

**CITY OF MASON
COUNCIL MEETING
OCTOBER 12, 2009**

Mayor Grossmann called the meeting to order at 7:05 p.m. and the Pledge of Allegiance was recited by all present. Pastor Jeff Perkins opened the meeting with prayer.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the September 28, 2009 Council Worksession was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

A motion to approve the minutes of the September 28, 2009 Council Meeting was made by Councilmember Shimrock, seconded by Councilmember Nichols. VOTE: ALL YEAS

RECOGNITION OF POLICE OFFICER RYAN TANNER REGARDING RED RIBBON WEEK

Officer Ryan Tanner addressed Council and thanked them for their support that makes it possible to provide the DARE program. He gave a brief background on the basics of the program and explained how valuable it is to the youth in our community. He provided red ribbons to all Councilmembers to wear this week in recognition of a commitment to a healthy drug-free lifestyle.

RECOGNITION OF CHRIS KOOB REPRESENTING "MASON SERVES"

Chris Koob addressed Council and said he is representing the "Mason Serves" program. He stated the purpose of the program is to bring community residents together to serve and focus on the residents in need. He announced November 21, 2009 is the date the volunteer activities will take place. He added for more information you can email masonservesinfo@gmail.com.

Eric Hansen noted the city may be able to utilize this organization as events such as the blizzard last year required additional volunteers to help with snow removal for seniors. Councilmember Shimrock noted this is a great effort and Councilmember Prince offered the City building if they need a place to meet. He challenged Council to become a team on November 21.

RECOGNITION OF VISITORS

Gene Nell of 607 Bunker Lane addressed Council and thanked them for their work and the good judgment they have provided to the community. He stated he would like to see a "user fee" implemented in the City.

Rich Cox from 3425 Broken Ridge addressed Council and stated he has become aware of a smear campaign that has been implemented against him. He stated in his race for Council, his divorce papers have been acquired. He stated he finds that very offensive noting that was a very emotional time for him and it has actually turned into a positive story of forgiveness. He said he has made some mistakes in printing his campaign ads and that embarrasses him. He stated a retraction is being printed at his expense. As a result, he is removing all of his endorsements so others do not become targets. He noted his business record speaks for itself, having been recognized recently by the Chamber of Commerce. He stated the smear tactics have nothing to do with service on Council and residents don't elect people to do that.

Mayor Grossmann stated he wished to address the public with facts on matters that have been discussed in the last month or so. He stated he wants the public to understand the City's finances. He said as a public entity, the City must balance the budget every year. Our revenues must match our expenditures. He noted the City can incur debt under Ohio law with the following restrictions: the net debt amount cannot exceed 10.5 % of the property tax valuation in the City and the debt that is not voted on by the electors must be restricted to not more than 5.5% of assessed value. He stated, at this time, the City has not met the cap on the available debt limit. He stated we are approximately 20 million below the cap limit. He noted the City does not incur debt on daily expenditures. He said the federal government does but Mason does not. We incur debt for infrastructure projects such as roads and the community center. He said some believe you should pay as you go and not build it until you can pay cash. If that were true, we wouldn't be able to provide the current levels of roads for our residents. Roads would be paid for entirely by the current taxpayers and not for future taxpayers that move in and enjoy it. So by paying for roads over a 20 year period with debt, all the people that are enjoying it are paying for it. He stated the City has also spent money on investments such as property acquisitions. Nine million dollars was spent to purchase the golf course. He stated this is part of the restricted debt limit. He said the reason this was purchased was to avoid a large high-density housing development. Those developments actually cost the city more in providing services. He reported Council felt it was in the best interest of the City to purchase the property as it allows us to control the development. It has been rezoned for higher uses such as commercial or office. Another area of debt incurred was for the Mason Sports Park. The City borrowed 5.6 million dollars, which is part of the restricted debt limit. With the downtown improvement we spent 4 million and on the Western Row Road improvement we spent 8 million dollars. All of which are part of the restricted debt limit. Mayor Grossmann noted the 20 million spent on the municipal building was not included in the restricted debt limit as it was possible to structure that debt so the City could essentially lease the building back to itself. The land purchase on SR 741 was for 4 million dollars and is part of the restricted debt limit and was purchased as an investment for the future. He added revenue will be derived from that purchase either from the sale of the property or from the businesses that located there. The sewer plant was built for 33 million and was not part of the debt limit as it has other sources of revenue to pay for that facility. He reported the Community Center was being subsidized by the City's general fund by approximately one million dollars per year. Council looked at the options available and determined the partnership with TriHealth was the best as the projections show the City's losses could be cut to zero. He added this debt does not fall into the restricted debt category or affect our borrowing capacity. He stated he is aware some residents are concerned by the City's debt and he stated Council is always welcome to discuss the matter at any time.

Councilmember Gilb commented he has heard from residents that they are concerned about the tax base and keeping spending under control.

Mr. Warrick addressed Council and stated there is no doubt that the City is within its debt limit. He said he encourages the prudent use of debt. His point, he said, is the City is borrowing more than ever before. He said government typically throws money at projects to try to fix them. He added he believes it is quite a stretch to break even on the community center expansion. He stated he does not agree with all the debt the City has incurred. He closed by stating let's try to take the debt down.

Perry Schwartz of 6309 Tartan Fields Lane lives on the golf course and part of it is in the Fairways of Pine Run. He noted if the golf course ceases to exist, part of it would revert to the homeowners of Pine Run. He added he is glad the City purchased it.

Eric Hansen stated the Live Well in Mason is enjoying a one-year anniversary. He introduced Dana Maidenberg, Laura Swartzel, Lori Slusser and Rene James from the Parks and Recreation Department who discussed the program "know your heart risk".

RESOLUTION 2009-17 CELEBRATING OCTOBER 23-31, 2009 AS NATIONAL RED RIBBON WEEK

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

A motion to adopt Resolution 2009-17 was made by Councilmember Nichols, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-110 AUTHORIZING THE ACQUISITION OF EASEMENTS AND ACCEPTING DONATION OF CERTAIN OTHER EASEMENTS AS PART OF THE US 42 (READING ROAD) IMPROVEMENT PROJECT, 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 Nichols. VOTE: ALL YEAS

Richard Fair, explained to Council, the City received a \$3.5 million grant award for the improvement of U.S. 42 from Tylersville Road to Butler Warren Road. The grant covers over 40% of the construction costs for this two-mile stretch of U.S. 42. He noted this is the largest grant the City has received and a great opportunity to move forward on a needed road improvement. The grant award amount does not include engineering, right-of-way, utility relocation, or environmental assessment costs, which are estimated to total about \$2 million. Richard reported construction cost is currently estimated to be about \$8.1 million. There is also an outstanding Issue 1 grant request of \$1 million for this project in

2011. He reported in November 2005, Council authorized a contract in the amount of \$341,318, with KZF for Phase 1 design. Then in February 2008, Council authorized a contract in the amount of \$553,077 for Phase 2 design, which included title work, appraisals and negotiations for approximately 79 parcels. The current plans have revised the number of affected properties to 72 parcels, including two city parcels.

Richard further explained construction of the US 42 (Reading Road) Improvement Project requires permanent easements, drainage utility easements and temporary construction easements on the 72 parcels. The Ohio Department of Transportation (ODOT) requires all parcels to be appraised by a certified appraiser and reviewed by an appraisal reviewer approved by ODOT. The design engineers, KZF Inc., sub-contracted with Beck Consulting, Inc. to perform the appraisals and DLZ, Inc. to perform the negotiations with the property owners. In order to meet federal and state regulations, the City is required to have a separate contractual agreement for appraisal review. Council authorized D & J Appraisals, Inc. for appraisal reviews in October 2008 at a cost of \$23,075.

He said it is expected that \$578,806 in permanent easements, drainage utility easements and temporary construction easements are needed for the project. The costs are determined by the appraisers then checked by the appraiser reviewer prior to any offers being made to property owners. Appraisals still need to be completed on a few parcels and some negotiations will take place on the amounts shown, but staff believes the right-of-way for the project can be completed within the \$1 million budget. He reported ODOT's schedule currently shows the project to be bid in March 2011 and construction is expected to last more than a year. The Public Works Committee met to discuss the status of this project and recommends moving forward.

A motion to adopt Ordinance 2009-110 was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-111 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE JOHN R. JURGENSEN COMPANY IN THE AMOUNT OF \$419,981.37 FOR THE KINGS ISLAND DRIVE IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY

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

Richard Fair explained to Council, this project includes street sign replacement, raised pavement markers, thermoplastic striping, pavement repair, pavement planning and resurfacing along Kings Island Drive. The project is approximately 1.2 miles long and includes 4, 6 and 8-lane wide sections of roadway plus shoulders that totals just over 10 acres of asphalt to be milled and resurfaced. The roadway is quickly deteriorating with a significant number of lateral cracks, some being wide enough to see down to the subgrade beneath the pavement.

He stated the roadway was due to be resurfaced in 2010 and was not included in the 2009 budget. However, the City was successful in receiving \$307,880 in federal grant money toward the cost of the

project. The asphalt used on this project requires a minimum of a 50-degree air temperature to be paved, per ODOT Specifications. Richard explained the emergency clause has been included on the ordinance to meet this requirement in order to try to complete this project before the weather becomes too cold.

He reported three (3) bids were received and opened on October 6, with the John R. Jurgensen Company being the low bidder at a cost of \$419,981. Engineering staff will provide inspections and will work with the John R. Jurgensen Company to ensure they are responsive to the citizens of Mason.

Councilmember Gilb moved to amend the ordinance to include the emergency clause. Councilmember Nichols seconded the motion. VOTE: ALL YEAS.

A motion to adopt Ordinance 2009-111 as amended was made by Councilmember Bradburn, seconded by Councilmember Nichols. VOTE: ALL YEAS

ORDINANCE 2009-112 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,775,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE STORMWATER SYSTEM IN THE CITY

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

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

Eric Hansen, stated last year, Council approved Ordinance 2008-111, which provided for the re-issuance of Bond Anticipation Notes in the amount of \$1,900,000. This debt issuance was used to fund stormwater improvements in the Davis Run/Muddy Creek watersheds. The ordinance states a rate not to exceed 6%. He stated considering the current market, the short-term rate is expected to be about 1.5% for the 2009 notes. This is a historically low rate. The 2009 Budget includes the \$125,000 principal and \$47,500 interest payment on this debt.

Councilmember Gilb noted this is a short-term rate and asked if a long-term rate would be more beneficial. Eric Hansen replied this is something they will look into in the future.

A motion to adopt Ordinance 2009-112 was made by Councilmember Bradburn, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2009-113 AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST ADDENDUM TO THE MASON PARKS & RECREATION DEPARTMENT USE AGREEMENT WITH HOMEMADE DREAMS COFFEEHOUSE, LLC, AND DECLARING AN EMERGENCY

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 Nichols, seconded by Councilmember Prince. VOTE: ALL YEAS

Eric Hansen explained that at the meeting on August 28, 2006, Council approved Ordinance 2006 - 100 authorizing a 5-year contract with Homemade Dreams Coffeehouse to provide Cafe operations. Homemade Dreams opened the Community Center Café in August 2008. Since 2008, staff has been discussing the plans for the expansion to the Community Center with Homemade Dreams. Homemade Dreams has been updated on the progress of the project and have been involved with the design and layout of the Cafe area within the new expansion. Eric stated the proposed Cafe in the new expansion has been expanded to approximately 1000 square feet, over 150 square feet more than the current Café and includes an expanded seating area. Homemade Dreams has been a very popular addition to the Community Center and an amenity to members. It is an important part of the Center's future.

As part of the expansion work it was necessary to remove the bearing wall on the west side of the original Cafe location and temporary shoring for the roof was placed where the Café was located. Because of this work it was not possible for Cafe operations to continue in the original location during construction. In May, a temporary location, across the hallway in what was previously the lounge area, was secured for the Café. At the meeting in August, Council approved Ordinance 2009-98, which authorized the purchase of property, in an amount not to exceed \$102,705, from Homemade Dreams Coffeehouse, LLC, for capital improvements they had incurred to originally locate their operations to the Community Center. It also authorized discussions with Homemade Dreams to identify effective ways to promote the success of the Community Center and Homemade Dreams.

Eric stated in order to ensure the continued success of the Café during construction, Ordinance 2009 - 113 provides for compensation, in the amount of \$600 per day to Homemade Dreams for days when closure of the Café or Center are necessary during construction, creates a monthly joint marketing and operational incentives and opportunities for the City and Homemade Dreams in the amount of \$6,000, waives concession fees for the Café until 2010, waives concession fees for the ball fields and pool for 2008 and 2009 and provides for a monthly catering commitment in the amount of \$1,500. He reported the Community Center Committee has reviewed and is recommending adoption.

Mayor Grossmann stated Homemade Dreams is a wonderful addition to the Community Center and they enhance the experience. He noted they have been disrupted with this addition and it is fair we assist them through this period.

A motion to adopt Ordinance 2009-113 was made by Councilmember Nichols, seconded by Councilmember Shimrock. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

The Warren County Convention & Visitors Bureau is bringing The United States Australian Football League (USAFL) to the City of Mason for the 2009 USAFL Nationals. Play starts on Saturday,

October 10 at Heritage Oak Park at 9:00 a.m. and runs to 6:00 p.m. On Sunday, October 11, play resumes at 9:00 a.m. and ends around 5:00 p.m.

On Wednesday, October 14th the Warren County Municipal League will be meeting at the Warren County Administration Building, 406 Justice Drive in Lebanon. The meeting begins at 5:30 with a social period, following by a special flag ceremony at 6:00 p.m., with buffet dinner served at 6:45 pm. Featured speaker is Paul Kindell, Director of Warren County Telecommunications Center who will discuss "A Public Safety System Network". Council members should let Terry Schulte know if you would like to attend.

Candidates for election are invited to attend "Meet the Candidates" night at Cedar Village, 5467 Cedar Village Drive, on Tuesday, October 20 from 6:00 to 9:00 p.m. The public is invited and there is no cost for the meeting.

The City's annual Autumnfest will be held from 4 to 7 p.m. on Saturday, October 24 at Corwin M. Nixon Park. This year there will be inflatable games, carnival games, hayrides, a magician and a Halloween costume contest, with judging at 5:30 p.m. This event is free to the public.

Seasonal leaf collection will begin on October 12. Temporary signs will be posted at the entrance to neighborhoods at least two days prior to leaf collection. Leaves will be picked up at the curb through Friday, December 11. Residents are encouraged to remove sticks, trash, rocks, and other debris before raking leaves as close to the curb without raking them into the sidewalk, street or storm sewers. Gathered leaves are made available to local nurseries or residents that wish to use them as compost.

The City has received a request for a transfer of a liquor permit for a CVS located at 5525 Parkside Drive. Councilmember Bradburn moved to not require a hearing. Councilmember Nichols seconded the motion. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Gilb reported the Court Liaison Committee met to begin reviewing the resumes for the permanent prosecutor position.

OLD AND NEW BUSINESS

Mayor Grossmann reminded everyone to vote on November 3, 2009. He stated absentee ballots are now available. He said Ohio election Laws are established for a fair balanced truthful election to take place. He noted any complaints are reviewed by the Ohio Election Commission.

He stated interviews of those interested in filling the vacant seat on Council due to Peter Beck's resignation, which was effective October 6, 2009, will be scheduled. Those interested should contact the City Manager's office and provide a resume.

RECOGNITION OF VISITORS

Perry Schwartz addressed Council and asked if the City intended to continue the treatment for emerald ash borer on trees in the right of way and on City property. Eric Hansen reported the City will continue it on City property and in the right of way. He said residents can utilize this service on their property at a rate secured by the City.

EXECUTIVE SESSION: PERSONNEL AND LAND ACQUISITION

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

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

Mayor Grossmann announced the following Committee assignments:

Councilmember Bradburn: Chair of Finance, Court Liaison Committee

Councilmember Gilb: Chair of Community Center Committee

Councilmember Shimrock: Economic Development Committee

Councilmember Nichols: Planning Commission; Councilmember Gilb moved to approve this appointment, seconded by Councilmember Shimrock. VOTE: ALL YEAS

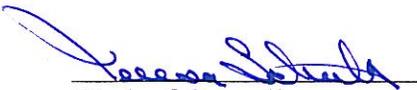
Councilmember Prince: Vice Mayor; Councilmember Shimrock moved to approve this appointment, seconded by Councilmember Nichols. VOTE: ALL YEAS

Eric Hansen reported the Court has asked the court employees be included in the wellness program and will pay for it out of their Special Projects Fund. Councilmember Bradburn moved to agree with the court participation in the wellness program paid for by their fund. Councilmember Gilb seconded the motion. VOTE: ALL YEAS

ADJOURN

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

TIME: 9:50 p.m.


Clerk of Council


Mayor