

**CITY OF MASON  
COUNCIL MEETING  
OCTOBER 10, 2011**

The meeting was called to order at 7:10 p.m. Chaplain Edmund DeArco opened the meeting in prayer. Boy Scout Troop 750 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, Charlene Pelfrey, and Don Prince. Christine Shimrock and David Nichols were absent.

**APPROVAL OF MINUTES**

Councilmember Gilb proposed an amendment to the September 12, 2011 minutes. On page two under Ordinance 2011-13 he felt that the description of the enhanced vapor recovery system should include "as mandated by California standards". Councilmember Pelfrey stated that the addition of this type of system was critical in her decision and feels that a California enhanced system would provide an extra barrier to the residents and their fears regarding benzene. She stated that adding "California" to the vapor recovery system would further define what Council's intention was. Mayor Prince stated that making this more specific is a good thing.

A motion to amend the September 12, 2011 Council Meeting Minutes by including "as mandated by California standards" to the additional condition of enhanced vapor recovery equipment in Ordinance 2011-13 was made by Councilmember Gilb, seconded by Councilmember Pelfrey. VOTE: 4 YEAS, 1 ABSTAIN (Cox).

A motion to approve the September 12, 2011 Council Meeting Minutes as amended was made by Councilmember Pelfrey, seconded by Councilmember Gilb. VOTE: 4 YEAS, 1 ABSTAIN (Cox).

A motion to approve the September 26, 2011 Council Meeting Minutes was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

**RECOGNITION OF CAROL HACKNEY OF MASON SERVES**

Carol Hackney of 5417 Wheatmore Court announced that on Saturday, November 12 from 8:30 until noon, Mason Serves will hold its 3<sup>rd</sup> annual event serving community residents in need of assistance. Last year over 250 volunteers served the homes of 40 Mason residents and she thanked the City, businesses, and community for their support. Carol encouraged Councilmembers to participate again this year by recruiting volunteers and working as team leaders.

**RECOGNITION OF BRENT LAWYER, EXECUTIVE DIRECTOR OF MENTAL HEALTH RECOVERY SERVICES**

Brent Lawyer explained the Mental Health and Recovery renewal levy on November 8<sup>th</sup>'s ballot. He stated that 95 cents of every tax dollar is spent on direct services. And despite state budget cuts, MHRS is able to serve more people without cutting services. This levy will cost no new money and serves the specific mental health needs of this community. Some of the services they provide include

a 24-hour hotline, school crisis response team, and working with police and fire personnel. He encouraged everyone to vote yes on the renewal tax levy for mental health recovery services.

**RECOGNITION BY SCOTT PIERCE OF FESTIVALS OF MASON: FLOAT/BICYCLE DÉCOR AWARD WINNERS**

Scott Pierce, President of Festivals of Mason, Inc., stated that the Mason Heritage & Bicycle Festival was a success while operating with a reduced budget. He announced that Christmas in Mason will be held on the first Friday of December. The festivities will begin with the “Santa Paws” parade. He invited all to visit the website [www.festivalsofmason.com](http://www.festivalsofmason.com) for information on this event and to view the many sponsors that make these events possible. He reported that the Festivals of Mason committee has completed their budget and expects to carry over \$2000 into 2012. Scott Pierce and Mayor Prince presented the following awards from the Mason Heritage and Bicycle Festival:

Boy Scout Troop 750 – David Lyon Grand Prize in the Float Competition  
TNT Tumble Cheer & Dance – 2<sup>nd</sup> Place Prize in the Float Competition  
American Heritage Girls Troop 3124, Rachel Berry – Best Decorated Bicycle  
Rat Riders - Best Old Bicycle  
Rat Riders - Best Vintage Bicycle

**SWEARING IN OF FIRE FIGHTER JOHN LUKE BURKHART**

Mayor Prince swore in John Burkhart and welcomed him to the Mason Fire Department. Chief John Moore spoke about Fire Prevention Week and stated that they will be participating in events throughout the community including fire prevention talks, distributing literature, checking and installing smoke detectors in Olympia Fields and the Meadows, and hosting open houses in each of the Fire Stations on Saturday, October 15 from 10 am – 6 pm. He stated that in 35 years the number of fire related deaths have fallen from 8-9,000 per year to 2200 per year. This reduction can be attributed to the use of properly working smoke detectors.

**RESOLUTION 2011-15 PROCLAIMING THE WEEK OF OCTOBER 9-15, 2011 AS NATIONAL FIRE PREVENTION WEEK**

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

A motion to adopt Resolution 2011-15 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS.

**RECOGNITION OF VISITORS**

Ginny Sundin of 108 E. North Street announced the Mason Community Band will have a free patriotic concert on Sunday, November 13, 2011 at 7:30 pm at Mason Middle School. The performance will be “Honoring our Freedom Keepers”.

**ORDINANCE 2011-86 ENACTING A CODE OF ORDINANCES FOR THE CITY OF MASON REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY**

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

Mayor Prince announced that the second reading will be on October 24, 2011.

**ORDINANCE 2011-87 ACCEPTING THE LOW BID FOR THE WEST CHURCH STREET STORMWATER IMPROVEMENT PROJECT FROM FORD DEVELOPMENT CORP. AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY**

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

Richard Fair addressed Council and stated that in order to address concerns with runoff water damaging homes, in 2008 City Council authorized an agreement committing to installation of storm sewers on West Church Street no later than December 31, 2011. He explained that the project includes the installation of a new storm sewer system from Frank Street and Burke Drive along Church Street to Forest Avenue into an existing drainage swale along the existing railroad. The street in this area does not have curb and gutter. Richard stated that this is the second major storm sewer project in the area in the last five years. He explained that there was a delay to the project as it was necessary for Duke Energy to relocate some gas main and gas service connections. In addition, the plans were changed to include the relocation of some water main and water service connections owned by GCWW. Richard stated that the project was designed and advertised on September 15, 2011 and that seven bids were received. Ford Development Corporation was the best and lowest bidder at \$189,896.90. Ford has completed several successful projects throughout Mason over the years including Mason Road and is currently working on the US 42 Road Widening Project. Staff is very satisfied with both past and present work. He said that in order to comply with the agreement and ensure that construction is substantially complete by December 31, 2011, an emergency clause has been added. The 2011 Budget included \$150,000 for this project, but did not include the unanticipated utility relocation work.

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 2011-87 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

**ORDINANCE 2011-88 REJECTING ALL BIDS OPENED ON SEPTEMBER 6, 2011, FOR EVERYBODY'S FARM IMPROVEMENT PROJECT**

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

Eric Hansen asked to address the next five ordinances at once since they are all related to the same item. He explained Tax Increment Financing (T.I.F.) is a funding mechanism that the City uses to encourage new development. Eric stated that Everybody's Farm is a commercial/office mixed-use development which contains approximately 9.45 acres of land at the southwest corner of Tylersville Road and Snider Road. Earlier this year, the property was rezoned from R-6 and B-2 to Business PUD. Two public roads (Sound Wave Drive and Radio Way) are planned through the development to connect with Tylersville, Snider and future development to the west and south. He stated that there are five lots with the two lots north of Sound Wave Drive anticipated to be restaurant uses and the remaining three to be offices. Known tenants at this time are a Marion's Pizza on lot 3 and a 9,000 square foot medical office on lot 6. Eric stated that on September 6, bids were opened for the Everybody's Farm Improvement Project. A dozen bid packages were purchased, however, only one bid was received. Staff investigated the lack of interest and determined that the aggressive completion date of December 14, 2011 along with the landscaping package was problematic for potential bidders. In order to address these issues, staff made several revisions to the construction documents including moving the completion date to June 1, 2012. He said that on October 4th, the re-bids for this project were received with an increased bidder turnout and lower bid amounts. The best and lowest bidder was Diggitt Excavating, Inc. Eric explained that although Diggitt Excavating has not worked with the City of Mason before, references checked were favorable. Their bid amount includes alternates which may be exercised. Eric stated that Ordinance 2011 - 88 is to reject the bid received on September 6 and Ordinance 2011 - 89 authorizes a construction contract in the amount of \$1,309,125, with Diggitt Excavating Inc for the Everybody's Farm Improvement Project. Eric stated that Ordinance 2011 - 90 provides for a vacation plat of an existing public drainage easement that was established back when Tylersville Road was widened and is no longer necessary. He explained that vacating this plat will allow for the development to move forward. Eric stated that Ordinance 2011 - 91 authorizes the final plat which will dedicate the public roadways and easements as well as establishing the lots and plan. Eric stated that Ordinance 2011 - 92 authorizes \$1.75 million of TIF revenue bonds to be used toward construction of all or a portion of the designated public improvements. This is the funding mechanism where the City acts as a conduit for the financing. The revenue bonds will be paid from the incremental increase in property taxes from the TIF district, which was authorized with Ordinance 2011 - 61 earlier this year. The revenue bonds are backed by personal and corporate repayment guarantees of the developer and do not affect the City's full faith and credit. The benefits to the City are that the public improvements are accelerated and new business is incentivized creating new jobs and revenue for the City.

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

A motion to adopt Ordinance 2011-88 was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

**ORDINANCE 2011-89 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DIGGIT EXCAVATING, INC. FOR EVERYBODY'S FARM IMPROVEMENT PROJECT 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.

Councilmember Gilb inquired as to the difference in the amount on this contract and the T.I.F. bonds. Eric Hansen explained that the contract with Diggitt is only a portion of the project, landscaping will be bid out at a later date. Councilmember Pelfrey expressed her concern with the project dates being so close to the holiday season. Andy Scott, Project Manager with Bunnell Hill Development, stated that they will try to minimize the negative impact on existing business in the area.

A motion to adopt Ordinance 2011-89 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

**ORDINANCE 2011-90 APPROVAL OF THE VACATION PLAT FOR EVERYBODY'S FARM PUD**

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 Cox. VOTE: ALL YEAS.

A motion to adopt Ordinance 2011-90 was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

**ORDINANCE 2011-91 APPROVAL OF THE FINAL PLAT FOR EVERYBODY'S FARM PUD AND DECLARING AN EMERGENCY**

A motion to read by title only was made by Councilmember Pelfrey, 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 2011-91 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2011-92 PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,750,000 OF TAX INCREMENT FINANCING REVENUE BONDS (EVERYBODY'S FARM PROJECT) OF THE CITY OF MASON, COUNTY OF WARREN, STATE OF OHIO, UNDER SECTION 5709.40 ET SEQ. OF THE OHIO REVISED CODE FOR THE PURPOSE OF PAYING THE COST OF CERTAIN PUBLIC IMPROVEMENTS; AUTHORIZING A PLEDGE OF AND LIEN ON CERTAIN SERVICE PAYMENTS TO SECURE SUCH BONDS; AND AUTHORIZING A SERVICE AGREEMENT SECURING SUCH BONDS**

Mayor Prince explained that this Ordinance requires a vote by at least six members to read by title only and to allow for adoption after the first reading. With only five members present tonight, Council needs to decide between tabling this ordinance to the next meeting or reading it tonight in its entirety. Council discussed these options with input from the City Manager and Law Director.

A motion to read the entire Ordinance and move this reading to the end of the agenda, before adjourning into executive session, was made by Councilmember Pelfrey, seconded by Councilmember Gilb. VOTE: ALL YEAS.

The entire Ordinance was read later in the meeting by Jeff Forbes. The second reading will be October 24, 2011.

**ORDINANCE 2011-93 AUTHORIZING CONTINUED PARTICIPATION IN THE AMENDED AND RESTATED WARREN COUNTY DRUG TASK FORCE COUNCIL OF GOVERNMENTS CONTRACT**

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

Eric Hansen stated that the City has been an active member of the Drug Task Force since its inception in 1991. This Ordinance authorizes the City to enter into an updated agreement with the Task Force. The attached agreement has not changed in substance, but is an update of the membership roster.

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 2011-93 was made by Councilmember Cox, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

**CITY MANAGER'S REPORT**

► The Northeast Cincinnati Chamber of Commerce's annual Dinner will be held Tuesday, October 12 at the Manor House beginning at 6:00 p.m.

► Meet the Candidates Night will be held on Tuesday, October 18 beginning at 6:00 p.m. at Cedar Village.

► The next meeting of the WCML will be held on Wednesday, October 19 beginning at 6:00 p.m. at Shaker Run Golf Course. This meeting will be the annual update for the Law Directors representing Warren County municipalities. Please let Joan know if you plan to attend.

► Warren County Solid Waste District will be conducting a Computer Recycling event on Saturday, October 22 from 9 a.m. until noon at the Mason Municipal Building.

► The American Spirit Education Alliance will host the First Annual "Patriot Fair: Celebrating the Constitution, Founders and Petticoat Patriots" on October 29 from 9:00 a.m. – 6:00 p.m. at the Municipal Center and Memorial Park.

► As part of the City's partnership with the Children's Theater of Mason, the Theater is providing 76 tickets to the production of "Cats" the weekend of October 22-23. The tickets will be distributed to children participating in the Parent Night Out program on October 14. In exchange, Symbiosis is promoting the "Cats" production with a display and merchandise for sale.

► Mason Community Center is hosting a Wellness Expo on October 12 from 7-11 am and from 5-8 pm. with information on improving health and wellness. A variety of presentations and 30 exposition vendors are scheduled for this free family-friendly event.

► Live Well in Mason, a partnership between Mason Community Center and Group Health Associates (GHA) is pleased to make flu shots available for members age 14 and older, on October 12, from 6:00-11:00 a.m. and 3:00-7:00 pm. The cost is \$25. Please bring your insurance information if you wish to have the amount billed directly to insurance. Please contact the Community Center at 229-8555 for more information or questions.

► Through a new partnership with TriHealth's Pavilion Spa, massage therapy services will be offered at the Mason Community Center beginning October 11. Enjoy a relaxing massage on Tuesdays between 2 and 6 p.m. or on Thursdays between 8 a.m. and noon. To schedule a massage, please contact the Community Center.

► The Community Center is holding a free open house on Saturday, October 22 from 8 a.m. to 8 p.m. A variety of events are planned including a ZUMBathon, Fall Festival, Volunteer Fair, and other activities. Memberships purchased on the day of the open house receive 50% off the administrative fee.

#### **COMMITTEE REPORTS** none

#### **OLD AND NEW BUSINESS**

Councilmember Gilb thanked Council for the opportunity to participate in Warren County Leadership. He was able to see different governmental systems and services in place throughout the County and available to Warren County residents.

#### **RECOGNITION OF VISITORS**

Ginny Sundin of 108 E. North Street stated that the Sycamore Community Band will also be performing at the Patriotic Concert on November 13. They have around 60 musicians. She also invited students to attend Thursday's Park Board meeting at 7:00 p.m.

#### **EXECUTIVE SESSION: PERSONNEL/LAND ACQUISITION/PENDING LITIGATION**

A motion to adjourn into Executive Session for the purpose of discussing personnel, land acquisition, and pending litigation was made by Councilmember Bradburn, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 8:38 p.m.

A motion to reconvene into Regular Session was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 9:55 p.m.

**ORDINANCE 2011-94 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND TRANE CORPORATION CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$40,000 FOR THE INSTALLATION OF VARIABLE AIR VOLUME (VAV) EQUIPMENT IN THE MASON COMMUNITY CENTER TENANT SPACE AND DECLARING AN EMERGENCY**

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 Pelfrey. VOTE: ALL YEAS.

A motion to adopt Ordinance 2011-94 was made by Councilmember Pelfrey, seconded by Councilmember Gilb. VOTE: ALL YEAS.

**ORDINANCE 2011-95 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH ASSURERX HEALTH, INC. AND DECLARING AN EMERGENCY**

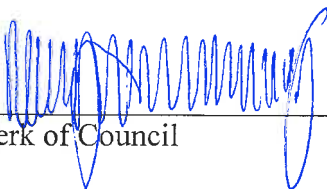
A motion to read by title only was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.


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

A motion to adopt Ordinance 2011-95 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ADJOURN**

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS. TIME: 9:57 p.m.

  
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Clerk of Council

  
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Mayor