

**CITY OF MASON
COUNCIL MEETING
MAY 9, 2011**

The meeting was called to order at 7:02 p.m. Mayor Prince opened the meeting in prayer. Mason Police Honor Guard presented the colors and led all those present in the Pledge of Allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the April 25, 2011 Council Meeting Minutes was made by Vice Mayor Nichols, seconded by Councilmember Gilb. VOTE: 4 YEAS, 1 ABSTAIN (Nichols).

PRESENTATION BY OHIO SECRETARY OF STATE JON HUSTED – 2010 CENSUS

Mayor Prince introduced Ohio Secretary of State Jon Husted. Secretary Husted stated that the City of Mason is one of the fastest growing cities in the State of Ohio. The 2010 Census reports Mason's population at 30,712 compared to the 2000 Census population of 22,016. The Mason City School District ranks 5th in the State, with Warren County the 2nd fastest growing county in Ohio. The Secretary presented a Proclamation Plaque to Mayor Prince and congratulated the City of Mason for all its success.

PRESENTATION OF MASON POLICE DEPARTMENT AWARDS

Chief Ron Ferrell presented the Mason Police Department's Medal of Valor to Officer Derek Bauman for injuries suffered while apprehending a felony suspect.

Officers Craig Kline and Jamie Van Wagner received Mason Police Department's Life Saving Award for administering CPR and the revival on the scene of a young female.

Officer Steve Temple was awarded Mason's Officer of the Year for 2010. Lieutenant Carter reported that Officer Temple exemplifies a high degree of professionalism and through his exemplary service has been nominated by his peers for this award.

The family of the late Sue Jorgensen accepted the Award of Merit for their mother's volunteer service from 2002-2010 in the Mason Police Department. Ms. Jorgensen's attention to detail, organizational skills, and level of commitment made the Mason Police Department's property room the model for which many other police departments strive. This award was presented posthumously with sincere gratitude and a deep sense of loss.

In addition to these awards, 16 Community Service awards, 8 Safe Driver awards, and 10 Length of Service awards will be presented to officers within the department.

RECOGNITION OF VISITORS

Mayor Prince asked Ohio Secretary of State Jon Husted to approach the podium and invited questions for the Secretary from the audience. Councilmember Gilb asked Secretary Husted to talk about the

new state-wide voting initiatives for Ohio. Secretary Husted stated that the first initiative celebrates the 40th anniversary of the ratification of the 26th Amendment which allowed 18 year olds the right to vote. He encouraged young people to get involved by registering to vote at www.gradsvoteohio.com. He explained that the second initiative will update the sticker given to citizens as they vote. Everyone can cast a vote for a design of their choice at www.electyoursticker.com.

Kevin Shew of 222 Van Buren Drive reported on the progress for the 4th of July Fireworks Show. He stated that 10% of the 630 Businesses sent letters have responded with 50% of those committing support. Prestige Fireworks is offering to match every dollar donated. The event needs \$8000 more in donations to keep the event alive. He indicated that the event will be scaled down from past events and he will return in June with an update.

RESOLUTION 2011-10 PROCLAIMING MAY 15-21, 2011, AS NATIONAL PUBLIC WORKS WEEK

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

Jennifer Heft said that some of the services provided by the Public Works Department include street maintenance, snow and ice removal, brush chipping, leaf pick-up, street sweeping, mowing public right-of-way, litter control, maintaining guard rails and traffic signs, street light repair, tornado sirens, vehicle maintenance, sidewalk repair, storm sewer maintenance, and catch basin restoration. She said that the Public Works Department maintains over 350 lane miles of City roads. With our brush and leaf pickup programs we gather 3,000 cubic yards of leaves and chip 2,500 cubic yards of brush each year. Most notably the Public Works Department is known for their excellent snow and ice removal services.

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 Resolution 2011-10 was made by Vice Mayor Nichols, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-37 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 0.44 ACRES LOCATED AT 135 NORTH MASON-MONTGOMERY ROAD FROM R-4 TO B-1 (FORMER FIRE STATION PROPERTY)

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

The Public Hearing was opened at 7:32 p.m.

Brian Lazor addressed Council and stated that this ordinance is for the rezoning of two parcels, totaling 0.44 acres, located at the southwest corner of Mason-Montgomery Road and Church Street (former Fire Station 51). He explained that R-4 zoning is for uses such as residential, institution, and schools whereas B-1 zoning is for business uses such as commercial, restaurants, offices, and retail. Planning Commission recommends the rezoning of this property based on several findings including that it is consistent with the Comprehensive Plan and development patterns in downtown Mason. Staff supports

Planning Commission's recommendation and adds that the Future Land Use Map designates the property as "Community Core" which is consistent with the proposed zoning.

Dick Yost of Yost Pharmacy, 120 West Main Street, stated that he supports the rezoning of this property but believes that it should be included in the Downtown Overlay District.

Terri Shields of 3474 Broken Ridge Drive asked when a proposal for the renovation of Old Fire Station 51 could be submitted.

Beth and Thomas Stranko of 213 S. Forest Avenue stated that they would like to see more businesses in downtown Mason that would attract young professionals and families to visit downtown.

Tim Parsley of 106 West Church Street expressed his concerns regarding the traffic on Church Street and how a business would affect this. He would like to be involved in the conversation regarding the use of this property. Eric Hansen explained that staff is in the process of preparing a Request for Proposal (RFP). The process starts with advertisement of the RFP, submission of proposals and documents, and Council's consideration and evaluation of submitted proposals. Although the dates have not been determined, he expects this process to begin in June and run through the summer. At the end of this process, Council will either award an agreement or forego all proposals if they feel that none have met the requirements for the utilization of this property. Eric stated that numerous parties have expressed interest in this property and encouraged others to contact the City and a copy of the RFP will be forwarded to them when it is available.

Mark Cousineau of 5388 Conifer Drive supports the need for this property to be part of the overlay district and would like to see more businesses downtown that would turn Mason into a destination.

Katie Klahm, a Mason Middle School teacher and City of Blue Ash resident, expressed her desire for Mason's downtown to remain historic and to encourage unique locally owned businesses such as Wildflower Café to locate here. She stated that turning this property into a parking lot would not serve the community.

The Public Hearing was closed at 7:51 p.m.

Council discussed reasons why this was not proposed as part of the B-1 downtown overlay district. The B-1 overlay designation would require any proposals to take an extra step for approval for items such as the appearance of the building. Eric Hansen stated that staff felt that B-1 zoning was a good base-line step and does not preclude entering this property into the overlay district at a future date.

A motion to adopt Ordinance 2011-37 was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2011-45 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FORD DEVELOPMENT CORPORATION, IN AN AMOUNT NOT-TO-EXCEED \$7,033,085.40 FOR THE CONSTRUCTION OF THE US-42 (READING ROAD) IMPROVEMENT PROJECT

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

Richard Fair addressed Council and stated that this ordinance authorizes the City Manager to enter into a construction contract for the improvement of US-42 (Reading Road). The project consists of

widening the roadway to 5 lanes from Tylersville Road to Western Row Road and 3 lanes from Western Row Road to Butler-Warren Road. Richard stated that seven bids were received with Ford Development Co. submitting the lowest and best bid of \$7,033,085 which is \$366,000 less than the engineers estimate. He explained that Federal grant funding will cover 60% of the eligible cost up to a maximum of \$5,586,995. The City also received an additional \$978,714 in OPWC grant funding for a total of \$6,565,709 in grants for this project. He said that ODOT has agreed to allow City staff to perform construction inspection of the project saving an additional \$700,000. In addition, the City's construction management time is eligible for reimbursement up to the allocated fund amount. The City has spent \$973,655 to acquire all the right-of-way necessary for the project. Services related to engineering, environmental and right-of-way acquisition total \$971,995. Richard stated that the total for the City's portion of the project is approximately \$3.1 million. Most of these expenses have already been incurred with about \$1 million remaining to be spent. The total project cost is about \$9.6 million. He stated that Ford Development Co., also known as Trend Construction, has just completed the Mason Road Project and staff has been very happy with the work. Richard stated that work is expected to begin in early June with the anticipated completion date November 1, 2012. Two-way traffic is expected to be maintained throughout the project.

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

Councilmember Bradburn requested that signs be posted during construction indicating that the road is open.

A motion to adopt Ordinance 2011-45 was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2011-46 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO, SECTION 941.03(a) SEWER SYSTEM EXPANSION FEES, AND 941.08 (a)1. AND (b)2. RATES FOR SEWER SERVICE

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

Eric Hansen explained Ordinances 2011-46 and 47. He stated that for nearly 20 years the City has benefitted with a policy of gradual incremental adjustments to sewer rates for Mason residents and businesses. He explained that in 1993, rates had to be increased 65% at once to maintain investment in the wastewater system. Since that time, councils have consistently approved incremental adjustments to buffer residents from that type of rate shock. Eric stated that the last rate study was conducted in 2003, and as a result of that study, the following rate increases were adopted: 5% for 2005 and 2006; 3% for 2007 through 2009. Later in 2003 Council implemented a summer sewer credit to help residents during the summer months and authorized an 8% sewer rate increase. In 2006 that summer sewer credit was expanded to include additional summer months. While the modification did have a \$720,000 impact on revenues, rates were not adjusted to offset the loss of revenue. Eric stated that 2009 was the last scheduled rate increase and that presently the wastewater utility is unable to meet the required debt coverage ratio of 120%. He explained that the ratio provides for 100% to meet debt requirements and 20% to allow for repairs and improvements to the system. If for any reason the rates have proved insufficient to cover the requirement, then the City is directed to commission a rate study and establish rates to meet the requirement. In the fall of 2010, Council authorized Black & Veatch to complete a comprehensive financial study of the wastewater utility along with an alternate to complete a stormwater rate study. Eric explained the efforts by the Utility Department to delay the need for a rate increase. Staff levels remained constant with the transition and current operation of the new larger

wastewater plant without any additional staff through cross training employees on both maintenance and operations and coordinating with Engineering and Building Department to assist with inspections and citywide projects. Since 2009, the City has partnered with Operator Training Committee of Ohio (OTCO), to provide additional staff at no charge to the City. Under the program OTCO pays for an intern that the City is able to utilize. The City has had three interns participate in the program since 2009 and a fourth intern is currently being sought. Last year stormwater responsibilities were placed within the Public Utilities Department to allow for consolidation and cross-training of staff and further reduce expenses. The net result of these efforts has allowed the Utilities Department to decrease operational costs by 3% - 5% annually since 2006. Eric stated that the plant is aging and by 2013 the new plant will have been in operation for 7 years. Many pieces of peripheral equipment will be at the end of their lifespan and the need for that extra 20% in capital will become apparent as this equipment is replaced.

Eric stated that the results of the financial study proposed the following rate increases for 2011 - 2016: 4.5% each year for sewer and 5.5% each year for stormwater. He stated that stormwater rates have not been increased since 2001. For an average residential customer, this is an increase of about \$2 per month for sewer and \$0.16 per month for stormwater. He explained that the proposed rate increases for sewer are a result of the unfunded summer sewer credit approved in 2006, no rate increases since 2009 and the cost of living/inflationary increases. The Utility Committee reviewed the results of the study and considered more aggressive options that would bring the sewer utility more quickly into compliance with the debt coverage ratio as well as additional options. However, the Committee ultimately decided to recommend the proposal by Black & Veatch as it had the least impact on utility customers. In addition, after 2016, the legislation authorizes Cost of Living Adjustment (COLA) increases to the sewer and stormwater rates, which is consistent with how other fees and charges enacted by the City are increased. Eric concluded by stating that the Utility Committee has reviewed and is recommending adoption of Ordinance 2011 – 46 and Ordinance 2011 - 47.

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 2011-46 was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-47 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO, SECTION 951.05(a) STORMWATER MANAGEMENT UTILITY SCHEDULE OF RATES

A motion to read by title only was made by Councilmember Bradburn, 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.

A motion to adopt Ordinance 2011-47 was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-48 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT, NOT TO EXCEED \$24,000, WITH WARREN COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR THE EDUCATION, INSPECTION AND ASSOCIATED SERVICES NECESSARY TO MEET THE NATIONAL POLLUTANT DISCHARGE ELIMINATION (NPDES) PHASE II REQUIREMENTS AND DECLARING AN EMERGENCY

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

Eric Hansen stated that this ordinance represents a productive partnership between the City and Warren County Soil and Water Conservation District (SWCD). The City enters into this annual agreement for \$24,000 and receives services in lieu of hiring a staff person to help meet NPDES requirements for stormwater inspections and educational services. SWCD has provided these services with a State match of 75 cents on the dollar. This maximizes savings to taxpayers by avoiding additional personnel costs while still meeting Ohio EPA regulations.

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 2011-48 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-49 AUTHORIZING THE CITY MANAGER TO ENTER INTO A UTILITY RELOCATION REIMBURSEMENT AGREEMENT WITH WARREN COUNTY RELATED TO THE BETHANY ROAD WIDENING PROJECT

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

Richard Fair addressed Council and explained that Warren County has designed a major reconstruction of Bethany Road between Parkside and Butler-Warren Road which will re-align the road and replace the bridge across a tributary of Muddy Creek. This ordinance authorizes an agreement with Warren County for reimbursement of costs up to a total amount of \$240,000 which will be incurred in relocation of City-owned utilities necessitated by this project. Included in these utilities are force mains to convey wastewater from the Arbor Creek Lift Station and to supply irrigation water to the Heritage Club golf course. The low bidder was John R. Jurgensen Company, with a total bid of \$7,143,145. The City's portion of that would be \$221,520, with contingencies added, the total is not to exceed \$240,000. KZF had estimated the cost of relocating City force mains at approximately \$290,000. The total amount to be reimbursed reflects a significant savings from the original estimate. This pre-bid estimate and the general scope of the project were reviewed with the Utility Committee and they are recommending Ordinance 2011 – 49 for adoption.

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.

A motion to adopt Ordinance 2011-49 was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

► City Council and members of the public are invited to attend the 2011 City of Mason Police Department Memorial Service to honor police officers fallen in the line of duty. A ceremony will be held in the Atrium of the Municipal Center on Monday, May 16 at 9:30 a.m. Guest speaker will be Ohio State Treasurer Josh Mandel.

► The St. Susanna DARE Graduation will take place on Tuesday, May 17 at 9:30 a.m. at the Meyer Center. The Mason Intermediate DARE graduation will be held on Wednesday, May 25 at 7:00 p.m. in the Mason High School Auditorium. City Council members are encouraged to attend.

► City Council has a work session scheduled for 7:00 p.m. on May 23rd in the Community Room to discuss Ordinance 2011 – 13: Approving a Conditional Use permit. The meeting is open to the public, but is not a public hearing where public comment is invited. Additionally, no formal action is anticipated as Ordinance 2011 – 13 is tabled to the regular June 13 Council meeting.

► American Legion Post #194 is hosting the Memorial Day Parade on Monday, May 30. The parade will form at Post #194 on Reading Road at 9:00 a.m. The parade will begin at 10:00 a.m. The Mason Veterans Memorial Committee is planning a pre-parade event at the memorial beginning at 8:30 a.m. Details on speakers, music and color guard are being finalized.

► Women's Health Fair will take place at the Community Center on Wednesday, May 11. Vendors, dieticians, trainers, and free informational and interactive booths focusing on women's health issues will be located along Main Street at the Center. The Mason Fire Department will also be on hand to provide free blood pressure checks. Tri-Health, Bethesda, and GHA will also be providing services. At noon, a luncheon and presentation will be held in Activity Room B, where Kathy Haugen, TriHealth Corporate Registered Dietician will present "Five Health Tips Women Should Know". Those interested in participating in the event can register online at imaginemason.org or by contacting the Community Center at 229-8555.

► Wednesday, May 25 is National Senior Health and Fitness Day. To show appreciation for area seniors the Center will offer free admission to the Center and drop-in fitness classes, for everyone ages 55 and older. Any senior who signs up for a membership that day will receive 20% off their first 6 months of membership. Seniors visiting the Center that day can also sign up for a free fitness orientation. From 9:00 a.m. – 2:00 p.m. the Center will have activities planned just for the seniors.

► The Community Center will be holding a 5K run/walk in the park on Sunday, June 5th called *Mason Community Center Run and Sun*. Race begins at 9am with a post-race pool party in the outdoor pool. There will be a variety of vendors and activities including massages provided by TriHealth to stretch participants out. Contact the Community Center to register.

Mayor Prince commented that the early morning service prior to the Memorial Day Parade will be held from 8:30 to 9:15 at the Mason Veterans Memorial. A continental breakfast will be served at this event.

COMMITTEE REPORTS

Councilmember Gilb reported that the Golf Course Committee will be meeting this week to formalize the proposal for the golf course new business model. Discussions continue with current golf course management regarding their willingness to serve the City under this new model.

OLD AND NEW BUSINESS

Councilmember Bradburn discussed Governor Kasich's visit to Rhinestahl in Mason.

RECOGNITION OF VISITORS none

EXECUTIVE SESSION: LAND ACQUISITION/PERSONNEL

A motion to adjourn into Executive Session for the purpose of discussing land acquisition and personnel was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 8:25 p.m.

A motion to reconvene into Regular Session was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 9:12 p.m.

ORDINANCE 2011-50 AUTHORIZING THE CITY MANAGER TO CONVEY THE REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SIDWELL 15054030050 ON READING ROAD APPROXIMATELY 1.2 ACRES TO THE MASON PORT AUTHORITY

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.

A motion to adopt Ordinance 2011-50 was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-51 AUTHORIZING THE CITY MANAGER TO ACQUIRE APPROXIMATELY 3.4 ACRES OF PROPERTY AT A PRICE NOT TO EXCEED \$120,000.00 AND DECLARING AN EMERGENCY

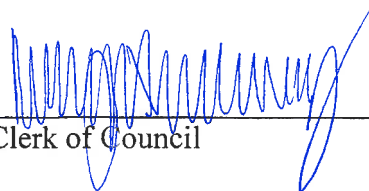
A motion to read by title only was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

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

A motion to adopt Ordinance 2011-51 was made by Councilmember Gilb, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Vice Mayor Nichols. VOTE: ALL YEAS. TIME: 9:15 p.m.



Clerk of Council



Mayor