

**CITY OF MASON
COUNCIL MEETING
NOVEMBER 23, 2009**

Mayor Grossmann called the meeting to order at 7:00 p.m. Those present recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the November 4, 2009 Special Council Meeting was made by Councilmember Shimrock, seconded by Vice Mayor Prince. VOTE: 5 YEAS, 1 ABSTAIN (Gilb)

A motion to approve the minutes of the November 9, 2009 Council Meeting was made by Vice Mayor Prince, seconded by Councilmember Gilb. VOTE: 5 YEAS, 1 ABSTAIN (Shimrock)

A motion to approve the minutes of the November 17, 2009 Work Session was made by Vice Mayor Prince, seconded by Councilmember Gilb. VOTE: ALL YEAS

RECOGNITION OF VISITORS

The following list of visitors addressed Council and commented as follows:

Rick Inskeep of Butler Warren Road stated Councilmember Gilb, Nichols and Prince are now serving their second term. He stated the ballot language passed changing the charter but the effective date was January 1, 2010 and does not apply to their appointments.

Phil Sommers of Locust Court asked Council about the reduced brush chipping and leaf pickup. He said as taxpayers we should receive better service. He said it's going from once a week last year to once a month this year. He noted the older neighborhoods are suffering as grass is dying under the leaves. Mayor Grossmann replied the leaf pickup was never once a week but the brush chipping was that frequent. Eric Hansen said the staff has been reduced this year. He said it is the City's goal to pickup leaves once per week but it takes longer now due to the volume. He also noted the city reduced overtime and the machines have broken down and needed repairs. This put us behind schedule but we should be caught up this week. Councilmember Shimrock noted this may be an opportunity for Mason Serves to facilitate this problem.

Gene Nell of Bunker Lane stated he is a 20-year resident and supports the admissions tax. He said he has investigated the issue and supports the city in implementing it.

Robert Browning of Cincinnati stated he represents Kings Island and is opposed to the tax for two reasons. First, it discriminates against certain businesses. He noted this is a mature business when it annexed into Mason and has not turned to Mason for any special reliance. Second, in 1997 a seven page letter written by Scot Lahrmer during the annexation process said he will recommend to Council to adopt an ordinance stating there will be no admissions tax. He said to implement one now would tarnish the city's reputation and integrity. He quoted Dr. Suess, "I said what I meant and I meant what I said".

Joe DeZenko asked why the City was rushing this matter. He said let the new council decide. He noted when Issue #19 was passed in 2007, it was stated the City would have enough money and didn't need the income tax .5% credit.

Ray Warrick of White Oak Court stated he was representing the Tea Party and they are against this tax. He stated they stand for limited government and less taxes. He said since the city received a better bond rating and is so well managed, why is this tax necessary. He also stated Cedar Fair is suspending the dividends because business is down. He said they will use that money to reduce their debt.

Mr. Bill Corbett said he was a 36-year resident and doesn't want taxes raised. He said the city should clean up debt and postpone buying properties until we can pay for them.

Carol Hargis said she is a 35-year resident and is against this tax. She said if the money is needed, she would prefer to raise the income tax.

John Harris with the Northeast Chamber of Commerce stated they oppose this tax as it will adversely impact the Beach, Kings Island and local businesses. He noted they have a very limited amount of time to make their revenues spanning from Memorial Day to Labor Day.

Ohio State Senator Gary Cates addressed Council and stated he is representing his son who is a resident. He criticized the timing of this issue and asked why it is being done now. He stated he ran for election against taxes and he added the most popular tax is one you don't have to pay. He said it is simply the wrong thing to do.

Jessup Markbanks of Indianapolis, Indiana said he has been coming to KI for years, sometimes 10 times per year. He said he has had to cut back this year and this tax will mean even less visits.

Michael Baker of Hamilton, Ohio stated the British government tried to tax the colonists on tea and a revolution resulted. He said this tax is an example of taxation without representation.

Rick Inskeep stated businesses should be treated the same way and this tax targets KI and the Beach.

Conrad Kircher of Socialville Fosters Road said he is a Mason business owner. He stated KI was made promises by the City and they may be non-binding but they were still made. He said if KI business suffers, it would have a domino effect and hurt many businesses. He noted the speed with which this came forward does not pass the smell test. He urged Council to vote it down.

Shirley Bonekemper, Executive Director of the Warren County Convention and Visitors Bureau, read a letter from County Commissioner Pat South stated she is opposed to this tax. The letter stated in this economy, it will have a negative impact on local businesses.

Bob Finn of Indian Woods Drive asked why the City was doing this and stated it is a bad tax and bad timing.

Ryan Sert of Edgewood Kentucky stated he visits 50 times a year and began to make negative comments against Councilmember Bradburn. Mayor Grossmann stopped him and said he has a right to express his opinion but to not be derogatory to individuals on Council. Ryan stated this area has been marked as a TIF area and he asked where the funds are going.

Robb Nabb said he is a Mason resident who has worked to present the soccer tournament in Mason. He stated KI has partnered with them to sponsor the event. He said the tournament fills hotels and restaurants one weekend per year. He does not support the tax.

Pam Strickfaden, Vice President of the Beach Waterpark, said they are a small business with small margins. She stated this will have a negative impact on their business. She added it is the wrong time to levy a tax.

Mayrissa Brock representing KI stated they lost a large percentage of group sales this year as companies have cut their budgets. She said if this passes, they have heard from several existing companies that they will not come this year. She stated they couldn't afford to lose this business.

Ms Terry Cajo, General Manager of Great Wolf Lodge, urged rejection of this tax stating it will hurt tourism.

Scot Hartman, Area Manager of KI, stated one third of their business is season pass sales. He said of those more than 30% live in Mason. He said if this passes, four platinum passes will cost an additional \$19. He added this year season passes are down due to the economy.

David Lahrman, General Manager of the Cincinnati Marriott North East said business is down and this will hurt business in the future if passed.

Cindy Guenther, Director of Human Resources with KI stated they have reduced their full time staff by 18% and have limited staff to little or no seasonal hours. She stated this tax would be detrimental.

Hap Durken representing "A Kid Again" a not for profit organization that helps kids with life threatening illnesses. He said this tax will affect his organization's ability to bring children to KI. He said for the last 12 years, KI has donated 1.7 million dollars in tickets to 35,000 people.

Keith Harrison, a resident, asked how this might influence the volleyball and soccer events held in the City.

Mark Rosenthaler from Sharonville, Ohio stated KI is part of the regions history like the Reds and this tax will be harmful.

Shawn Mackey, General Manager for the KI Conference Center stated their revenue is down and he opposed this tax.

Tom Wittekind of Placepointe stated he is disappointed with Council but doesn't think this will stop residents from attending the park. He said he feels it is targeting specific businesses.

Chris Romano, Deerfield Township Trustee, said the township residents will be impacted. He stated many on Council were elected on a low tax agenda. He stated businesses will feel the impact of this tax and he is opposed to it.

Linda Roemer of Falcon Ridge Drive stated she is a resident of Mason and pays \$8,000 per year in taxes plus income taxes. She said if you are not a resident, you are unaware of these costs. She stated there should be a fair solution for this matter. She suggested further review of the matter.

Phil Sommers of Locust Court stated this appears to be a money grab. He asked how much money the city has spent on advertising the volleyball event.

Jeff Ramky, Manager at KI, said he is a resident of Symmes Township. He stated KI was a mature business when it annexed into Mason and the employees pay an income tax to the city. He stated KI is waiting to see what decision is made tonight before they commit to any new facilities.

Dave Moushey addressed Council and urged them to vote on this tonight and vote it down. He cited Don Prince's website advocating low taxes.

Mayor Grossmann stated he will not be able to vote on this matter as it presents a conflict of interest with his law firm. Councilmember Shimrock also stated as she serves on boards with Greg Shied, she feels it would be inappropriate to vote on this matter.

Vice Mayor Prince moved to address Ordinances 2009-121 and 122 next.

ORDINANCE 2009-121 ENACTING CHAPTER 191 OF THE MASON CODIFIED ORDINANCES REGARDING AN ADMISSIONS TAX

Councilmember Nichols stated he is unfamiliar with all the details and events that have lead to this being on the agenda tonight. He moved to table ordinances 2009-121 & 122 to allow for further review. Councilmember Gilb seconded the motion. VOTE: 4 YEAS, 2 ABSTAINS (Grossmann, Shimrock)

Council discussed the time frame for bringing this back to full council and it was decided it will return to Council at the February 8, 2010 meeting.

ORDINANCE 2009-122 ENACTING CHAPTER 193 OF THE MASON CODIFIED ORDINANCES REGARDING A PARKING FACILITY TAX

Tabled until the February 8, 2010 meeting of Council.

ORDINANCE 2009-119 2ND READING: ACCEPTING THE PUBLIC IMPROVEMENTS FOR MASON MIDDLE SCHOOL PUD – NIXON PARK DRIVE AND RELEASING THE PERFORMANCE BOND

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

Richard Fair explained that as part of the Mason Middle School PUD, Nixon Park Drive was improved to meet public streets standards. This included the addition of curbing to the existing roadway, sidewalks, street trees, street lighting and a bike path. Public Utilities, Public Works, Engineering Department and Greater Cincinnati Water Works have completed their inspections of the public improvements. The utilities and other improvements will become the City's responsibility upon acceptance. Staff recommends accepting the public improvements. The Schools have a bond in place that will provide a warranty for the improvements until July 28, 2010.

A motion to adopt Ordinance 2009-119 was made by Councilmember Shimrock, seconded by Vice Mayor Prince. VOTE: ALL YEAS

ORDINANCE 2009-120 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PARTICIPATION IN THE CINCINNATI USA REGIONAL CHAMBER ECONOMIC DEVELOPMENT COUNCIL (FORMERLY THE REGIONAL MARKETING PARTNERS) IN AN AMOUNT NOT TO EXCEED \$50,000 PER YEAR FOR THREE YEARS

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

Eric Hansen reported to Council that in 2001, the City joined CincinnatiUSA Partnership's Regional Economic Development Council, which was comprised of eleven representatives primarily counties-Butler, Clermont and Hamilton, Northern Kentucky along with the CincinnatiUSA Chamber, Cinergy (now Duke Energy) the CVG Airport and two cities (Cincinnati and Mason). In 2007, the City committed \$50,000 a year for three years to the CincinnatiUSA Partnership, which elevated the City's role including a seat on the CincinnatiUSA Board of Governors, which is comprised of public and private sector investors that set policy and direction for the Region. This Board activity provides Mason additional access to company decision makers. The City's investment also provides high-level participation with CincyTech activities as well as increased access to bio and technology start-up companies. Most importantly, this high profile economic participation helps Mason stand out as a Regional leader in economic development efforts and peer to Cincinnati, Duke Energy and Blue Ash.

Using the combined budget of all 13-member economic development organizations has facilitated domestic and international marketing, mail/email campaigns, trade-publication (industry-specific) articles, European and Japanese consultant activities, trade-show participation, and membership in site-selection network organizations. These activities ultimately give exposure and recognition to the region, CincinnatiUSA, and give Mason direct contact and relationship building capacity to those that help shape perceptions and guide company investments.

As a voting member on regional economic development initiatives, Mason has a direct role in securing exposure for Mason to opportunities for future business investment. This regional team, which now also includes neighboring partners including Warren County, Deerfield Township, and Blue Ash, focuses on targeting site selection consultants and corporate real estate executives (end-users) domestically and internationally, marketing the region as their next location to do business. The opportunity to gain exposure to potential new investors and make sales presentation about Mason, and other corporate partners is essential to remain at the top of consideration within the region.

A motion to adopt Ordinance 2009-120 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS

ORDINANCE 2009-123 AUTHORIZING A PAYMENT TO GREATER CINCINNATI WATERWORKS FOR A COMMERCIAL METER PERMIT FEE, IN THE AMOUNT OF \$21,072.00, AND DECLARING AN EMERGENCY

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

Richard Fair explained that in order to keep the construction of Fire Station 51 moving forward, the water meter pit must be installed to extend service to the building. The fees for tap and meter for the 6" fire line and 2" domestic line is \$21,072. The water tap, meter, and valve fees were calculated by GCWW under the terms of the Retail Water Service Agreement between the City of Mason and the City of Cincinnati.

A motion to adopt Ordinance 2009-123 was made by Councilmember Bradburn, seconded by Vice Mayor Prince. VOTE: ALL YEAS

ORDINANCE 2009-124 AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT #23031 WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING OF THE BETHANY ROAD WIDENING

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 Shimrock, seconded by Vice Mayor Prince. VOTE: ALL YEAS

Richard Fair explained to Council that Bethany Road is classified as a major arterial roadway on the City of Mason Thoroughfare Plan and is a critical east-west connection through the north half of the City. This project will be the first phase in the improvement of Bethany Road. The project limits start at S.R. 741 and end at the Mason Sports Park on Mason-Morrow-Millgrove Road. Included in the project is the realignment of the intersection of Bethany Road and Mason-Morrow-Millgrove Road.

In 2004 the City obtained an Ohio Public Works Commission Issue 2 grant for partial funding of \$411,000 of the \$811,000 requested for the construction of this project. The project was delayed in an attempt to secure additional funding. Staff applied for a Surface Transportation Program (STP) grant through OKI in 2008 and was awarded \$3,671,000 in funding for the project. Due to the time elapsed on the Issue 2 grant and only partial funding of the original grant, the City submitted a revised application for this project to The Ohio Public Works Commission for consideration of additional funding through the grant program. The grant was revised and approved for \$1,000,000 in funding to the City. In total, \$4,671,000 of the \$5,648,370 estimated construction costs will be paid for by grant sources. There are approximately \$950,000 in additional costs for right-of-way and engineering design necessary for the project.

In June 2004, Council authorized a contract with CDS Associates for engineering design services for the project. CDS Associates had approximately 85% of the plans completed when the City obtained the STP grant. The STP grant requires the project to follow the Ohio Department of Transportation process and plans to be in compliance with ODOT format, which were not included in the original scope of design services. Staff is negotiating with CDS to obtain a revised scope and cost of services to meet ODOT specifications. In addition, the ODOT process for projects requires additional environmental investigation; obtaining right-of-way by ODOT approved negotiators, and several more plan pages, requiring additional engineering costs and Council action early in 2010. ODOT has scheduled the project to begin construction in Spring 2013.

A motion to adopt Ordinance 2009-124 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

- ▶ A City Council meeting will be held on Monday, November 30 beginning at 7:00 p.m. in Council Chambers to conclude business items for November.
- ▶ On Tuesday, December 1, the swearing-in of new Council members Don Prince, David Nichols, Char Pelfrey, and Rich Cox and a Council reorganization meeting will take place with a reception beginning at 5:30 p.m. and the meeting beginning at 6:00 p.m. Prior to the meeting, a photographer will be here to take portrait shots of all Council members and a group photo following the meeting.
- ▶ City of Mason employees will gather in the Mason Municipal Center on Thursday, December 3 at 11:30 a.m. for the annual Employee Holiday Lunch and announce this year's Employee Excellence Award winners. City Council is invited to attend.
- ▶ Christmas in Mason will take place in downtown Mason on Friday, December 4, from 6 to 9 p.m. It will feature horse-drawn carriage rides, ice and woodcarvings, photos with Santa, food vendors, and great entertainment on the main stage. The Christmas tree lighting ceremony will take place on the downtown plaza.

► The Warren County Municipal League will hold their last meeting of the year on Wednesday, December 9, at 6:00 p.m. at Heatherwoode Golf Club in Springboro. City Council members are encouraged to attend. Please contact Terry Schulte with your R.S.V.P.

► Rumpke has advised that there will be no change in the normal schedule for the Thanksgiving holiday. Thursday trash and recycling pick-ups will still occur on Thanksgiving day. Christmas and New Year's will be on a 24-hour delay for residents with Friday pick ups only. Friday service will be delayed until Saturday. Rumpke advises that residents should set trash out on Friday evening as drivers may be early on Saturday. Rumpke also advises that holiday wrapping paper and wrapping tissue, cards, envelopes, and gift boxes will be accepted for recycling this year.

COMMITTEE REPORTS

Councilmember Bradburn reported on the OKI meeting. He stated Delta Airlines could reduce the number of nonstop flights to 35 destinations. He noted they are now at 78 destinations.

Eric Hansen noted the Partners in Wellness effort for December is to hold a "Mocktails" contest on Wednesday December 2 from 11:00 a.m. to 1:00 p.m. at the Municipal Center. Anyone attending can sample and cast a vote for the favorite beverage.

OLD AND NEW BUSINESS

Mayor Grossmann noted the offices will be closed on Thursday November 26 and Friday November 27, 2009 in observance of Thanksgiving holiday.

RECOGNITION OF VISITORS

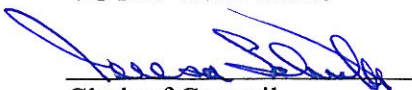
Dave Moushey addressed Council and said he was disappointed in Council and stated they should have had enough information to decide on the admissions tax. He suggested they abolish an admissions tax. Councilmember Nichols replied he moved to table the matter as he had been out of town dealing with a family health matter and must become knowledgeable of all the facts. He said to vote on an issue you did not know all the facts would be irresponsible. Councilmember Shimrock stated she serves on several boards with Greg Shied and would feel uncomfortable voting on this matter.

ADJOURN

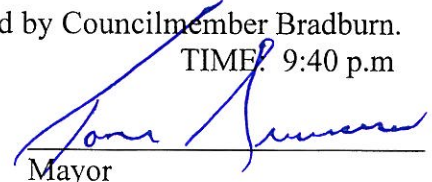
A motion to adjourn was made by Councilmember Gilb, seconded by Councilmember Bradburn.

VOTE: ALL YEAS

TIME: 9:40 p.m



Clerk of Council



Mayor

Certification

The undersigned, Clerk of Council of the City of Mason, hereby certifies this to be a true and exact copy of the minutes of the _____ meeting adopted by the Council of the City of Mason on December 14, 2009.

Clerk of Council