

**CITY OF MASON
COUNCIL MEETING
MAY 18, 2009**

Mayor Grossmann called the meeting to order at 7:03 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

A motion to approve the minutes of the April 27, 2009 Council Meeting was made by Councilmember Bradburn, seconded by Councilmember Nichols. VOTE: ALL YEAS

RECOGNITION OF AMERICAN LEGION POST #194 COMMANDER JOHN LOOKER

Commander John looker addressed Council and announced the Memorial Day parade will begin at 10:00 a.m. on May 25, 2009 at the American Legion. It will proceed to the cemetery and then after the program, it will return to the American Legion where a lunch will be served.

PROCLAMATION RECOGNIZING GARY'S BARBER SHOP – 50 YEAR ANNIVERSARY

Councilmember Don Prince read the Proclamation recognizing Gary Oglesby's 50 years in business at Gary's Barber Shop. Following the presentation, Don Prince agreed to receive a hair cut by Gary as the meeting progressed.

PROCLAMATION RECOGNIZING AL'S HEATING & COOLING, INC. – 50 YEAR ANNIVERSARY

Mayor Grossmann read the Proclamation recognizing Al's Heating and Cooling 50 years in business. Owner, Rich Cox received the award.

PROCLAMATION RECOGNIZING PEOPLES FIRST SAVINGS BANK – 100 YEAR ANNIVERSARY

Mayor Grossmann read the Proclamation recognizing the 100th anniversary of Peoples First Savings Bank. He noted this is the oldest business in Mason. Receiving the Proclamation was Ryan McCurley, President.

Vice Mayor Beck noted the Week of May 18-22nd is Small Business Week. He thanked the small businesses in Mason stating they are an important part of the Mason economy.

PROCLAMATION RECOGNIZING THE 2009 DURAMED CHAMPIONSHIP TOURNAMENT

Mayor Grossmann read the Proclamation recognizing the Duramed Championship Tournament being held in Mason on June 19-21, 2009. Tom McGill with Game Day Communications, Abby Pearson Tournament Director and Mary Wright, Volunteer Coordinator, accepted the Proclamation.

Rabbi Yosef Kalmanson led the meeting in prayer.

RECOGNITION OF VISITORS

Steve Lazear of Fountain Court address Council and stated he is looking for direction. He stated he is dyslexic and may seem unorganized. He stated his concerns included immigration, tax evasion and federal spending. He asked what we could do to get government on the right path. Mayor Grossmann pointed out his concerns are at the federal level and he suggested he write letters to the legislators. He stated he could work to promote the individuals who agree with his beliefs to be elected to office. He suggested he contact both parties in Columbus to find out who may be running that shares his views. He thanked him for his interest in the actions of government.

Gail Heiselman of 5185 Minuteman Court in the Concord Crossing subdivision addressed Council in regards to the widening of Mason Road. She noted the area has been staked and the widening will result in losing a mature tree line that shields their subdivision from the road. As it is shown, the bike path will be in several homeowners backyards. She noted the Snider Road area has one path that serves as a walk and bike path. She asked if Council would reconsider that stretch of the widening to move the bike path to the other side of the road when they review the legislation tonight. Ken Schneider stated he will review the stakes in the field. He said he will probably not make everyone happy. He said he is agreeable to meet with homeowners in the field.

Mayor Grossmann stated the Community Development topic will be moved up in the agenda to the next item.

COMMUNITY REINVESTMENT AREA #3 – NORITAKE CO., INC.

Michele Blair introduced Noritake President, Keith Ogawa, President of the Abrasives Division, Toshimichi Nakagawa, Neil Hensley with the Cincinnati USA Partnership and Colliers real estate broker, Tom McCormick to Council. She explained the City of Mason has been working since April of 2007 with Noritake, when they began researching regional opportunities for the Division's first facility construction in the United States. She said the CincinnatiUSA Partnership for Economic Development facilitated the initial introductions as a result of their strong partnership with the

region's Japanese companies. Noritake considered many locations and short-listed several Mason sites. After a thorough and lengthy process, Noritake is ready to finalize their location decision in Mason. She further explained Noritake is a global company which began the development of business in Tokyo and New York City in 1876 and since that time has established a wide array of business divisions, including Tabletop Electronics; Ceramics & Materials; Environmental Engineering; and Industrial Products. Noritake is Japan's largest comprehensive manufacturer of grinding and polishing tools.

Michele announced Noritake proposes a \$2.74 million facility and overall investment including land, machinery, equipment and inventory of \$8.4 million. They will develop an approximately 42,000 square foot office and manufacturing facility with expansion capability to double the size of the building on 5.79 acres, bringing approximately 40 new jobs to Mason with an average salary of \$50,000 within a three-year period from the time of move-in, and a payroll of \$2M. She reported the Economic Development Committee of Council has reviewed this project and is recommending a motion to grant a financial incentive to Noritake Co. Limited, and provide an abatement under the Community Reinvestment Area Program a 100% of real property improvements for a period of 10-years on the value of the new building improvements, as authorized by the State of Ohio Community Reinvestment Area Program and contingent upon the company making an annual compensation payment to the Mason City School District for the term of the abatement period. In addition, the Committee is recommending a motion to direct staff to move forward and finalize the specific terms of an incentive grant agreement between the City of Mason and Henkle Schueler – Bunnell Hill concerning the landscaping enhancement of the Lakewood Commerce Park Entryway to benefit the City and Noritake.

President Ogawa addressed Council explained the thorough process they completed by selecting Mason. Neil Hensley addressed Council and stated he has been traveling to Japan for several years attracting new business to our area. He said Mason should feel very successful in attracting Noritake.

A motion to approve the motion as stated by Michele Blair was made by Councilmember David Nichols, seconded by Vice Mayor Beck. VOTE: ALL YEAS

Councilmember Nichols stated this is a win-win situation for the City and the company. He welcomed Noritake to this location. Vice Mayor Beck and Mayor Grossmann both thanked them for selecting Mason and noted this is the type of company the City likes to attract.

A motion was made by Councilmember Nichols to approve a financial incentive agreement to Noritake Co. Limited and provide an abatement 100% of real property improvements for a 10 year period on the value of the new building improvements contingent on the company making an annual compensation payment to the Mason School District for the term of the agreement. Vice Mayor Beck seconded the motion. VOTE: ALL YEAS

A motion to direct staff to move forward and finalize the specific terms of an incentive grant agreement between the City of Mason and Henkle Schuler-Bunnell Hill concerning the landscaping enhancement of the Lakewood Commerce Park Entryway was made by Vice Mayor Beck, seconded by Councilmember Nichols. VOTE: ALL YEAS

Councilmember Gilb noted he was glad to see the personal property tax included with the state Community Reinvestment Area Program as he worked on that issue when he was in state government.

RESOLUTION 2009-12 ADOPTING THE BUDGET OF THE CITY OF MASON FOR THE YEAR JANUARY 1, 2010 THROUGH DECEMBER 31, 2010

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

Eric Hansen reported a public hearing will be held on this legislation on June 8, 2009.

PUBLIC HEARING 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 Nichols. VOTE: ALL YEAS

Brian Lazor addressed Council and stated the proposed development, bounded by Courseview Drive, I-71 and Sports Center Complex Drive, is approximately 82 acres in size and contains the Lindner Family Tennis Center. This request includes adding approximately 10.2 acre of land to the existing Tennis Center PUD by rezoning 1.5 acres of land from R-6 to B-PUD and 8.7 acres of land from HT-1 to B-PUD. The request also involves revising the existing concept PUD plan.

Brian explained in 2003, Tennis for Charity applied for and received approval for a PUD on this property, which showed a mixture of recreation, office, hotel and restaurants. The 2009 revised PUD plan continues to build upon this with a similar mixture of uses.

He said in general, the major differences between the 2003 and 2009 plans are:

1. The addition of 10.2 acres of land adjacent to the existing Tennis Center and Courseview Drive;
2. An increased area of Tennis Center activities;
3. Rearrangement of uses on the property; and

4. Land set aside for future roads according to the Thoroughfare Plan.

Brian further explained a PUD is required to have 20% open space when developed. While not specifically detailed at this time, the Tennis Center and surrounding recreation areas will help to meet the requirement. Right-of-Way is consistent with the City of Mason Thoroughfare Plan. Some variations have been shown in the required setbacks and are mostly adjacent to the golf course. During the final PUD process, these will be better defined depending upon the specific user.

Brain reported the Planning Commission recommended approval of the revised concept PUD plan and rezoning as shown. He added Tennis for Charity and the events brought to the City of Mason have made a positive impact on the community. Staff believes that this is an excellent project that will compliment existing development in the area.

Mayor Grossmann opened the public hearing at 8:10 p.m. Dick Clark representing Tennis for Charity spoke in favor of the rezoning. There were no comments opposed to the rezoning. Mayor Grossmann closed the public hearing at 8:13 p.m.

A motion to adopt Ordinance 2009-27 was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-44--- 1ST READING: APPROVAL OF A REVISED CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED BETWEEN STATE ROUTE 741 AND COX-SMITH ROAD (GLIMCHER)

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

Eric Hansen stated a public hearing will be held on this legislation on June 8, 2009.

ORDINANCE 2009-45 ACCEPTING THE PUBLIC IMPROVEMENTS FOR ROSEMONT WEST SUBDIVISION AND RELEASING THE PERFORMANCE BOND

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, Rosemont West Subdivision is located east of Tyler Station and west of the Rosemont South Subdivision. This subdivision was a continuation of the Rosemont Development that includes Rosemont and Rosemont South (both in Deerfield Township) and Rosemont Manor in the City. He noted streets to be accepted include Sunnybrook Court, parts of Glenstone Way, and Sunny Drive. The Public Utilities, Public Works, Engineering Department and Greater Cincinnati Water Works have inspected the public improvements. Richard said the utilities and other

improvements will become the City's responsibility upon acceptance. He reported staff recommends accepting the public improvements, contingent on the submission of a one-year maintenance bond.

A motion to adopt Ordinance 2009-45 was made by Vice Mayor Beck, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-46 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 \$19,661.78, 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 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, since the completion of the Downtown Streetscape project, Festivals of Mason has reported issues, during Christmas in Mason and the Mason Heritage Festival, with the electrical system along W. Main Street and the Downtown Plaza area. Staff working with the contractor and the Festivals of Mason Committee has identified the cause of the issue. He reported many of the vendors participating in these events have multiple electrical needs and are connected to the same circuit, overloading the circuit and tripping the circuit breaker. One vendor at one receptacle can easily max-out the amperage available on the entire circuit. Currently there are 23 receptacles in the Downtown area. Richard stated the solution is to separate the receptacles creating individual circuits for each.

He reported staff requested a quote from the electrical subcontractor currently working on the Community Center site, since they were already mobilized and working in the area. The quote of \$19,661.78 will add 36 additional 20-amp circuits, which will separate many of the 23 receptacles to individual dedicated circuits. This price also includes relocating one tree receptacle at Busken Bakery, which has been hit several times by semi-trucks turning onto W. Main Street from Mason-Montgomery Road. The quote for this work is similar to the original electrical work on the Downtown Streetscape project and staff feels is very reasonable for the work involved.

Richard reported the Downtown Committee of Council reviewed this issue and a possible cost of \$35,000 for the entire project. Options to phase in the work and do an area such as the plaza alone were also discussed. The Committee recommended moving forward with the entire project and with a very attractive price of \$19,661.

A motion to adopt Ordinance 2009-46 was made by Councilmember Shimrock, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-47 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ART IRON, INC., IN THE AMOUNT NOT TO EXCEED \$684,000.00, FOR THE FABRICATION AND INSTALLATION OF STRUCTURAL STEEL FOR THE MASON COMMUNITY CENTER ADDITION AND ALTERATIONS PROJECT AND DECLARING AN EMERGENCY

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

Eric Hansen reported to Council, this is the third contract package related to the project. The first two were the site improvements and the Pine Hill Lake reconstruction. Eight additional packages are currently in the bidding process and along with the Guaranteed Maximum Price from Turner Construction should be ready for City Council approval at the June 8 meeting.

He said this project consists of approximately 77,000 square feet of new additions plus renovations to the existing Community Center as a partnering project with TriHealth to expand services for the community at the center. TriHealth will occupy about 31,000 square feet of new space, enabling TriHealth and the City of Mason to share a location that can provide expanded exposure and membership opportunities for both, including wellness and rehabilitation programs.

The site contract portion of the project should save the City approximately \$400,000 to \$500,000 by coordinating with work in the Pine Hill Lake Park. He reported three (3) very competitive bids received. The best and lowest bidder was Art Iron, Inc. at a not to exceed cost of \$684,000.00.

A motion to adopt Ordinance 2009-47 was made by Councilmember Prince, seconded by Vice Mayor Beck. VOTE: ALL YEAS

ORDINANCE 2009-48 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE MAGAZINE DIVISION OF THE "CINCINNATI ENQUIRER" FOR ADVERTISING "FUNFORMASON"

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 Bradburn, seconded by Vice Mayor Beck. VOTE: ALL YEAS

Jennifer Heft explained to Council, this legislation authorizes a contract with Magazine Division of the *Cincinnati Enquirer* for designing, printing and distributing *Funformason* for one year. She said for the past two years, the City has contracted with the *Cincinnati Enquirer's* Magazine Division to provide these services which is distributed free to Mason and Deerfield Township families with children. Copies of the 16-page insert are also printed as a separate mini-magazine and mailed to area households that do not receive *OurTown*.

She stated the existing contract expires with the June/July issue. The new proposal is for \$77,490, a 10% increase over last year, due in large part to the rise in postal costs that were effective this month.

A motion to adopt Ordinance 2009-48 was made by Vice Mayor Beck, seconded by Councilmember Nichols. VOTE: ALL YEAS

ORDINANCE 2009-49 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TREND CONSTRUCTION, INC., IN THE AMOUNT NOT TO EXCEED \$4,914,099.29, FOR THE MASON ROAD IMPROVEMENT PROJECT

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 Vice Mayor Beck, seconded by Councilmember Shimrock. VOTE: ALL YEAS

Richard Fair explained to Council, Ordinance 2009-49 awards a construction contract to the lowest and best bidder for construction of Mason Road Improvement Project including West Main Street and Library Area Storm Water improvements. Richard stated Mason Road is designated as a minor arterial street on the City of Mason Thoroughfare Plan. The new improvement from the west Corporation Line to Main Street will improve the safety, drainage, and sight distance. He explained in 2006 the City received a grant of \$1,141,000 in Issue 2 funds for phase 1. In 2007 the City received \$478,500 for phase 2 of the project. Together these two grants would fund over \$1.6 million of the construction cost. As part of the 2009 Budget process the overall cost of the project was reduced by over \$2 million by implementing several design changes. Major revisions to the plans include: horizontal and vertical alignment changes to reduce the amount of roadway reconstruction, removing the improvements to Main Street west of Mason Road, eliminating the landscaped medians and eliminating new decorative street lighting from the project. He stated staff and Wood & Lamping are in the process of acquiring the required right of way and easements for the project.

Richard also stated West Main Street from Forest Avenue to Mason Road will be improved to one lane in each direction with curbs and gutters to improve drainage. Left turn lanes are included on Mason Road. Work also includes a bike path on one side and sidewalks on the other side of the road, storm water culverts, water main work, street

trees and lane line markings. Greater Cincinnati Water Works (GCWW) will pay for a new 12" water main to be installed in West Main Street from Forest Avenue to Mason Road and on Mason Road from West Main Street to West Church Street. He reported the Public Works Committee had a chance to review Alternate 1 for the Mason Road Project, which included extending the lighting in Downtown along West Main Street. The Committee's recommendation was to install only the conduit and pull boxes at this time to allow the flexibility of adding the lighting in the future.

Work at the railroad crossing, which includes removing existing surface and installing new concrete panels near the rail line (crossing resurfacing) will be done by I & O Railway, however, still paid for by the City. Richard reported Rail America will no longer allow the City's contractor to perform this work as we have in the past. Under their new policy, I & O Railway will perform this work with their own certified contractors. The estimated cost of this work, which will be bid competitively by I & O Railway, is \$101,968. In coordination with the project, I & O Railway will also be installing automated railroad gates as ordered by the Ohio Rail Development Commission and Public Utilities Commission of Ohio at their own expense.

Richard further explained that included in the Mason Road Improvement Project is the Library Area Storm Water Improvements, which consists of 2,500 linear feet of storm sewer upgrade, storm sewer tap connections, sewer appurtenances and approximately 200 linear feet of sanitary sewer upgrade. The 2009 budget included Stormwater and Sanitary funds for the Library Area Storm Water Improvements.

He reported bids were opened and read on May 6, 2009 with nine (9) construction firms submitting bids. The lowest and best bid was received from Trend Construction for \$4,914,099.29.

Richard also stated to maximize the grant funds, staff requested approval from OPWC to reduce the scope of the project and the local match. District #10 Integrating Committee approved the City's request to downsize the scope of the project without losing any grant funds. The 2009 budget included \$3,700,000 for the Mason Road Improvement Project. Funding for the local share of the project will utilize the Local Government Pooled Financing Program through the Port Authority, passed at the April 27 City Council meeting. Richard concluded by stating adoption of Ordinance 2009 - 49 authorizing a contract with Trend Construction Company in an amount not-to-exceed \$4,914,099 for construction of the Mason Road Improvement Project and adoption of Ordinance 2009 - 50 authorizing the Director of Finance to pay I & O Railway an amount not to exceed \$101,968 are recommended for adoption.

Mayor Grossmann asked if the bike path can be moved to the other side. Richard Fair replied it has been reduced from a 9-foot width to an 8-foot width. He said it may be possible to move it but it could delay the project. He said it is the usual city standard to have both a sidewalk and bike path. Mark Lortz, President of the Homeowners Association, addressed Council and said if the path were moved to the other side of the road it would actually connect to the Hickory Woods bike path and it would provide

better access in the future to Gould park. Mark stated based on the stake locations, the bike path will eliminate the mound and the construction easement will destroy the vegetation and root structure of the trees. He said as a result they would die. Eric Hansen suggested adopting this legislation tonight but allowing Richard Fair to work with the Homeowners Association and the Public Works Committee of Council to resolve the issues. He added passage does not preclude making any changes. Councilmember Prince asked what assurance do the homeowners have nothing will happen. Richard Fair replied nothing will be done without the Public Works Committee approval. Councilmember Prince asked that the residents be invited to the Public Works meeting.

A motion to adopt Ordinance 2009-49 was made by Vice Mayor Beck, seconded by Councilmember Nichols. VOTE: ALL YEAS

ORDINANCE 2009-50 AUTHORIZING A PAYMENT TO INDIANA & OHIO RAILWAY IN AN AMOUNT NOT TO EXCEED \$101,968.08 FOR THE RAILROAD CROSSING RESURFACING ON W. MAIN STREET

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 Prince, seconded by Councilmember Bradburn. VOTE: ALL YEAS

Vice Mayor Beck asked if we will write them a check or wait and see what the bids reveal. Richard Fair stated we will wait to see what the bids are before issuing a check.

A motion to adopt Ordinance 2009-50 was made by Councilmember Shimrock, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-51 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE KINGS ISLAND DRIVE IMPROVEMENT PROJECT

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

Eric Hansen explained to Council, this legislation authorizes the City Manager to enter into a LPA Project Agreement for Federal funding of a Local-let project utilizing American Recovery and Reinvestment Act of 2009 (ARRA) funds. He stated in order to receive reimbursement of ARRA funds for this project we are required to enter into this LPA agreement. It is similar to LPA agreements that we have entered into with ODOT on past projects, but contains additional reporting requirements for ARRA. The City and

our contractor are required to report on monthly reports identifying the on-the-project jobs and workforce active during each reporting month.

Eric stated staff planned to include Kings Island Drive in next year's paving program due to its condition. By receiving the \$307,880 in stimulus funds for this project it is an immediate cost savings for the annual paving program. We are responsible for any costs exceeding the allocated amount for the project, which is estimated at about \$475,000. While the \$167,000 estimated City share was not budgeted for 2009 and will require a year-end supplemental appropriation, doing the work now will save \$475,000 from the 2010 anticipated Budget. Plans should be complete for the project by the end of May and ready to submit to ODOT for review. The project should go out to bid in July. Paving work is planned for September once Kings Island is closed during weekdays.

A motion to adopt Ordinance 2009-51 was made by Councilmember Prince, seconded by Councilmember Nichols. VOTE: ALL YEAS

**ORDINANCE 2009-52 AMENDING SECTION 963.10 OF THE CITY OF MASON
CODIFIED ORDINANCES REGARDING FIREARMS AND WEAPONS 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 Vice Mayor Beck, seconded by Councilmember Gilb. VOTE: ALL YEAS

Jennifer Heft explained to Council, in 2008, the Ohio Supreme Court adjudicated the restriction that prohibited persons who had been issued a license to carry a concealed handgun under various provisions of the Ohio Revised Code from possessing those weapons while in city parks. She stated the City's current Codified Ordinance Section 963 related to Public Parks contains a subsection related to possessing firearms and weapons that is in violation of the Ohio Supreme Court decision. The proposed amendments will bring the City's codified ordinance in compliance with Ohio Supreme Court decision.

A motion to adopt Ordinance 2009-52 was made by Councilmember Nichols, seconded by Councilmember Prince. VOTE: ALL YEAS

Councilmember Gilb stated it is appropriate to bring the City's codes into agreement with the Supreme Court.

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

▶ The Utility Committee is recommending a modified sewer tap fee be approved for Len and Carol Stallo to reflect adjustments for work originally done to install the sewer main in front of their property seven years ago. A motion is in order should Council wish to approve this recommendation. Councilmember Bradburn moved to approve the recommendation, seconded by Councilmember Prince. VOTE: ALL YEAS

▶ Since the second regular Council meeting in May falls on Memorial Day, it has been cancelled. The next regularly scheduled Council meeting will be on June 8, followed by meetings on July 13 and August 10.

▶ On Monday, June 1 the Community Center will return to Summer Hours with the following operating schedule: Monday through Friday-5:30 a.m. to 9:00 p.m., Saturday-8:00 a.m. to 7:00 p.m., Sunday- 12:00 p.m. to 6:00 p.m. The indoor pools close one hour prior to the rest of the facility.

▶ The City of Mason and TriHealth invite the public to join them at the Community Center, 6050 Mason Montgomery Road, on Tuesday, May 19, at 6:30 p.m. to celebrate the beginning of an addition that will house Group Health Associates physicians offices, Bethesda Physical Therapy, and expanded recreation space for the community.

▶ From June 19-21, 2009 the Duramed Championship Tournament will be held in Mason.

▶ The Lou Eves Municipal Pool will open on Memorial Day weekend, Saturday, May 23 through Monday, May 25. Daily operation of the pool begins on Monday, June 4 through August 23. The pool will be closed on July 3. Hours are noon to 9 p.m.

COMMITTEE REPORTS NONE

OLD AND NEW BUSINESS

Mayor Grossmann clarified Council is meeting at the American Legion at 9:00 a.m. to participate in the Memorial Day parade.

RECOGNITION OF VISITORS

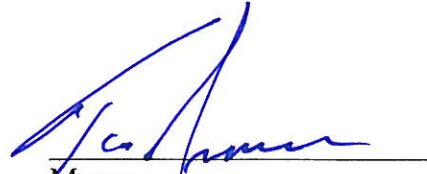
Steve Lazear addressed Council and asked for clarification on Ordinance 2009-52. Mayor Grossmann replied the purpose of that legislation is to bring the City into compliance with the Ohio Supreme Court.

Debbie Speak addressed Council and spoke in favor of assisting Homemade Dreams while the addition of the Community Center is taking place. She said she loves it and asked the City to cooperate with them. Larry Marshall of 468 David Lane also addressed Council and stated concern over the future of Homemade Dreams. Mayor Grossmann replied the City is well aware of their situation and is working with them to resolve the matter. He added they are a valued part of the Community Center.

ADJOURN

A motion to adjourn was made by Councilmember Michael Gilb, seconded by Councilmember Nichols. VOTE: ALL YEAS TIME: 9:30 p.m.


Clerk of Council


Mayor