

**CITY OF MASON
COUNCIL MEETING
MARCH 28, 2011**

The meeting was called to order at 7:00 p.m. Father Harry Meyer opened the meeting in prayer. All those present recited the Pledge of Allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the March 14, 2011 Council Meeting Minutes was made by Vice Mayor Nichols seconded by Councilmember Cox. VOTE: ALL YEAS.

RECOGNITION OF FESTIVALS OF MASON COMMITTEE – PRESENTATION BY BOARD MEMBERS SCOTT PIERCE AND MIKE STRETCH

Scott Pierce, Festivals of Mason, Inc. President, announced the new date and name for the festival in August. The *Mason Heritage and Bicycle Festival* will be held on August 20, 2011. The parade will begin at 10:00 a.m. and is one of the largest parades of its kind in the area. He explained that from 1973-1977 the city held 3-day Bicycle Festivals so this new format is actually a return to our past. The festival will include several bicycle activities before, during, and after the parade. If you would like to ride in the parade, applications will be available next month on their new updated website. He encouraged Council members to participate by riding bicycles in the parade. Scott said that they hope to highlight the 20 miles of bicycle trails in the City with this new theme. Along with the parade and bicycle activities, the festival will include food, entertainment, kid zone, extreme zone, and the Mason Idol competition.

RECOGNITION OF WARREN COUNTY SHERIFF LARRY SIMS – WARREN COUNTY UPDATE

Sheriff Sims reported on Warren County activities in 2010. He said they have responded to 71,000 calls, which are down from last year, with most of the calls involving property crimes. Other activities include: issuing 1366 carry/conceal permits, 515 sex offender registrations, 1500 foreclosures, 194 drug arrests, and homeland security. The department has added two new canine units and license plate readers. The jail renovation project is 75% complete and should be operating by the end of May. Warren County estimates \$900,000/year in savings once the jail is complete.

RECOGNITION OF VISITORS

Ray Warrick of 7272 White Oak Court asked about the \$25,000,000 of bond issues on tonight's agenda. Mayor Prince explained that except for \$1,000,000 (US-42 Road Widening Project), all of the bonds are reissues and consolidation of debt at lower interest rates, which will save taxpayer dollars.

ORDINANCE 2011-13 APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A GAS STATION AND CONVENIENCE STORE ON A B-2 ZONED PROPERTY LOCATED AT THE NORTHWEST CORNER OF BETHANY ROAD AND MASON-MONTGOMERY ROAD (BETHANY GREEN CIRCLE)

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

Brian Lazor described the development as approximately 5.6 acres in size, zoned B-2, (Shopping Center Commercial) and located at the northwest corner of Bethany Road and Mason-Montgomery Road. This zoning has been in place since the 1970's. The proposal is to construct a 4,000 square foot convenience store and gas canopy for the first development phase. The second phase is a 15,000 square foot retail center. The store is a residentially styled one story building utilizing brick and synthetic stone as siding materials. The development is accessed via curb cuts on Mason-Montgomery and Bethany Roads. Gas stations and convenience stores are listed as conditional uses in the B-2 zoning district. Brian explained that in order to ensure that these uses in their proposed location will be compatible with surrounding development, their establishment shall not be a matter of right, but may be permitted after review by Planning Commission and City Council. Planning Commission did review the project and recommended approval with several conditions as detailed in the staff report which included landscaping, buffer installation along the western property line, and limiting the hours of operation.

Jeff Forbes explained that this ordinance concerns B-2 zoned property which gives the property owner permitted rights within this zoning. However, the owner is requesting a conditional use permit which is subject to certain conditions. There are three layers of conditions. The first is to meet the general conditions within the B-2 zoning code. The second is to meet any additional conditions imposed by Planning Commission. The last layer allows for Council to impose additional conditions that must be met. The City would be exposed to potential liability if the developer is willing to comply with all conditions and Council does not approve. If Council chooses to defeat this ordinance, they must articulate which conditions have not been met.

The Public Hearing was opened at 7:35 p.m.

Andy Scott of Henkle Schueler introduced himself and stated that they are a local company doing good work on complicated, multi-phase projects with a quality and commitment to excellence. Henkle Schueler has owned the Bethany Green Circle property since 1988. They propose the formation of a Neighborhood Advisory Committee which would consider citizen's input and concerns. Henkle Schueler is committed to doing the right thing in the best way possible and considers no detail too small.

Bob Garlock, a planner with Bayer Becker at 6900 Tylersville Road, explained that this project is a neighborhood commercial center which conforms to the zoning code and is consistent with the 2010 Comprehensive Plan description of a neighborhood mixed use area. The sight and landscape plan have both been approved by the Planning Commission and all nine general conditions have been met. This development will act as a transition from industrial zoning to residential. The gas pumps have been located nearest to the road with the "residential look" building placed on the residential side of the property. This project has been developed to respect residential areas by designing a building with residential features such as a gabled roof, brick and stone building materials, and the size of a 4000 square foot home. The property will also be pedestrian friendly with sidewalks, bike rack, and outdoor patio and seating area. The business will be open during limited hours. Bob continued by explaining that this will be a

“green center” which would include water quality features and energy saving LED lights. He noted that a 6 foot fence and mixed landscaping will act as a buffer to the residential area. Mature trees and a creek will be maintained. The west end of the site will not be disturbed during Phase 1 of this plan. Traffic analysis indicates 2.4% additional traffic to this intersection during peak hours as a result of this station. Henkle Schueler has indicated that they will work with the City by donating property easements to facilitate roundabout construction at this intersection.

Jackie Powell of Henkle Schueler explained how this project meets the criteria as set forth in the 2010 Comprehensive Plan as a “mixed use infill development”. It will enhance the community by providing retail services to an underserved market. The plan includes buffers, a family friendly building, and TCBY has expressed an interest in the property. The project has unanimous approval by the Planning Commission. The traffic study indicates minimal impact on existing traffic to the area. Mayor Prince asked Jackie to explain the lighting plans. She stated that with LED lighting under the canopy and six 18-foot pole lights driving light forward, there will be zero lighting emitted beyond the property.

James McNally of 5126 Spire Oaks Drive expressed his frustration with the lack of notice to residents at the Planning Commission level. Mr. McNally referred to the Petroval Market Study Report conducted in 2009. This report indicates that these types of stations are owner/operator and that big oil merely supplies these facilities. He stated that the report has many inaccurate statements (light traffic at this intersection, only one competitor within a 4 minute drive time, etc.) and some other contradictions within the report. He also referred to the Planning Commission Application which addresses the impact this project would have on the surrounding area. He stated that the suggestion that this station would ever be LEED certified is unattainable. He disagrees with this report and believes that the station would affect air quality, would not comply with the existing noise ordinance, would be a health hazard, and would affect residential property values. In addition to these concerns, he stated that fuel delivery trucks would pose additional dangers. He had concerns about sanitary easements and drainage. Mr. McNally also felt that the report’s description of the area as an “underserved market” is not accurate. There are many similar services provided within a 2 mile radius: Marathon, Thrifty, and JoMart.

Sarah McClain of 5109 Bethany Road stated that her driveway is directly across from this development’s drive. She is concerned that as vehicles leave the station via this drive, the headlights will glare into the windows of her home. She also stated that many of the trees in the buffer would be effective for only 4 months of the year. Ms. McClain raised other concerns including visual impact, hours of operation, inappropriate noise levels for the neighborhood, speaker devices, and the effect on property values. She raised many safety concerns, including fire, environmental, air and water quality. One of her personal concerns includes the safety of her children getting on and off the school bus with the increased traffic. She concluded by stating that this project does not meet the conditions required for issuing this permit. The project is not harmonious with the surrounding area and the 2% increase in traffic would have a negative impact.

Dowell Howard of 5600 Bethany Road stated that this lot was zoned B-2 when the surrounding area was all farms. He stated that there are four B-2 zoned areas, two on US-42 and one near Kings Island. He questioned, with all the changes to the area, if this lot would be zoned B-2 today. Mr. Howard wondered if the business changes ownership, would the new owners be required to honor the limited hours of operation. He suggested that the development have a zero light requirement, full value surety bond (to destroy or maintain the property if abandoned), and that a spill hazmat response plan be in place for any emergency involving the tanker trucks. He

stated that when considering the location of this B-2 zoned lot, a professional building would be more appropriate. There would be a lower potential for crime, noise, and many of the other issues associated with a gas station. He also asked that a "clear line of sight" be provided with the roundabout construction.

Patrick Sanders of 3986 Mason-Montgomery Road disagreed that the general standards for a conditional use permit have been met. Standard #4: Will not be hazardous or disturbing to existing or future neighboring uses. Mr. Sanders stated that gasoline is a hazardous material which includes benzene, a carcinogen. It is particularly dangerous to children. Standard #7: Will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. He stated that this station would increase traffic, create smoke, odors, and glare. He stated that since the station sits lower than the residential properties the odor would naturally drift into higher elevations. Standard #8: Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares. He thinks that any additional traffic would be a problem. Patrick stated that there are numerous gas stations in the area. In addition to the gas stations already mentioned, within 3.5 miles residents can visit the Swifty, UDF (Mobil), Marathon (42 & Snyder), Speedway, Shell, BP, and Exxon. He stated that Fire Code 1501.07 restricts the routes for transporting hazardous material to the main thoroughfares of RT-42 and SR-741. He said the projected 1.7 million gallons of gasoline delivered per year would equate to 190 tanker trucks traveling on these residential roads where there is presently no truck traffic.

Andre Dunkirk of 5130 Spire Oaks Drive expressed his concerns for his family's safety in addition to previously stated concerns. He also stated that when the R-6 lots were rezoned R-4 the segmented step buffer was eliminated. He requested that additional conditions be placed on this project: the limitation on any future conversions or expansions of the facility, that LEED SSC8 certification be maintained on this property, the hours of operation set from 7 a.m. until 10 p.m. to comply with the noise ordinance, allowable noise levels that are consistent with residential settings, and that the appearance of the station is maintained using LEED 2009 guidelines. Mr. Dunkirk stated that this intersection is currently earning an "F" for safety. He asked when the intersection would be improved. City Staff estimates the roundabout construction to begin in 2013, which would be after the construction of the Bethany Green Circle Phase I development. The Bethany Road widening dates are undetermined at this time. He stated that this intersection has been determined to be difficult to navigate for semi-truck traffic and may prove dangerous when fuel delivery trucks travel through this area. He requests that if this development is built, the City consider road improvements that will make these roads safe.

Michelle McNally of 5126 Spire Oaks Drive restated many of the residents concerns. She stated that since this development is adjacent to her backyard, she would like to request that a taller wall with sound deadening properties be constructed between the properties. She felt that a 6-foot fence with immature trees would not be adequate. A wall 18 to 25 feet in height with evergreen landscaping might control the noise and discourage pedestrians from trespassing through her property. She also had concerns regarding the safety if this station should it be abandoned. The EPA monitors underground tanks twice a year, but abandoned stations are not monitored.

Mary Beth Koenig of 4551 River Thames Way stated that there are many concerned residents who could not attend tonight's meeting because of Spring Break.

Martha Howard of 5600 Bethany Road stated that the “walk ability” to this station is not feasible. There are no sidewalks or pedestrian crosswalks in the area. She also suggested that the property owner consider rezoning this property to R-6.

Linda Delman of 3287 Mason-Montgomery Road expressed her frustration with working with Henkle Schueler in 1987 and doesn't believe they are sincere about working with the residents today.

Scott Stevens of 5127 Spire Oaks Drive stated that he has the same concerns already mentioned. He would like to express a request that if a wall is built, it be extended to box in his property.

The Mayor suggested that at this time the public hearing be closed and the matter be tabled. After Council discussion it was determined that the Public Hearing should remain open. Councilmember Gilb made the motion that the Public Hearing on Ordinance 2011-13 remain open and continue to the next Council Meeting on April 11, 2011, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

Law Director, Jeff Forbes, stated that no additional notice will be given to announce this continuance. He suggested that any residents in attendance tonight convey to interested parties unable to attend this meeting of the April 11th meeting.

Mayor Prince called for a motion for a 10 minute recess. A motion was made by Councilmember Bradburn for a 10 minute recess, seconded by Councilmember Gilb. VOTE: ALL YEAS.

A motion to reconvene into Regular Session was made by Councilmember Cox, seconded by Councilmember Bradburn. VOTE: ALL YEAS. TIME: 10:38 p.m.

ORDINANCE 2011-14 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 2.99 ACRES FROM R-6 CONDOMINIUM AND LANDMINIUM RESIDENTIAL TO BUSINESS PLANNED UNIT DEVELOPMENT AND APPROXIMATELY 6.44 ACRES FROM B-2 SHOPPING CENTER COMMERCIAL TO BUSINESS PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED AT THE SOUTH WEST CORNER OF TYLERSVILLE ROAD AND SNIDER ROAD (EVERYBODYS FARM – PHASE I)

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

Brian Lazor stated that this proposed development is approximately 9.43 acres in size, contains rolling lands along with a section of the Muddy Creek and is located at the intersection of Tylersville and Snider Roads. The 2010 Comprehensive Plan: *Snider/Tylersville Road Sub-Area Plan* calls for this area to be developed as Neighborhood Mixed-Use, Medium Intensity Residential, a Neighborhood Park and Public/Institutional uses. He stated that five buildings are shown ranging in size from 3,000 to 15,000 square feet and uses ranging from retail, restaurant, office and commercial. The main access point is directly across Snider from the Buffalo Wild Wings drive and a right-in/right-out on Tylersville with existing median to prevent left turns. Brian stated that greenspace is detailed to be 22.9%, 2.9% above the minimum. He explained that typically, setbacks are not included in this count. However, because the southern property

line is adjacent to the Muddy Creek and no buildings could be built near it, staff does not have a concern with this particular variation. Setbacks are varied throughout the development based upon design and use of the site. He added that walkability is a key feature in this development with sidewalks within and on the exterior of the site. Brian explained that this project is the first phase of a much larger development. Everybody's Farm property is about 40 acres, the remainder of it is zoned B-2 (shopping center) and R-6 (landominium and condominium). Planning Commission has recommended approval of the concept PUD plan and rezoning and Ordinance 2011-14 is recommended for adoption.

The Public Hearing was opened at 10:44 p.m.

Jeff Eichhorn with Henkle Schueler and Associates stated that this is an exciting first phase with several users including two restaurants and one medical office. Andy Scott expressed that he and his team looks forward to working with the City on this project. Councilmember Bradburn asked if they could disclose the restaurants. Marion's Piazza out of the Dayton area is scheduled for Lot #1 and a local restaurant is interested in Lot #2. Mike Schueler stated that they are having "casual conversations" with two higher profile grocers with regards to the adjacent site.

The Public Hearing was closed at 10:49 p.m.

A motion to adopt Ordinance 2011-14 was made by Vice Mayor Nichols, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-27 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$2,465,000 OF BONDS BY THE CITY OF MASON, OHIO, FOR REFUNDING THE SERIES 1998 BONDS

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

Jennifer Heft discussed the next seven ordinances. She stated that Ordinances 2011-27 thru 2011-30 refunds 1998 general obligation bonds and re-issues several short term bond anticipation notes. Ordinance 2011-31 allows the above issuances to be consolidated into one long term general obligation issue for greater cost savings.

Jennifer continued by explaining that Ordinance 2011-32 authorizes the issuance of 17-year general obligation bonds in an amount not-to-exceed \$7.5 million to provide for the principal balance remaining on the bond anticipation notes (BANs) that were issued in 2007 for the acquisition of the Golf Center at Kings Island. She stated that Bond Counsel is recommending a separate bond issuance for the Golf Center, from the General Obligation Bonds discussed previous, to allow flexibility for future development purposes, should they arise, while locking in a fixed long-term rate. These bonds will likely have a shorter maturity, a shorter call date, and a provision to extinguish the debt by purchasing the bonds at market value from the bondholders. These General Obligation Bonds would be issued in the amount not-to-exceed \$7,500,000. \$1.5 million of principal has already been paid. Jennifer explained that there will remain two BANs outstanding due to additional legal and contractual requirements.

Jennifer stated that Ordinance 2011-33 is a BANs re-issuance for the acquisition of property along SR-741. She explained that the original notes were issued for \$4.5 million in 2006, approximately \$1 million has been paid on this debt, and the BANs being re-issued are for \$3.5 million. She continued by explaining that all these ordinances contain a clause to allow for the maximum maturity and an interest rate not-to-exceed 6%. The City anticipates a much lower

rate at issue of approximately 4.5% on average on the long term debt and 2.5% on the short term debt.

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 2011-27 was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-28 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,640,000 OF BONDS BY THE CITY OF MASON, OHIO, FOR MAKING STORMWATER IMPROVEMENTS

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

A motion to adopt Ordinance 2011-28 was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2011-29 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$2,140,000 OF BONDS BY THE CITY OF MASON, OHIO, FOR MAKING ROAD IMPROVEMENTS

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 Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS.

A motion to adopt Ordinance 2011-29 was made by Councilmember Pelfrey, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-30 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,000,000 OF BONDS BY THE CITY OF MASON, OHIO, FOR MAKING ROAD IMPROVEMENTS

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 Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

Councilmember Gilb inquired as to funding for this ordinance. Jennifer Heft confirmed that the payment on this debt is coming out of the State Highway Fund. She also explained that payment for the stormwater improvements (Ordinance 2011-28) is coming out of the Stormwater Fund.

A motion to adopt Ordinance 2011-30 was made by Councilmember Gilb, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2011-31 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$7,245,000 OF BONDS BY THE CITY OF MASON, OHIO, FOR VARIOUS PURPOSES IN THE CITY

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

A motion to adopt Ordinance 2011-31 was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-32 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$7,500,000 OF BONDS BY THE CITY OF MASON, OHIO, FOR ACQUIRING A GOLF COURSE IN THE CITY

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

A motion to adopt Ordinance 2011-32 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2011-33 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,500,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING REAL ESTATE IN THE CITY

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

A motion to adopt Ordinance 2011-33 was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-34 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MIAMI VALLEY INTERNATIONAL TRUCKS FOR THE PURCHASE OF ONE (1) 2011 INTERNATIONAL 7400 SINGLE AXLE DUMP TRUCK AND TWO (2) 2011 INTERNATIONAL 7400 TANDEM AXLE DUMP TRUCKS IN THE AMOUNT OF \$348,806

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

Richard Fair addressed Council and stated that the purchase of one single axle dump truck in the amount of \$110,172, and two tandem axle dump trucks in the amount of \$238,634 is equipment approved in the 2011 Budget. Richard stated that these three vehicles will not be placed into service as front-line vehicles, but instead will be used as backup when older vehicles are removed from service for repairs or become significantly unreliable. At that time, the new vehicle will rotate in and become a front line vehicle. Staff will evaluate the cost of repairs to the older vehicle and the ability for that vehicle to be used as a backup piece of equipment. Richard stated that approximately \$2,000,000 of scheduled fleet replacements have been deferred in the Public Works Department alone. He reported that this purchase represents about 15% of that total. The 2011 Budget included \$395,000 in the Street Maintenance Fund Budget for this purchase with no impact on the General Fund. The Finance and Equipment Committees have reviewed these purchases and are recommending Ordinance 2011 – 34 for adoption. Councilmember Bradburn explained that \$348,000 in asphalt road repairs have been deferred to pay for this purchase.

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

A motion to adopt Ordinance 2011-34 was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2011-35 DECLARING CERTAIN CITY EQUIPMENT AND CERTAIN MISCELLANEOUS CONFISCATED PROPERTY AND EQUIPMENT AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SAID EQUIPMENT AND PROPERTY

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

Richard Fair explained that the City periodically disposes of surplus City property through auction. This surplus is generally made up of vehicles and equipment that no longer serves a useful purpose in delivering public services. However, surplus may also include unclaimed or forfeited property acquired through Police related activity. Richard stated that this year, the City received a request from Lynchburg Police Department for a surplus police cruiser. Staff is contacting Lynchburg about the compatibility of these surplus vehicles for their intended use. Lynchburg's initial contact for this request was through former Mayor Pete Beck. One of these vehicles, with Council's concurrence, would go to Lynchburg, Ohio.

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 2011-35 was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

► The monthly New Resident Coffee will be at 10:30 a.m. on Wednesday, April 6 at the Mason Community Center. The coffee is being hosted by Community Basket representative Courtney Allen and is sponsored by the City of Mason and the Northeast Cincinnati Chamber of Commerce.

► The Community Center will offer a Spring Group Fitness Extravaganza and Open House on Saturday, April 9. The Spring Group Fitness Extravaganza will be held from 8:00a.m.-12:00 p.m. and will feature some new fitness classes along with some of the current favorites. That day the Center will also host an Open House from 7:00 a.m. – 9:00 p.m. for anyone interested in learning more about the facility. Those interested can take a tour and participate in programs and activities offered that day. Anyone who joins as a new member during the day of the Open House will receive their first month membership free.

► The Community Center will host the Second Shop Local Event on Wednesday, April 20 from 11:30 a.m.-1:00 p.m. and 5:00 p.m.-7:00 p.m. The City has mailed out numerous applications for this event to local merchants and home sales representatives and has 11 different merchants or home sales representatives participating. The event will be held in the entrance and along Main Street of the Center and the public is invited.

► Registration has opened for summer camps at Mason Community Center. Activities are available for children from 3 to 15 years old. Interested parents can register their children online at www.imaginemason.org or call the Community Center at 229-8555.

► Fishing passes for Pine Hill Lakes Park are now on sale at Mason Community Center whenever the center is open. Both day passes and season passes are available. Children 10 and under do not need a pass. Community Center Premier members receive a discount on season passes.

► Mason City income taxes must be postmarked or dropped in the city drop box no later than Monday, April 18, 2011. City of Mason residents have two options for receiving help with their city tax returns. Residents can use the city's online tax tool to calculate their city income taxes by visiting www.imaginemason.org/residents. In addition, the Tax Office will be glad to answer questions or complete Mason tax forms, free of charge, during regular business hours or during extended hours. The Tax Office is open from 8 a.m. to 4:30 p.m., Monday through Friday. The office will also be open from 8 a.m. to noon on Saturday, April 9, and will stay open until 7:00 p.m. on Thursday, April 14, and Friday, April 15. For those planning to mail their federal or state returns at the postal unit in the Mason Community Center please note that the mail is picked up at 3 p.m. on weekdays. Letters and packages mailed after 3 p.m. will be postmarked the next regular business date.

► The twentieth annual Earth Day celebration will be held on Friday, April 22 at 12:00 pm at the Pine Hill Lakes Park.

COMMITTEE REPORTS

Councilmember Gilb reported the Golf Course Committee is not renewing the current contract with RMS for management of the golf course. The committee has met with Mr. Ashworth to present a new business model for golf course operations. This model identifies revenue targets that will earn incentive payments for the management company. Fixed expenses are also identified. Jeff Forbes indicated that this is a one-year contract with the potential for extensions.

Mayor Prince asked the Community Center Committee about a Community Center vendor's loss of business. Jennifer Heft explained that this vendor has requested a change in the contract which is under review. Council discussed how the location of this business could be the source of some lost revenue. Mayor Prince asked if the field house traffic could be diverted past this vendor to improve their visibility.

Councilmember Cox asked everyone to support the Fire Auxiliary Fish Fries on Fridays at Station 52.

Mayor Prince highlighted a letter received by resident Randy Potts expressing his gratitude to City Police and Fire personnel for their professionalism and coordination with crews on the scene of the Raynor Court fire. The Mayor stated that this is another example of the benefits of participating in the Northeast Fire Collaborative.

OLD AND NEW BUSINESS

RECOGNITION OF VISITORS none

EXECUTIVE SESSION: PENDING LITIGATION

A motion to adjourn into Executive Session for the purpose of discussing pending litigation was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS. TIME: 11:11 p.m.

A motion to reconvene into Regular Session was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS. TIME: 11:38 p.m.

A motion to add Ordinance 2011-36 to the agenda was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-36 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND TURNER CONSTRUCTION COMPANY IN THE AMOUNT OF \$135,277 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS

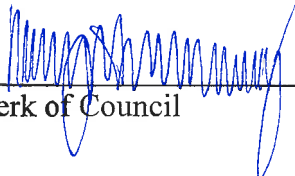
A motion to read by title only was made by Vice Mayor Nichols, seconded by Councilmember Gilb. VOTE: ALL YEAS.

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


A motion to adopt Ordinance 2011-36 was made by Vice Mayor Nichols, 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: 11:43 p.m.



Clerk of Council



Mayor