Park Board.

Mayor Grossmann added an executive session to the agenda for the purpose of discussing personnel.

EXECUTIVE SESSION

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

Councilmember Shimrock moved to reconvene into regular session. Councilmember Prince seconded the motion. VOTE: ALL YEAS

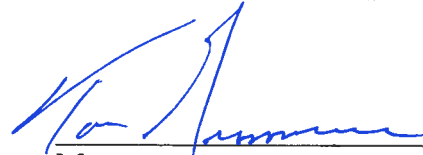
Mayor Grossmann stated Mike Mumma would be appointed to fill the vacancy on the Park Board.

ADJOURN

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

TIME: 9:56 p.m.


Clerk of Council


Mayor