

**CITY OF MASON
COUNCIL MEETING
MAY 14, 2012**

The meeting was called to order at 7:00 p.m. Chaplain Rick Huff opened the meeting in prayer. The Mason Police Honor Guard presented the Colors and all those present recited the Pledge of Allegiance.

ATTENDANCE

The following members of Council were present: Victor Kidd, Barbara Spaeth, Rich Cox, Tom Grossmann, Charlene Pelfrey, Don Prince, and David Nichols.

APPROVAL OF MINUTES

A motion to approve the April 23, 2012 Council Meeting Minutes was made by Vice Mayor Kidd, seconded by Councilmember Spaeth. VOTE: 6 YEAS, 1 ABSTAIN (Prince).

A motion to approve the May 8, 2012 Council Work Session Minutes was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

PRESENTATION OF MASON POLICE DEPARTMENT 2011 AWARDS

Chief Ferrell stated that four years ago the Police Department began issuing some of the more significant awards to Officers who have done heroic acts, Officer of the Year, and citizen awards at a Council meeting to publicly recognize individuals selected to receive awards. He introduced Lieutenant Mikel Carter, police award coordinator, and asked Mayor Nichols to please join him in presenting the awards to each recipient.

Officer Jamie Van Wagner received the Mason Police Department's Life Saving Award for her assistance administering CPR at the scene of a reported drug overdose.

Detective Troy Nelson was awarded Mason Police Department's Officer of the Year for 2011. Lt. Carter reported that Detective Nelson exemplifies a high degree of professionalism and through his exemplary service has been nominated by his peers for this award.

Lt. Carter stated that the Civilian Certificate of Merit is awarded to Mr. Nathan Webster for his assistance in locating and apprehending a suspect stealing items out of cars. Mr. Gary Parrish also received the Civilian Certificate of Merit for his actions in reporting criminal activity in a Mason Park which led to the apprehension of the suspect.

Lt. Carter asked all to please stand for the recipient of the citizen's certificate of honor, which is the highest honor bestowed on a citizen. On Saturday, November 12, 2011 Mr. Jeffrey Greer distinguished himself with honor. On that date Mr. Jeffrey Greer was a part of a community service activity when he witnessed a vicious dog attack on an individual. Without hesitation and regard for his personal safety, Mr. Greer forcibly got the dog off of his victim and held it down

until further help arrived. In so doing, Mr. Jeffrey Greer suffered multiple dog bites himself. Although the injuries to the victim were severe, the quick and selfless action of Mr. Jeffrey Greer undoubtedly saved the victim's life. Due to Mr. Jeffrey Greer's honorable act of bravery, he has earned the respect of the entire City of Mason community and is hereby awarded this citizen's certificate of honor.

RECOGNITION OF DENISE WATERMAN OF THE AMERICAN SPIRIT EDUCATION ALLIANCE

Denise Waterman, President of the American Spirit Education Alliance distributed a draft version of the 2012 event flyer and a program from the 2011 event. The Patriot Fair is an opportunity to educate through living history demonstrations and hands-on activities. She stated that this year's event will be very similar to last year's event with some additional artisans and presenters, including two from Colonial Williamsburg. The event coordinators are requesting City support again this year by providing some services and use of City facilities. Eric Hansen described the proposed City participation. The value of these in-kind services is estimated at \$3605.

Council discussed the quality of last year's event, the importance of history education, and expressed their support.

A motion to approve the City's participation in the Patriot Fair event, as written in the memo, with flexibility as needed was made by Councilmember Prince, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

RECOGNITION OF VISITORS

None.

RESOLUTION 2012-12 PROCLAIMING JULY AS NATIONAL PARKS & RECREATION MONTH

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

Richard Fair addressed Council and stated that the National Recreation and Park Association designates the month of July as "Parks & Recreation Month" to recognize the importance of our nation's parks and recreation facilities. Richard explained that Mason City Council has committed significant financial resources to improve and increase recreational facilities and programs for Mason residents. As a result, the City maintains 300 acres of parkland in seven parks, which contain facilities for many active sports, playgrounds, picnic areas, natural areas, and fishing; in addition to the Lou Eves Municipal Pool and the Mason Community Center. He stated that the Parks & Recreation Department provides many activities for residents of all ages including camps, special events, nature programs, volunteer opportunities, aquatic programs, adult and senior programming, fitness and wellness programs, and many others. The Department continues to pursue activities and events to meet residents' recreational needs, focusing on

wellness for all Mason residents.

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 Resolution 2012-12 was made by Councilmember Prince, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2012-35 AUTHORIZING PAYMENT OF \$2,500 TO THE NORTHEAST CINCINNATI CHAMBER OF COMMERCE (NECC) FOR THE POWER OF PARTNERSHIP (POP) SILVER PARTNER PROGRAM MEMBERSHIP

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

Eric Hansen explained that over the past few years, City Council has authorized participation in NECC's Power of Partnership Program. The City receives benefits at this membership level, including attendance at events supporting the local business community. Eric stated that in 2011, due to economic conditions of the City, the Finance Committee limited the contributions for 2011 to half of what had previously been sought. Therefore, the City's financial contribution last year was \$2,500 for participation in this program. He stated that during the 2012 Budget process, the Chamber requested the City's continued participation and the Finance Committee recommended continuing at the \$2,500 level.

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

A motion to adopt Ordinance 2012-35 was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2012-36 AUTHORIZING A CONTRIBUTION OF \$5000 FOR THE WARREN COUNTY 9/11 MEMORIAL

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

Jennifer Heft addressed Council and stated that on Tuesday, May 1, the Veterans Committee met with Chief Deputy John Newsom, from the Warren County Sheriff's Office regarding the development of a 9/11 Memorial in Warren County. She explained that the concept originally conceived by Turtlecreek Township firefighter Tim Klenk and supported by the Warren County Fire Chief's Association and Warren County Police Chief's Association will honor the 343 firefighters, 61 police officers and Warren County residents Wendy Faulkner and Robert Peraza, who died at the World Trade Center on September 11, 2001. She said that the memorial, estimated to cost \$250,000, includes two 9-foot towers of granite, a piece of steel cut from the remnants of the World Trade Center towers, commemorative sculptures, a flag pole, accent lightning, and inscribed benches. The 9/11 Memorial will be located on Justice Drive in Lebanon

in front of the Court of Common Pleas Building and constructed along the “Memorial Walk” connecting each of five memorial monuments together on the site. Jennifer stated that the Veterans Committee of City Council met to review this request. Other Warren County communities such as Lebanon and Springboro are contributing \$5000 to the effort and the Committee felt that they while there are working on a memorial to be located within the City of Mason, they would also recommend participating in the County effort at the \$5000 amount.

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

Councilmember Grossmann raised questions regarding the support of another memorial outside the City’s jurisdiction and the need for the City to adhere to a standard when considering contributions to outside organizations. Council discussed the importance of supporting a memorial within our county which honors the sacrifice of those lost on 9/11. The suggested contribution of \$5000 is a “city level”, with the majority of funds expected to be raised through private and corporate donations.

Vice Mayor Kidd left the meeting at 7:33 p.m. during Council discussion.

A motion to adopt Ordinance 2012-36 was made by Councilmember Pelfrey, seconded by Councilmember Spaeth. VOTE: 4 YEAS, 2 NAYS (Cox and Grossmann)

ORDINANCE 2012-37 VACATING APPROXIMATELY 0.090 ACRES OF INNOVATION WAY TO INTELLIGRATED HEADQUARTERS LLC

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

Richard Fair addressed Council and stated that he would be discussing both Ordinance 2012-37 and Ordinance 2012-38 together. He explained that Intelligrated is located on lot 17 at the northwest corner of Innovation Way and Socialville Fosters Road. Innovation Way was originally platted and constructed as a cul-de-sac street. Later, it was converted to a through street which now intersects with Socialville Fosters Road. Ordinance 2012-37 will vacate the remaining right of way from the old cul-de-sac. Richard explained that Ordinance 2012-38 will dedicate 15’ of right-of-way along Innovation Way from Intelligrated’s north property line to Socialville Fosters Road. An additional 15’ of easement adjacent will be dedicated for grading and utilities and the three lots consolidated into one. Richard stated that Planning Commission recommends approval of the vacation plat and replat contingent on three minor additions to the final plat.

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

Richard Fair responded to Councilmember Cox’s question by stating that the purpose for consolidating the lots into one is conformity to the building code which does not allow a building to be built over property lines and separation from the property line for fire reasons.

A motion to adopt Ordinance 2012-37 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2012-38 APPROVAL OF THE REPLAT FOR PART LOT 6, LOT 7 AND LOT 15 OF THE KINGS ISLAND TECHNICAL CENTER BLOCK "B" (INTELLIGRATED)

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

A motion to adopt Ordinance 2012-38 was made by Councilmember Spaeth, seconded by Councilmember Cox. VOTE: ALL YEAS.

RESOLUTION 2012-13 REQUESTING INFORMATION FROM COUNTY AUDITOR FOR PURPOSES OF EVALUATING AND LEVYING A TAX EXCEEDING THE 10-MILL LIMITATION AND DECLARING AN EMERGENCY (5.0 REPLACEMENT)

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

Eric Hansen addressed both Resolution 2012-13 and Ordinance 2012-39 together. He explained that the resolution requests information from the County Auditor for the purpose of evaluating and levying a 5-mill levy on the November ballot specific to fire funding. The ordinance is a first reading proposing a five-year five-mill replacement for Fire and Emergency Services be submitted to voters. A second reading of this ordinance is scheduled for the June 11th Council meeting. Eric explained that the need for fire funding has been precipitated by losses in revenue. He explained that the last millage approved in 2008 actually reduced expected revenues by about \$1 million/year. State funding was reduced by approximately \$700,000/year due to the State redirecting local property tax collected, which in the past were directed to fund fire, back to the State. The State also halted a reimbursement schedule for an additional \$2 million loss over the next five years. The Fire Fund is experiencing a \$300,000/year loss in interest income, due to decreased interest rates. Eric explained that fire funding is approximately \$5-6 million/year and cannot sustain these types of losses on the revenue side without a dramatic action on the other side. He stated that a year ago Council was faced with this dilemma but decided to not go out after millage at that time because they understood that it was a difficult economy and did not want to increase the tax burden on Mason residents and businesses. Fortunately there is a balance in the fire fund due to Council's management of the fund over many years and Council decided to use balances to maintain fire services and fill the gap left by the state and the previous levy. He explained that over the past several months, the issue has been discussed repeatedly by the Safety Committee and Finance Committee as well as at several worksessions of Council. As a result of those discussions, it is recommended to place a 5-mill replacement levy on the November ballot. He stated that a 5-mill replacement by itself is not adequate to continue

current levels of fire service, fund the projected capital replacements needed over the next five years and retain an adequate fund balance. However, a 5-mill levy is consistent with past levies and provides for current operations while consuming reserve fund balances. He explained that this will require increased reliance upon the General Fund for capital improvement purchases, and is intended to secure funding while more long-term sustainable alternatives for funding the Fire Department are explored during this difficult economic climate.

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 Resolution 2012-13 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2012-39 1st READING PROPOSING A 5.0 MILL REPLACEMENT LEVY FOR FIRE AND EMERGENCY SERVICES AS SET OUT IN OHIO REVISED CODE SECTION 5705.19(I) TO BE SUBMITTED TO THE ELECTORS

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

Council discussed Councilmember Grossmann’s proposal of an alternate “hybrid” tax in order to fund fire service. Council asked to see this proposal in writing for their consideration. Council expressed the need for uncomplicated ballot language, deadline requirements for placement on the November ballot, and the importance of educating the voters. Councilmember Grossmann stated that he has been working with Jeff Forbes and that they would have a written proposal for Council to consider at the June meeting.

CITY MANAGER’S REPORT

- ▶ The next scheduled Council meeting is on Monday, June 11 at 7:00 p.m.
- ▶ May 28th is Memorial Day. In advance of the traditional parade that begins at 10:00 a.m. there will be an event at the Mason Veterans memorial from 8:00 – 9:00 am. 2nd District Congressional candidate and Iraqi War Veteran Brad Wenstrup will be speaking and the Master’s Men Chorus of Christ Church will perform. The public is invited to attend and admire the newly spruced up Memorial.
- ▶ Active military personnel and veterans are invited to enjoy the Mason Community Center for free Saturday, May 26 – Monday, May 28. The Community Center will also offer a 20% discount off the membership rate and waive the first month’s fee for any new Premier or Basic membership purchased from May 26 through May 28 by active military personnel or veterans and their immediate families. An active pass holder who is active military or a veteran may receive 10 free guest passes to show appreciation for their service and patronage.

▶ If someone in your family is serving in the armed forces, or served in the past, the City would like to recognize them by placing their photo on the honor roll at Mason Community Center in time for Memorial Day.

▶ The Lou Eves Municipal Pool will open for the season for weekends only May 26 to May 28-Memorial Day weekend. The pool will open daily beginning June 9.

▶ A motion to not request a hearing for a D5, D6 liquor permit transfer for Crooked Tree Golf Course was made by Councilmember Cox, seconded by Councilmember Grossmann.
VOTE: 5 YEAS (Pelfrey absent for the vote).

▶ Mark your calendars. Australian Rules Football returns to Mason this year on October 12-14. The City is working with the event coordinators to provide activities for Premier members of the Community Center.

COMMITTEE REPORTS

Councilmember Spaeth reported on the Run, Walk, and Roll event which is the major fundraiser for the Common Grounds Playground. She also reported on the outdoor pool and swim program.

OLD AND NEW BUSINESS

Councilmember Cox stated that the Golf Center's menu has been expanded. He also said that a resident reported that a ditch impedes handicap accessibility to the #2 field at Heritage Oak Park.

Mayor Nichols announced that the American Legion has donated a large American flag to be hung in the atrium of the Municipal Center. He also reported that it was an honor to attend the Mitsubishi 25th anniversary event. Mitsubishi led the business growth in Mason and the company sets the gold standard in community involvement.

Councilmember Pelfrey and Councilmember Prince discussed upcoming Memorial Day events and Council participation in those events.

RECOGNITION OF VISITORS

None.

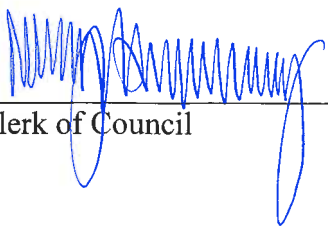
EXECUTIVE SESSION: LITIGATION AND PROPERTY ACQUISITION

A motion to adjourn into Executive Session for the purpose of discussing litigation and property acquisition was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 8:45 p.m.

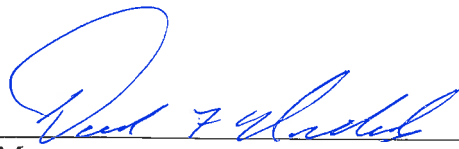
A motion to reconvene into Regular Session was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 9:35 p.m.

ADJOURN

A motion to adjourn was made by Councilmember Prince, seconded by Councilmember Cox.
VOTE: ALL YEAS. TIME: 9:35 p.m.



Clerk of Council



Mayor