

**CITY OF MASON
COUNCIL MEETING
September 14, 2009**

Mayor Grossmann called the meeting to order at 7:05 p.m. Those in attendance recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the August 17, 2009 Council meeting was made by Councilmember Bradburn, seconded by Councilmember Nichols. VOTE: ALL YEAS

SWEARING IN OF MASON POLICE OFFICER LEVI WELLS

Mayor Grossmann swore in Levi Wells as a City of Mason Police Officer. Officer Wells introduced his family members in attendance.

PROCLAMATION FOR HOMEARAMA 2009

Mayor Grossmann read the proclamation recognizing 2009 Homearama in Mason at the Carmelle Subdivision. Accepting the proclamation was Tim Burgoyne, Chairman of Homearama 2009.

RESOLUTION 2009-14 COMMENDING ROBERT PEELER FOR HIS YEARS OF SERVICE TO THE CITY OF MASON

Mayor Grossmann read Resolution 2009-14 recognizing Robert Peeler's years of service to the City of Mason in the capacity of City Prosecutor. He presented the key to the City to Mr. Peeler and congratulated him on his appointment as Judge for Warren County Common Pleas Court.

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

A motion to adopt Resolution 2009-14 was made by Councilmember Shimrock, seconded by Councilmember Nichols. VOTE: ALL YEAS

RECOGNITION OF VISITORS

Ray Warrick of 7272 White Oak Court addressed Council and stated he is affiliated with the "Tea Party Movement". He stated at the recent event held on the Voice of America

property, three Councilmembers attended and were introduced and stated they were financial conservatives. He stated he doesn't get that as the City has a debt service that is souring out of control, a community center that is losing money and a golf course that is losing money. He also said the City makes contributions to private enterprises such as the Tennis for Charity and the Duramed Tournament. The Tea Party Movement says "Stop, don't automatically give away money." He stated the Bengals, in 2012, will get paid to play football here as a result of the contract with Hamilton County. He said Hamilton County is on the brink of bankruptcy. He added government should not subsidize private events. He encouraged Council to work to bring the debt limit down and stop giving money to private events. He recommended the City not hang a plaque on the Community Center expansion until it is in the black. Mayor Grossmann invited him to attend the meetings of the Finance Committee all of which are public. He suggested he get more details and become informed. He stated Council performed a detailed analysis and then passed legislation on the Community Center expansion to fix the problem. He noted TriHealth is paying for much of the expense. Mayor Grossmann then provided a brief history on the situation the City was faced with when the tennis facility was being sold. He said the option the City faced was to allow the tournament to leave the area and the property then would have been developed into many condominiums as it was zoned high-density residential. The result of that, he explained, is the City, County and Township all participated to keep the tournament here. The City contributes \$125,000 to the tournament annually. He noted it brings international attention to the City and a study done around 2000 stated it brought 23 million dollars of revenue to the region. Mayor Grossmann also stated it helps attract business to Mason. He said as more jobs come into Mason, the City collects income tax from the employees. This allows the City to not increase taxes of residents. He then stated the City has also increased the parkland available for residents to use. He said this doesn't drive revenue for the City but the residents love it. Mr. Warrick stated he would like to receive a copy of the projections for the Community Center. Eric Hansen will provide those to him. Mr. Warrick stated he does not mean to offend but feels Council should look at what government's role should be for residents. Mayor Grossmann commended him for his interest in government.

Vice Mayor Beck stated the City has been very proactive on budget issues. He said the City has been very conservative and he believes the Community Center will be a profit center in the future. He also stated the meetings are open to the public and encouraged Mr. Warrick to attend.

Councilmember Prince thanked Mr. Warrick for attending the meeting tonight but stated he is after the wrong target. He said the Federal Government is the one that must balance the budget. He said Mason must have a balanced budget. Mr. Warrick responded all he is saying is the City's debt is higher than it has ever been and it's going higher plus the amount of money the City must spend to pay on the debt limit is getting higher.

Councilmember Gilb stated Council has a job to deliberate all the decisions regarding the spending of taxpayer dollars and all things are taken into consideration prior to making the decisions. He encourages Mr. Warrick to stay engaged in government.

Tom Anderson of Crooked Tree Drive addressed Council and addressed the term limit notification done at the last meeting. He stated it was done underhandedly and without public comment. He said it was done under the pretext of complying with the state government but in effect, it removes term limits for ten years. He asked why a change in the starting dates was made. He stated he feels the dates were changed for personal gain. Mayor Grossmann said he supports term limits and all Council did was give the citizens a right to vote on the amendment. He said the intent was to not allow an appointment to an expired term count as one four year elected term. He said that would make it consistent with the state level of government. He added we are giving the public the right to vote on this. It will be decided by the residents of Mason not Council. Mr. Anderson asked why did you change the starting dates? He said this effectively removes term limits for the next 10 years in Mason. Ken Schneider stated the prior term limit change was altering it to two four-year terms. Mayor Grossmann stated it was drafted with the intent to not allow the fulfillment of an unexpired term to count as one of the four-year terms you can be elected to fulfill. He said that is the only intent and we will review the matter and make certain there is no other unintended impact. Mayor Grossmann stated the only reason it did not appear on the agenda for the meeting is because there were two versions and he was not sure which version Council wanted to support. He did not want to place two competing versions on the agenda. He said as a result, it was discussed publicly at that meeting.

Vickie Roark addressed Council and stated she resides in a condo on Mason Montgomery Road and she is aware the traffic speed in that area is unacceptable. She added it is disrespectful to the police and fire vehicles in the area as traffic tries to outrun them and doesn't get out of their way.

ORDINANCE 2009-100 APPOINTING AN INTERIM CITY PROSECUTOR AND ESTABLISHING THE COMPENSATION FOR PROSECUTION SERVICES FOR THE PERIOD BEGINNING SEPTEMBER 4, 2009 AND ENDING DECEMBER 31, 2009 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

Eric Hansen explained to Council, on September 4, 2009 Robert Peeler, resigned his position as City Prosecutor to assume his new position as Judge for Warren County Common Pleas Court. Since Robert's resignation, Council's Court Liaison Committee along with the City's Law Director, Ken Schneider have met to evaluate options to maintain prosecuting services so that Municipal Court operations can continue uninterrupted. Eric stated the Court Liaison Committee and City Legal Counsel have

recommended the appointment of Bethany Bennett as the Interim Prosecutor for the Mason Municipal Court for the period beginning September 4, 2009 and ending December 31, 2009. He stated Bethany has worked as Assistant City Prosecutor for Robert Peeler's office. Bethany's immediate availability, experience with the operations of the Mason Prosecutor's Office and Mason Municipal Court operations uniquely qualifies her to ensure the consistent and continued operations during the selection process for a City Prosecutor.

Eric stated Bethany will be compensated consistent with the current rate of pay for the City Prosecutor – which is an annual rate of \$73,000 plus benefits (\$15,000 provided by Warren County) - as authorized by Council in 2007. By appointing Bethany, the additional annual allocations made to the Prosecutor for office, clerical and administrative expenses do not need to be prorated or reimbursed, as Bethany will utilize the office administration already in place from Robert Peeler. Consequently this action will not have an unbudgeted impact on City finances. He reported the Court Liaison Committee has reviewed this agreement and is recommending adoption.

Councilmember Gilb, Chair for the Court Liaison Committee, stated after review of the matter, the Committee elected to appoint an interim prosecutor to maintain the current operations of that office.

A motion to adopt Ordinance 2009-100 was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: 6 YEAS, 1 ABSTAIN (Prince)

RESOLUTION 2009-15 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

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

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

Eric explained to Council, the purpose of this legislation is to comply with the Ohio Revised Code requirements per Sections 5705.34 and 5705.35. He stated on June 8, Council adopted Resolution 2009-12 adopting the 2010 Tax Budget. The Tax Budget is then certified to the County Auditor. Based on the amounts certified in the Tax Budget, the Warren County Budget Commission enacts the tax rates necessary to be levied within and without the ten mill tax limitations. The Warren County Budget Commission certified the attached rates to the City of Mason. He said the City of Mason is required to accept the rates, through the adoption of a resolution, which is then certified to the County Auditor.

A motion to adopt Resolution 2009-15 was made by Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: ALL YEAS

ORDINANCE 2009-101 APPROVAL OF THE REPLAT FOR LOTS 47, 48 AND 49 IN J.M. STEWART SUBDIVISION

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

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

Richard Fair explained to Council, John Duffy with Duffy and Associates, representing Dennis and Pansy Walden is requesting approval of the replat of Lots 47, 48 and 49 of the J. M. Stewart's Subdivision. The property is located on the southeast corner of Oak Street and Miller Drive. The replat will consolidate the existing three 0.1731 acre lots into a single 0.5193-acre lot (Lot 55). Richard stated Planning Commission reviewed the replat and recommends approval.

A motion to adopt Ordinance 2009-101 was made by Vice Mayor Beck, seconded by Councilmember Nichols. VOTE: ALL YEAS

ORDINANCE 2009-102 APPROVAL OF THE FINAL PLAT FOR MASON COMMUNITY CAMPUS-SECTION 2

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

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

Richard Fair explained to Council, Bayer Becker, Inc. representing the City of Mason is requesting approval of a final plat for Section 2 of the Community Campus. He stated this section is located on the 75-acre Planned Unit Development that was created in late 2007 between Mason-Montgomery Road, Foxfield Drive and Nixon Park Drive. This plat dedicates the realigned Lakeside Drive right-of-way, creates lot 3 (Mason Municipal Center site) and establishes the necessary utility easements for the development. Richard reported Planning Commission has reviewed and recommends approval of the final plat.

A motion to adopt Ordinance 2009-102 was made by Councilmember Prince, seconded by Councilmember Gilb. VOTE: ALL YEAS

ORDINANCE 2009-103 AUTHORIZING OHIO DEPARTMENT OF TRANSPORTATION TO REPLACE DECK AND PAINT BRIDGE OVER MUDDY CREEK WITHIN THE CITY OF MASON

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 Nichols, seconded by Councilmember Gilb. VOTE: ALL YEAS

Richard Fair reported to Council, in 2010, the Ohio Department of Transportation has scheduled repairs to the bridge on SR-741 over the Muddy Creek. The repairs include replacement of the concrete deck, painting of the structure, guardrail replacement, and maintenance within the creek. Richard stated ODOT has requested the City approve a cooperative agreement for the project. The State will assume 100% of the cost of the project. While there are no foreseeable costs at this time, any costs not directly related to repairs necessary to the bridge, would be the responsibility of the City.

He further reported during the project, the bridge will be reduced to one lane and a temporary traffic signal will be used to maintain traffic flow. Staff has worked with ODOT to interconnect the temporary signal with the existing signal at US-42 and SR-741 to reduce traffic delays. However, significant traffic delays are still anticipated in this area with SR-741 reduced to one-lane. Richard said ODOT's current schedule is to award the contract in January 2010. The actual start date for construction has not been determined at this time.

Councilmember Gilb and Nichols asked if we had any idea now much this could cost the City. Richard Fair stated the job is funded by the State 100% and if the City has any expense they will submit it for approval.

A motion to adopt Ordinance 2009-103 was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-104 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PHILLIPS SUPPLY COMPANY IN THE AMOUNT OF \$90,847.80 FOR THE CITYWIDE JANITORIAL SUPPLIES

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

Richard Fair explained to Council, this year the City solicited bids to provide janitorial supplies to all City departments, including Police, Fire, Parks, Public Works, Public Utilities, Community Center and Municipal Center. He reported staff contacted ten vendors including vendors who were interested in the bid last year, and invited them to participate in the bid process. An advertisement for this bid ran in the local paper for two weeks. Richard stated on August 20, 2009 two vendors submitted sealed bids.

He explained an evaluation of the bids determined that Phillips Supply Company submitted the lowest and best bid. By consolidation to one vendor and locking in prices

for three years, the City will continue to realize an estimated annual cost savings of \$15K. The new contract reflected a slight annual increase of \$70 per year.

A motion to adopt Ordinance 2009-104 was made by Councilmember Shimrock, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-105 AUTHORIZING THE CITY MANAGER TO ENTER INTO A RETAIL POWER SALES AGREEMENT WITH DUKE ENERGY RETAIL SALES, LLC

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 Prince. VOTE: ALL YEAS

Eric Hansen stated falling natural gas prices is having a positive impact on reducing electric generation cost. Over the past several months the City has been evaluating opportunities to take advantage of these falling prices along with other potential discounts being made available by Duke Energy and other third party suppliers. In August the City received notice that Duke Energy was launching a new business, Duke Energy Retail Sales. Duke Energy Retail Sales (DERS) is a Certified Retail Electric Service (CRES) provider and an affiliate of Duke Energy Corporation. DERS recently gained approval to offer competitive electric service to customers in Ohio, as a CRES provider. For a limited time Duke Energy Retail Sales is offering a standard guaranteed discount offer to a limited number of commercial and industrial customers in Ohio. This discount applies to generation charges, which usually accounts for 60-80% of a customer's total monthly electric bill. Under the new business the City would save approximately 15% on the electric generation cost on thirty-nine of its accounts from September 2009 through December 2011. This estimate includes the electrical accounts at the Golf Center, in addition to the other various City facilities and departments.

Eric further explained the program is scheduled to end on December 31, 2011. The City will then return to Duke Energy, as its electric supplier, unless there is a similar program established at that time. If there is not an extension of the program, the City's electrical accounts will return to Duke Energy on January 1, 2012. There will be no penalty to return to Duke Energy. However, if the City decides to return to Duke Energy prior to this date, there will be a 15% adder to the generation charges for the balance of the remaining months until January 2012. Eric stated as part of the program, the City will need to install three electric meters, at an estimated cost of less than \$500 each.

He reported staff has received a quote from another electric supplier, but recommends Duke Energy Retail Sales due to their willingness to include several smaller City accounts under this program thus yielding greater savings for the City. The Utility Committee has reviewed this proposal and is recommending adoption.

Vice Mayor Beck asked why the tight time frame on this issue. Councilmember Prince stated the sooner we enter into this agreement, the greater the savings. Councilmember Gilb stated when he served as a State Representative, he worked on the electric deregulation issue and this is a direct benefit of that effort.

A motion to adopt Ordinance 2009-105 was made by Councilmember Prince, seconded by Councilmember Gilb. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

▶ The 2009 Homearama will be held in the City of Mason's Carmelle Subdivision. Homearama opens to the public on Saturday, September 12 and runs through Sunday, September 27. An e-mail went out, on September 10, to all VIP members of the Community Center offering them two tickets per household to participate in this event. The City will host a booth at the event. The booth will feature four display boards promoting, City Parks, Recreational Activities (ATP, AVP, Duramed, Golf Center at Kings Island), Services and Publications and information on the Community Center expansion. Visitors to the booth can obtain informational brochures and pamphlets along with a City calendar.

▶ The fourth annual Mason Arts Festival will be held on Sunday, September 20 from 11:00 a.m. to 5:00 p.m. at the Mason Municipal Center. Over 100 artists will be on hand to show their works. There will be painting, pottery, photography, jewelry, sculpture, as well as musical entertainment and food vendors. The festival will be held "rain or shine" and ample parking will be available.

▶ A request for a liquor permit has been received for Walgreen's located at 1086 Reading Road. A motion to not require a hearing was made by Councilmember Bradburn, seconded by Councilmember Nichols. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Shimrock reported the Park Board worked with the Mason High School to host a Cross Country Race. She said this event is well attended and received high praise for the route the runners follow in Mason. She also noted the success of the Wiffle Ball Classic and she volunteered Council to enter a team next year.

OLD AND NEW BUSINESS

Mayor Grossmann commented on the AVP Event and the international attention it receives and brings to the City.

Councilmember Shimrock commented on the efforts of the Fire Department to collect for the Muscular Dystrophy Association with the "Fill the Boot" drive. She said they

surpassed their projections by collecting in excess of \$8,000. She noted this reflects on the generosity of Mason residents.

Councilmember Gilb stated federal spending has resulted in more people being interested in government. He encouraged resident's interest and comments.

Councilmember Bradburn stated the flip side on the City's debt limit is the construction costs are increasing and the debt would be higher if we waited. He also complimented Beverly Barr on the improvements she has made to her property.

RECOGNITION OF VISITORS

Perry Schwartz addressed Council and suggested the City prepare a publication explaining the City's debt limit and service. He offered his assistance, as he is a retired CFO.

Rich Cox of Reading Road addressed Council and stated he agrees with the charter amendment. He stated the way it was handled, leaves the perception it was self-serving. He cautioned Council about this in the future.

ADJOURN

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

TIME: 9:11 p.m.


Clerk of Council


Mayor