

**CITY OF MASON
COUNCIL MEETING
October 26, 2009**

Mayor Grossmann called the meeting to order at 7:00 p.m. Scout Troop #875 Posted the Colors and the Pledge of Allegiance was recited by all present.

ATTENDANCE

The following members of Council were present: Don Prince, Tony Bradburn, David Nichols, Michael Gilb, and Tom Grossmann. Councilmember Shimrock joined the meeting at 7:05.

APPROVAL OF MINUTES

A motion to approve the meeting minutes of the October 12, 2009 Council Meeting was made by Councilmember Nichols, seconded by Vice Mayor Prince. VOTE: ALL YEAS

RECOGNITION OF MARTY HEIDE OF CONGRESSMAN TURNER'S OFFICE REGARDING THE 2010 CENSUS

Marty Heide addressed Council and distributed information on the 2010 Census. She explained how important it is to strive for accuracy in reporting for our area, as it relates to qualifying for federal fund disbursements.

RESOLUTION 2009-18 IN SUPPORT OF THE 2010 UNITED STATES CENSUS

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

Jennifer Heft, Assistant City Manager, explained that in preparation for the 2010 Census, the City has already provided updates as part of the 2010 Decennial Census Local Update of Census Addresses (LUCA) Program. She said LUCA is a partnership program that allows tribal, state, and local governments to review and update the Census Bureau's Address List. LUCA uses local knowledge and information to update address lists, which will be used to deliver questionnaires for the decennial census. Local government participation helps to ensure complete enumeration and an accurate census. She noted the City of Mason's LUCA liaison is Amy Schuesler, GIS (Geographic Information Systems) Manager for the City. Amy was hired in January 2001 to implement the City's GIS system. Over the years the system has expanded and now contains many layers filled with useful information; such as, property lines, street centerlines, aerial photography, floodplain areas, and topography. As part of the GIS, Amy also maintains the street map, zoning and subdivision maps, Thoroughfare Plan, snow routes, brush routes, and bike path maps. GIS has proven to be very useful to all departments throughout the City including incident mapping and reporting on locations of accidents, traffic

citations, and DUI's for the Police Department; calculating response times for Fire/EMS, identifying assets, tracking the costs associated with them, and generating reports detailing the information necessary for preparation of the City's Comprehensive Annual Financial Report for the Finance Department and maintaining an internal website for staff to view and print GIS data as needed for projects and activities. In addition, Amy also provides maps as requested by residents and businesses.

Jennifer explained the data and software included in the GIS proved to be an asset and time saver in completing the LUCA program. The GIS system allows easy access and query to the address data needed and in the format required, for the Census Bureau. With the GIS system, staff is able to submit digital feature updates for additions, deletions, or corrections to the City's boundaries, roads, and other physical features that were identified on the Census Bureau's maps.

A motion to adopt Resolution 2009-18 was made by Councilmember Gilb, seconded by Councilmember Nichols. VOTE: ALL YEAS

RECOGNITION OF VISITORS

Laura Mineer of 1318 Jennings Court addressed Council and explained she is with the Pack 998 Den #3. She stated they are working in their citizenship activity pin.

Councilmember Nichols introduced Ben Wilcox, a Mason 8th grader who is visiting the meeting tonight as his guest because of his interest in government.

Councilmember Gilb introduced his parents, Richard and Edna Gilb who were able to attend the meeting.

Councilmember Nichols introduced Kathy Grossmann, the Mayor's wife, who was attending the meeting.

High School Government class student, David Burris, addressed Council and stated he is attending as a class requirement and is here to observe.

Councilmember Tony Bradburn addressed Council and those in attendance to respond to the comments made by a candidate at the October 12, 2009 meeting. He stated he was accused of running a smear campaign against Mr. Cox. He stated what he is attempting to do is expose the truth. He stated Mr. Cox's campaign stated things that are not true such as his marital status and his endorsements. He added he is not endorsed by Matt Kline or the Fire Fighters Union but claims he is. Councilmember Bradburn stated the correct path to handle this problem is to file a report with the Ohio Election Commission. He also stated he was able to obtain public documents regarding the divorce of Richard Cox and he read a statement made by Judge Oliver in that case questioning the business practices of Mr. Cox. He concluded by stating he is only after the truth and stated the desire to become an elected official does not justify the means of lying.

Mayor Grossmann stated he would like to repeat some comments he made at the last meeting, as there was an audio problem with the recording. He said it is important the residents understand the City's financial picture. 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 roads, the downtown improvements, parks, purchase of property on SR 741 and stormwater improvements. He stated part of the debt is not subject to the cap. This includes the municipal building, the community center and the sewer treatment plant. Mayor Grossmann said between 2000 and September of 2009, 60 new companies were developed in Mason plus 51 expansions of existing companies occurred. He stated Mason is the fastest growing city in Warren County, which is one of the fastest growing counties in the state. The current unemployment in Mason is 7.8%, which is below the state average. He explained some believe you should pay as you go and not build roads 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 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 also stated the City is continually trying to improve the bike path system and attempts to do this in conjunction with road improvements to maximize the value of the job. He noted the City purchased land to build the bike path joining Pine Hill to Heritage Oak Park. He stated the City has also spent money on investments such as property acquisitions. Mayor Grossmann explained the main reason the golf course 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. He noted 43% of Mason land is in business development, 45% is residential and 12% is recreational. Mayor Grossmann reported the City's financial health is reflected in the recent bond rating they received from Moody's Investor Service. That is the Aa1 rating which is the top rating a City the size of Mason can achieve. Mayor Grossmann also stated the charter amendment residents will see on the ballot does not remove term limits but actually allows an appointed term to not count as one of the two elected terms the charter allows.

ORDINANCE 2009-114 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE ACQUISITION OF SANITARY SEWER EASEMENT AND HIGHWAY RIGHT-OF-WAY ACROSS CERTAIN REAL PROPERTY LOCATED AT 5405 BETHANY ROAD, IN THE CITY OF MASON AND DECLARING AN EMERGENCY

A motion to read by title only was made by Councilmember Bradburn, seconded by Vice Mayor 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, Engineering Service Director, addressed the Council regarding the acquisition of easements necessary for the construction of the Bethany Road Sanitary Sewer Project. This project includes construction of a new gravity sewer line along Bethany Road, from the lift station in the Parkside subdivision to the existing sewer in the Oaks of Crooked Tree subdivision (Heartwood Lane).

He stated this project will provide availability of service to unsewered areas along Bethany Road between Reserves of Bethany and Heartwood Lane. The new sewer will also provide a point of access for future development west of Mason Montgomery Road. Included in this project is the elimination of the Parkside lift station, saving the City annual operating and maintenance costs. Richard reported design of the project is almost complete and the City was successful in receiving 50% of construction costs in federal grant money toward the estimated \$400,000 project. To proceed, this project requires acquisition of sewer easements and right-of-way from a total of six properties on the south side of Bethany Road between the lift station and Heartwood Lane. Richard explained Ordinance 2009-114 agrees to reimburse Fred and Sharon Rausch at 5405 Bethany Road, \$10, 500. Ordinance 2009-115 agrees to reimburse Larry and Charlene Gill of 5341 Bethany road, \$13,000 and Ordinance 2009-116 agrees to reimburse Melvin and Bonnie Cox of 5315 Bethany Road, \$13,600. He stated these numbers reflect the land value of the sewer easement, right-of-way and compensation for damage to trees and landscaping anticipated during sewer construction.

A motion to adopt Ordinance 2009-114 was made by Councilmember Shimrock, seconded by Vice Mayor Prince. VOTE: ALL YEAS

ORDINANCE 2009-115 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE ACQUISITION OF SANITARY SEWER EASEMENT AND HIGHWAY RIGHT-OF-WAY ACROSS CERTAIN REAL PROPERTY LOCATED AT 5341 BETHANY ROAD, IN THE CITY OF MASON AND DECLARING AN EMERGENCY

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

A motion to adopt Ordinance 2009-115 was made by Councilmember Gilb, seconded by Vice Mayor Prince. VOTE: 5 YEAS (Councilmember Nichols was absent for the vote)

ORDINANCE 2009-116 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE ACQUISITION OF SANITARY SEWER EASEMENT AND HIGHWAY RIGHT-OF-WAY ACROSS CERTAIN REAL PROPERTY LOCATED AT 5315 BETHANY ROAD, IN THE CITY OF MASON 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 Prince, seconded by Councilmember Gilb. VOTE: ALL YEAS

A motion to adopt Ordinance 2009-116 was made by Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: ALL YEAS

ORDINANCE 2009-117 AUTHORIZING THE CITY MANAGER TO ESTABLISH THE POSITION OF LIEUTENANT IN THE CITY OF MASON POLICE DEPARTMENT AND ESTABLISHING COMPENSATION

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 Nichols, seconded by Councilmember Gilb. VOTE: ALL YEAS

Eric Hansen, City Manager, stated that in February of 2009, Council approved Resolution 2009-4, which accepted the 2009 Police Department Staff Reorganization Plan. The plan was necessary to eliminate two key issues that were inhibiting the long-term success of the department. The first is an overdependence on an Officer-In-Charge (OIC) system of management. The second is a lack of positions available in the current structure to effectively develop future management leaders. He stated the plan that was authorized will increase accountability across the department, open up promotions, necessitate less reliance on an Officer in Charge (OIC) and better recognize the role the current position of Sergeant is playing in the department today.

Eric also said in August, Council approved Ordinance 2009-90, which implemented the first step in this reorganization by creating a second position of Assistant Police Chief. Upon completion of administrative details, this position will be announced and a promotional process started. The next step of the Reorganization Plan is the reclassification of the current Sergeant position to Police Lieutenant. Ordinance 2009 – 117 authorizes the City Manager to reclassify the Sergeants position once administrative matters are addressed. He reported the reorganization plan does not increase the number of sworn officers within the department and the initial costs to implement the plan are minimal. The anticipated third step in the reorganization plan will be to update the Sergeants position to more accurately reflect job responsibilities and to begin a promotional process for filling the positions.

A motion to adopt Ordinance 2009-117 was made by Councilmember Nichols, seconded by Vice Mayor Prince. VOTE: ALL YEAS

ORDINANCE 2009-118 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AMERICAN STRUCTUREPOINT, INC., IN THE AMOUNT NOT TO EXCEED \$75,144 FOR ENGINEERING SERVICES FOR THE MASON ROAD AND BETHANY ROAD ROUNDABOUT PROJECTS AND DECLARING AN EMERGENCY

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

Eric Hansen explained to the Council that included in the 2009 budget were funds for the design of a roundabout at the Bethany Road / Mason-Montgomery Road intersection. He stated earlier this year legislation was passed in the House and Senate that increased the allocation of Local Transportation

Improvement Projects (LTIP) funds. In May, the District 10 Integrating Committee decided to take any application, including those that do not have prior pre-applications. At the meeting in June, the Council Public Works Committee recommended three projects to be submitted for these LTIP funds: Resurfacing Columbia Road, Mason Road/Hickory Woods Drive Roundabout and Mason-Montgomery Road/Bethany Road Roundabout. Richard reported the City was successful in receiving LTIP funds for 50% of the cost (approximately \$273,000) of the Mason Road Roundabout construction. This funding provides an excellent opportunity to install a single lane roundabout at this location concurrently with the Mason Road Improvement Project, currently under construction, at a greatly reduced cost. Richard stated staff requested that each firm submitting a proposal for the Mason Road Roundabout also include an option for the design of a roundabout proposed for the intersection of Bethany Road and Mason-Montgomery Road. Designing both roundabouts in one contract will likely save costs by reducing surveying fees, meeting and travel expenses, lighting design, landscape design, utility coordination and other coordinating expenses. He stated since no funding source has yet been identified for the Bethany Road Roundabout staff requested that the design meet all ODOT requirements including environmental, permitting, right-of-way appraisals and acquisition. This would best position the City when submitting grant applications for the project. Bethany Road is expected to become a more prominent connection between Mason and Liberty Township and the design will accommodate the projected increase in traffic by developing a multi-phased construction. Richard said opening day traffic will likely only require a single lane roundabout, but the design will enable upgrade to dual-lane roundabout with only minor construction. Considerable daily backups occur in all directions at this intersection and staff is actively looking for ways to fund this project. Having the design complete and at ODOT specifications provides wider opportunities and timeframes to qualify for outside funding opportunities.

Richard reported six design firms responded to the City's Request for Proposals (RFP). After a review, the proposal by American Structurepoint Inc. in the amount of \$75,144 was selected to be the best proposal for the Mason Road Roundabout project. If Council would like to consider having them also design the Bethany Road Roundabout the fee increases to \$316,100 for both projects and a motion amending the ordinance will be necessary. He explained the cost for the Bethany Road Roundabout is significantly higher as it will involve replacement of a culvert, possible relocation of force mains, environmental permitting and ODOT approved appraisers and negotiators. The current 2009 Street Capital Improvement Fund has a sufficient balance for the design of both projects due in part to cost savings by staff. Richard said that a roundabout is the safest intersection type, calms traffic, improves aesthetics and reduces congestion and delay. He also stated that although American Structurepoint Inc. has not worked directly with the City on a project, they have tremendous experience in roundabout design having designed well over 100 in Indiana and Ohio since 1997. American Structurepoint Inc. also comes very well recommended from their references including the City of Dublin and the City of Carmel, Indiana.

Councilmember Prince asked Richard to explain the pedestrian's safety. Richard replied it will only be necessary to look in one direction to cross the street. Councilmember Nichols asked about the life expectancy of the roundabout. Richard stated approximately 20 years for the pavement.

Councilmember Bradburn moved to amend the ordinance to reflect the total of \$316,100.00 for both roundabout locations. Councilmember Shimrock seconded the motion. A discussion followed on the

necessity of using the emergency clause for both locations. Eric Hansen explained it might hamper the progress of the Mason Road location if it was omitted. VOTE: 5 YEAS, 1 NAY (Gilb)

A motion to adopt Ordinance 2009-118 as amended was made by Councilmember Bradburn, seconded by Vice Mayor Prince. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

- ▶ DARE graduation will be held on Thursday, October 29 at 7 p.m. at Mason High School auditorium.
- ▶ Halloween is Saturday, October 31 and Trick or Treat hours are 6:00 to 8:00 p.m. Please be aware of children in the streets if you are traveling during these hours.
- ▶ Election Day is Tuesday, November 3 with voting hours from 6:30 a.m. to 7:30 p.m.
- ▶ Veterans Day is Wednesday, November 11 and services will be held indoors at the Mason Municipal Center beginning at 7:00 p.m. Mayor Grossmann will open the event, members of the American Legion and VFW will post colors, and Pastor Jerry Pelfrey will give the benediction. The Mason Community Band, the Greater Cincinnati Firefighters Pipe and Drums unit, and the Mason Community Players will perform.
- ▶ This time of year City Council authorizes the purchase of a gift certificate for a ham or turkey for City employees. If Council would like to offer this gift to all City employees, a motion to this effect needs to be passed. A motion to approve this gift to employees was made by Vice Mayor Prince, seconded by Councilmember Shimrock. VOTE: ALL YEAS
- ▶ This week the City received notice that Moody's Investor Service has upgraded the City's general obligation bond rating from Aa2 to Aa1. Aa1 is the highest rating available to a community such as Mason and is a strong indicator of the City's financial health and future prospects. The improved bond rating improves the marketability of Mason's general obligation bonds. Depending on market conditions, this should result in a lower interest rate because Mason is acknowledged to have sound financial credit. Other cities with weaker bond ratings often need an insurance policy to protect bondholders or pay higher interest rates. The City has a history of strong bond ratings from Moody's beginning with an Aa3 first gained in 1998. There are a total of 7 credit rankings from A3 to A to Aa3 to Aa1 that demonstrate strong creditworthiness. Rankings of Aa demonstrate very strong creditworthiness and a ranking of Aa1 is the top rank in that category. A bond rating review was necessary as part of financing the Community Center expansion through issuance of Certificates of Participation. Over the last few weeks, city staff- in particular, Joe Reigelsperger, Jennifer Heft, Michele Blair and myself have been preparing for a presentation to Moody's Investors Service, which took place on October 14. The Moody's presentation involved significant work and preparation between staff, bond counsel and the City's underwriters - RBC Capital.

Councilmember Nichols stated it is very important for business recruitment that the City received this bond rating. He stated it is a good barometer on the City's financial health and thanked staff for a good job.

▶ The City has received a request for a liquor permit for 6188 Tylersville Road. Councilmember Bradburn moved to not require a hearing. Councilmember Gilb seconded the motion. VOTE: ALL YEAS

▶ The City has received a request for a liquor permit for 5591 SR 741 S. 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 is continuing to progress towards the selection of a new prosecutor.

OLD AND NEW BUSINESS

Mayor Grossmann encouraged everyone to vote on November 3, 2009.

RECOGNITION OF VISITORS

Cheryl Borland with Katz, Greenberger & Norton LLP, approached Council and asked if a decision has been made on approving the transfer of a liquor permit for the Quatman Café. Ken Schneider reported the matter has been reviewed and it has been determined that the City has reached a quota for the D, D2 liquor permit and the only way the café can obtain one is to transfer it from another location currently outside the City. They have located one and are asking the City to agree to this transfer (TRES) as it aids an economic development project in the downtown area. If the City agrees, it will proceed along the normal process and Council will receive a request to hold a hearing on the matter. Councilmember Bradburn moved to not oppose the transfer of this liquor permit. Councilmember Gilb seconded the motion. VOTE: ALL YEAS

Mr. Ray Warrick of 7272 White Oak Court addressed Council and stated he was happy to see Councilmember Gilb vote no on an emergency clause amendment tonight. He congratulated the City on receiving the bond rating. He stated it now means you can borrow more money cheaper. He said he wants to encourage the City to not borrow more as you now spend 38% of revenue to pay for current debt. Councilmember Shimrock stated while it may not be apparent to the audience, Councilmembers have reviewed in detail the matters that come before the public in a meeting. She said there is much debate at the Committee level before it appears before full Council.

Perry Schwartz of 6309 Tartan Fields Lane addressed Council and said he would like to invite residents to get involved in the comprehensive plan update. He said now is the time to view this document and weigh in on it prior to its adoption.

EXECUTIVE SESSION: PERSONNEL

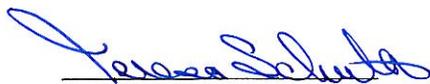
A motion to adjourn into executive session for the purpose of discussing personnel was made by Councilmember Gilb, seconded by Councilmember Nichols. VOTE: ALL YEAS

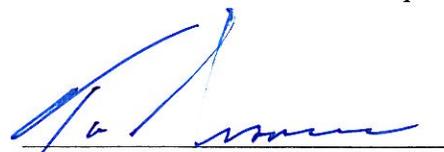
A motion to reconvene into regular session was made by Vice Mayor Prince, seconded by Councilmember Nichols. VOTE: ALL YEAS

ADJOURN

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

TIME: 9:16 p.m.


Clerk of Council


Mayor