

**CITY OF MASON
COUNCIL MEETING
APRIL 13, 2009**

Mayor Grossmann called the meeting to order at 7:09 p.m. Pastor Rick Huff opened the meeting with a prayer. Those present recited the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Michael Gilb, Christine Shimrock, Don Prince, David Nichols, Pete Beck, and Tom Grossmann. Tony Bradburn was absent but joined the meeting during the executive session.

APPROVAL OF MINUTES

A motion to approve the minutes of the March 23, 2009 Council meeting was made by Councilmember Gilb, seconded by Councilmember Nichols. VOTE: 5 YEAS, 1 ABSTAIN (Grossmann)

RECOGNITION OF VISITORS

Rich Cox of 657 Reading Road addressed Council and thanked Chief Moore for quickly checking on the water pressure problem he was having at his business. He reported the problem was due to a double check valve. He stated that Greater Cincinnati Water Works (GCWW) had been out to his business five times and once mistakenly marked the gas line as the water line. He suggested the City point this out to GCWW as it could be a safety concern.

Mike Mahoney of 4651 Margaret Court addressed Council to ask the status of the car wash property located next to St. Susanna. He said he shares the concerns brought before Council and would like to see the matter resolved. Mayor Grossmann replied we are waiting on a report from our legal counsel to determine if the blighted condition could be a factor. Jeff Forbes, legal counsel present at this meeting, stated they are looking into the state's definition of blight to determine if it applies.

RESOLUTION 2009-04 PROCLAIMING THE WEEK OF APRIL 19-25, 2009 AS GO GREEN WEEK TO PROMOTE AWARENESS AND SUPPORT OF THE PARKS FOUNDATION

A motion to read by title only was made by Vice Mayor Beck, seconded by Councilmember Shimrock. 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

Dana Maidenberg and Rene James addressed Council and provided information regarding the activities planned for April.

A motion to adopt Resolution 2009-4 was made by Councilmember Shimrock, seconded by Councilmember Nichols. VOTE: ALL YEAS

RESOLUTION 2009-5 ARBOR DAY

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

Jennifer Heft stated the Tree Committee continues to be active in the City of Mason. Their contributions add to the quality of life for the residents. She said the City's recognition of Arbor Day is part of their effort.

Kevin Jones addressed Council and thanked them for the City's support to the Tree Committee. He explained the awards luncheon Friday in Hamilton. He also provided details on the various accomplishments of the Tree Committee including establishing the first arboretum in Warren County.

A motion to adopt Resolution 2009-5 was made by Councilmember Shimrock, seconded by Councilmember Nichols. VOTE: ALL YEAS

ORDINANCE 2009-27 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 1.5 ACRES FROM R-6 CONDOMINIUM AND LANDMINIUM AND APPROXIMATELY 8.7 ACRES FROM HT-1, HIGH TECH LIGHT INDUSTRIAL TO BUSINESS PLANNED UNIT DEVELOPMENT WITH APPROVAL OF A REVISED CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED IN THE AREA BETWEEN COURSEVIEW DRIVE, I-71 AND SPORTS CENTER COMPLEX DRIVE (TENNIS CENTER)

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

Eric Hansen stated a public hearing on this legislation would be held during May 18, 2009.

ORDINANCE 2009-28 AUTHORIZING THE CITY TO ENTER INTO A LOAN AGREEMENT TO PROVIDE FINANCING UTILIZING THE MASON PORT AUTHORITY CAPITAL FUNDING REVENUE BONDS (LOCAL GOVERNMENT POOLED FINANCING PROGRAM) AND ISSUANCE OF A \$2,000,000 NOTE TO PAY THE COST OF CONSTRUCTING ROAD IMPROVEMENTS AND DECLARING AN EMERGENCY

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

Eric Hansen stated the second reading on this legislation would be held during the April 27, 2009 meeting.

ORDINANCE 2009-29 AUTHORIZING THE CITY TO ENTER INTO A LEASE AGREEMENT TO PROVIDE FINANCING AND COMMITTING THE CITY TO UTILIZE THE MASON PORT AUTHORITY CAPITAL FUNDING REVENUE BONDS (LOCAL GOVERNMENT POOLED FINANCING PROGRAM) FOR AN EXPANSION OF THE COMMUNITY CENTER AND DECLARING AN EMERGENCY

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

Eric Hansen stated the second reading on this legislation would be held during the April 27, 2009 meeting.

ORDINANCE 2009-30 AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY EASEMENT ON CERTAIN REAL PROPERTY LOCATED AT 142 MASON-MONTGOMERY ROAD, IN THE CITY OF MASON AND DECLARING AN EMERGENCY

A motion to read by title only was made by Vice Mayor Beck, seconded by Councilmember Shimrock. 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

Eric Hansen explained to Council the proposed additions to the Mason Community Center, including the medical office building for Tri-Health, and the need for new electrical, phone, and cable TV service. Cincinnati Bell and Duke Energy have indicated that service will come from the corner of Foxfield Drive and Mason-Montgomery Road. He explained originally the conduit was designed to come along the south side of Foxfield Drive, across the City's north parking lots and drive accesses. Staff developed an option that reduced the number of underground vaults required and would move the conduit to the north side of Foxfield Drive, saving considerable funds. He said this option also prevents temporary loss of parking and traffic detours for patrons to the Municipal Center and Community Center, students and employees. However, this option requires a small easement from Mrs. Westerkamm to allow enough room to install the conduit north of the bike path and landscaping areas. Eric reported staff spoke with Mrs. Westerkamm and she has indicated that she is willing to donate the easement. The City has committed that all utilities in the easement will be underground only, and that any landscaping that may have to be removed for construction will be reinstalled. The easement area does not include any areas that are currently farmed on the site.

A motion to adopt Ordinance 2009-30 was made by Councilmember Gilb, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-31 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JACKSON CONSTRUCTION, INC. IN THE AMOUNT OF \$70,000.00 FOR THE 2009 SIDEWALK REPLACEMENT PROGRAM

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 Prince. VOTE: ALL YEAS

Richard Fair explained to Council that annually since 2007, the City has budgeted \$100,000 toward the sidewalk program. Residential streets were given priority when the program was originally established. Since 2007, this project has replaced sidewalk on Church Street, N. Forest Avenue, N. West Street, N. East Street, S. East Street, Short Street, Second Avenue, Dawson Street, Cox Street, Hanover Drive, Mason Hills Court, Overlook Drive, Carter Court and part of Kings Mills Road. Richard stated this year the Safety Committee re-evaluated the program and revised the priority to those areas in most need of repairs or replacement. As part of the City's efforts to increase effectiveness of operations through reviewing public service delivery and developing the most cost effective mix of internal and contracted resources, this year's program is utilizing Public Works staff to replace approximately \$30,000 worth of sidewalk or 1,250 linear feet along Reading Road south of Main Street. He stated the sidewalk program is an opportunity to begin comparing in-house costs to perform this work with contractual costs for like work.

Richard reported thirteen (13) bids were received and opened on March 31. Jackson Construction, Inc. was the lowest bidder at a price of \$57,104 or \$5.45/sf. While this price is much higher than 2008 price, it is still much less than the engineer's estimate. Engineering staff will provide inspections and will work with Jackson Construction to ensure they are responsive to the citizens of Mason. Richard also reported because of the lower than expected bid, more sidewalks than anticipated can be done within the original budget amount. This is a good way to take advantage of the low bid and repair additional sidewalk. He stated if Council would like to pursue expanding the contract portion of the program to the budgeted \$70,000, an amendment adding a section authorizing a change order of up to \$12,896 for additional sidewalk work would be appropriate.

A motion to amend the ordinance to reflect the total expenditure of \$70,000 was made by Councilmember Prince, seconded by Councilmember Shimrock. VOTE: ALL YEAS

A motion to adopt Ordinance 2009-31 as amended was made by Councilmember Nichols, seconded by Councilmember Gilb. VOTE: ALL YEAS

ORDINANCE 2009-32 AMENDING ORDINANCE NO. 97-46 TO ESTABLISH NEW RATES FOR THE SALE OF FISHING PASSES FOR THE CORWIN M. NIXON-PINE HILL LAKES PARK

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

Jennifer Heft explained to Council that earlier this year, the Finance Committee asked staff to evaluate fees assessed by the City. Many fees have not been updated for a number of years and do not accurately reflect the cost to provide City services. Given this direction the Parks Department reviewed various fees associated with the services they provide. Fishing license fees for the lakes located in Pine Hill Lakes Park were first established in 1988 and the last increase to these fees occurred in 1997. She stated fishing license fees were established primarily to cover the costs of stocking the lakes and do not necessarily cover maintenance costs. In 2008, there was a net of \$79.29 from fishing activities.

Jennifer reported at the meeting on March 12, Park Board recommended the following fishing license fees for 2009 and 2010:

<u>Mason-Resident</u>	<u>Current</u>	<u>Season Pass Rates</u>		<u>Daily Pass Rates</u>	
		<u>2009</u>	<u>2010</u>	<u>Current</u>	<u>2009</u>
<u>2010</u>					
Adult	\$25.00	\$30.00	\$35.00	\$7.00	\$8.00
Family	\$50.00	\$60.00	\$70.00	NA	NA
Youth	\$15.00	\$18.00	\$21.00	\$4.00	\$5.00
Senior	\$15.00	\$18.00	\$18.00	\$4.00	\$5.00
<u>Non-Resident</u>					
Adult	\$45.00	\$ 55.00	\$ 65.00	Same as Above	
Family	\$90.00	\$110.00	\$130.00	NA	
Youth	\$15.00	\$18.00	\$21.00	Same as Above	
Senior	\$15.00	\$18.00	\$18.00	Same as Above	

She stated the Park Board also recommended COLA increases to the Season Pass rates for 2011 and beyond, which is consistent with other fee increases that have been implemented this year. The 2009 rates are recommended to become effective July 1, 2009. The 2010 rates are recommended to become effective January 1, 2010. The proposed fees are lower than comparables for other area fishing lakes, including the new VOA Park (Adult Daily Pass - \$7, Adult Season Pass - \$100, Family Season Pass - \$150), which opened for fishing in 2006.

She also reported the lake is stocked several times a year. The first stocking was scheduled for May, however, the current dredging work and lowering the lake level has delayed that stocking until later in the year, once the dredging work is completed. Volunteers In Parks (VIPs) have for a number of years been used to help check that people fishing in the lake have valid passes and are staying within the posted fishing quotas. Most of the patrons have already purchased their passes for this year.

However, if the new rates are approved residents will be encouraged to buy their passes before the rate increase becomes effective July 1. Fishing licenses are available at the Mason Community Center or the Mason Municipal Center.

A motion to adopt Ordinance 2009-32 was made by Councilmember Gilb, seconded by Vice Mayor Beck. VOTE: ALL YEAS

ORDINANCE 2009-33 AMENDING ORDINANCE NO. 2007-13 ESTABLISH NEW RATES FOR THE LOU EVES MUNICIPAL SWIMMING POOL LOCATED AT CORWIN M. NIXON PARK

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

Jennifer Heft explained to Council that fees at the Lou Eves Municipal Pool have not increased since 2001. Fee increases were considered two years ago when they were last reviewed by City Council and Park Board, but not pursued due to positive changes in attendance and revenues. The 2007 season under the current fee structure witnessed the pool's first net profit of \$748, but then a large deficit prevailed in the 2008 year primarily due to the cool summer, school construction and unexpected repairs/replacement of approximately \$20,000 for the pool pump, roof and vandalism. She said 2008 was the first year season pass sales at the outdoor pool did not increase.

Jennifer reported the Park Board is recommending a 5% increase to the season pass for the next two years. The 2009 fee increases would become effective May 1, 2009 and the 2010 fees would become effective January 1, 2010. In addition, the Board is recommending the continuation of the program offering discounts to the pool for Community Center pass holders – 20% for regular members and 50% for VIP members. Jennifer said in addition, the Board is recommending a new program of offering a 50% discount on season passes that are purchased after July 15.

A motion to adopt Ordinance 2009-33 was made by Vice Mayor Beck, seconded by Councilmember Prince. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

► The Warren County Municipal League April meeting is scheduled for Wednesday, April 15 beginning at 6:00 p.m. at the Houston Restaurant. Warren County Sheriff Larry Sims will speak about the emergency response system in extreme weather situations. Council members interested in attending should RSVP to Terry Schulte.

▶ The annual Warren County Commissioners State of the County meeting will take place on Thursday, April 16 at 12 Noon at the Golf Center at Kings Island. Reservations are required by Tuesday, April 14. Please let Terry or Joan know if you wish to attend.

▶ Mason staff and Reach Event Marketing officials will hear public comments on a proposed variance to the city's noise ordinance. Reach Event Marketing, organizer for the AVP Pro Beach Volleyball Tour Mason, has applied to the City for a variance on the City's noise ordinance in order to hold a player/sponsor party at the Lindner Family Tennis Center from 10 p.m. to 2 a.m. on Saturday, September 5. Persons wishing to comment on the proposal may speak at the hearing, which will be held at 7:00 p.m. on Thursday, April 16 at the Mason Municipal Center Community Room.

▶ The City will host a Volunteer Recognition Ceremony on Thursday, April 23 at 5:30 p.m. in the Mason Municipal Building Atrium to honor volunteers with 50 or more hours in the past year. Council members are encouraged to attend and light refreshments will be served.

▶ The NEC Chamber will sponsor its annual Spring Wine Gala Dinner and Auction on Tuesday, May 5 at The Manor House. Reception begins at 5:30 p.m., cocktails and silent auction are at 6:00 p.m., the dinner is at 7:15 p.m., and the live auction begins at 8:30 p.m. Council members interested in attending should RSVP to Joan.

▶ All liquor permits within the City must file for renewal as of June 1st. The City may object to the renewal of any of these permits and request a hearing be held. The Police Department has been proactively monitoring establishments within the City that hold a liquor permit; this includes site visits, incident tracking, undercover visits, and providing alcohol awareness training. Based on this work, Chief Kelly has no current concerns with the existing liquor permits being renewed. A motion to not require a hearing was made by Vice Mayor Beck, seconded by Councilmember Shimrock. VOTE: ALL YEAS

▶ Several Councilmembers and City Manager Eric Hansen will be attending the National League of Cities Green Cities Conference & Expo in Portland, OR from April 18 – 22. A motion is in order to appoint Jennifer Heft as Acting City Manager during this time. A motion to appoint Jennifer Heft as acting City Manager from April 18-22 was made by Vice Mayor Beck, seconded by Councilmember Gilb. VOTE: ALL YEAS

▶ During the 2009 Budget process the Finance and Public Works Committees were presented alternatives to the current brush removal program. Based on their recommendation, changes to the program were implemented this year including moving the brush pickup schedule from once a week to once a month. Residents were notified in advance of the changes via the web site, utility billing inserts, press articles and articles in City publications, such as Mason Matters. Since the implementation of the changes, Public Works employees have been able to pick up the same amount of brush in about one-third of the time normally required. Crews can focus on a month's worth of brush on a street rather than visiting the same street four times a month to remove a week of brush. This efficiency creates a significant savings to the City in fuel cost, equipment mileage and service, and man-hours. The peak demand for brush pickup is typically April and May as weather moderates and residents begin their spring yard cleanup. Staff intends to continue the monthly pickup through this time. If the demand for brush pickup increases staff will consider extending the brush pickup to two weeks per month. The

City has received a number of resident concerns related to the change to once a month pickup. There maybe special circumstances requiring more immediate brush removal services. To accommodate these special circumstances, residents can drop off their brush at the Public Works garage during normal business hours Monday through Friday. Additionally, staff is evaluating establishing a day later in the month for callers who have significant amounts of brush, which would ease the burden on the routine routes and more promptly remove the largest collections. Brush pickup volume diminishes during the summer as hot weather discourages heavy yard work. There will be a higher demand again in the fall as cooler weather returns. Moving to monthly pickup is a significant change to the City's brush program. Staff will continue to monitor the modified brush pickup schedule and make improvements or additional changes as necessary, while controlling costs.

► City Manager Eric Hansen reported that to better accommodate upcoming schedules and anticipated legislation, adjusting the Council meeting schedule is appropriate. The fourth Monday in May is May 25th, Memorial Day. A meeting in May is necessary for legislation to remain on schedule for the TriHealth Community Center Expansion. It is anticipated that the legislation would be ready by May 18. As a result, it would be appropriate to modify the regular Council meeting schedule and provide for a single meeting in May on May 18. Council may also wish to consider a modified summer schedule with a single meeting a month for June, July, and August as has been done in year's past. A single meeting on the second Monday of those summer months would not pose a problem to legislation timeframes. If Council wishes to make such a modifications to the schedule a motion is in order. A modified summer schedule allows more opportunities for committee meetings and possible work sessions to maintain pace of activity. Councilmember Gilb moved to hold one meeting in May on the 18th and adopt a summer schedule for the months of June, July and August by holding one meeting per month on the second Monday. Councilmember Nichols seconded the motion. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Nichols reported the Economic Development Committee has participated in the Grand Opening of the Fujitec Company. He stated the Committee realizes the economy is a factor and has decided to re-examine their efforts and think outside the box on various new efforts. He stated he will be reporting on these activities in the future. He also reported the committee reviewed the draft letter to be sent to state legislators and the governor regarding the proposal to extend the school year and how it may impact Mason businesses. He stated they recommend sending this letter. Councilmember Gilb moved to send the letter, seconded by Councilmember Prince. VOTE: ALL YEAS.

Vice Mayor Beck reported on Planning Commission activities and the status of the Comprehensive Plan update. He also reported on the work session held prior to the Council meeting tonight regarding the topic of the Community Center.

OLD AND NEW BUSINESS

Vice Mayor Beck reported on the Child Advocacy Program that recognizes Child Abuse Awareness Month. He also reported on participating in Earth Hour at the Goddard School. Vice Mayor Beck noted the first drinking fountain for dogs has been donated by the Eagle Scouts.

Mayor Grossmann reported on the diverse community in Mason and stated he attended a Punjabi Cultural Society event on April 14, 2009 and that he enjoyed it very much.

RECOGNITION OF VISITORS

Max Touassi of 5738 Villa Creek Drive addressed Council and reported he is the owner of the Suburban Taxi Company serving Mason. He stated he has been in business for two months and is growing rapidly. He stated he feels very welcome in Mason.

EXECUTIVE SESSION

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

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

ORDINANCE 2009-34 APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MASON AND TRUCK DRIVERS, CHAUFFEURS AND HELPERS LOCAL 100, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND DECLARING AN EMERGENCY

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

A motion to adopt Ordinance 2009-34 was made by Councilmember Gilb, seconded by Vice Mayor Beck. VOTE: ALL YEAS

ORDINANCE 2009-35 APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MASON AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR POLICE SUPPORT PERSONNEL AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND DECLARING AN EMERGENCY

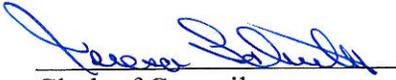
A motion to read by title only was made by Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: ALL YEAS

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

A motion to adopt Ordinance 2009-35 was made by Councilmember Gilb, seconded by Councilmember Nichols. VOTE: ALL YEAS

ADJOURN

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



Clerk of Council



Mayor