

**CITY OF MASON  
COUNCIL MEETING  
JUNE 9, 2008**

Vice Mayor Beck called the meeting to order at 7:01 p.m. Chaplain Tom Moll opened the meeting with prayer. Those in attendance recited the pledge of allegiance.

**ATTENDANCE**

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

**APPROVAL OF MINUTES**

A motion to approve the minutes of the May 12, 2008 council meeting was made by Councilmember Kidd, seconded by Councilmember Shimrock. VOTE: ALL YEAS

A motion to approve the minutes of the June 2, 2008 Council Worksession was made by Councilmember Prince, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**RECOGNITION OF DARE ESSAY CONTEST WINNERS**

DARE officer Ryan Tanner introduced the winner of the DARE Essay Contest. The winners from the Mason Intermediate School were Katherine Hansen and Chloe Knue. Winners from St Susanna were Cassandra Gibbs and Katie Alcox. They were all present and read their winning essays.

**RECOGNITION OF MITZI BAILEY, PRESIDENT OF WARREN COUNTY MASTER GARDENERS**

Mayor Beck recognized the efforts of Mitzi Bailey, President of the Warren County Master Gardeners and Logan Christensen and Stephen Hendrickson, Eagle Scouts, that contributed to improving the Pine Hill Lodge. Jack Clasen said Mason in Bloom donated funds to landscape the lodge so it could be included in the "Art in the Garden" tour this summer.

**RECOGNITION OF VISITORS**

Mr. Gene Nell of 607 Bunker Lane addressed Council and asked how the DARE program is supported. Eric Hansen responded the City finances the program in conjunction with the schools. He said the City has received grants from the state in the past. Mr. Nell complimented the City on the "State of the City" program he viewed on ICRC. He said it was well done meaningful and provided much information. He urged the City to pursue

an admissions fee, which he said is justified by the cost to the City for providing services for the amusements.

Mr. Chris Hodges of 6496 Caddy's Way addressed Council and asked about the status of repairing or demolishing the abandoned car wash behind "The Red Door". He said he sees it every morning as he drops his children off at St. Susanna's. He noted he contacted Todd Wurzbacher nine months ago. He supplied details on the code of ordinances from Springdale which allows that city to address this problem. Mayor Beck asked what the owner intends to do with the property. Mr. Hodges replied the church has a somewhat strained relationship with her and in 2000-2001 the church did consider buying the property. He said at this time they are not. He clarified he is not here representing St. Susanna Church but as a resident. Eric Hansen stated this has been a frustrating situation for approximately five years. He said the City received calls on the condition of the site but it is private property and there are limits in place on how much the City can do. He cautioned Council that if they review revising the City's code, they must realize it will affect other properties and adequate time should be allotted for review. Vice Mayor Beck stated the Public Works Committee can review the matter but asked what could be done about this site now. Councilmember Kidd asked the Law Director, Ken Schneider to comment on what the City can do in this situation. Ken commented that it could be a safety matter but the City really needs to adopt a code that deals with this issue. He said if it is clearly a safety issue, the City can notify the property owner and if that notice is ignored, the City could make repairs and attach the cost to the property tax duplicate. Eric Hansen stated there are two issues to deal with. The first is reviewing the City's code and possibly adopting a new regulation and the second is dealing with this specific site. Councilmember Kidd suggested he and Vice Mayor Beck meet with the property owner and see if the matter can be resolved. Council agreed with this suggestion.

Mr. Kevin Collins of 5592 Glen Brook addressed Council and said, as the Chairman for the Relay for Life, he would like to thank the City for use of the facility and the employees. He also thanked TriHealth for their participation.

**RESOLUTION 2008-9 ADOPTING THE BUDGET OF THE CITY OF MASON FOR THE YEAR JANUARY1, 2009 THROUGH DECEMBER 31, 2009**

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

Eric Hansen stated a public hearing on this legislation will be held on July 14, 2008.

**ORDINANCE 2008-67 APPROVAL OF THE DEDICATION PLAT FOR CHRIST'S CHURCH AT MASON**

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

Richard Fair explained to Council, the City of Mason is requesting approval of the dedication plat for Christ's Church at Mason for the future widening of Western Row Road. This property is located at the southwest corner of Western Row Road and Mason-Montgomery Road. The plat will dedicate 0.061 acres from Lot 1A (renamed to Lot 1B) for the installation of the right turn lane as part of the Western Row Road Widening Project. He also stated Planning Commission recommends approval of the dedication plat.

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

A motion to adopt Ordinance 2008-67 was made by Councilmember Kidd, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2008-68 AUTHORIZING THE CITY MANAGER TO GRANT A UTILITY EASEMENT FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY AND FOR TELECOMMUNICATION PURPOSES TO DUKE ENERGY ON THE CITY OF MASON PROPERTY LOCATED AT THE NORTHWEST CORNER OF MASON-MONTGOMERY ROAD AND U.S. 42**

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

Richard Fair explained to Council, as part of the Downtown Streetscape Project, the utility poles along U.S. 42 are being removed and the existing utilities are being relocated underground or, in this case, to the rear of some properties. Duke Energy is requesting a utility easement along the northern portion of the City of Mason property located at the northwest corner of Mason-Montgomery Road and U.S. 42. This easement allows for overhead power and communication lines to be extended across the City of Mason property to service 106 and 112 West Main Street. Richard stated the City is realizing a savings of approximately \$20,000 by providing this rear lot line service instead of underground service.

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 2008-68 was made by Councilmember Kidd, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2008-69 AUTHORIZING THE ACCEPTANCE OF AN ACCESS EASEMENT FROM ANJ PROPERTIES OF MASON FOR THE CREATION OF AN ACCESS DRIVE AS PART OF THE DOWNTOWN REVITALIZATION PROJECT**

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

Richard Fair explained to Council, the purpose of this legislation is to improve access to the public parking area constructed as part of the Downtown revitalization project. He said staff has been working with ANJ Properties of Mason located at 111 Reading Road, Mason Plaza, regarding the conveyance of an agreement to provide access through their existing parking lot to the public parking lot being constructed as part of the Downtown Streetscape Project. Currently, the new public parking lot has access only from W. Main Street. This easement will increase accessibility to the City's new parking lot by providing access to U.S. 42 as well. He stated the design for this area is included in the Downtown Streetscape contract.

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

Vice Mayor Beck asked if the City would be liable if there is an accident in this parking lot. Ken Schneider replied no.

A motion to adopt Ordinance 2008-69 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2008-70 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE URBAN PAVING PROJECT TO PLANE AND RESURFACE PORTIONS OF US 42 THROUGH THE CITY OF 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, as part of the Ohio Department of Transportation Urban Paving Policy, U.S. 42 is scheduled for resurfacing in ODOT calendar year 2009. The first step in the process, according to ODOT guidelines, was for the City to prepare resurfacing drawings, which are under review by ODOT. The City is now required to approve preliminary legislation authorizing the City Manager to enter into a contract with ODOT which states the City agrees to cooperate with ODOT by paying to prepare the drawings; acquire any necessary right-of-way; pay for the non-federal share of the construction costs and for 100% of items not paid for by ODOT; and 100% to upgrade all handicap curb ramps.

Eric said this program has an 80/20 funding split, with ODOT paying 80% and the City paying 20% of the construction costs, plus items not covered by the Urban Paving Policy. At this time, he commented, it is not possible to accurately estimate how much the City's share is until final quantities are approved by ODOT. However, the City's share estimated by ODOT is approximately \$170,000, which will be budgeted for in 2009. Currently ODOT plans to bid the project February 25, 2009 with construction occurring in Spring 2009.

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

A motion to adopt Ordinance 2008-70 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2008-71 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND R.B. JERGENS CONTRACTORS, INC., IN THE AMOUNT OF \$96,089.89, FOR THE TYLERSVILLE ROAD & FIRESIDE DRIVE IMPROVEMENT PROJECT**

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

Richard Fair explained to Council, Warren County has proposed resurfacing of the remaining section of Tylersville Road between where the City's recent resurfacing project stopped and Butler-Warren Road. He said they originally wanted to bid this work separately next year; however, with the rising cost of asphalt they are now interested in performing this work this year. This additional \$140,000 work would require a change order to the original contract that would be a shared cost between the City and Warren County. Richard said the City would be responsible for approximately 1/3 of the cost of resurfacing, or \$47,000. He stated there are several benefits to adding the resurfacing to this project. The contractor, R.B. Jergens, has agreed to do the paving at the original contract price, which will result in an approximate savings of \$3.50 per ton of asphalt compared to current prices. Asphalt prices for 2009 are expected to increase 10% - 15% over 2008 costs. Additionally, resurfacing the remainder of Tylersville Road will complete the resurfacing of the entire length of road from Butler-Warren to US 42. He said the City's portion of the original contract was about \$311,000 minus \$97,000 in Issue #1 funds and by making some adjustments in the field we were able to reduce the quantity of asphalt removed and base asphalt placed. Due to the reduction in quantities, the city's portion should remain unchanged even after this additional work is performed. The county's portion will increase from about \$368,000 to about \$465,000. The County Engineer's office will present a change order to the reimbursement agreement on Tuesday, June 10, 2008 for consideration by the County Commissioners. If authorized by Council and the Commissioners, it is expected that the additional paving will be substantially complete by the end of July 2008.

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

Councilmember Kidd asked about the status of a traffic signal being installed at that intersection. Richard Fair stated it will probably not be installed until the road goes through. At that time he said he assumes the County would require the developer to pay for the signal.

A motion to adopt Ordinance 2008-71 was made by Councilmember Kidd, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2008-72 AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATIONS FOR AN OHIO PUBLIC WORKS COMMISSION, DISTRICT 10 STATE ISSUE 1 GRANT FOR PROJECTS SUBMITTED FOR PROGRAM YEAR 25 (2011)**

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

Eric Hansen explained to Council, the intent of the Issue 1 grant program is to assist in financing public infrastructure capital improvements of local governments. He said Ohio voters adopted the original Issue 2 program in 1987 with a sunset provision of 10 years with renewal in 1995. In 2005 voters renewed the program as State Issue 1, which re-authorized another 10-year period funding cycle. The funding year listed in the ordinance is Program Year 25, beginning July 1, 2011 with applications due to Warren County by June 20, 2008.

Eric stated the City has enjoyed tremendous success in our grant applications. In 2003, the City received \$500,596 in Issue 2 funds toward the Socialville-Fosters Road Improvement Project. In 2005, the US 42 and Hanover Intersection Improvement received \$139,608, the Western Row Road Widening Project currently under construction received \$500,000 and the Mason-Montgomery Road portion of the Downtown Streetscape and Mason-Montgomery Road Project included \$267,326 in OPWC funding. Other future projects currently under design include: Bethany Road from program year 2004 with \$411,000 in grant funding, Mason Road Phase 1 received \$1,141,000 in funds in 2006 and Phase 2 has been awarded an additional \$478,500 for 2007. Also in 2007 the City and County together received \$262,265 in funds for the Tylersville Road and Fireside Drive Intersection Improvement. The City intends to follow in this tradition by applying for Program Year 25 (2011) funds this year. Eric reported staff has identified the following projects as timely, high priority for the City, and most likely to succeed in the competitive scoring portion of the program:

- US 42 Widening from Butler-Warren Road to Tylersville Road.
  - Widening 11,500 of existing two lanes to five lanes with a bike path, sidewalk, curb, and gutter. The grant request is for about \$1 million. This will be used in conjunction with the current \$3.5 million OKI grant.
- Split Phase Signal Elimination Project (Villagefield Drive/Tylersville Road Intersection and Cintas Boulevard/Western Row Road Intersection)
  - Currently both of these intersections run split phase, which takes additional green time away from the mainline traffic. This project would eliminate the need for this type of timing by improving both the intersections. The grant request is about \$250,000.

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 2008-72 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2008-73 AMENDING SECTION 521.11 OF THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO REGARDING WEED CUTTING REQUIRED**

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

Eric Hansen explained to Council, every year the Engineering and Building Department receives numerous complaints, usually in the spring and summer when property owners are required to maintain their property's grass and weeds below eight inches in height. Since January 1, 2008, the department has responded to 30 complaints.

Eric stated currently, the City's ordinance provides that all land must be cut at least twice in every year, and at any other time as is necessary to keep the growth of such weeds, grasses and vegetation under eight inches in height. Although this requirement is beneficial and appropriate for most areas throughout the City of Mason, two types of open areas warrant changes to this ordinance. Areas adjacent to ODNR designated streams are one exception to the current ordinance. The second exception are designated natural areas for non-single family residential lots greater than five acres. Examples in the City of Mason where existing natural areas exist are along Mason-Montgomery Road across the Proctor & Gamble Company property, along Mason Road, Butler-Warren Road and Bethany Road across the Heritage Club Property. These areas are beneficial to the environment in managing storm water runoff volumes and creating habitat and an environment for wildlife to live in. Eric concluded by stating Ordinance 2008-73 establishes criteria for creating natural areas and riparian buffers – essentially exempting these areas from mowing requirements.

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

Councilmember Prince clarified that a resident could not just decide to stop mowing their lawn if they had a five-acre parcel. Eric replied they would need to apply to the City for that designation. The request would be submitted to Richard Fair.

A motion to adopt Ordinance 2008-73 was made by Councilmember Shimrock, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2008-74 ELIMINATING THE POSITION OF BATTALION CHIEF/SUPERVISOR AND ESTABLISHING UP TO NINE LIEUTENANT POSITIONS, AS NEEDED, IN THE CITY OF MASON FIRE DEPARTMENT AND ESTABLISHING COMPENSATION**

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

Jennifer Heft explained to Council, the next step the City is ready to take in an effort to continue to improve the fire department as recommended by the Fire and EMS professionals, is to increase the level of supervision within the department to help improve accountability. She stated the current organizational structure of the department has a full-time Battalion Chief/Supervisor, who is responsible for the shifts at both stations. Officers in Charge, who are typically part-time employees, are also responsible for much of the first level supervision. Vacations and other personal time off create additional conditions that make it difficult to ensure adequate supervision. This ordinance will create up to nine Fire Lieutenant positions that will provide the consistent and necessary supervision. The Fire Lieutenant position will be the company commander on each shift at each of the two stations providing training and supervisory oversight along with consistent management of the employees. This ordinance also eliminates the current Battalion Chief/Supervisor classification. The employees currently serving in that position will become Fire Lieutenants.

Jennifer stated the Safety Committee has spent considerable time discussing and reviewing the Department structure and recommends this step. The recently concluded union negotiations allows for the City to initially recruit widely for these positions and makes long anticipated action on this item timely. Additional changes to strengthen the organizational structure are also being discussed and anticipated for further action this fall.

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

Councilmember Bradburn commented this contract allows the City to look inside and outside the current organization to secure the best individuals for the positions. He complimented staff for being successful in this negotiation. He said this is unusual to have this flexibility and the City is fortunate to be able to utilize it to continue to create the high standard in the Fire Department. He thanked former members of Council Matt Kline and Char Pelfrey for their assistance and time on this matter. Eric Hansen stated more legislation is coming before Council with regards to the Fire Department. Vice Mayor Beck asked if it will necessarily mean we fill nine positions. Eric stated if the City has three fire stations, three positions per station will be needed. Councilmember Shimrock thanked Councilmember Bradburn for all of his time and dedication to this matter.



A motion to adopt Ordinance 2008-74 was made by Councilmember Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS

**ORDINANCE 2008-75 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CORPORATE EXPRESS IN THE AMOUNT OF \$36,112.00 FOR CITYWIDE JANITORIAL SUPPLIES**

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

Eric Hansen explained to Council, this is the City's first attempt at consolidating janitorial supplies for all city departments. In the past, each department chose a vendor, and purchased the supplies they needed. This prevented the purchasing power of the City to be used as a cost savings tool. Since this is the first attempt at this type of contract, next year, staff anticipates refining the quantities to further impact costs. Additionally, new facilities are being added such as the Mason Sports Park, where usage history is not available. Also, the more City sponsored events, the greater the impact on janitorial supplies. Eric stated three bids were received with the lowest and best bid being submitted by Corporate Express for \$36,112. Based upon 2007 estimated usage and cost, the Corporate Express bid will generate an annual cost savings to the City of Mason, in excess of \$15,000.

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

A motion to adopt Ordinance 2008-75 was made by Councilmember Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

Eric Hansen reported on the following items:

- ▶ The Mason Historical Society will hold their annual Ice Cream Social on Tuesday, June 10 beginning at 6:00 p.m. at 207 W. Church Street. Ice cream is being donated by Culver's and there will be an auction of homemade baked goods. A men's chorus will be the entertainment for this annual fundraiser.
- ▶ The next meeting of the Warren County Municipal League will be held on Wednesday, June 18 at 6:00 p.m. at the Houston Restaurant. Guest speaker will be John Mahoney of the Ohio Municipal League. Please R.S.V.P. to Terry Schulte by June 13.
- ▶ The Red, Rhythm & Boom celebration is on Thursday, July 3 from 5:30 to 10:30 p.m. at Corwin Nixon Park. The two featured musical acts are Grand Funk Railroad on the main stage at 7:00 p.m. and Creedence Clearwater Revisited at 9:00 p.m. Rozzi's fireworks are scheduled for 10:30 p.m. There will be free shuttle service, Kids Zone, food booths and a fireworks jump.

► City offices will be closed on Friday, July 4<sup>th</sup>. On Thursday, July 3 and Friday, July 4, the Mason Community Center hours are 5:30 a.m. to 6:00 p.m. There will be no Sunday concert on July 6.

### **COMMITTEE REPORTS**

Vice Mayor Beck reported the Finance Committee is happy to report the City's bond rating has been upgraded to AA2. He said much work goes into this and he asked Eric Hansen to explain the benefit to the City. Eric Hansen responded the upgrade reflects positively on the sound management of the city management and Council. He said the direct benefit is the cost savings to the taxpayers. He said as a result of the better rating, fees charged to the city to issue debt are reduced. Vice Mayor Beck also stated they are attempting to schedule another Finance Committee meeting but have been experiencing difficulty coordinating schedules. He said he has given them three dates to work with and he expects it to be scheduled in the near future.

Councilmember Shimrock reported on the status of the skate park discussion. She said she has had some conversations with other communities on partnering on this project and a volunteer with years of experience in this area has contacted her and she is meeting with him in hopes of utilizing his expertise in this area. Vice Mayor Beck clarified the Park Board will be reviewing the matter and report to Council.

### **OLD AND NEW BUISNESS**

Councilmember Kidd requested the status of completing the bike path from David Lane to Pine Hill Park. He said that link needs to be completed for the residents on that side of the city who cannot get to the park without crossing a fence. Eric Hansen reported it is not in this year's budget but was planned for next year's budget. Councilmember Kidd requested it be done sooner if possible. Richard Fair stated they would get the costs to make that connection and report back to Council.

Councilmember Kidd stated Councilmembers Shimrock and Prince are on the Downtown Committee and he is willing to work with them to focus energy on the revitalization of the business climate downtown. He stated the area has been redecorated and now needs to be revitalized. He wants residents to know the effort is being made.

### **RECOGNITION OF VISITORS NONE**

### **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 Shimrock, seconded by Councilmember Bradburn. VOTE: ALL YEAS

A motion to add Ordinance 2008-76 to the agenda was made by Councilmember Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS

**ORDINANCE 2008-76 AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE TERMS OF AN AGREEMENT OR AGREEMENTS FOR THE ACQUISITION OF FIVE ACRES OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MASON AND DECLARING AN EMERGENCY (LAKEWOOD COMMERCE CENTER)**

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

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


A motion to adopt Ordinance 2008-76 was made by Councilmember Kidd, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ADJOURN**

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

Time: 10:00 p.m.

  
Clerk of Council

  
Mayor