

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

Mayor Grossmann called the meeting to order at 7:06 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 of the June 8, 2009 Council Meeting was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS

RECOGNITION OF MASON POLICE AND FIRE BY THE AMERICAN LEGION

John Looker, Commander of the American Legion and Jim Riley recognized the Mason Police and Fire employees for their dedication and excellent service they provide to the residents of Mason.

PROCLAMATION CELEBRATING THE 25TH ANNIVERSARY OF THE BEACH WATERPARK

Mayor Grossmann read the Proclamation recognizing the Beach Waterpark's 25th Anniversary. Pam Strickfaden was present to receive the plaque.

PROCLAMATION CELEBRATING THE 30TH ANNIVERSARY OF THE W&SFG MASTERS & WOMEN'S TENNIS SERIES IN MASON

Mayor Grossmann read the Proclamation and presented it to Bruce Flory, Tournament Director. He stated this recognizes 30 years of professional tennis in Mason, Ohio.

COMMUNITY REINVESTMENT AREA #4:

Michele Blair, Economic Development Director, addressed Council and explained Mason has the opportunity to attract a corporate headquarters and manufacturing facility to the City with Rhinestahl Corporation. She explained this past May, Rhinestahl's agreement with the General Electric Company, selecting them as the OEM authorized provider of GE's aircraft and gas turbine engine customer tooling solutions began their search for a facility to accommodate the needs of their growth company. Three locations were considered including Blue Ash, Mason and Sharonville. All three locations offered customized incentive packages to secure this company's investment. Michele stated in order to successfully compete and win the investment, it is necessary for Mason to recommend a non-

traditional specialized incentive package. She explained this is an attractive company for the City of Mason for the following reasons:

Rhinestahl will acquire the 119,000 square foot property for \$3.2M, invest approximately \$400,000 in renovations, own and expand the operations. The company would locate an immediate 30 employees to Mason and co-locate with the existing company, Downlite. Downlite has an agreement that would allow them to occupy a portion of the space for approximately one and half years. Over the course of the next three years, Rhinestahl will transition 50 to 80 jobs with the relocation of the Blue Ash operations and recently purchased New Jersey warehouse operations to Mason. Within five years, 100 to 150 employees are expected to be located at the Innovation Way site. The Company, within the three-year period expects to have a payroll of approximately \$6.2 million. The average salary range is from \$45,000 to \$100,000. This investment means over \$400,000 in new revenue generated to the local economy during the six-year term of the abatement. Michele stated the company cited Ohio as now having a very attractive tax code for personal property, which had a direct impact on their decision to relocate the New Jersey operations to Ohio. They also noted in the current economy, quality of life amenities are playing a growing role in a company's ability to attract the workforce they need for success. Rhinestahl is evidence of this as they have cited Mason's Community Center as being particularly attractive to their relocation decision. This will be the first time recruitment efforts leveraged the Community Center to the City's larger goals of attracting new corporate investment and jobs to the City.

Dieter Moller, CEO of Rhinestahl Corp. and Tom Johnson, Operations Manager, addressed Council and stated the company's customer base is diverse and worldwide, supplying tooling to the US government, commercial airlines, airframe manufacturers, jet engine over-haulers, and field service organizations. They stated approximately 40% of their business is military and 60% commercial.

Michele Blair reported the Economic Development Committee has reviewed this project and recommends the following incentive:

- ▶ An abatement under the Community Reinvestment Area Program of 100% of real property improvements for a period of 6-years on the value of the new building improvements and renovations as authorized by the State of Ohio Community Reinvestment Area Program and contingent upon the company making an annual compensation payment to the Kings Local School District for the term of the abatement period.
- ▶ One Year Family Membership to the Mason Community Center for all Employees at move in completion. Total Value estimated at \$54,800 for 100 employees.
- ▶ Four Equity Community Center Family VIP Memberships for as long as the company remains within the City. Estimated Incentive Value \$132,000 (calculation assumption 40 years).

Michele reported this incentive value is expected to be recouped by the City within a three to four year period. She noted this will be the first time recruitment efforts leveraged the Community Center to the City's larger goals of attracting new corporate investment and jobs to the City.

Councilmember Nichols, Chair of the Economic Development Committee, stated this is a great opportunity for the City of Mason. Vice Mayor Beck noted they will be utilizing a vacant building.

A motion to approve this incentive agreement was made by Councilmember Nichols, seconded by Vice Mayor Beck. VOTE: ALL YEAS

RECOGNITION OF VISITORS

Ray Warwick of 7272 White Oak Court addressed Council and stated he is with the “Tea Party Movement” that attended the previous Council meeting. He said legislation passed at that meeting for the Community Center expansion captured his interest and he researched some public documents regarding the City’s debt limits. He stated in 2000 the City’s debt limit was 29 million dollars and in 2008 it has grown to 91 million dollars. He said it has grown significantly and stated the City should be cautious. He noted it is below the state cap on debt limits but it may prove difficult in the future. He stated he understands the City owns the land and the school owns their portion of the building. He cautioned by asking what happens in the future if the two parties do not get along. Mayor Grossmann stated all the issues he has mentioned have been thoroughly reviewed. He said the expansion is actually producing revenue. Eric Hansen stated Tri Health is renting square footage at approximately one million dollars per year. Mayor Grossmann welcomed his interest and invited him to meet with the City Manager to discuss the matter in more detail.

Rick Inskeep of Butler Warren Road addressed Council and stated area Fire Departments have formed a cooperative agreement between four separate entities. He said the departments will remain separate but try to cut costs. He suggested Mason and Deerfield look at doing this. Councilmember Bradburn stated Chief Moore is looking into this. He stated an agreement requires certain staffing levels be required before it can be signed.

Rich Cox of Reading Road addressed Council and thanked the City for the Alumni Party that was held on the plaza. He said it was well attended. He also noted the water line on ST RT 42 has been patched and asked when it will be paved. Richard Fair stated the State is doing it and it should start by the end of the month.

John Looker, Commander of the American Legion, announced there would be a bowling event in memory of Pat Shea on July 25, 2009 and the proceeds will be used for child welfare. He invited all viewers and Council to attend.

Noble Johnston of 316 S. West Street, addressed Council and asked about the status of legislation dealing with cleaning up after your dogs. Ken Schneider, Law Director, stated language has been proposed and is being reviewed by Committee. It will soon come before Council.

ORDINANCE 2009-53: AMENDING THE ZONING CODE AND ZONING MAP TO PROVIDE FOR THE REZONING OF APPROXIMATELY 5.5 ACRES FROM R-4 SINGLE FAMILY RESIDENTIAL TO RESIDENTIAL PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED AT 228 MASON-MONTGOMERY ROAD (GREENLAND PARK)

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

Brian Lazor explained to Council, the project is located at 228 Mason-Montgomery Road. The purpose of this legislation is to rezone approximately 5.5 acres of land to develop a new single-family residential subdivision. Currently the land is zoned R-4, Single-Family Residential and is being requested to be changed into a Residential Planned Unit Development. Brian stated in 2005, the property was rezoned from R-1, Single Family Residential to R-4, Single Family Residential.

He further explained the proposed PUD is located on one of the largest pieces of developable land in Downtown. The PUD would allow for the construction of 17 single-family homes on lots ranging in size from 7,450 to 33,839 square feet. The current Comprehensive Plan calls for this property to be low-density residential, which equates to between 1 and 3 residential units per acre. Considering its location in downtown, permitting a higher density would be appropriate. Brian stated a single home currently exists on the site. The plan is to utilize the same general location for the entrance to a private drive in this subdivision. The proposed development requires some flexibility of the Zoning regulations. Brian said a PUD is required to have 20% open space and the developer is asking that the setback area be counted towards this requirement which is not permitted in a standard PUD. A conservation easement is proposed for the setback area to further reinforce the idea that it is to be used as open space. He said if the property were located in an outlying area, the proposed solution would typically not be acceptable. However, since this is a unique property in Downtown, the proposal has merit. Brain also stated the majority of the lots in the subdivision are smaller than a standard lot in the City. The developer has indicated that the subdivision will be promoted to “empty nesters” and “young professionals,” who typically choose smaller lots with low maintenance requirements.

He reported Planning Commission recommended approval of the Concept PUD Plan and rezoning. If this Concept Plan is approved, the Final Development Plan for the site will need to address any traffic impacts associated with the development (such as the addition of a left turn lane) as well as landscaping, amenities in the subdivision and other standard PUD requirements.

Mayor Grossmann opened the public hearing at 8:16 p.m. Bob Lucke spoke in favor of the development. He stated they will be looking for “green applications” to be implemented in this project as the costs allow. Stuart Calland of 8533 Ivy Trail addressed Council and stated his parents own the adjoining property and they are in agreement with this rezoning. Imogene Hetton addressed Council and stated her family owns the lots where the existing driveway crosses the creek. She asked if her property will be impacted. Brain Lazor replied no. Mayor Grossmann closed the public hearing at 8:21 p.m.

A motion to adopt Ordinance 2009-53 was made by Councilmember Shimrock, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-69 APPROVAL OF THE DEDICATION AND EASEMENT PLAT FOR 4600 HOLDING LLC

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 Nichols. VOTE: ALL YEAS

Richard Fair explained to Council, Bayer Becker, representing the City of Mason is requesting approval of a dedication and easement plat for the installation of a left turn lane and deceleration lane for the Armor Company. He stated this property is located on the east side of Mason-Montgomery Road between Deerfield Manufacturing and Lakewood Commerce Center. This plat will dedicate 0.2485 acres of right of way and establish necessary utility and access easements. He noted Planning Commission recommended approval.

A motion to adopt Ordinance 2009-69 was made by Vice Mayor Beck, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-70 APPROVAL FOR THE DEDICATION PLAT FOR MASON MIDDLE SCHOOL PUD

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 Bradburn, seconded by Councilmember Nichols. VOTE: ALL YEAS

Richard Fair explained to Council, the Mason City School District, is requesting approval of the dedication plat for Foxfield Drive located on the Mason Middle School PUD property. He said this dedication will extend Foxfield Drive from Mason-Montgomery Road to the park access drive as required by the City of Mason Thoroughfare Plan and the approved PUD. He noted Planning Commission recommends approval.

A motion to adopt Ordinance 2009-70 was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2009-71 ACCEPTING THE DONATION OF LOT 1 OF THE MASON MIDDLE SCHOOL PUD TO THE CITY OF MASON, OHIO

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 Councilmember Prince, seconded by Councilmember Gilb. VOTE: ALL YEAS

Richard Fair explained to Council, in April, City Council approved the Mason Middle School PUD dedication and easement plat for the western portion of Nixon Park Drive. The plat included Lot 1 that contains the existing pump station and City park signage. He stated as a contingency of the approval, the applicant had to either provide an easement or donate this area. To satisfy this condition, the school has chosen to donate Lot 1 to the City of Mason for its use.

A motion to adopt Ordinance 2009-71 was made by Councilmember Nichols, seconded by Vice Mayor Beck. VOTE: ALL YEAS

ORDINANCE 2009-72 AUTHORIZING PAYMENT OF \$8000 TO THE MASON HISTORICAL SOCIETY, A PRIVATE NON-PROFIT ORGANIZATION

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

Jennifer Heft explained to Council, the City began partnering with the Mason Historical Society in 1993 with a contribution of \$5,000. This year they have submitted a request for 2009. Jennifer stated the policy established by the City in 2007 limits City contributions to \$8,000 and no more than a third of a group's budget. This is accomplished through a matching program where the City contributes one dollar for every two dollars raised from other sources by the non-profit group. She concluded the maximum contribution would remain \$8,000.

A motion to adopt Ordinance 2009-72 was made by Vice Mayor Beck, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-73 AUTHORIZING A CONTRIBUTION OF \$22,016.00 TO THE WARREN COUNTY DRUG TASK FORCE

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

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

Jennifer Heft explained to Council, the City of Mason has participated in the Warren County Drug Task Force since its inception. County Prosecutor Rachel Hutzel serves as the coordinating official for the program and for the funding of the Task Force. Local agencies collectively match State and Federal grants. Jennifer stated this year the Task Force is again requesting membership fees based on population. According to the 2000 Warren County Census, the population of Mason is 22,016. Therefore, the funding request is in the amount of \$22,016. The Task Force has worked cases and complaints in the City of Mason. In particular, cases that cross jurisdictions are referred to the Task Force.

John Burke, Director of the Task Force, addressed Council and provided details on how effective this agency has been this year with 145 felony arrests. He noted they have a continuing working relationship with the FBI and the ATF agencies.

A motion to adopt Ordinance 2009-73 was made by Vice Mayor Beck, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2009-74 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KNEISEL CONTRACTING CORPORATION IN THE AMOUNT OF \$88,555.50, FOR THE STRIPING OF VARIOUS STREETS IN THE CITY

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

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: 6 YEAS, 1 ABSTAIN (Vice Mayor Beck)

Eric Hansen explained to Council, the purpose of this legislation is to award a contract to the lowest and best bidder to properly paint the City's public streets for continued traffic control and safety. He stated bids were opened on June 23 for the 2009 Street Striping Program with two (2) bids received. He said the lowest and best bid came from Kneisel Contracting Corp. for \$88,555.50. Work to be performed includes painting of center lines, edge lines, channelizing lines, crosswalks, school markings, railroad markings, lane arrows, words "Only" and island markings on various streets throughout the City. Eric said Kneisel Contracting Corporation has been awarded the City's street striping contract in the past and staff has been pleased with their work.

A motion to adopt Ordinance 2009-74 was made by Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: 6 YEAS, 1 ABSTAIN (Vice Mayor Beck)

ORDINANCE 2009-75 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CARGILL, INC., FOR THE PURCHASE OF APPROXIMATELY 5,500 TONS OF ICE AND SNOW REMOVAL SALT AT \$64.74 PER TON

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 Gilb. VOTE: ALL YEAS

Eric Hansen explained to Council, over the last few years, the Cincinnati area has been experiencing a rock salt shortage. Area demand for rock salt has been greater than the national suppliers can maintain and stockpiled reserves are almost completely depleted. Mason purchases about 5,500 tons of rock salt each year to provide snow and ice control for City streets. Historically, Eric stated, the City has participated in the SWOP4G purchasing program because it has successfully obtained bulk rock salt cheaper than through the State Procurement Program. The SWOP4G bids included 4 suppliers that bid on our proposal. The low bid was \$64.74 per ton. He said while this is a decrease from last year it is still significantly higher than 2007 and earlier pricing. Price fluctuations for salt are primarily related to transportation costs and supply. Mason benefits from convenient access to salt from barges on the Ohio River. Eric further explained, at the beginning of each year the City must identify their commitment to the SWOP4G purchasing program. Historically under this program the City has been able to procure salt at prices lower than the State's procurement program. Staff has contacted Cargill

about this year's salt price. Cargill has indicated that the bulk salt fee is consistent with the State's fee. The difference in price is due to freight charges. Staff is evaluating alternatives to reduce the freight fees.

Eric stated this ordinance authorizes a contract to purchase up to 5,500 tons of rock salt at a per ton price of \$64.74. Approximately 5,000 tons of salt was purchased last season. If 5,500 tons of salt are needed this season, the total cost will be \$356,070. He stated the City continues to pursue alternatives to both reduce the budgetary impact of salt prices as well as to ensure available quantities are on hand. This includes continuing to search for less expensive supplies as well as conservation measures that may reduce the effectiveness of snow removal this year. For two years the City has experimented with beet juice for the treatment of snow and ice covered streets. Beet juice is a "green" product that is less corrosive than salt or salt/calcium chloride and tends to stick to the street longer than rock salt alone. Last year the City experimented with the implementation of Incident Command for snow and ice removal services and plans have begun to fully implement the system this year.

Vice Mayor Beck clarified the City was not obligated to purchase that total amount of salt unless needed. Eric said that was correct.

A motion to adopt Ordinance 2009-75 was made by Vice Mayor Beck, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-76 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MANAGEMENT PARTNERS INCORPORATED FOR PROFESSIONAL MANAGEMENT CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$50,000.

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

Eric Hansen explained to Council, Departments and City staff spend a considerable amount of time researching service demands, cost-effective solutions and priorities that effectively meet the needs of the department. A cost effective alternative to adding additional staff to the City's current organizational structure is to outsource some of the work to a credible, professional consulting firm.

Management Partners, which was founded in 1994, provides expertise of professionals with extensive experience in all aspects of local government management to help government organizations increase effectiveness by assisting with special projects, performing in-depth analysis, and identifying issues and problems and recommending ways to improve operations. Management Partners' client base includes many small and large cities and counties throughout the United States. Their eastern headquarters is in Cincinnati, which makes them an attractive and cost effective option. They are acknowledged in the region for expertise in intergovernmental cooperation and benchmarking best practices - their client list includes many area communities.

Eric explained examples of the types of projects that Management Partners could provide: reviewing public service delivery and the most cost effective mix of internal and contracted resources, identifying

and implementing best practices for a number of services, assisting with identifying problem areas in work processes and ways to improve, identifying opportunities to partner with other agencies and implementation strategies for cost reduction, independent review and assessment of management issues, facilitating strategic planning sessions or retreats and management coaching. He said this past year, Management Partners evaluated several services performed by the Public Works Department. Based upon the work of Management Partners brush chipping was reduced down to one week a month, the City has been able to reduce costs by privately contracting more of the mowing and allowing the Public Works Department to participate in the sidewalk replacement program as a test to further reduce expenses. They also provided training to senior staff, and will be assisting Community Center items.

The relationship with Management Partners began in 2007 and was authorized by Council in 2008. The Finance Committee reviewed the partnership at their last meeting. The 2009 Budget includes \$50,000 for these services. This Ordinance does not obligate the City to expend these dollars or set a time frame for use. It allows the City pre-authorized access to a pool of talent to provide assistance on an as-needed and as-requested basis.

Councilmember Shimrock stated while we can benefit from their suggestions and privatization, it should not be without concern for the impact on the residents. It should not be only a financial decision.

A motion to adopt Ordinance 2009-76 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS

ORDINANCE 2009-77 ORDINANCE AUTHORIZING A REMARKETING AGREEMENT, AN AMENDMENT TO THE TRUST AGREEMENT AND THE APPLICATION OF RATINGS FOR THE CENTRAL PARKE BONDS AND DECLARING AN EMERGENCY.

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

Eric Hansen explained to Council, Ordinances 2009-77 and 78 both address Tax Increment Financing (TIF) Bonds. He said Tax Increment Financing provides communities with a creative economic tool to overcome development disadvantages that exist when infrastructure is needed to accomplish a project. Under a TIF arrangement the City issues bonds to pay for the public improvements, increased tax revenues are used for debt service payment and the developer agrees that if the increased tax revenue is not sufficient to pay for the debt service, the developer is responsible for paying the difference. An irrevocable letter of credit provides protection to bond holders and the City against developer failure.

He stated in February 2009, in the midst of the financial crisis, investors were tendering these TIF bonds and with a weak credit market the remarketing agent was unable to locate another investor within the required timeframe. CUC's letter of credit was used to pay the bondholders. The City worked with CUC to successfully negotiate a contract for Fifth Third Bank to act as the remarketing

agent for these bonds. In May 2009, Fifth Third Bank provided an agreement for remarketing services and recommended that the bonds be rated to expand the marketing potential of the bonds. Fifth Third Bank initiated the bond rating process with Standard & Poor (S&P). The bond rater required amendments to the bond indentures and the letters of credit before the bonds are rated. Fifth Third Bank prepared the amendments, which have been reviewed by the City's bond counsel.

The City's bond counsel is not recommending the elimination of the letter of credit at this time as doing so would place the City at greater risk, require additional resources from the developer, and could make the bonds more difficult and expensive to remarket. The City has however been able to use accumulated TIF proceeds to pay down principal (\$180,000 on Central Parke and likely \$110,000 on Tylersville Crossing) and thereby reduce the letter of credit needs. Ordinance 2009 – 77 and Ordinance 2009 – 78 are necessary for the TIF bonds to be successfully marketed at a cost and interest rate that will allow the TIF funds to meet its obligation, in a very challenging credit market.

A motion to adopt Ordinance 2009-77 was made by Vice Mayor Beck, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-78 ORDINANCE AUTHORIZING A REMARKETING AGREEMENT, AN AMENDMENT TO THE TRUST AGREEMENT AND THE APPLICATION OF RATINGS FOR THE TYLERSVILLE BONDS AND DECLARING AN EMERGENCY

A motion to read by title only was made by Vice Mayor Beck, seconded by Councilmember Prince. 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 2009-78 was made by Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: ALL YEAS

ORDINANCE 2009-79 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$2,300,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING MASON ROAD IN THE CITY AND DECLARING AN EMERGENCY.

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

Eric Hansen explained to Council, Ordinances 2009-79 and 80 both address the issuance of notes for city projects. He stated in April, in order for the City to take advantage of the Port Authority's pooled financing program a formal commitment, in the form of legislation was necessary to be acted upon by the end of April to qualify for the pool. Council approved Ordinance 2009-28, which authorized the issuance of \$2,000,000 for the Mason Road Widening through a loan agreement and Ordinance 2009-

29 authorizing the City to enter into a Lease Agreement to Finance the Community Center Expansion with the Mason Port Authority. The debt and lease agreement amounts were based upon preliminary estimates.

Eric further explained, financing both projects through the Mason Port Authority still appears to remain the best long-term option with the lowest financing rates, lowest cost of issuance for a lease agreement and does not require a debt reserve account to be established. Financing for these two projects must be secured before construction commitments can proceed. Short-term financing is recommended to finance the projects for six to twelve months until the long-term financing options are further evaluated and secured. Both of these ordinances allow for a rate not to exceed 6%. However, it is anticipated that the notes will be marketed at a rate of approximately 1.5%

A motion to adopt Ordinance 2009-79 was made by Councilmember Gilb, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-80 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$14,000,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF AN EXPANSION OF THE COMMUNITY CENTER IN THE CITY AND DECLARING AN EMERGENCY

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 Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: ALL YEAS

A motion to adopt Ordinance 2009-80 was made by Councilmember Bradburn, seconded by Vice Mayor Beck. VOTE: ALL YEAS

ORDINANCE 2009-81 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CTL ENGINEERING, INC., IN THE AMOUNT NOT TO EXCEED \$56,300.00, FOR TESTING AND INSPECTION SERVICES FOR THE MASON COMMUNITY CENTER ADDITION AND ALTERATIONS PROJECT AND DECLARING AN EMERGENCY

A motion to read by title only was made by Councilmember Prince, 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 this legislation authorizes a contract with CTL Engineering, Inc. for an amount not to exceed \$56,300 for providing testing and inspection services for the Community Center expansion project. He said services will include the testing and/or inspection of masonry and mortar, concrete and reinforcing, asphalt, fireproofing, structural steel and soils. Eric reported five companies responded to the City's Request for Proposals (RFP) with CTL Engineering Inc. submitting

the best and lowest bid for \$56,300. CTL Engineering Inc. provided testing and inspection services for the Municipal Building therefore staff is familiar with their work.

A motion to adopt Ordinance 2009-81 was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

Mayor Grossmann added Ordinance 2009-86 to the agenda at this time.

ORDINANCE 2009-86 AUTHORIZING A PAYMENT TO GREATER CINCINNATI WATERWORKS FOR A COMMERCIAL METER PERMIT FEE, IN THE AMOUNT OF \$25,431.00, AND DECLARING AN EMERGENCY

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

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

Richard Fair explained to Council, this legislation is required to prevent delays on the Community Center expansion.

A motion to adopt Ordinance 2009-86 was made by Councilmember Bradburn, seconded by Councilmember Prince. Councilmember Gilb moved to amend the ordinance to include the word “to” in the whereas clause. (Whereas, as part of the Mason Community Center Expansion Project, it will be necessary “to” obtain a permit for a 3 ‘ commercial water meter.) Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

A motion adopt as amended was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-82 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AMERICAN LEGAL PUBLISHING FOR THE RECODIFICATION OF THE ORDINANCES FOR THE CITY OF MASON IN AN AMOUNT NOT TO EXCEED \$20,000.00

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

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

Jennifer Heft explained to Council, the City’s ordinances were last recodified over 33 years ago. Since that time, there have been supplemental codifications. She explained a supplemental codification updates the codification with new ordinances that have been authorized by Council. A recodification includes incorporating new ordinances and a legal review and written report. The review will uncover inconsistencies between sections in the code and inconsistencies with the code and state statutes. In

addition, the recodification will include updating the index and tables, reformatting the pages into a new typestyle, including single or dual column print, printing complete copies of the entire code book and there may be some reorganization and renumber of the code as necessary.

Jennifer stated American Legal Publishing Corporation will be working closely with Wood and Lamping on this project. The City's legal counsel will need to be involved with this project as they are most familiar with the charter and ordinances of the City. Over the past year, the Finance Committee has been reviewing fees and charges assessed by the City and Council has been authorizing modification to these fees and charges. In most cases, Council has authorized the future annual increase of various fees and charges based upon a Cost of Living Amount (COLA). When fees and charges are modified it requires the various sections of the Codified Ordinances of the City be updated. Staff is proposing consolidating all fees and charges into one new codified section, which will facilitate future modifications and reduce future codification expenses. Modifying current sections of the code and adding a new Fee Schedule section is included in this recodification. Ordinance 2009 – 82 authorizes a not-to-exceed contract of \$20,000 for services.

A motion to adopt Ordinance 2009-82 was made by Councilmember Prince, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2009-83 AUTHORIZING THE CITY MANAGER TO SUBMIT PRE-APPLICATIONS FOR PROGRAM YEAR 26 (2012) AND A FINAL APPLICATION FOR PROGRAM YEAR 24 (2010) FOR OHIO PUBLIC WORKS COMMISSION, DISTRICT 10 STATE ISSUE 1 GRANTS

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 Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

Eric Hansen explained to Council, this legislation authorizes pre-applications and a final application for project grant funding. He said staff reviewed the current Capital Improvement Project list to identify projects that are timely, high priority for the City, and most likely to succeed in the competitive scoring portion of the program. At their meeting on June 4, the Public Works Committee recommended the following project to be submitted for pre-application for project year 2012 funds:

- *Mason-Montgomery Road/Bethany Road Roundabout* – Design of this project was included in the 2009 Budget. Considerable daily backups occur in all directions at this intersection. Per the City's Thoroughfare Plan, Bethany Road will become a prominent connection between Mason and Liberty Township. This project would construct a two-lane roundabout that would provide enough capacity to accommodate forecasted traffic volumes for 2030 and beyond. An application was also made for this project last month to be included in additional allocation of Local Transportation Improvement Projects (LTIP) funds in Project Year 23 (2009). Competition for the additional LTIP funds is tight and the project will likely not receive funding.

In addition, final applications have been requested for Project Year 24 (2010). The following project appears favorable for funding:

- *Bethany Road Improvements (SR-741 to Mason Sports Park)* – The project consists of widening Bethany Road from SR-741 to Mason Sports Park to three and five lanes. This project was previously approved in Project Year 18 for partial funding of \$411,000 of the \$811,000 requested. The project was delayed in favor of obtaining an additional OKI STP grant for \$3,671,440 for the project. Staff worked with the District 10 Committee to move the project to Project Year 24 and also increased the funding amount to \$1,000,000.

A motion to adopt Ordinance 2009-83 was made by Councilmember Bradburn, seconded by Vice Mayor Beck. VOTE: ALL YEAS

ORDINANCE 2009-84 AUTHORIZING THE CITY MANAGER TO SUBMIT THE LOAN APPLICATION FOR AN OHIO WATER POLLUTION CONTROL LOAN FUND (WPCLF) GRANTS

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

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

Richard Fair explained to Council this legislation authorizes the City to make loan applications for funding of projects through the Water Pollution Control Loan Fund grand program. He said the City of Mason has a total of 11 projects with three projects receiving funding. They include the Bethany Road Sanitary Sewer Extension, the Mason Sports Parks Irrigation and the Mason Municipal Green Roof project.

A general discussion took place among Council in which amending the ordinance to remove the third project, Mason Municipal Green Roof was discussed. A motion to amend the ordinance to remove that project was made by Councilmember Prince, seconded by Councilmember Gilb. Councilmember Prince said it is a good concept but this is not the place to try it. Councilmember Bradburn stated he viewed it in Portland at the Green City Conference and it requires irrigation. After a thorough discussion about the current maintenance issues with the roof, it was agreed the legislation does not have to be amended. Ken Schneider stated Council can pass the ordinance and direct the City Manager to not pursue the “Green Roof” project. Eric stated it was not something the City would pursue with general revenue funds but this financing became available. Councilmember Bradburn withdrew his motion to amend. Councilmember Gilb withdrew his second on that motion.

A motion to adopt Ordinance 2009-84 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS

Councilmember Prince made a motion to not move forward on the Mason Municipal Green Roof project. Councilmember Bradburn seconded the motion. Councilmember Gilb agreed it was not appropriate for the City to spend dollars on this issue just because the money became available.

ORDINANCE 2009-85 MODIFYING THE CONTRACT FOR LEGAL SERVICES TO PROVIDE FOR UPDATED COMPENSATION AND DECLARING AN EMERGENCY

A motion to read by title only was made by Councilmember Gilb, seconded by Councilmember Nichols. 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

A motion to adopt Ordinance 2009-85 was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

- ▶ The Red Rhythm and Boom event on July 3, 2009 was successful and it is estimated the attendance doubled from last year to approximately 65,000.
- ▶ Operation Medicine Cabinet is an anonymous program that allows citizens the opportunity to dispose of unused or expired prescription medications. The event is a collaborative effort between Mason Police, Warren County Sheriff's Office, Warren County Drug Task Force and Jerry Craft of Home Instead Senior Care and the purpose of the event is to educate the public on proper disposal of medication. The event is scheduled from 10:00 until 2:00 on August 8 at Grace Baptist Church.
- ▶ The Live Well in Mason campaign is helping to celebrate National Parks and Recreation Month by inviting residents to participate in different activities and amenities offered by Mason's Parks and Recreation Department. The attached calendar provides residents, on a daily basis, how they and their families can enjoy some of those activities and amenities. The calendar is also available on the City's website.
- ▶ The City of Mason once again hosts the Western & Southern Financial Group Masters Men's Tennis Series from August 15 – August 23 at the Lindner Family Tennis Center. The Western & Southern Women's Open will be held from August 8 – 16. The City of Mason is proud to partner with Tennis for Charity in hosting these prestigious sporting events.
- ▶ The Farmers Market is being held every Saturday from 8:00 a.m. to 12 Noon at the corner of Mason-Montgomery Road and Tylersville Road (the Middle School parking lot). The Farmers Market will not operate on Saturday, August 22 due to Heritage Festival.
- ▶ Liquor permits have been requested for the following locations:
 - *6300 Kings Island Drive for Kings Island Co.

- *5591 SR 741 S for Convenience Management Services Inc.
- *124 E. Main Street for Mason Grill LTD.
- *854 Reading Road for Kinela LLC

A motion to not require a hearing was made by Councilmember Bradburn, seconded by Councilmember Nichols. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Shimrock reported on the Park Board meeting. She said they are reviewing the July 3rd event and searching for suggestions on how to handle the size of the event. She complimented staff and the Boy Scout Troop for help with clean up. She suggested next year Council spend less time on stage.

Vice Mayor Beck also stated the Red Rhythm and Boom event was a lot of work and really planned all year. He said it was a great job. Councilmember Bradburn also complimented the event and the job staff did to coordinate the effort.

OLD AND NEW BUSINESS

Councilmember Nichols asked about the status of the right of way issue on Mason Road. Richard Fair explained they have been meeting with the homeowners to resolve the matter.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION: PROPERTY ACQUISITION

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

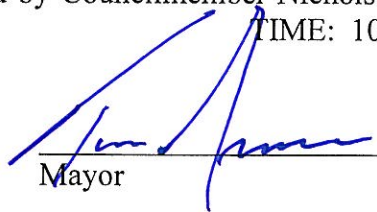
A motion to reconvene into regular session was made by Councilmember Gilb, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ADJOURN

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

TIME: 10:18 p.m.


Clerk of Council


Mayor