

**CITY OF MASON  
COUNCIL MEETING  
February 8, 2010**

Mayor Prince called the meeting to order at 7:04 p.m. Pastor J.D. Childers 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 January 25, 2010 Council Meeting was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS

**RECOGNITION OF VISITORS**

Jeffrey Stoneking of 13957 Elm Street, Detroit Michigan addressed Council and defended the decision to charge an admissions tax. He stated he was a former accountant for Kings Island (KI) and knows they save a lot of money by using volunteers from 501C-3 organizations for labor. He noted they also use foreign labor. He said it cost the park approximately \$16 on the price of the ticket to cover their expenses. He said the City should pass the admissions tax and encourage KI to make the park a safer place.

Bill Rice addressed Council and stated he was the Executive Director of the Juvenile Diabetes Association. He stated KI has helped his organization raise over six million dollars. He stated the sponsored Juvenile Diabetes Walk draws approximately 5000 people. He stated the admissions tax may have an adverse impact on KI and they may not be able to continue to help his organization. Sherry Randorff, who has a son with juvenile diabetes, addressed Council and remarked on the help they have received from KI for the organization.

Randy Kuvin of 4173 Mahogany Lane addressed Council and stated he was representing the Chamber of Commerce. He criticized Council for the way this matter surfaced and the lack of discussion in public meetings. He provided his opinion of how the process should have worked. He concluded by stating if KI is not paying its way, then de-annex it back into the township. He said as price goes up, demand goes down and the admissions tax will result in lost revenue to the region.

Beverly Hunt addressed Council and stated she is a Mason resident and admissions tax on business in this economic climate is wrong.

Rick Inskeep of Butler Warren Road addressed Council and spoke against the idea of giving the residents a credit for this admissions tax if they pay it. He said it is ridiculous and will be an insignificant amount.

Tom Muennich of 206 Short Street addressed Council and said he was on Council when KI came into the City and there was a verbal agreement no admissions tax would be implemented. He stated any Councilmember who votes for this would only serve one term. He also said quit spending money we don't have.

Jeffrey Showenstrutt addressed Council and said he lives in Columbus and last year spent approximately \$6,000 at KI. He said he is a season pass holder and if this passes he will not spend money at Mason area restaurants or hotels.

Greg Scheid, Vice President and General manager of Kings Island, addressed Council and presented a power point presentation. The presentation stated there is a \$279 million direct economic impact to the county from KI. He stated the total impact is \$463,000 total tourism benefit to Warren County. He also said in 2008 KI paid over 23 million dollars in property taxes and over one million dollars each year to charitable organizations. He said that at the time the park came into the city limits they were given assurance an admissions tax would not be implemented. He addressed the issues of Police, EMS and Fire services. He also addressed the amount of traffic KI places on the roads compared to employers such as P&G, Luxottica and Cintas. He also referred to a 2003 study done by University of Cincinnati that revealed a 12.0% reduction in day visitors, 9.9% reduction in overnight visitors. He then referred to a 2009 UC study that stated a 3% tax would produce less than a 6.5 % reduction in day visitors. He pointed out the number of amusement parks that have closed in 2009 and early 2010.

Ray Warrick of 7272 White Oak Court addressed Council and said he represents the Tea Party movement in Mason and they are opposed to taxes, spending and growth of government. He said if the local level of government cannot control these issues, how can higher levels be expected to do so.

Phil Smith, President and CEO of the Warren County Convention and Visitors Bureau addressed Council and spoke on the importance of tourism to the economy in Warren County. He stated it brings in one billion dollars yearly to the region. He noted now is not the time to discourage business but to support it.

Senator Gary Cates addressed Council and said he is from Butler county and a West Chester resident. He spoke in opposition to this tax and encouraged Council to defeat it tonight. He questioned the other items on the agenda, which involved spending taxpayer dollars.

Hap Dirkin, Executive Director of the Kid Again organization addressed Council and asked them to defeat this tax. He stated his organization works with kids that have life threatening illnesses and KI has been helpful to their cause. He said this tax would hurt the kids he represents.

Stan Backett of 3773 Red Horn Drive in Amelia addressed Council and stated he is a season pass holder and this proposal for an admissions tax is unfriendly to businesses in the area. He said it will have a negative impact.

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

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

Councilmember Bradburn moved to amend the ordinance to provide a credit to Mason residents of five dollars if tickets are paid on line and up to a maximum of twenty five dollars with the presentation of proper documentation. Councilmember Cox seconded the motion. VOTE: 4 YEAS, 2 NAYS (Pelfrey, Nichols), 1 ABSTAIN (Shimrock)

Councilmember Bradburn presented information titled "Admissions Tax: the Real Facts". He discussed the absence of any agreement from the City of Mason stating there would never be an admissions tax implemented. He noted it would have been impossible for such an agreement to have been signed as it would have obligated future councils. He also noted Kings Island does not pay the City for police protection as they contract with off duty officers for that service. He said the City does incur an overhead expense for allowing the off duty officers to be available for such services. Councilmember Bradburn also showed documentation of admissions tax collected by other cities in which Cedar Fair has amusement parks. He noted capital expenditures of over 3million dollars have been associated with the park being within the City's jurisdiction for the past 11 years. He also stated there is an additional projected expense of over thirty million dollars in future capital expenditures for the area. Councilmember Bradburn noted the University of Cincinnati study was unable to locate a case study that showed a direct relationship between an admissions tax and a decline in attendance. He stated when gas was over four dollars a gallon, the same was said of a projected reduction in attendance and in fact, the attendance increased during that time period. Councilmember Bradburn concluded by stating as a resident or a business in Mason, why should you have to shoulder the cost of major capital improvements and services caused by these venues when the purposed taxes can be levied on those who use the venues.

A general discussion took place among Councilmembers with all commending Councilmember Bradburn for having the courage to pursue this topic. Councilmember Pelfrey stated Kings Island has really put Mason on the map and there is no way of discerning how much financial impact they have brought to this area. She noted this should have been handled more professionally in the beginning and she encouraged Council not to support it. Councilmember Shimrock stated she agreed with Councilmember's comments but would have to abstain on this matter as she serves on a board Mr. Scheid chairs and therefore feels it is a conflict of interest. Councilmember Gilb stated this is a tough issue and noted Council is elected to uphold the constitution. He said this issue is simply should residents pay for others who are non-residents using the city's infrastructure. He noted the State government has provided a tool for us to use

if we choose to help pay for these expenses. He noted while he was in the House of Representatives, he fought tax increases. He said it looks like a government grab of revenue but actually it is how funds can be appropriately collected for expenses. He noted he introduced the topic of fundamental tax reform for the City and asked if it was necessary to vote on this tonight. Councilmember Cox stated in this economic time he could not support this. He stated this could be detrimental to the Beach and he could not allow that to happen while he was on Council. Vice Mayor Nichols said there have been several meetings to discuss this matter and the numbers are subjective. He stated he ran for Council as a social and fiscal conservative. He said he realized a “no” vote from the majority of Council will have consequences. Mayor Prince clarified his position on taxes commenting on his website he used during his campaign for Council. He stated he believes in a consumption tax that you don’t have to pay for if you don’t use it. He said the question is who should pay for services provided.

A motion to adopt Ordinance 2009-121 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: 1 YEA (Bradburn), 5 NAYS, 1 ABSTAIN(Shimrock) ORDINANCE IS DEFEATED

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

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

A motion to amend was made by Councilmember Bradburn to state that Mason residents would receive a tax credit for any tax paid under this legislation. The motion was seconded by Councilmember Cox. VOTE: 4 YEAS, 2 NAYS (Pelfrey, Nichols), 1 ABSTAIN (Shimrock)

A motion to adopt Ordinance 2009-122 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: 1 YEA (Bradburn), 5 NAYS, 1 ABSTAIN (Shimrock) ORDINANCE IS DEFEATED

A motion for a 5-minute recess was made by Councilmember Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

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

**ORDINANCE 2010-16 AN ORDINANCE ACCEPTING THE APPLICATION FOR THE ANNEXATION OF 9.7337 ACRES, MORE OR LESS, IN DEERFIELD TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF MASON, OHIO FILED UNDER THE SPECIAL PROCEDURE OF ANNEXING LAND WITH CONSENT OF ALL PARTIES (OHIO REVISED CODE SECTION 709.022, ET SEQ.), AND DECLARING AN EMERGENCY.**

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

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

Eric Hansen described the property is located on the north side of Mason Road, just west of the Hickory Woods subdivision. It is completely surrounded by the City and is about 10 acres in size. He said in 2002 a new annexation law became effective in Ohio. This law provides for three special 'expedited' proceedings to annex territory into the City when 100% of the owners desire annexation. When the special 'expedited' proceedings are used, annexed territory must remain in the Township unless the Township formally agrees to detach the territory in the special proceeding known as an 'Expedited Type 1' proceeding. He explained if residential property were to be annexed without detaching the territory from the township, the residents would be subject to real property taxes in both the township and the city and would be able to vote in both jurisdictions. By executing the agreement, approved by Ordinance 2009-89, future Mason residents will avoid double taxation by not being subject to the Township's property taxes. The agreement between the City of Mason and Deerfield Township allows the territory to be annexed and then detached from Deerfield Township and placed in Mason Township. This agreement requires the property owner to make payments to the City in conjunction with its development to help defray the City's cost and expenses of annexation and the conformity of the boundary including the City's obligation to compensate Deerfield Township over a 12-year period as provided in the annexation law. Eric stated Ordinance 2010 – 16 accepts the annexation of the territory and is recommended for adoption. An emergency clause has been included to provide the annexed area with City services at the earliest possible date and to make services available immediately after the annexation becomes effective as required by the Annexation Agreement. Ordinance 2010 – 17 authorizes a petition to detach the territory from Deerfield Township into Mason Township and is recommended for adoption by emergency to relieve Deerfield Township of any obligation to serve the territory, to allow for the immediate change of township boundaries as provided by the Annexation Agreement of the parties, and to permit the inhabitants of the territory to receive City services and vote in the appropriate jurisdiction.

A motion to adopt Ordinance 2010-16 was made by Councilmember Bradburn, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

**ORDINANCE 2010-17 AN ORDINANCE AUTHORIZING THE FILING OF A PETITION WITH THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO TO CHANGE THE DEERFIELD TOWNSHIP LINES OF 9.7337 ACRES LOCATED IN DEERFIELD TOWNSHIP AND THE CITY OF MASON IN ORDER TO REMOVE THE TERRITORY FROM DEERFIELD TOWNSHIP, PLACE IT IN MASON TOWNSHIP AND MAKE THE TOWNSHIP LINES IDENTICAL WITH THE LIMITS OF THE CITY OF MASON, OHIO, AND DECLARING AN EMERGENCY.**



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

A motion to adopt Ordinance 2010-17 was made by Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: ALL YEAS

**ORDINANCE 2010-01 (2<sup>nd</sup> READING) AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 9.73 ACRES LOCATED AT 5856 MASON ROAD FROM DEERFIELD TOWNSHIP R-SF TO CITY OF MASON R-2 (BOXWOOD FARMS).**

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

Mayor Prince noted this is a public hearing on this legislation and opened the hearing at 9:28 p.m.

Richard Fair explained to Council that the applicant is requesting to rezone the land from Deerfield Township R-SF (Single Family Residential) to City of Mason R-2 (Single Family Residential). The Mason Early Childhood Center abuts the property on the north and west sides and is zoned R-1, Single Family Residential. The Hickory Woods subdivision abuts the property on the east side and is zoned R-PUD, Residential Planned Unit Development. The lots in that subdivision along Shagbark Court range in size from 12,870 square feet to over 30,000 square feet. The southern property line falls along Mason Road. He stated the proposed zoning of R-2, Single Family Residential permits a building lot to be platted at 20,000 square feet in size. The proposed zoning is in line with surrounding single family zoning classifications of R-1, R-4 and R-PUD.

Sally Land of Clovercrest Court asked if there will be another meeting which would provide a detailed plan for this property. Richard Fair stated yes, the next Council meeting. Perry Schwartz noted there is a typo on the agenda that refers to the address as Mason Montgomery Road instead of Mason Road.

Mayor Prince closed the public hearing at 9:34 p.m.

A motion to adopt Ordinance 2010-01 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

**ORDINANCE 2010-18 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KINGS FORD FOR THE PURCHASE OF FOUR 2010 FORD CROWN VICTORIA POLICE INTERCEPTORS FOR THE TOTAL AMOUNT OF \$89,590.00.**

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

Jennifer Heft explained to Council that historically the State of Ohio has awarded the state procurement program for police vehicles in the fall of each year, the City authorizes the purchase in November or December and the vehicles are delivered in the spring of the following year. However, this past year the ordering process was delayed until January 2010, due to financial issues at the State level. Vehicles purchased now will arrive in late spring or early summer. Kings Ford has agreed to sell the City four Ford Crown Victoria Police Interceptors for \$22,350, which is less than the State bid price and \$356 less per vehicle than the 2009 police cruiser purchase.

She stated the objective for Police vehicles is to replace the vehicle as the mileage approaches 100,000 miles which reflects many more engine hours, as the vehicle must continue running during traffic stops, crash investigations, etc. At that point, the vehicle's usefulness and maintenance expense in front-line patrol functions diminishes. Replaced cruisers are then cycled into less intensive roles in the City fleet and the oldest, most expensive to maintain vehicles are declared surplus and auctioned. While four cruisers were included in the 2009 Budget, two were eliminated as a City initiative to control expenses. She reported based upon the Equipment Committee and Finance Committees' recommendation 2 replacement cruisers were included in the 2010 Budget.

A motion to adopt Ordinance 2010-18 was made by Councilmember Bradburn, seconded by Councilmember Cox. VOTE: 6 YEAS, 1 ABSTAIN (Bradburn)

**ORDINANCE 2010-19 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$8,000,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING A GOLF COURSE IN THE CITY AND DECLARING AN EMERGENCY.**

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

Eric Hansen explained that the actual Bond Anticipation Notes (BANs) were issued on March 14, 2007 for \$9 million. To date \$580,000 has been paid towards the outstanding principal. This new issue represents a principal payment in the amount of \$420,000, which was included in the 2010 Budget. The ordinance includes an interest rate not to

exceed 6%. Based on current market conditions, staff anticipates an interest rate substantially lower, likely around 2%, when the note is priced.

A motion to adopt Ordinance 2010-19 was made by Councilmember Bradburn, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

**ORDINANCE 2010-20 AUTHORIZING THE CITY MANAGER TO EXECUTE ANNUAL RENEWALS PURSUANT TO THE EXISTING CONTRACT WITH THE BRICKMAN GROUP, LTD., FOR LANDSCAPING AND IRRIGATION OF CITY OF MASON PROPERTY.**

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

Jennifer Heft stated to Council that on March 9, 2009, Council authorized Ordinance 2009-21 authorizing a contract with The Brickman Group for landscaping, irrigation and mowing throughout the City, in the amount of \$246,178. While the contract and the Council memo included the intent for this contract to be renewed for up to four additional years, Ordinance 2009-21 did not include language that would allow the contract to be renewed annually, as intended and provided for in the contract with the Brickman Group. It is necessary to correct this oversight by adopting Ordinance 2010 – 20.

A motion to adopt Ordinance 2010-20 was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

Eric Hansen reported on the following items:

- ▶ City offices will be closed on Monday, February 15 in observance of President's Day.
- ▶ The next DARE graduation is Tuesday, February 16 at 7 p.m. at the Mason High School Auditorium. Mayor Prince will speak at the meeting and Council Members are invited to attend.
- ▶ The bimonthly membership meeting on Wednesday, February 17 at the Houston Restaurant will feature Cynthia King of the U.S. Census Bureau. Social hour starts at 6:00 p.m. with dinner following at 6:45 p.m.
- ▶ We are planning a tour of the new Fire Station #51 and the Mason Community Center prior to the Council meeting on February 22. A city van will transport interested Council members to the fire station at 5:00 p.m. for a brief tour and discussion, followed by a tour of the Community Center, where box lunches will be provided. We will return in time for



the 7:00 p.m. Council meeting that evening. He stated this will be rescheduled if the weather is bad.

► He commented on the staff's performance in removing snow from City streets. He said assistance came from all departments.

### **COMMITTEE REPORTS**

Councilmember Gilb reported the Court Liaison Committee has met to further discuss the appointment of the Prosecutor. He noted it will be discussed in the executive session under personnel.

Councilmember Bradburn reported the Finance committee met and he will report more detail at the next meeting.

Councilmember Pelfrey reported the Downtown Committee met and she will report on this at the next meeting.

Councilmember Cox reported he met with Councilmember Pelfrey to discuss the Red Rhythm and Boom event. He said they are keeping the price low and he is open for suggestions for the bands.

### **OLD AND NEW BUSINESS**

Councilmember Gilb urged the Finance Committee to review the matter of Comprehensive Tax Reform.

Councilmember Cox asked about the status of the property on Williams Street where the roof is falling down. Eric Hansen replied the City has been working with the owner to either repair it or demolish it. Richard Fair said once the City declares it a nuisance, we give the owner time to make repairs and if they do not do it, the city will do it and place the cost of such action on the property tax bill.

### **RECOGNITION OF VISITORS** None

### **EXECUTIVE SESSION: PERSONNEL**

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

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

A motion to add Ordinance 2010-21, the appointment of Bethany Bennett as Prosecutor, was made by Councilmember Gilb, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2010-21 APPOINTING BETHANY BENNETT AS THE PROSECUTOR FOR PROSECUTION AND ESTABLISHING THE RATE OF COMPENSATION AND DECLARING AN EMERGENCY**

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


A motion to adopt Ordinance 2010-21 was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: 6 YEAS, 1 ABSTAIN (Mayor Prince)

**ADJOURN**

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

TIME: 10:10 p.m.

  
Clerk of Council

  
Mayor