

**CITY OF MASON
COUNCIL MEETING
MARCH 9, 2009**

Mayor Grossmann called the meeting to order at 7:03 p.m. Chaplain Rick Huff opened the meeting with prayer. 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

A motion to approve the minutes, as amended, of the February 23, 2009 Council meeting was made by Councilmember Shimrock, seconded by Vice Mayor Beck. VOTE: ALL YEAS

RECOGNITION OF TIM ABBOTT OF DUKE ENERGY

Tim Abbott with Duke energy presented three checks to Council. He stated Duke energy is supporting Mason events by donating \$1000 to both the Heritage Festival and Christmas in Mason. He also stated they are presenting a grant to the City for a tree project at the Pine Hill Lodge. Councilmembers Shimrock and Prince received the checks on behalf of the City. Perry Schwartz, representing the Mason Tree Committee explained how the money was being used to plant native trees in the area around Pine Hill Lodge. He also responded to a question from Mayor Grossmann on the status of the threat of the Emerald Ash Borer. Perry stated it has been spotted in areas adjacent to Mason and once it strikes the trees, there is no way to save them. He noted the expense of removing the infected trees could be huge and suggested the City continue to budget funds to treat the trees now. Eric stated the City has plans to continue to treat trees.

RECOGNITION OF VISITORS

Ken Murawski of 5555 Shockton Court addressed Council and stated he is a 15-year resident. He said he is speaking as a private citizen. He showed pictures of the car wash located next to St. Susanna's church and asked about the City's current property maintenance code. He said he believes it should be boarded up as it now has no doors and windows where there use to be. Councilmember Prince stated if the space was enclosed before, it should be boarded up. Mayor Grossmann asked Eric Hansen to look into the matter. Ken also stated one year ago, the school went into lockdown mode as a teacher spotted a man suspiciously watching the children from the shelter of the car wash. He said it is a safety issue for the children. He noted the owner has posted a sign on the premise stating no trespassing, police will watch for you. Locked to keep out hobos. Councilmember Shimrock stated she contacted the police department and found no reports on this property. Ken stated he also contacted the police department and was given 6 incidents on the property including trespassing etc. Mayor Grossmann said the property is really two parcels so there could have been some confusion on the address when the report was requested. Ken stated the real issue is the condition of this property. He added it

affects area property values. He noted Forest Park, Middletown and Springdale all have codes on the books that would allow those communities to solve this situation. Councilmember Bradburn noted there is no police report regarding the school lockdown issue. He said the Safety Committee reviewed this matter and contacted Springdale and asked if they would review the property and explained how they would handle it. Richard Fair said 6 pictures were sent to the Chief Building Official and he responded they would only condemn a property if it were a health hazard. Councilmember Bradburn stated they said they do not respond for esthetic reasons only safety. Ken stated Centerville has a code that addresses the issue by stating, "not to cause a blight problem". Mayor Grossmann asked if the City could do anything legally about blight. Ken Schneider referred to the Springdale ordinance reading the definition of a dangerous building and general maintenance requirements. Children from St Susanna presented Council with a poll from a portion of the students showing support for removing the carwash.

Councilmember Shimrock stated she personally researched this issue because she was not here when much of the land negotiations were done. She said she wanted to understand what had transpired.

Kay Trepany of 5695 McCarthy Court addresses Council and stated she is a personal friend of Beverly Barr the owner of the property. She stated her health is poor and that is why she is not present herself. She said stress over this issue has adversely affected her health. She said she wants to be very cooperative.

Jeff Steinacker of 4882 Colt Lane addressed Council and stated the carwash parcel is a health and safety issue as it has broken glass on the premises. He added it was intended to be used as a car wash and in its current state it cannot be used for that purpose.

Chris Hodge of 6496 Caddies Way addressed Council and said it would not be fair to the owner to nickel and dime her with repairs. He said the building should be removed.

Mayor Grossmann asked the law director to look into what the city can do for blight conditions.

ORDINANCE 2009-20 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER, IN THE AMOUNT OF \$21,482.00, TO INCREASE THE CONTRACT OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE URBAN PAVING PROJECT TO PLANE AND RESURFACE PORTIONS OF U.S. 42 THROUGH THE CITY OF MASON

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

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

Richard Fair explained to Council, on January 13, 2009 City Council approved final legislation, for this project, allowing the City Manager to enter into a contract with ODOT for construction of the project and payment to ODOT for \$113,848. The original ODOT estimate for the project was \$320,000 in which the City's original portion of the costs was determined. ODOT accepted the bids on the project February 25 with the apparent low bidder being John R. Jurgensen Company in the

amount of \$351,600. Due to the lowest project bid being over ODOT's estimate, the City's share of the cost has increased. ODOT is requesting the City approve a change order in the amount of \$21,482. Richard stated the majority of the additional cost was for pavement repair (\$19,405 above the original estimate), which under the Urban Paving Program are 100% cost items to the City. The remaining items over ODOT's estimated costs were for maintenance of traffic and pavement marking. Those additional costs are split 80% ODOT, 20% City.

He added the City's actual share of the project will be determined by ODOT once the project is completed. Staff will work closely with ODOT officials to monitor these costs. Staff is also determining if pavement repair can be completed within the City's annual street maintenance program at a lower cost. If so, this will reduce or eliminate the amount of pavement repair completed by ODOT and reimbursement of the non-performed pavement repair back to the City.

A motion to adopt Ordinance 2009-20 was made by Councilmember Nichols, seconded by Vice Mayor Beck. VOTE: ALL YEAS

ORDINANCE 2009-21 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE BRICKMAN GROUP LTD, IN THE AMOUNT OF \$224,450.00, FOR LANDSCAPING AND IRRIGATION OF CITY OF MASON PROPERTY (AMENDED TO \$246,178.00)

A motion to read by title only was made by Councilmember Shimrock, 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

Eric Hansen stated this contract includes the Tylersville Road and Mason-Montgomery Road corridors as well as Fire Station #51, Fire Station #52, Municipal Center, Kings Island Drive, Snider Road, Western Row Road, and Quinn Park. Much of the contract is focused on landscaping and irrigation maintenance, mowing, weed control, pruning, watering but also includes the following major tasks. He reported bids were opened for this annual project on Thursday, March 5, 2009 with five bids being submitted with the best and lowest by Brickman with a base bid of \$224,450. Although this is significant additional work, the base contract cost has increased by only \$7,868. This represents an excellent price and a significant cost savings for the City. Eric stated that utilizing competitive private contracts means City staff can be assigned to higher pay-off activities, curtail the need for seasonal staff, and reduce overtime pressures. It will require more oversight, administrative follow-up and attention to quality control, but financially is well worth the effort. It also demonstrates the benefits of coordination between Departments such as Parks and Public Works.

Eric further explained the City has typically included a spring annual planting, a summer annual planting, and a fall/winter annual planting in the landscaped islands. The base bid in this contract only includes the summer annual planting. He explained Alternate #1 and Alternate #2 are the spring and fall annual plantings. The annual plantings include approximately 2000 plants placed in 90 planting beds mostly located at the tips of the landscape islands, downtown plaza, and the front to the of the Municipal Center. Alternate #3 includes annual plantings and daily watering of the 60 downtown

planters. Plantings in the downtown plaza wall and minimal cleanup of the plaza is included in the base bid. If Council wishes to include these alternatives, the contract need to be amended to reflect the cost of \$246,178.00.

He also said this contract is for one year, with an option to extend for an additional year, for the next four years, with no price increase and on mutual acceptance by both parties. The total contract extensions cannot exceed five years. A decision to extend the contract for the following year must be made by December 31.

A general discussion took place among Councilmembers discussing the idea of group participation in filling and caring for the planters. It was noted the Downtown Committee reviewed this and determined it generated other problems such as monitoring it to see it was completed and done properly. It was also mentioned that the contract should be awarded to a firm that does not hire illegal immigrants. A motion to amend the contract to include the alternatives and increase the cost of the contract to \$246,178.00 was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: 6 YEAS, 1 NAY (Beck)

A motion to adopt Ordinance 2009-21 was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-22 DELEGATING AUTHORITY TO MAKE DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS WITH RESPECT TO REIMBURSEMENTS OF TEMPORARY ADVANCES DURING FISCAL YEAR 2009 MADE FOR CAPITAL IMPROVEMENTS FOR THE COMMUNITY CENTER TO BE MADE FROM SUBSEQUENT BORROWINGS

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

Eric Hansen explained to Council, this legislation authorizes the City to reimburse itself for 2009 expenses (i.e. design cost, architectural services, construction, etc.) related to the Community Center expansion and the Tri Health facility, once the financing structure has been secured.

A motion to adopt Ordinance 2009-22 was made by Councilmember Gilb, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-23 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH E-Z-GO COMPANY FOR THE PURCHASE OF 100 2008 E-Z-GO TXT PDS GOLF CARTS INCLUDING THE TRADE-IN OF 125 2003 OBSOLETE GOLF CARTS

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

Jennifer Heft explained to Council, during the 2009 Budget process, Recreational Management Services, Inc., the management company for the Golf Center at Kings Island, recommended the replacement of one hundred twenty-five (125) golf carts at the Center. Repair and maintenance costs have risen to the point necessary to warrant replacement of these 2003 golf carts. She reported batteries were replaced in the entire fleet in 2006 at a cost of \$75,000.

Recreational Management Services, Inc. (RMS) evaluated the following three options for the replacement of the golf carts:

- Purchasing one hundred (100) Model Year 2009 golf carts, with 3-year parts and labor warranty. Estimated purchase price: \$226,250.
- Replace batteries in current fleet, no parts and labor warranty. Estimated price: \$84,000
- Purchase one hundred (100) Model Year 2008 carts with a 2-year parts and labor warranty. Trade-in 125 carts.

Jennifer further explained, in 2005, the number of holes at the Center was reduced from 27 to 18, reducing the number of golf carts needed for operations to 100. The State bid price for 100 one-year used carts, with a warranty is \$260,000. Public bids were solicited and sealed bids were opened with one vendor, E-Z-Go Company, submitting a bid of \$103,750 for 100, 2008 carts and accepting the trade-in of 125 existing carts. The third option will allow the City to purchase relatively new carts with a warranty at a drastically reduced price.

She reported the Finance Committee reviewed this purchase as part of the 2008 Budget process. The 2008 Budget included \$105,000 for the replacement of golf carts.

A motion to adopt Ordinance 2009-23 was made by Vice Mayor Beck, seconded by Councilmember Gilb. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen commented on the following items:

► Prior to tonight's Council meeting a ground breaking ceremony was held that commemorates the beginning of site work necessary to locate medical offices and a rehab component to the Community Center as a result of the City's partnership with TriHealth.

► On March 11, at 7:00 p.m., the Pavilion at the Golf Center at Kings Island will host a "Meet the Pro" night with Carling Coffing. Ms. Coffing is a professional golfer from the Duramed FUTURES Tour from Middletown, Ohio. Visitors will get an opportunity to meet Carling and hear how she has been preparing for this year's tour and what it's like to play in Mason. Attending VIP members of the Community Center will receive a free round of golf on the Bruin and "good any day" tickets to the Duramed Championship. Attendees will also participate in an indoor putting contest. First place will receive a free golf bag, foursome on the Grizzly and guest passes to the Community Center, second

place will receive a free twosome on the Grizzly and guest pass to the Community Center and third place will receive one free round of golf on the Grizzly and a guest passes to the Community Center. Residents surrounding the golf course will receive special invitations to the event. A press release will invite the public as well.

► A soft opening of the Municipal Center Post Office branch was held this past Monday, March 2. Employees were encouraged to use the branch for their postal transactions. In its first week of operations the branch generated \$415 in sales. A grand opening is scheduled for Monday, March 23. The office handles most of the services provided by the Mason Post Office except for Registered Mail, C.O.D.'s, post office boxes, passports, or money orders. The Municipal Center Post Office hours and holidays will be the same as the City's regular hours and holidays. There is also a new Municipal Center Post Office drop box, located in the drive on the east side of the Municipal Center.

The Post Office adds another convenient feature to our "One Stop Shop" Customer Service Counter. I also anticipate that it will add another revenue stream and possibly be part of an expanded Community Center. The Customer Service Counter offers residents the opportunity to buy stamps, mail packages, pay GCWW water bills, make a tax payment or have tax forms prepared, and apply for building permits. Also, there are several Notaries on staff, who are able to notarize documents.

► March – National Nutrition Month

24 Improving Athletic Performance without Injury
6:00 p.m. – 6:50 p.m.
Dawn Weatherwax-Fall, a Registered/Licensed Dietitian with a specialty in Sports Nutrition and Founder of Sports Nutrition 2Go, will discuss safe and effective ways of improving athletic performance. Joining Ms. Fall, Sheila Lee of TriHealth and owner of Life Without Limits LLC. Ms. Lee uses Muscle Activation Techniques (MAT), a hands-on technique that identifies and corrects muscular imbalances, to treat patients.

31 Lifeline Education
9:00 a.m. - BRIDGE
Kim Tither-Margroum, the manager of TriHealth Lifeline, Cincinnati's only locally answered personal emergency response system, will discuss the benefits of this life savings system.

“Eat Right” for National Nutrition Month
10:45 a.m. – 11:45 a.m.
Join Registered Dietitian Miriam Jackobs at the Mason Community Center every Tuesday and Thursday in March as she teaches us to make informed food choices while developing sound eating and physical activity habits.

► A request for a liquor permit has been received for the Wildflower Café located at 207 E. Main Street. Councilmember Bradburn moved to not require a hearing. Vice Mayor Beck seconded the motion. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Bradburn reported the Safety Committee met to review the City maintenance code and the plans for the new fire station. He said they also discussed the parking limits at the Community Center due to the construction and the related enforcement issues.

OLD AND NEW BUSINESS

Mayor Grossmann said he has seen some negative comments regarding the City's expenditure for the Red Rhythm and Boom event. He said he views this as a great opportunity for the city and residents. Councilmember Bradburn also said there has been little change since last year for this event and it is a good event for Mason residents. Eric Hansen stated he has reviewed the cost to the City for extending the times. Starting as early as 2:30 p.m. could increase the costs by as much as \$35,000. He said that could be reduced by allowing vendors or some activities to begin earlier but not the entire venue. Vice Mayor Beck moved to extend the time as is financially feasible. Councilmember Nichols seconded the motion. VOTE: ALL YEAS

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tarton Fields Lane, addressed Council and asked about the funds the City is spending for 2009 to treat trees for the Emerald Ash Borer. Eric Hansen stated the city has provided this treatment for the last two years and he expects Council will continue to do so. Perry asked if it will be made public. Eric replied he can be notified but it does not have to come before Council. Councilmember Bradburn moved to continue funding the treatment for the EAB for 2009. Vice Mayor Beck seconded the motion. VOTE: ALL YEAS.

EXECUTIVE SESSION: PERSONNEL

A motion to adjourn into executive session for the purpose of discussing personnel was made by Councilmember Bradburn, seconded by Vice Mayor Beck. VOTE: ALL YEAS

A motion to reconvene into regular session was made by Councilmember Gilb, seconded by Councilmember Nichols. VOTE: ALL YEAS

A motion to change the official date the City recognizes the July 4th holiday from July 3, 2009 to July 6, 2009 was made by Vice Mayor Beck, seconded by Councilmember Gilb. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Vice Mayor Beck, seconded by Councilmember Gilb. VOTE: ALL YEAS
TIME: 9:47 p.m.


Clerk of Council


Mayor