

**CITY OF MASON  
COUNCIL MEETING  
October 13, 2008**

Mayor Grossmann called the meeting to order at 7:10 p.m. Pastor 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, Todd Wurzbacher, Pete Beck and Tom Grossmann.

**APPROVAL OF MINUTES**

A motion to approve the minutes of the September 22, 2008 Council meeting was made by Councilmember Kidd, seconded by Councilmember Shimrock. VOTE: ALL YEAS

A motion to approve the minutes of the September 25, 2008 Council meeting was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: 5 YEAS, 2 ABSTAIN (Wurzbacher, Kidd)

A motion to approve the minutes of the September 30, 2008 Council meeting was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 ABSTAIN( Wurzbacher)

A motion to approve the minutes of the October 2, 2008 Council meeting was made by Councilmember Kidd, seconded by Vice Mayor Beck. VOTE: 5 YEAS, 2 ABSTAIN (Wurzbacher, Shimrock)

**RECOGNITION OF VISITORS**

Perry Schwartz of 6309 Tartan Fields Lane addressed Council and asked if there is any change in the City's finances with the current economic situation facing the country. Eric Hansen replied no specific changes have been made with regard to the City's finances. He said the City has always had a very conservative approach and with the budget process-taking place now, we are looking to maximize savings. He added the City is reviewing how debt is handled.

Gene Nell of 607 Bunker Lane addressed Council and thanked them of their service to the community and individually thanked Councilmember Todd Wurzbacher for his outstanding service.

Jim Avery of 3112 Falcon Ridge Road addressed Council and stated he is the president of the Homeowners Association for the Avalon Farms Subdivision. He requested the city

accept the streets and install the final coat of paving. He stated without acceptance, the City couldn't plow them in the winter. He said they have been waiting 3 years since the original punch list was created. Items still missing are the street trees, issues with the retention bond and vacant lots that have become dumping grounds. He stated the conditions are in violation of the City ordinances and asked Council to appoint a point of contact to resolve the matter. Approximately 20 residents stood to show the support from the subdivision. Richard Fair stated Ordinance 2008-109 on tonight's agenda will address most of these items. Jim Avery stated they would like to see all items on the punch list completed and would like the City's assurance it will be done.

**CELEBRATING OCTOBER 23-31, 2008 AS NATIONAL RED RIBBON WEEK**

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

Jennifer Heft explained to Council, this program focuses on raising community awareness of public education efforts in preventing and reducing alcohol and drug abuse. She said Red Ribbons have been designated for this weeklong celebration as a symbol to promote the public's awareness of the impact educational efforts have had in preventing and otherwise reducing alcohol and drug abuse.

Ryan Tanner, Mason Police Officer, addressed Council and provided background information on how Red Ribbon Week began. He stated he enjoys working with the schools and thanked Council for seeing the importance in this program.

A motion to adopt Resolution 2008-18 was made by Councilmember Kidd, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**RESOLUTION 2008-19 COMMENDING TODD WURZBACHER FOR HIS SERVICE TO THE CITY OF MASON**

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

Mayor Grossmann read the Resolution and presented it to Councilmember Wurzbacher along with a key to the City. Several members of Council commented on his dedication to the City and thanked him for his service.

A motion to adopt Resolution 2008-19 was made by Councilmember Kidd, seconded by Vice Mayor Beck. VOTE: 6 YEAS, 1 ABSTAIN (Wurzbacher)

**ORDINANCE 2008-105 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE ACQUISITION OF SEWER AND HIGHWAY EASEMENTS ACROSS CERTAIN REAL PROPERTY LOCATED AT 5357 BETHANY ROAD, IN THE CITY OF MASON**

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

Richard Fair explained to Council, construction of the proposed sanitary sewer in Bethany Road to eliminate the Parkside lift station requires acquisition of sewer easement from a total of six proprieties on the south side of Bethany road. At the same time, right of way is being obtained for the future widening of Bethany Road. Richard said this legislation concerns the easement from Elizabeth and James Coombe owners of 5327 Bethany Road. They have agreed to provide a 15 foot wide sewer easement as well as additional highway easement for \$3,680. The area included 0.028 acres.

A motion to adopt Ordinance 2008-105 was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

**ORDINANCE 2008-106 ACCEPTING THE PUBLIC IMPROVEMENTS FOR SNIDER CROSSING PUD AND RELEASING THE PERFORMANCE BOND**

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

Eric Hansen stated this is a first reading on this legislation. It will receive a second reading on October 27, 2008.

**ORDINANCE 2008-107 ACCEPTING STANDARD SANITARY SEWER EASEMENTS FOR BETHANY ROAD IMPROVEMENT PROJECT (ROBERT LUCKE HOMES, INC.) AND DECLARING AN EMERGENCY**

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

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

Richard Fair explained to Council, Robert Lucke purchased the property at 5471 and 5481 Bethany Road in order to combine these lots and develop the Reserves of Bethany, an 8 lot R-1 Subdivision. He said the final plat that shows the easement was approved by Planning Commission but is pending presentation to City Council until the curbs and gutter and road are constructed. Mr. Lucke has offered for his contractor to construct, at a cost of \$14,064, the sanitary sewer line along the entire frontage of the subdivision at this

time to avoid future construction of this line after the subdivision and the landscaping along this road has been completed. The sewer will be capped at both ends, set at design grade, and constructed so the City in the future can tie in at both ends. Richard explained this is a very reasonable opportunity for the City and demonstrates the City's willingness to work cooperatively with homeowners and developers to eliminate unnecessary work in the future. He said the 15' wide sanitary sewer easement will be deeded to the City for \$1.00. The area of the permanent sanitary sewer easement being offered is approximately 0.147 acres.

A motion to adopt Ordinance 2008-107 was made by Councilmember Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS

**ORDINANCE 2008-108 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND MT. PLEASANT BLACKTOPPING, IN THE AMOUNT OF \$208,892.40, FOR THE DEERFIELD TOWNSHIP AND CITY OF MASON JOINT 2008 RESURFACING PROGRAM**

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

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

Eric Hansen explained Ordinances 2008-108 and 109 both deal with change orders for Mt. Pleasant Blacktopping. He stated the City again pursued a partnership with Deerfield Township for street resurfacing. Staff worked with Township representatives for several months to successfully coordinate a combined resurfacing project. By increasing contract quantities, both the City and Township benefited from reduced unit bid prices, despite the continued rise of asphalt prices, which have increased over 54% in the last five years. Eric said due to the attractive pricing realized as part of the joint venture, both Deerfield Township and the City of Mason are requesting change orders to the contract amount with Mt. Pleasant Blacktopping for additional paving projects.

He stated "Change Order #1" is Deerfield Township's portion of the total contract for \$709,107.60, which was reimbursed to the City through monthly progress payments during construction. Eric said Deerfield staff inspected streets within the Township and they made recommendations back to City staff on payment quantities. As a result of this partnership, the Township realized a 23% cost savings and is requesting a change order in the amount of \$208,892.40 to apply these cost savings to additional projects as part of this program and fully fund the entire budgeted amount of \$918,000. He stated Deerfield will reimburse the City in accordance with the reimbursement agreement authorized in Ordinance 2008-52.

Richard Fair stated "Change Order #2" concerns the City's efforts to collect on the bond for Avalon Farms Subdivision for the completion of punch list items including the

installation of the final coarse of pavement. The City is seeking payment from Developers Surety and Indemnity Company, the bonding company for Blue Ridge Development. These bond funds are to be used to complete the remaining punch list items. Richard explained during the past year, staff met with representatives of the bonding company and Blue Ridge Development and was given assurances from both that the final coarse of paving would occur prior to winter. However, as the year has progressed, it now seems unlikely that the bonding company will proceed forward with the paving prior to winter. Heading into another winter without the final coarse of asphalt creates safety and durability concerns.

Richard reported legal counsel in discussions with staff, have determined that it would be in the best interest of the City and its residents to perform the final coarse of pavement under the 2008 Resurfacing program. The City's change order, in the amount of \$110,000, is for the paving of the final coarse of pavement for Avalon Farms Subdivision. The City would then charge these costs to Developers Surety and Indemnity Company, eliminating the safety and durability concerns.

A motion to adopt Ordinance 2008-108 was made by Councilmember Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS

Councilmember Kidd stated three ordinances, 2008-108,109 and 110 illustrate the cooperation the City is showing with the developers, Deerfield Township and Warren County. He said he appreciates staff's efforts to pursue these opportunities.

**ORDINANCE 2008-109 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND MT. PLEASANT BLACKTOPPING, IN THE AMOUNT OF \$110,000.00, FOR THE DEERFIELD TOWNSHIP AND CITY OF MASON JOINT 2008 RESURFACING PROGRAM**

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

A motion to adopt Ordinance 2008-109 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Councilmember Beck asked if there is enough money with the bonding company to cover the items on the punch list. Richard Fair stated there is approximately \$175,000 left on the bond and the bonding company agrees with several items the City has brought to their attention. He said there may not be enough funds to do all items and if that occurs, it will fall back onto the Homeowners Association. He said the City is prioritizing items based on safety. Ken Schneider, Law Director, said the Homeowners Association does have to assume some responsibility. Jim Avery addressed Council again and stated the original

bond amount was \$500,000. Now the City is saying there is only \$175,000 left. He stated they had no voice in when or how the money was used. He said he is disappointed with the City. Mayor Grossmann said the bonds are set for specific improvements. Richard Fair said the Developer's engineer gives an estimate on items that need to be done and they set the bond for that amount. Once the items are completed, that amount of the bond is reduced accordingly. Jim Avery said the slope in the detention pond is supposed to be 3 to 1. Richard Fair said that is on the punch list but the bonding company is challenging it. Ken Schneider stated the list is being done on a priority basis for safety concerns. He said the City will try to get as much done as possible. Mayor Grossmann asked if we could control how the money is spent and the amount. Eric Hansen stated the bond is set for specific items. He said it is based on what is known at the time. As time goes by, other items come up such as the lot that has become a dumpsite. Mayor Grossmann requested a report on the bond that was issued for this subdivision and how it has been used. Jim Avery asked if the owner of the lot that has become a dumpsite be sited for a code violation. Mayor Grossmann replied the City would look into it and if that is appropriate, that will be done.

**ORDINANCE 2008-110 AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATION AGREEMENT WITH THE WARREN COUNTY BOARD OF COMMISSIONERS RELATIVE TO THE FY2009-2011 COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM AND DECLARING AN EMERGENCY**

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

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

Eric Hansen explained to Council, Warren County has recently been deemed an Urban County by the U.S. Department of Housing and Urban Development (HUD). This qualification entitles the County, in regards to the Community Development Block Grant (CDBG) program, to receive funding directly through HUD, instead of receiving funds through the State of Ohio. As a result of this new designation, Warren County's annual allocation will increase from \$430,000 to over \$740,000.

He said a requirement of being designated an urban county is that it must enter into cooperation agreements with the general local governments that are solely or partially located in the County. This cooperation agreement delineates responsibility in implementing the CDBG programs. Eric said just as in past years, the Warren County Office of Grants Administration will administer any future projects within the City of Mason.

A motion to adopt Ordinance 2008-110 was made by Councilmember Shimrock, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2008-111 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,900,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE STORMWATER SYSTEM IN THE CITY**

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

Jennifer Heft explained to Council, last year Council approved Ordinance 2007-148, which provided for the reissuance of Bond Anticipation Notes in the amount of \$2,010,000. This debt issuance was used to fund stormwater improvements in the Davis Run/Muddy Creek watersheds. The work performed under this project included the installation of two new roads over the Muddy Creek. The first was the Park Access Lane, and included the installation of a Conspan structure and installation of approximately 665 lineal feet of drive. The second road, Snider Road Extension, included the installation of a Conspan structure, installation of approximately 400 lineal feet of road with curb and gutter, storm sewer, sidewalk, bike path and approximately 422 lineal feet of sanitary sewer. Also included was the contract with Trend Construction for construction of a box culvert at Heritage Oak Park and improvements to the drainage channel located just east of Birchwood Farms Drive. Jennifer stated these two projects reduced the potential for flooding in both areas. Stormwater improvements to Fairway Drive were also included. These improvements consisted of various sized storm pipe, head walls, catch basins and manholes on Fairway, Monte and Lakeview.

She further explained during the preparation of the 2008 Budget, staff anticipated the reissuance of these notes for six months before being converted to long-term bonds in 2008. Therefore, payment of the outstanding notes plus six months of interest was included in the 2008 Budget. However, at the time of issuance the notes were actually issued for one year. A reappropriation/supplemental appropriation will likely be needed at the end of the year for the additional six months of interest. The 2008 payment includes \$110,000 principal and \$70,350 interest on this debt.

A motion to adopt Ordinance 2008-111 was made by Vice Mayor Beck, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

Eric Hansen discussed the following items:

► On Wednesday, October 15<sup>th</sup> the Warren County Municipal League will be meeting at Shaker Run Golf Club. The meeting begins at 6:00 pm with dinner served at 7:00 pm. Council members should let me or Terry Schulte know if you would like to attend.

► The City's annual Autumnfest will be held from 5 to 8 p.m. on Saturday, October 25 at Corwin M. Nixon Park. The free fun includes Whole Food Market fall treats, carriage rides, face painting by Girl Scout Troop 8909, Honey Hill Farm petting zoo and pony rides, a costume parade and contest, magic show, and making animal masks with Mason Arts Council. Costume contestants must be at the stage area by 5 p.m. and the contest will begin after the parade at the main stage. Prizes will be awarded to three contestants in each of the four age groups.

► Trick-or-treating in Mason will be from 6 to 8 p.m. on Halloween, Friday, October 31.

► The City has made large strides in clearing the tree limbs and brush from City streets and right-of way that resulted from Hurricane Ike and was able to begin preliminary leaf pick up earlier this week. The seasonal Leaf Collection schedule will begin on October 13. Temporary signs will be posted at the entrance to neighborhoods at least two days prior to leaf collection. Leaves will be picked up at the curb through Friday, December 12. As debris mixed with the leaves affects the City's ability to maintain collection routes, residents are encouraged to remove sticks, trash, rocks, and other debris before raking leaves as close to the curb without raking them into the sidewalk, street or storm sewers. Gathered leaves are made available to local nurseries or residents that wish to use them as compost.

► DARE graduation will be held on October 27, 2008. Council is invited to attend.

### **COMMITTEE REPORTS**

Vice Mayor Beck announced the Finance Committee will be meeting in the near future.

Councilmember Shimrock stated she was in Poland last week with 200 prison chaplains discussing social justice issues. She said if any resident is interested in discussing this further they can contact her. She noted Deerfield Townships Trustee, Chris Romano is working with her a social justice issue.

### **COUNCIL OLD AND NEW BUSINESS**

Councilmember Kidd warned residents of a scam on the Internet regarding renting homes in this area. He said it usually involves someone sending a large check to you and requesting a certain amount of cash be returned to them. He asked the Police department to look into the matter.

Vice Mayor Beck mentioned the Explorer Post in the school due to the effort of the Police department. He stated Scout Day on October 4, 2008 was a great event. He also noted he attend the dedication of the Veteran's Memorial at the Lebanon Correctional Prison.

Mayor Grossmann requested more information be available for residents at the next meeting on the Fire Levy. He invited all residents to attend and discuss the merits of the



issue. He also noted the Employee Event was a huge success and he introduced the new reported for the *Community Press*, Amanda Hopkins.

**RECOGNITION OF VISITORS** None

**EXECUTIVE SESSION**

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

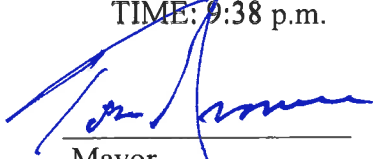
A motion to reconvene into regular session was made by Councilmember Wurzbacher, seconded by Vice Mayor Beck. VOTE: ALL YEAS

**ADJOURN**

A motion to adjourn was made by Councilmember Prince, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

TIME: 9:38 p.m.

  
Clerk of Council

  
Mayor