

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 23, 2009**

Mayor Grossmann called the meeting to order at 7:02 p.m. Those present recited the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Christine Shimrock, Don Prince, Tony Bradburn, David Nichols, Michael Gilb, Pete Beck and Tom Grossmann.

APPROVAL OF MINUTES

Councilmember Gilb asked the minutes be changed to reflect his abstention on approving the minutes of the previous meeting. A motion to approve the minutes, as amended, of the February 9, 2009 Council meeting was made by Councilmember Prince, seconded by Councilmember Shimrock. VOTE: ALL YEAS

RECOGNITION OF PAUL FLORY WITH PRESENTATION OF KEY TO THE CITY

Mayor Grossmann introduced Paul Flory, Chairman of the Western & Southern Financial Group Masters and Women's Open. He noted on February 18, 2009 Paul Flory was recognized by the Cincinnati USA Regional Chamber as one of this year's Great Living Cincinnatians. He said he shares this award with past winners such as Neil Armstrong, Patricia Corbett and Carl Lindner. He thanked Paul for bringing the tournament to Mason and working with the City to host such a wonderful international event. He presented the Key to the City to Paul and said a donation has been made to the Cincinnati Opera in his name. Mr. Flory thanked the City for their continued support and introduced his son, Bruce Flory, Tournament Director, and Georgette Seitz.

INTRODUCTION OF MIKE KELLY, INTERIM POLICE CHIEF

Eric Hansen introduced Mike Kelly as interim Police Chief. He stated Chief Moore has been appointed Safety Director. He also announced former Police Chief Ferrell will assist in hiring the permanent Police Chief.

RECOGNITION OF VISITORS

Chris Hodge of 6496 Caddies Way addressed Council and asked about the status of the old car wash next to St. Susanna's school. Eric Hansen reported the property maintenance code was discussed and Council action was taken to change the code. Chris Hodge stated a discussion has taken place regarding demolishing the car wash but the bids came back too high at approximately \$50,000. He said the bid-included extras such as added

parking. He said the owner of the property is moving away. When asked by Mayor Grossmann if he wished to purchase the property, he replied he wasn't interested and the church did not have the funds to buy it. A general discussion followed among Councilmembers during which it was clarified that the recent code change does not affect the bay area of the car wash. Councilmember Prince said if you don't own the property, you cannot control what happens to it. He said the owner has not broken any laws and if any children play on the site, they are technically trespassing. He also said there is much background on this matter and the owner is not here to provide her side of the story. Chris Hodge stated there is broken glass on the site, little asphalt is left and the roof is half gone. Councilmember Shimrock stated there could be a creative solution and suggested one might be to work towards a new bid. Mayor Grossmann referred the matter to the Safety Committee for review.

RESOLUTION 2009-04 AUTHORIZING A POLICE DEPARTMENT STAFFING REORGANIZATION PLAN

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

Eric Hansen reported to Council three years ago the Mason Police Department identified two key issues that inhibit the long-term success of the organization. The first issue is an overdependence on an Officer-In-Charge (OIC) system of management. The second is a lack of positions available in the current structure to effectively develop future management leaders. He stated currently there are nine officers in command positions; the Chief, the Assistant Chief, and seven Sergeants. Of the nine officers; six are eligible to retire within a year. This level of loss is nearly impossible to absorb and would be a tremendous detriment to the department. The proposed reorganization structure reduces the risks identified above by developing an additional Assistant Chief position and a second level of supervision. Eric noted the goal of the proposed structure is to eliminate the issues related to the OIC position, provide a succession plan without adding any additional staff to the department, and avoid increased costs or collective bargaining issues.

He reported both the Finance and Safety Committees reviewed the plan for reorganization of the Police Department last year. The Safety Committee further discussed the plan in the context of the short-term transition to a new Police Chief as well as the long-term development of the Department and is recommending Resolution 2009 – 4 for adoption.

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

A motion to adopt Resolution 2009-04 was made by Councilmember Bradburn, seconded by Vice Mayor Beck. VOTE: ALL YEAS

ORDINANCE 2009-12 AUTHORIZING THE CITY MANAGER TO EXECUTE AN ACQUISITION AGREEMENT AND TO ACCEPT AN EASEMENT FOR A SANITARY SEWER IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (GREENVALLEY/JRM)

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

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

Richard Fair explained to Council, Ordinances 2009-12, 13 and 14 all address the same general area in Mason. He stated these three pieces of legislation, allow for the acceptance of a perpetual public recreational bike path and ingress/egress easement, and execute a purchase contract and purchase property owned by Green Valley Apartments, LLC and JRM Ventures, LLC, at 4800 Route 42 (Four Seasons). Richard stated on May 12, 2008, City Council authorized a contract with Charles H Hamilton Company for construction of the Muddy Creek Restoration Phase 2/US 42 Trunk Sewer North Phase 2B Project. The project was designed to relocate a portion of the sanitary sewer located adjacent to the Muddy Creek on the south side of the Four Seasons Apartments' property. During construction of the project, it was determined that an additional section of sanitary sewer needed to be relocated behind the apartment building located near US Route 42. Passage of ordinance 2009-12 will approve the acquisition agreement and allow the acceptance of the new sanitary sewer easements at no cost to the City of Mason.

Richard also explained Ordinance 2009-13 authorizes the City Manager to sign the purchase contract in the amount of \$60,000 for 3.4633 acres (parcel 1 and 2) of property located along the Muddy Creek that will be used for the future Muddy Creek Bikeway. In addition, the purchase contract provides the additional permanent and temporary easements needed for the construction of the Muddy Creek Restoration Phase 2/US 42 Trunk Sewer North Phase 2B Project. He stated the Four Seasons Apartments are strategically located along the Muddy Creek and potential future bike path connection to Heritage Oak Park. Acquiring this land will preserve floodplain, protect the riparian corridor, create green space for habitat protection, allow the sanitary sewer construction and ensure the route for a future bike path.

He further explained because of the location of the one of the apartment buildings along the rear property line, it was not possible to purchase one contiguous parcel of land along the Muddy Creek. Ordinance 2009-14 authorizes an acquisition agreement for a Perpetual Public Recreational Bike Path Easement across the property that connects parcel 1 and parcel 2. The easement is at no cost to the City and will allow the bike path to cross the property in the area where it could not be purchased.

He reported the Public Works Committee and Utility Committee of City Council have reviewed the proposal and funds have been encumbered from the 2008 budget.

A motion to adopt Ordinance 2009-12 was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-13 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH GREEN VALLEY APARTMENTS, LLC, AND JRM VENTURES, LLC, FOR THE ACQUISITION OF A PORTION OF PROPERTY LOCATED AT 4800 ROUTE 42, MASON, OHIO, FOR \$60,000.00, AND DECLARING AN EMERGENCY

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

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

A motion to adopt Ordinance 2009-13 was made by Vice Mayor Beck, seconded by Councilmember Gilb. VOTE: ALL YEAS

ORDINANCE 2009-14 AUTHORIZING THE CITY MANAGER TO EXECUTE AN ACQUISITION AGREEMENT AND TO ACCEPT A PERPETUAL PUBLIC RECREATIONAL BIKE PATH EASEMENT AND EASEMENT /GRANT OF EASEMENT FOR THE MUDDY CREEK BIKE PATH PHASE II/ US 42 AND DECLARING AN EMERGENCY (GREEN VALLYE/JRM)

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

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

A motion to adopt Ordinance 2009-14 was made by Vice Mayor Beck, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2009-15 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MT.PLEASANT BLACKTOPPING, INC., IN THE AMOUNT NOT TO EXCEED \$3,257,237.45, FOR THE CITY OF MASON SITE WORK AND THE CITY OF MASON/DEERFIELD TOWNSHIP 2009 JOINT STREET RESURFACING PROGRAM

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

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

Richard Fair explained to Council, the City of Mason pursues annually a Street Maintenance program to repair and prolong the life of City roadways; typically \$1,000,000 is budgeted for this annual program. As a cost savings to the City, this year's program will include the site work for the Community Center expansion, site work for Fire Station 51 and several other projects. The City will still perform maintenance to the roads throughout the city. The City has once again pursued a partnership with Deerfield Township for street resurfacing.

He stated Ordinance 2009 – 15 will award a contract to the lowest and best bidder for capital investments and repair to the City's streets. Major projects this year include the site work for the Community Center expansion and the site work for the new Fire Station 51. Olympia Drive along with portions of Tradewind Drive and Western Row Road will be repaved as a completion to last year's sanitary sewer project. The work will include a turn lane at the Armor Company on Mason-Montgomery Road, electrical upgrades to Corwin Nixon Park, rehabbing storm inlets along Kenwood and Foxfield Drive, finishing the Alliance Drive project, punch list items at Avalon Subdivision and overlaying portions of the cart paths at the Golf Center. He said approximately 41 streets will be full depth repaired and/or crack sealed in an effort to maintain and extend the life of existing pavement. Richard further explained, funds for the project will come from many sources. Deerfield Twp. will reimburse the City approximately \$650,000 and the Avalon bond will cover around \$65,000 of the project. Mt. Pleasant bid the Community Center Site Work at \$1,396,898.60 which should save the City approximately \$400,000 to \$500,000 from the TriHealth/Community Center Expansion Project. Furthermore, this bid will allow the City to complete a large amount of work under one project. He said staff will oversee the work and continue to monitor the project to look for ways to trim items in order to save additional funds.

Richard reported five bids were received with the best and lowest bid coming from Mt. Pleasant blacktopping for \$3,257,237.45. He noted adoption of Ordinance 2009 – 16 authorizes a reimbursement agreement with Deerfield Township for resurfacing and maintenance to streets within Deerfield Township. This agreement is similar to last year's agreement.

Councilmember Bradburn asked if this included an area to accommodate the train station being discussed in Mason. Eric Hansen replied there have been discussions with Lebanon and it appears as if the train will remain there. He said the land adjacent to Meadows Park was mentioned as a possibility.

A motion to amend the ordinance to remove alternate #1 in the title was made by Councilmember Gilb, seconded by Councilmember Prince. VOTE: ALL YEAS

A motion to adopt Ordinance 2009-15 as amended was made by Councilmember Bradburn, seconded by Vice Mayor Beck. VOTE: ALL YEAS

ORDINANCE 2009-16 AUTHORIZING THE CITY MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH DEERFIELD TOWNSHIP

**TRUSTEES FOR THE RESURFACING AND MAINTENANCE OF STREETS
LOCATED WITHIN DEERFIELD TOWNSHIP, TO BE COMPLETED WITH
THE CITY OF MASON SITE WORK AND THE CITY OF MASON/DEERFIELD
TOWNSHIP 2009 JOINT STREET RESURFACING PROGRAM**

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

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

A motion to adopt Ordinance 2009-16 was made by Vice Mayor Beck, seconded by Councilmember Gilb. VOTE: ALL YEAS

**ORDINANCE 2009-17 AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CONTRACT WITH ROZZI'S FAMOUS FIREWORKS AND ROZZI,
INC. IN THE AMOUNT OF \$26,250.00, TO PROVIDE A FIREWORKS SHOW
DURING THE CITY OF MASON'S "RED, RHYTHM & BOOM" FOURTH OF
JULY CELEBRATION**

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

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

Eric Hansen explained to council, Ordinance 2009-17 authorizes a contract with Rozzi's Famous Fireworks to provide a fireworks display during the city's Red, Rhythum & Boom Celebration. He stated this year, the celebration falls on Friday, July 3 when City offices as well as many employers will be closed in observance of the July 4 holiday. This means that many attendees won't have to worry about getting back in time. This past November, Council approved Ordinance 2008-126 authorizing a contract to provide the main entertainment. The opening act will be a local band "Off The Hook" known for an energetic show playing 80's & 90's music. Rozzi's Famous Fireworks has been providing Mason's fireworks display since its inception. They have the ability to provide a safe display and the best exhibit for the money. Rozzi's is offering the same show this year as in 2008 and at the same 2008 price of \$26,250.

A motion to adopt Ordinance 2009-17 was made by Councilmember Gilb, seconded by Vice Mayor Beck. VOTE: ALL YEAS

**ORDINANCE 2009-18 AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CONTRACT WITH TECHNICAL MACHINERY, IN THE AMOUNT OF
\$29,895.00, FOR THREE LED VIDEO SCREENS, WITH PRODUCTION CREW
AND SUPPORTING AUDIO EQUIPMENT FOR THE RED, RHYTHM & BOOM
CONCERT ON JULY 3, 2009**

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

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

Eric Hansen explained to Council, over the last eight years, the City has witnessed tremendous growth with over 30,000 people in attendance. An LED screen was first added to the main stage in 2007 to provide better viewing of the event for the growing number of attendees. This past year, a second screen facing the Kids Zone area was added. The response to this addition was very positive. Parents were able to participate in the Kids Zone area with their children and still feel a part of the main stage entertainment. The second screen with an additional audio system works on a microwave communication system eliminating the need for cables. Based on feedback from the public and staff, it is recommended to continue the second LED screen in close proximity to the Kids Zone area. The addition of LED screens also provides another media outlet to attract event sponsors.

Eric stated Ordinance 2009 - 18 will allow for video editing/switching, trucks, and production crew, and two 12' x 9' LED video screens for a total of \$24,895-the same price as 2008. He noted the price for a single screen at the stage is \$15,000. The stage screen will be placed stage left-the same location as the past two years. There is an option for a third 12' x 9' LED stage (stage right) screen for \$5,000. That price includes cabling requiring the screen to be located next to the stage. If Council is interested in the option to provide an additional LED video screen on stage right (three total LED screens), an amendment to Ordinance 2009 - 18 is needed.

Vice Mayor Beck moved to amend the ordinance to reflect the addition of one screen, which brings the total up to three LED screens. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

Vice Mayor Beck moved to approve Ordinance 2009-18 as amended, seconded by Councilmember Bradburn. VOTE: ALL YEAS

Vice Mayor Beck asked the City Manager to look into extending the hours for the event so the Kid's Zone opened earlier. He also announced the entertainment for the event will be "Huey Lewis and the News".

ORDINANCE 2009-19 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ACES AND EIGHTS HARLEY DAVIDSON FOR THE PURCHASE OF TWO 2007 HARLEY DAVIDSON ELECTRA GLIDE POLICE PACKAGE MOTORCYCLES, IN THE AMOUNT OF \$29,400.00, AND DECLARING AN EMERGENCY

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

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

Councilmember Heft explained to Council, the Police Department has partnered with Aces and Eights Harley-Davidson since 2007 to create a Motorcycle Unit. Under the partnership Aces and Eights leased, at \$1 per year per unit, two motorcycles for police purposes. Recently, Aces and Eights notified the City that Harley Davidson had discontinued the dollar a year lease program for police motorcycles. The City was given the option of purchasing the cycles or returning them to the dealership. According to Aces and Eights the cycles are worth approximately \$15,000.

Jennifer stated the motorcycles have been effective for use on the traffic unit. In the first four months of operation alone they were responsible for 41% of the Police Department's traffic enforcement activities. In 2008, due to an officer injury only one unit was active. For 2008, the one unit handled 277 crashes and issued 388 citations. During 2008, the one motorcycle was driven over 2500 miles, reducing miles on the more expensive cruisers. Over the expected five-year service life of the two motorcycles, it is anticipated that over 40,000 miles will be saved on the cruisers.

She reported public bids were solicited and sealed bids were opened with one vendor, Harley-Davidson Aces & Eights, submitting a bid of \$29,400 for two 2007 Harley-Davidson Police Package motorcycles. The terms of the negotiations were presented to Safety Committee and they are recommending adoption.

Councilmember Nichols asked for a cost to outfit the motorcycles for the Police Department and if officers volunteered for this duty. Jennifer Heft responded it cost approximately \$8,000 to outfit the bike and Eric Hansen said officers do volunteer for this duty when possible. Councilmember Nichols stated this is an excellent program and should be expanded as the city grows.

A motion to adopt Ordinance 2009-19 was made by Councilmember Shimrock, seconded by Councilmember Bradburn. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

► The 2008 on-line tax tool is now available for use on the City's website. The tool assists residents in calculating their taxes and fills in the tax form for them. The tax tool usage has increased 7% each year with many residents returning to it each year. Results of the tool are improved customer service, fewer errors, and reduction in the cost of processing tax returns. Also just a reminder that the Mason Tax Office will prepare your

Mason return “free of charge”. Mason residents are reminded to beat the rush and file early-City taxes are due April 15.

► March – National Nutrition Month

March 4 GI Specialist - Dr. Alan Tarshis
Topic: Colon Cancer
9:00-10:00am (Bridge)
CPR Education – by Mason Fire Department
Visitors can sign up for a CPR class to be scheduled at a later date

► The City of Mason is continuing its emergency operations efforts and training. Last week, David Hagerty, Section Chief at the US Department of Homeland Security-FEMA and Gary Colhan of Conestoga-Rovers & Associates led the Safety Committee of Council and the City’s emergency response team through of series of exercises reinforcing the concepts of emergency operations and preparedness.

This week, on Friday, February 27 at 9:00 a.m. in the EOC room, Council is invited to attend a meteorology training exercise. A representative from the National Weather Service Office in Wilmington will provide an overview of weather terms, history of weather patterns in Mason and Warren County, behavior of weather as it moves across the country, influences on weather in Mason, tornadoes, a review of the National Weather Service website and communications between Mason and the National Weather Service.

► The Federal Stimulus Program is being addressed by staff. Kurt Seiler has taken the lead on this project and has contacted the governor’s office and local officials to ensure the City’s project list is submitted for consideration of funding. He is working with OKI and Warren county as well as directly with the State level to submit Mason’s potential jobs.

COMMITTEE REPORTS

Councilmember Bradburn provided an update on the OKI meeting he attended where the Stimulus Package was discussed. He stated it was their understanding the projects must be shovel ready in up to one year.

Councilmember Bradburn reported on the Safety Committee meeting where the reorganization of the Police Department was discussed. He stated the administration has applied for a grant to finance additional fire fighters through Home Land Security. The request was for \$1.6 million over five years. He also reported the EOC exercise went well and they are waiting for feedback for further review. He noted a state level official attended and said if the City is the official backup for the County, there maybe be funding available.

Vice Mayor Beck reported the Finance Committee met and discussed the City's investment policy. He said they will meet quarterly to review this. He also said they will monitor the budget on a quarterly basis to help manage the City's resources. He said the Planning Commission has held no meeting for two months, which clearly indicates a slow down in development.

OLD AND NEW BUSINESS

Councilmember Shimrock stated the downtown Committee has discussed the train having a presence in Mason but no decisions have been made. She said it is just in the beginning stages.

RECOGNITION OF VISITORS

Chris Ross of 5405 Bethany Road addressed Council to be recognized by his high school government class.

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS
TIME: 8:52 p.m.


Clerk of Council


Mayor