

**CITY OF MASON
COUNCIL MEETING
MARCH 22, 2010**

Mayor Prince called the meeting to order at 7:02 p.m. 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 March 8, 2010 Council Meeting was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS

RECOGNITION OF WARREN COUNTY SHERIFF LARRY SIMS

Warren County Sheriff Larry Sims addressed council and provided an overview of the activities for 2009. He reported the number of calls his office received increased form 67,000 in 2008 to 84,900 in 2009. He also stated the number of permits for concealed carry his office issued increased from 1790 to 4780 in 2009. He noted the number of sheriff sales also increased form 1293 in 2008 to 1600 in 2009. He said a savings of approximately one million dollars will result from double bunking in the jail. He also clarified the sexual predator different classifications and noted they can be reviewed on the website: www.wcsooh.org

RECOGNITION OF MATT STEEL OF THE LYMPHOMA SOCIETY

Matt Steel addressed Council and explained he is working for the Lymphoma Society to raise funds this year. He said he has committed to raise \$10,000 by May 7, 2010 and asked the city if they could assist him with contacts that might help with this effort. Councilmember Pelfrey suggested he work with the Chamber of Commerce and noted Dave Moushey is with the Chamber and in attendance tonight. John Looker, also in attendance, asked if they were a 5013c organization. He said the American Legion may be able to assist if they have that designation.

RECOGNITION OF VISITORS

Ginny Sundin addressed Council and said Frank Bailey, a long time volunteer for the parks, had passed away. She said the visitation will be held in Goshen.

Mayor Prince reported he attended the last Park Board meeting and met the members. He said Ginny Sundin has served 33 years on the Park Board and never missed a meeting.

He asked for a motion to reappoint her to another 3-year term. Councilmember Cox moved to approve that appointment, seconded by Vice Mayor Nichols. VOTE: ALL YEAS Mayor Prince presented the oath of office to Ginny Sundin.

Lisa Collier of 4894 Shagbark Court addressed Council and asked the status of the Mason Road round-about. Richard Fair stated an article appeared in Mason Matters on this topic. He said there is also information on the website. He reported bids will be open next week and it will be complete in approximately 3-4 months. She asked about a bike path on Mason Road. He said it is included in the plan.

ORDINANCE 2010-22 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MASON TO AMEND IN PART ZONING CODE CHAPTER 1170 (DOWNTOWN OVERLAY DISTRICT)

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

Richard Fair explained that in 2005, City Council approved a major amendment to the Zoning Code creating Chapter 1170, the Downtown Overlay District. Three different zoning districts are included within the designated overlay area: B-1, Central Business; B-3, Road Service Commercial; and R-4, Single Family Residential. He explained the overlay district allows the uses of the underlying zoning to continue and grants the opportunity for B-1 uses to be in the non-B-1 areas. This effectively creates a semi-mixed use district within the residentially zoned areas, where business uses are permitted.

He stated as currently written, the mixed-use principle is not reciprocal. Residential uses are not a permitted use in the business district with an exception being allowed as a conditional use on the second floor or above in a building. Richard said the proposed amendment would allow a residential use to be located anywhere, in the Downtown Overlay District, which helps to provide the opportunity for a variety of uses in downtown and is consistent with the original intent of the overlay district. He stated Planning Commission has recommended approval.

Mayor Prince opened the public hearing at 7:42 p.m. Speaking for this rezoning was John Looker of 111 W. Main Street. He thanked Council for their assistance in this matter as he has a residence in this area and was unable to discuss financing due to the restrictions of the existing zoning. There were no comments opposed to the rezoning. Mayor Prince closed the public hearing at 7:43 p.m.

A motion to adopt Ordinance 2010-22 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

ORDINANCE 2010-31 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 13.21 ACRES FROM B-3 ROAD SERVICE COMMERCIAL TO BUSINESS PLANNED UNIT DEVELOPMENT AND APPROXIMATELY 4 ACRES FROM R-2 SINGLE FAMILY RESIDENTIAL TO BUSINESS PLANNED

UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED ON THE EAST SIDE OF S.R. 741 BETWEEN CARMELLE WOODS DRIVE AND US 42 (EVES PROPERTY)

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

Eric Hansen stated that the Public Hearing would be held on April 26, 2010 at the regular Council Meeting.

ORDINANCE 2010-32 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 1.4 ACRES FROM HT-1 HIGH-TECH LIGHT INDUSTRIAL TO BUSINESS PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED ON THE SOUTH SIDE OF 8060 MASON MONTGOMERY ROAD (TIDE DRY CLEANERS PROPERTY)

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

Eric Hansen stated that the Public Hearing would be held on April 26, 2010 at the regular Council Meeting.

ORDINANCE 2010-33 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GOZAPIT INTERACTIVE TO REDESIGN AND IMPLEMENT A NEW CITY-WIDE WEBSITE IN AN AMOUNT NOT TO EXCEED \$65,000

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

Jennifer Heft stated that the City's website was last designed in 2002. The current site does not take advantage of new developments in web site management that have occurred since the launch of the current site 8 years ago. She said the City would now like to extend the contract with GoZapIt to include the Community Center and eventually all City departments. Implementation of the Community Center portion of the site would be scheduled to coincide with the opening of the expansion this fall. She reported features currently proposed to be added to the site include:

- Enhanced "shopping" for registration for Community Center programs;
- Adding an area to the home page that can be used for emergency alerts such as Community Center closings and power outage information;
- Online event registration that will facilitate registration for Live Well in Mason and other events;

- An event calendar with filters that allow you to choose to see only events within a specified category such as meetings or exercise programs;
- Photo gallery and slideshow capability that will allow for “tours” of the Community Center and other city facilities;
- A press release area and a Content Management System (CMS). A CMS will allow multiple users to update information that will facilitate the efforts of the City staff to keep the web content up-to-date for both Community Center programs and other City departments.

She noted the Finance Committee reviewed and recommended including \$75,000 for this project in the 2010 Budget. The Community Center Committee of Council has also reviewed this project and recommended a not-to-exceed amount of \$65,000.

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

Councilmember Cox questioned the cost, stating he felt it was too high. Councilmember Shimrock reported the matter had been reviewed and the technological advances available for this project are necessary to keep the city competitive. Vice Mayor Nichols stated the language in the legislation “not to exceed” provides flexibility for the project as it progresses.

A motion to adopt Ordinance 2010-33 was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2010-34 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FREQUENCY CITY SOUND, IN THE AMOUNT OF \$25,000, FOR STAGING, SOUND, LIGHTING AND VIDEO SYSTEM PRODUCTION FOR THE RED, RHYTHM & BOOM CONCERT ON JULY 3, 2010

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

Jennifer Heft explained that proposed Ordinance 2010-34 will allow for a 36’ x 24’ stage (48” high), sound and lighting production and 1 main stage LED screen with camera operators and a video editing truck. She said the total cost of the staging, sound, lighting and video package with Frequency City Sound for July 3, 2010 is \$25,000. The reduced stage, sound and lighting needs and using only one LED screen has reduced the amount of stage production expenses by approximately \$49,785 (compared to 2009).

Jennifer also reported Ordinance 2010-35 allows for Rozzi’s Famous Fireworks who has been providing Mason’s fireworks display since its inception in 1999, authorization to provide them for 2010. She explained they are offering an expanded show this year compared to 2009, when \$26,250 was spent on the fireworks. The fireworks are the highlight of the July 3 event and this year, Rozzi’s will offer a full digital patriotic

choreography, increase the show length from 20 to 23 minutes, add custom letters with bigger and more intense scenes that will come from the ground up to 400' with multiple shells in the air at the same time along with layers of shells covering a larger area both in height and width.

A motion to suspend the rule and allow for adoption Ordinance 2010-34 after the first reading was made by Councilmember Cox, seconded by Councilmember Shimrock. VOTE: ALL YEAS

A motion to adopt Ordinance 2010-34 was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS

ORDINANCE 2010-35 AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH ROZZI'S FAMOUS FIREWORKS AND ROZZI, INC., IN THE AMOUNT OF \$35,000.00, TO PROVIDE A FIREWORKS SHOW DURING THE CITY OF MASON'S "RED, RHYTHM & BOOM" FOURTH OF JULY CELEBRATION

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

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

A general discussion took place among Council regarding the increased cost to provide fireworks for 2010. Councilmember Bradburn stated he thought last year's display was fine and could not support increasing the cost. Councilmember Cox noted the savings this year with the band choices and the stage show savings resulted in a reduced cost of approximately \$170,000. Councilmember Pelfrey spoke in favor of the expanded program stating the fireworks are a symbol of this celebration. Councilmember Gilb asked what Rozzi's would charge to duplicate last year's show. Jennifer replied Rozzi's had not supplied that specific information. Councilmember Gilb stated he would agree to repeat last year's program. Councilmember Gilb moved to amend the ordinance to state a not to exceed cost of \$35,000. The motion died for lack of a second.

A motion to adopt Ordinance 2010-35 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: 5 YEAS, 2 NAYS (Bradburn, Gilb)

ORDINANCE 2010-36 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARRETT PAVING IN AN AMOUNT NOT TO EXCEED \$893,746.03, FOR THE 2010 JOINT STREET RESURFACING PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE A RELATED REIMBURSEMENT AGREEMENT WITH DEERFIELD TOWNSHIP

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

Eric Hansen stated that annually the City of Mason pursues a Street Maintenance program to repair and prolong the life of City roadways. Typically, between \$750,000 and \$1,000,000 is budgeted for this annual program. For the fourth consecutive year, engineering staff has once again partnered with Deerfield Township and successfully coordinated a combined resurfacing project. By increasing contract quantities, both the City and Township benefit from reduced unit bid prices despite the continued rise of asphalt prices (60% increase over the last five years). It is estimated the City and Township realize an 8 - 10% savings as a result of the increased quantities of the joint venture.

Eric stated due to budget constraints the 2010 Budget included only \$350,000 in a base annual street maintenance program and an additional \$350,000 for a possible secondary street maintenance program. The base program includes resurfacing Morris Court, Tradewind Drive, MacDonald Court, First Avenue, S. Forest Avenue, S. West Street from Short Street to north end, S. East Street and Wooded Vista Court. The base bid also includes \$15,000 in investments at the Golf Center to resurface a portion of the golf cart paths and approximately 40 streets to be full depth repaired and/or crack sealed in an effort to maintain and extend the life of existing pavement. The secondary projects were bid as an alternate and included Columbia Road, Western Row Road from west of Kings Island Drive to the eastern Corp Limit, Village Lakes Boulevard and the surface course of Alliance Drive. Eric reported the best and lowest bidder in both the base and alternate bids was Barrett Paving

Richard Fair stated that Deerfield Township's portion of the bid is \$448,976. Deerfield Township has asked to increase their portion of the contract by \$101,023 making their total \$550,000. The reimbursement agreement provides for the City to be reimbursed by Deerfield Township through monthly progress payments during construction. Deerfield staff will inspect streets within the Township and they will make recommendations back to City staff on payment quantities. Similar to last year's agreement, adoption of Ordinance 2010 – 37 authorizes a reimbursement agreement with Deerfield Township for resurfacing and maintenance to streets within Deerfield Township.

Councilmember Gilb reported the Public Works Committee met and at this time does not recommend authorizing the alternate portion of this contract.

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

A motion to adopt Ordinance 2010-36 was made by Councilmember Gilb, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2010-37 THE CITY OF MASON/DEERFIELD TOWNSHIP 2010
JOINT STREET RESURFACING PROGRAM REIMBURSEMENT
AGREEMENT**

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

A motion to adopt Ordinance 2010-37 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

▶ On Saturday, March 27, the annual Easter Egg Hunt will be held at Heritage Oak Park beginning at 12 Noon. The Easter bunny will be there to greet the children and help them find Easter eggs. Please bring along a basket or bag for each child for collected eggs. A special area will be set-aside for tiny tots. This event is free to the public.

▶ City offices are closed on Friday, April 2 in observance of Good Friday.

▶ The tax office will be open on Saturday, April 10 from 8:00 a.m. to 12 Noon to assist Mason residents with City tax preparation. In addition, the tax office will also offer extended hours on April 14 and 15 from 8:00 a.m. to 7:00 p.m.

▶ To accommodate upcoming schedules and anticipated legislation, adjusting the Council meeting schedule is appropriate. Council may wish to consider a modified summer schedule with a single meeting a month for June, July, and August as has been done in years past. I believe that a single meeting on the second Monday of those summer months would not pose a problem to legislation timeframes. If Council wishes to make such a modification to the schedule a motion is in order. A modified summer schedule allows more opportunities for committee meetings and possible work sessions to maintain Council activity. Councilmember Bradburn moved to adopt the summer schedule for summer meetings. Councilmember Gilb seconded the motion. VOTE: ALL YEAS

▶ Mason Community Center will be closed from April 4 through April 18. Through our partnership with TriHealth, the City has worked out an agreement to allow Community Center pass holders to visit the TriHealth Fitness & Health Pavilion in Montgomery during the closure. Pass holders must present their Community Center pass at the Pavilion and sign a waiver. Adults can use the center as long and as often as they wish during the closure. Children 13 and under can visit for up to two hours in one visit. In addition, the Fitness and Wellness staff at the Mason Community Center has created a special schedule of fitness activities that will take place at the Mason Municipal Center. Some of the classes may move outdoors, depending on the weather. The schedule will be posted on the city web site at www.imaginemason.org and at the Community Center before the closing.

COMMITTEE REPORTS

Councilmember Gilb reported on the Public Works committee meeting and discussed the Muddy Creek bike path status.

Vice Mayor Nichols reported the Economic Development Committee met to discuss current activities.

OLD AND NEW BUSINESS

Councilmember Shimrock asked who decides and acts on the response to the lightning prediction system. Eric stated that system was financed by the organizations and they will be in control of the response. He stated the City does not intend to enforce it.

Vice Mayor Nichols asked for an update on the status of the traffic at SR 741 at the bridge closing. Eric stated ODOT is responsible for the closing. He said the first week is usually difficult but the calls have reduced in number. Vice Mayor Nichols also asked about the possibility of a community garden. Eric said that was looked into last summer and said the liability was the concern but he did not think it was unmanageable. Vice Mayor Nichols suggested a committee of interested residents bring suggestions to the City. Mayor Prine stated they are able to do that without the formality of a committee and suggested any interested resident get in touch with Eric Hansen.

Mayor Prince asked for an update on the time frame for the SR 741 bridge closing. Richard Fair said the bridge outside the city limit is being done by ODOT and is expected to last 60 days. He reported the one inside the city is expected to last 40 days. Councilmember Bradburn asked for additional signs from ODOT. He stated the current ones are not adequate.

Councilmember Cox asked about the storm drain work. He asked if they ever severed the resident's drain. He requested staff to look into it. He reported the American Legion has donated \$1500 to the Mason Historical Society.

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tartan Fields Lane addressed Council and asked about the payments the City will make to the Township for the joint repaving program. Richard Fair stated the City will pay in progressive payments. He said the Township must approve the work before payment is made to Barrett Paving.

Dave Moushey of 7588 Central Park Boulevard addressed Council and stated he was concerned about the increase in the fireworks cost. He also stated the cost of the web site seems very high. He said he is in that business and was unaware bids were being requested for this project. Eric Hansen stated there was not request for proposals

advertised for this work. He said the Economic Development Department was the catalyst for this project and they contacted the firms they were familiar with their work.

John Looker addressed Council representing the American Legion Post 194. He said on May 8 there will be a van parked at the American Legion on Reading Road that will provide veterans with information on services available to them. He said it will be there from 10-3:00 p.m. He also stated on May 31 the American Legion will present a program in partnership with the City.

EXECUTIVE SESSION

A motion to adjourn into executive session for the purpose of discussing personnel and potential litigation was made by Councilmember Bradburn, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

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

ADJOURN

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

TIME: 9:58 p.m.


Clerk of Council


Mayor

CERTIFICATE

The undersigned, Clerk of Council of the City of Mason, hereby certifies this to be a true and exact copy of the complete minutes of the March 22, 2010 Council meeting.

Clerk of Council