

**CITY OF MASON
COUNCIL MEETING
DECEMBER 15, 2009**

Mayor Prince called the meeting to order at 7:06 p.m. Chaplain Jerry Pelfrey opened the meeting with prayer. Those present recited the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Michael Gilb, Christine Shimrock, Rich Cox, Tony Bradburn, Charlene Pelfrey, David Nichols and Don Prince.

APPROVAL OF MINUTES

A motion to approve the minutes of the November 23, 2009 Council Meeting was made by Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: 5 YEAS, 2 ABSTAIN (Cox, Pelfrey)

A motion to approve the minutes of the November 30, 2009 Council Meeting was made by Councilmember Gilb, seconded by Councilmember Shimrock. VOTE: 5 YEAS, 2 ABSTAIN (Cox, Pelfrey)

A motion to approve the minutes of the December 1, 2009 Swearing-In Meeting was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

RECOGNITION OF WINNERS OF THE ANNUAL DOWNTOWN WINDOW DECORATING CONTEST

Mayor Prince presented the winners with a plaque recognizing their efforts. The following stores received this recognition: Baysore's Flower Shop received first place, Main Street Sweets received second place and Dowery Stover Insurance received third place.

RECOGNITION OF VISITORS

Phil Sommers of 970 Locust Court addressed Council and stated the grass on his street in front of several homes was dead due to the length of time it took to pick up the leaves. He stated more pick-ups should be schedule in the older sections of town where there are mature trees. He stated the City should reduce the expense of Red Rhythm and Boom and get back to providing services. Eric Hansen responded this year the City went to monthly pick-ups. He stated this meant no additional equipment or employees would be required. He reported approximately \$150,000 would have had to be spent to keep up with the previous years schedule. He stated the City reduced the overtime. He also stated in November the equipment failed and this delayed the process. He said it will be

finishing up this week as the trucks need to be prepared for snow removal. He said this year was a transition period and the City is still brainstorming and balancing the resources. Mayor Prince stated it also killed his grass as he hauled it out too early. He said he understands the problem and will try to maintain the high level of service.

Ray Warrick of 7272 White Oak Court addressed Council and stated he is with the Tea Party movement. He said he loves July 4 but does not want the City to spend tax dollars on a huge celebration. He want to encourage Council to not spend the funds and notes the City's rising debt. Mayor Prince stated the City has always had a July 4th celebration and will continue to do so as it is the birth of our nation and will be recognized. He stated Council is discussing scaling it back this year.

RESOLUTION 2009-20 A RESOLUTION TENTATIVELY ACCEPTING BIDS FOR THE BETHANY ROAD SANITARY SEWER EXTENSION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE REQUIRED CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY

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

Eric Hansen stated that earlier this year, the City applied to the Ohio EPA/Division of Environmental and Financial Assistance (DEFA) for Water Pollution Control Loan Fund (WPCLF) funding for several sewer and wastewater treatment projects. Following review of the applications, DEFA awarded the City a \$200,000 matching grant for the Bethany Road Sanitary Sewer Project and \$500,000 (100% grant) for the Mason Sports Park Irrigation Project.

He stated the Bethany Road Sanitary Sewer Project involves construction of a new sewer from the Parkside Lift Station along Bethany Road to Heartwood Lane in the Oaks of Crooked Tree Subdivision to an existing manhole. This project will eliminate the lift station and its operation/maintenance expense. Easements for this project have been previously purchased for this project. The Mason Sports Park Irrigation Project will provide treated effluent to the park for summer irrigation, eliminating the \$20,000 to \$25,000 expense of purchasing water from GCWW. In the competitive grant selection procedure, the irrigation project was determined to be an environmentally desirable project, and thus eligible for a set-aside reserve fund that was established under the DEFA program for green infrastructure projects.

Eric reported Resolutions 2009 – 20 and 2009 – 21 are necessary as part of the funding process for DEFA. The tentative acceptance of bids does not obligate the City to accept the grant offer or to enter into a construction contract. The resolutions need to be submitted to DEFA by December 18 as part of grant applications scheduled to be considered for approval by DEFA on January 28, 2010.

He added a total of ten bids were received with the apparent low bidder being Broshear Contractors, with a bid of \$224,320.00. A total of three bids were received on December 8, 2009 for the Mason Sports irrigation and the apparent low bidder was Winelco, Inc.

with a total bid including two alternates of \$756,000. Eric said this bid with alternates is \$256,000 over the grant amount, which must be covered with Utility Funds. City staff is working with DEFA to increase the grant amount to cover this cost or reduce the project scope. Adoption of the resolution will preserve the City's options in pursuing a grant increase to cover the entire project, but will not obligate the City either to accept the lower grant amount or to enter into a construction contract.

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

A motion to adopt Resolution 2009-20 was made by Councilmember Bradburn, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

RESOLUTION 2009-21 A RESOLUTION TENTATIVELY ACCEPTING BIDS FOR THE MASON SPORTS PARK IRRIGATION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE REQUIRED CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY

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

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

A motion to adopt Resolution 2009-21 was made by Councilmember Bradburn, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

ORDINANCE 2009-143 1st READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 2.55 ACRES LOCATED AT 7561 AND 7589 EASY STREET FROM HT-1 TO I-1 (EASY STREET PROPERTIES)

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

Eric Hansen stated a public hearing is set for January 11, 2010 Council Meeting on this rezoning request.

ORDINANCE 2009-144 APPROVAL OF THE REPLAT OF THE 3.019 ACRE AND 5.109 ACRE LOTS IN THE KINGS ISLAND TECHNICAL CENTER

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

Richard Fair explained to Council, Stress Engineering's representative is requesting approval to consolidate two lots in the Kings Island Technical Center. He stated the 3.019 acre and 5.109 acre lots are to be consolidated into one lot named Lot 13A. The

lots are located on the southeast corner of Western Row Road and Stress Engineering Way. This site is the new location for Stress Engineering's facility. Richard stated the plat also establishes a 100 Year Flood Route Easement and Utility Easement. This was approved by Planning commission on November 3, 2009.

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

A motion to adopt Ordinance 2009-144 was made by Councilmember Shimrock, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2009-145 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ELEX, INC. IN THE AMOUNT OF \$145,495.00 FOR THE SPLIT PHASE SIGNAL MODIFICATION PROJECT

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

Richard Fair explained to Council in 2008, the City was successful in obtaining an Ohio Public Works Commission Issue-1 grant for signal modifications for two signals operating in split phase timing. Split phase timing means that the side streets get green indications in two separate phases rather than in one phase. He stated this type of signal timing decreases the efficiency of traffic flow due to additional time needed to operate the phased movement. Currently the signals at Western Row Road at Cintas Boulevard/Stress Engineering Way and Tylersville Road at Fairway Drive/Villagefield Drive operate with a split phase. The intersection of Mason-Montgomery Road and Tylersville Road previously operated as a split phase signal. This summer staff was able to modify the signal and lane configuration to eliminate the need for the split phase making the intersection operate more effectively.

Richard stated Tylersville Road at Fairway Drive/Villagefield Drive signal requires removal or partial removal of the existing median and subdivision sign on Villagefield Drive. Feedback received from Village Lakes residents and the HOA president indicated that they oppose this work. Staff reviewed the signal operation and determined that impact of modifications at Villagefield Drive would not make a significant improvement to the delay on Tylersville Road for the cost incurred. Instead, the most cost effective improvement would be the addition of five section signal-heads for a left turn phase on Tylersville Road. During peak traffic times, stacking of vehicles making left turns onto Fairway Drive cause backups on Tylersville Road. We have talked with the Ohio Public Works Commission and they agreed to allow this modification to the project scope. Both intersections will be improved with video detection and preemption equipment to detect emergency vehicles and poles will be re-painted. The City will recoup roughly \$72,747 of the project cost through the grant. The 2009 Budget included funds for design of this project. Staff performed this work in-house saving the City \$58,000.

This legislation authorizes a contract with Elex, Inc. for \$145,495.00. The 2009 Budget included \$250,000 for construction of this project.

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

A motion to adopt Ordinance 2009-145 was made by Councilmember Shimrock, seconded by Councilmember Cox. VOTE: ALL YEAS

ORDINANCE 2009-146 ANNUAL APPROPRIATION ORDINANCE

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

Jennifer Heft reported to Council that the Finance Committee, chaired by Council member Bradburn, has met several times to review the 2010 budget document. Prior to the Finance Committee meetings, the Equipment Committee met to review vehicle requests while Employee Relations met to review compensation. Departments were provided an opportunity to present their requests to the Finance and Equipment Committees.

She stated the budget continues to be based on very conservative practices, which has helped prepare the City for long-term financial health, even during economic downturns. From a revenue standpoint, some of the City's strategies include: earnings tax revenues were budgeted to remain at 2007's estimate, keeping with the past practice of conservatively estimating revenues, and carryover balances are not included in annual revenue estimates. The 2010 Budget is a reflection of the City continuing to be mindful of the growth of City revenues, the current and forecast economic climate, and the ongoing need to adjust City service levels and resource utilization to contain costs and prepare for long-term financial health. The following initiatives were undertaken during 2009 to control expenses:

- Seven vacant positions remain unfilled
- Prolonged filling four vacant positions
- Reduced merit allocations
- Eliminated or reduced overtime
- Elimination or reduction of training
- Elimination of seasonal positions
- Reduced frequency of brush removal services
- Cross departmental coordination
- Elimination of two police cruisers

She stated based on the current economic conditions these cost saving measures will continue throughout 2010. Some key points included in the 2010 Budget:

- Operating Expenses decreased by 1.5% from 2009
- Reduced principal amount of debt by \$4,275,000
- Capital Expenses are 10% of total appropriations

- Debt Payments are 37% of total appropriations
- Operating expenses are 53% of total appropriations
- Total 2010 Budget is \$88,242,241, or 13% less than 2009 Budget

Among the capital investments included in the 2010 Budget are:

- Continuing the sidewalk replacement program
- Setting aside funds for maintenance and/or replacement of Municipal Garage
- Engineering for I-71/Western Row Road Interchange
- Flexible market driven investment in annual street maintenance
- Construction of Mason Road roundabout
- Design for bikepath connecting Pine Hills Lake and Heritage Oak Park
- Various floodplain improvements
- Utility projects including sewer master plan, lift station improvements, and elimination of Parkside lift station
- Redesign and upgrade of City web site
- Municipal Center water feature conversion

Over 47% of the City's total annual appropriations are dedicated to capital investment.

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

A motion to adopt Ordinance 2009-146 was made by Councilmember Pelfrey, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2009-147 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SPECTRA ENTERTAINMENT, IN THE AMOUNT OF \$175,000, FOR AN ENTERTAINMENT ARTIST AT THE RED, RHYTHM & BOOM CONCERT ON JULY 3, 2010

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

Eric Hansen stated a work session was held prior to tonight's meeting to discuss this expenditure. As a result of that meeting, it was decided to not adopt this legislation and consider options that lower the expense for 2010.

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

A motion to adopt Ordinance 2009-147 was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL NAYS Ordinance is defeated.

Mayor Prince introduced a brief video that was presented to those in attendance reminding residents of the Americans serving in the armed services protecting our country.

EXECUTIVE SESSION: LAND ACQUISITION

A motion to adjourn into executive session was made by Councilmember Bradburn, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

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

ORDINANCE 2009-125-- 2ND READING: AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH AL NEYER, INC., AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council, Ordinances 2009-125, 126, 127 and 128 all utilize a economic tool allowed under Section 165 of the Ohio Revised code through the use of the Mason Community Improvement Corporation to finance a development opportunity to accomplish comprehensive master planning, marketing prospect development resources, attractive future job opportunities and revenue growth for the City. He explained the next four ordinances as follows:

1. **Ordinance 2009-125 Development Agreement**, this ordinance authorizes a development agreement between Al Neyer, Inc. and the City that will provide for master planning and development of the area along Western Row Road between I-71 and Old Western Row Road to ensure best use of the area for job creation and high payroll return.
2. **Ordinance 2009-126 Purchase, Sale, Resale Agreement**, this ordinance authorizes an agreement between Neyer and the City that allows for City financing of 47.74 acres of ground within the Oakpark District through the Mason Community Improvement Corporation (CIC) and secures the property for highest and best use in the future. The developer will be responsible for all expenses associated with maintenance, interest, and property carrying costs and guarantees full repurchases of the property over an eight year period. The City receives a guarantee to protect the City's investment and receives an attractive investment return on an annual basis.

3. **Ordinance 2009-127 Economic Development Revenue Notes**, this ordinance authorizes the issuance of not-to-exceed \$3,100,000 of economic development revenue notes to finance the purchase of 47.74 acres. This financing is considered to be an Industrial Revenue Bond (IRB), traditionally used for the purpose of creating or preserving jobs and employment opportunities within the City. These notes will be issued through the CIC as authorized under ORC Section 165. These notes are issued in accordance with the CIC "plan" for the industrial, commercial, distribution and research development of the City.
4. **Ordinance 2009-128 Reimbursement Ordinance**, this ordinance allows the City to be reimbursed through debt proceeds should the City incur expenses prior to the debt being issued.

Law Director, Ken Schneider, explained several amendments he was recommending to the legislation.

A motion to amend the ordinance as suggested by the Law Director was made by Councilmember Shimrock, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2009-125 as amended was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS

ORDINANCE 2009-126 --2ND READING: AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT OF PURCHASE AND SALE AND REPURCHASE WITH AL NEYER, INC., AND DECLARING AN EMERGENCY

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

Law Director, Ken Schneider, explained several amendments he was recommending to the legislation.

A motion to amend the ordinance was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

A motion to adopt Ordinance 2009-126 as amended was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2009-127 --2ND READING: AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,100,000 ECONOMIC DEVELOPMENT REVENUE NOTES, SERIES 2009 (AL. NEYER INC., PROJECT) OF THE CITY OF MASON, OHIO, THE PROCEEDS OF WHICH SHALL BE USED TO FINANCE THE ACQUISITION OF REAL ESTATE LOCATED WITHIN THE CITY OF MASON, OHIO TO BE SOLD TO AL. NEYER INC., FOR DEVELOPMENT PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF

SUCH NOTES, AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH NOTES

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

A motion to adopt Ordinance 2009-127 was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS

ORDINANCE 2009-128-- 2ND READING: DELEGATING AUTHORITY TO MAKE DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS WITH RESPECT TO REIMBURSEMENTS OF TEMPORARY ADVANCES DURING FISCAL YEARS 2009 AND 2010 MADE FOR CAPITAL IMPROVEMENTS FOR THE ACQUISITION OF REAL ESTATE TO BE MADE FROM SUBSEQUENT BORROWINGS

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

A motion to adopt Ordinance 2009-128 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS

A motion to add Ordinance 2009-148 to the agenda was made by Councilmember Gilb, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2009-148 APPOINTING BETHANY BENNETT AS THE INTERIM PROSECUTOR AT THE SAME RATE OF COMPENSATION, FOR PROSECUTION SERVICES FOR THE PERIOD BEGINNING JANUARY 1, 2010, AND ENDING FEBRUARY 1, 2010, AND DECLARING AN EMERGENCY

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

Councilmember Gilb, Chair of the Court Liaison Committee, reported the Committee has interviewed the candidates interested in this position and will come back to Council very soon with a recommendation. He stated this legislation simply keeps in place the temporary appointment for an additional month.

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

A motion to adopt Ordinance 2009-148 was made by Councilmember Gilb, seconded by Councilmember Shimrock. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

▶ City offices are closed on Friday, December 25 and January 1 in observance of the Christmas and New Year's holidays. Offices will be open but with limited services on Thursday, December 24th.

▶ Rumpke has advised that trash pick up and recycling for Christmas and New Year's will be on a 24-hour delay for residents with Friday pickups only. Friday service will be delayed until Saturday. Rumpke advises that residents should set trash out on Friday evening, December 25, as drivers may be making early pick-ups on Saturday, December 26. Rumpke also advises that holiday wrapping paper and wrapping tissue, cards, envelopes, and gift boxes will be accepted for recycling this year.

COMMITTEE REPORTS none

OLD AND NEW BUSINESS

Mayor Prince distributed Council Committee assignments.

RECOGNITION OF VISITORS none

ADJOURN

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

VOTE: ALL YEAS

TIME: 9:50 p.m.


Clerk of Council


Mayor