

**CITY OF MASON  
COUNCIL MEETING  
JUNE 11, 2012**

The meeting was called to order at 7:05 p.m. Pastor Tom Moll opened the meeting in prayer. 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 May 14, 2012 Council Meeting Minutes was made by Councilmember Pelfrey, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

A motion to approve the May 29, 2012 Council Worksession Minutes was made by Councilmember Prince, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

**RECOGNITION OF TIM ABBOTT AND DAVID SMITH OF DUKE ENERGY SITE READINESS PROGRAM**

Michele Blair introduced Duke Energy guests: Tim Abbott, Director of Government and Community Relations and David Smith, Director of Economic Development. She explained that in 2011 the City of Mason competed for and was awarded one of six Duke Energy Site Readiness Program grants. Duke Energy started the program in Charlotte and has been running this program in the Cincinnati-USA region for three years.

Tim Abbott stated that the City of Mason was selected for funding up to \$10,000 through a competitive grant process, which is being used for environmental studies at Mason Enterprise Park. This work will help ready the site for businesses to locate when the market improves. David Smith stated that McCallum Sweeny is a top site consultant working for many of the largest corporate industrial firms. Along with valuable consulting and data, the opportunity to work with McCallum Sweeny brings the City excellent insight when competing for projects.

Mayor Nichols received the grant on behalf of the City of Mason.

**VOLUNTEER RECOGNITION**

Dana Maidenbergl explained that six years ago the City of Mason initiated the Volunteer Program to provide opportunities for individuals to give back to the community. Volunteer skills are matched to programs and services. Hundreds of volunteers provide thousands of service hours to the City and community. She stated that the annual Volunteer Recognition Dinner will be held this Thursday and that tonight the City recognizes ten volunteers with over 100 hours of service. Mayor Nichols recognized and thanked CERT volunteers: Chuck McCauley, Patrick Palmer,

Michael Kramer, and David Astles and Senior Center volunteers: Theresa Galluppi, John Jacobs, Joe Macke, Charlie Yu, Mary Yu, and Miriam Jacobs.

Mayor Nichols also recognized Ginny Sundin, long time Parks Board member and volunteer, in celebration of her 64<sup>th</sup> wedding anniversary.

### RECOGNITION OF VISITORS

Victor Carman of Mason Christian Village requests that the City consider hosting the Ohio Humanities Council's Ohio Chautauqua 2013 tour. This is a five night educational program in July.

### RESOLUTION 2012-14, FIRST READING, ADOPTING THE BUDGET OF THE CITY OF MASON FOR THE YEAR JANUARY 1, 2013 THROUGH DECEMBER 31, 2013

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

Second reading and Public Hearing is scheduled for July 9, 2012.

### ORDINANCE 2012-39, SECOND 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 Pelfrey, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

Eric Hansen explained that the need for fire funding is not a result of excessive spending but rather a result of actions taken at the state level. The state has taken funds, about \$700,000 per year that are generated locally through the real estate levy, and are using these funds to help the state with their financial problems. This deficit and the increased inflation that the department has experienced have a severe impact on fire funding that cannot be offset by cost savings. He congratulated the Fire Department on conserving costs through membership in the North East Fire Collaborative and cooperation with Deerfield Township to maximize services and response times. He stated that Council and Safety Committee have met numerous times to consider fire funding. While sensitive to the difficult economic climate of the residential and business community, they have looked for ways to continue and maintain one of the most significant services the City provides with minimal impact to Mason residents. Eric explained that this ordinance is intended to secure initial funding while alternatives for long term funding are explored.

During Council discussion Councilmember Pelfrey explained her position on this ordinance. She stated that she now supports a hybrid method which would provide sufficient long term funding with a one ballot issue and would therefore be voting down Ordinance 2012-39. The hybrid method would keep property taxes at 5 mills for Mason property owners with a miniscule

earnings tax on non-property owners. A 5 mill replacement levy would not provide sufficient funding and would erode critical Fire Fund balances. Councilmember Grossmann stated that the down side of the 5 mill replacement levy is that there will be an operating deficit every year of \$700,000, not enough funds to cover capital improvements, and surplus funds will be depleted.

A motion to adopt Ordinance 2012-39 was made by Councilmember Grossmann, seconded by Vice Mayor Kidd. VOTE: ALL NAYS. Ordinance is defeated.

A motion to add Ordinance 2012-45 to the agenda was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

**ORDINANCE 2012-45, FIRST READING, DIRECTING THE WARREN COUNTY BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE CITY OF MASON, OHIO, AT THE NOVEMBER 6, 2012, GENERAL ELECTION, A CHARTER AMENDMENT TO CREATE SECTION 10.05 REGARDING FUNDING OF SAFETY, FIRE, AND EMS SERVICES**

Councilmember Pelfrey requested that the complete ordinance be read.

Second Reading is scheduled for July 9, 2012.

**ORDINANCE 2012-40 APPROVAL OF THE DEDICATION PLAT FOR 3850 BETHANY ROAD (FIRST CHOICE LANDSCAPING)**

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

Richard Fair addressed Council and stated that First Choice Landscaping is dedicating 20 feet of right of way along the frontage located on the north side of Bethany Road, east of S.R. 741. Planning Commission recommends approval of the dedication. This plat will dedicate the necessary right of way to the City of Mason and is consistent with the City of Mason Thoroughfare Plan.

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

A motion to adopt Ordinance 2012-40 was made by Councilmember Pelfrey, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

**ORDINANCE 2012-41 AUTHORIZING THE ACCEPTANCE OF CERTAIN DONATED EASEMENTS AND THE ACQUISITION OF OTHER CERTAIN EASEMENTS AS PART OF THE NORTH EAST STREET STORM SEWER IMPROVEMENTS AND DECLARING AN EMERGENCY**

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

Richard Fair addressed Council and explained the next two ordinances together. Ordinance 2012-41 accepts donation of easements and authorizes the City Manager to acquire certain easements needed for the North East Street Storm Sewer Improvements Project. The project is located at the back property lines between Main and Church Streets and North West and North East Streets. Construction begins at the northeast corner of Quatman's Café property and ends at the existing manhole in North East Street between Main and Church Streets. He said that the project will allow residents and future development to tie into a new storm sewer system with downspouts, sump lines, and parking lot pipe to reduce flooding in the area. The improvement requires permanent and temporary easements from 5 parcels. Staff has been working to acquire the permanent easements using the auditor's appraised values. In the past, this approach has worked well and saved appraisal costs. Regarding Ordinance 2012-42, Richard stated that bids were opened on June 7<sup>th</sup> with the low bid from Ford Development at \$67,895.75. He stated that Ford is currently working on US 42 and has recently completed the Mason Road Widening Project. Staff is very satisfied with both past and present work. Richard explained that a new restaurant is opening August 1<sup>st</sup> in the Art Deco building at 202 West Main and in order to ensure construction is substantially complete on their property by July 15, 2012, an emergency clause has been added to both of these ordinances.

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 Cox requested that any construction in the area of the Alverta Green Museum be delayed until after the Ice Cream Social on June 19<sup>th</sup>.

A motion to adopt Ordinance 2012-41 was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2012-42 ACCEPTING THE LOW AND BEST BID FOR THE NORTH EAST STREET STORM SEWER IMPROVEMENTS PROJECT FROM FORD DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY**

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

A motion to adopt Ordinance 2012-42 was made by Vice Mayor Kidd, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

**ORDINANCE 2012-43 ACCEPTING THE LOW AND BEST BID FOR THE SOUTHWEST MASON AREA SANITARY SEWER IMPROVEMENT PROJECT FROM MILLER PIPELINE, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY**

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

Richard Fair addressed Council and stated that this project was approved in the 2012 budget and will use the new process of slip lining. He explained that over the last ten years the City has completed a series of projects to reconstruct most of the US 42, South Central, and the East Trunk Sewers. Together, these trunk sewers constitute the bulk of the City's major collection arteries. The projects have resulted in a significant reduction in excess water (infiltration and inflow) sent by the collection system to the Water Reclamation Plant. Richard stated that a few years ago an infiltration and inflow study (I&I study) was conducted. The study identified two areas of Mason in need of rehabilitation, the southwest side and the north central part of Mason. He explained the design includes the rehabilitation of approximately 10,000 linear feet of existing sanitary main by lining the pipes with continuous liners introduced through manholes. He described the slip lining process and stated that the advantages are less time, cost, and reduced need for excavation. Richard stated that the best and lowest bidder for this project is Miller Pipeline, LLC. Miller Pipeline, LLC has not previously worked in Mason so staff contacted references provided and no issues were found with their past performance. An emergency clause was added to the ordinance in order to give the contractor enough time to complete the project in 90 days during the driest time of the year.

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

In response to questions by Council, Richard stated that pipe bursting was the process used on the sewer project behind St. Susanna. He stated that not much diameter of pipe is lost when slip lining pipes and that the reduced coefficient of friction actually helps to increase flow. The expected longevity for this type of work is about 50 years.

A motion to adopt Ordinance 2012-43 was made by Councilmember Cox, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2012-44 AUTHORIZING THE CITY MANAGER TO SUBMIT PRE-APPLICATIONS FOR OHIO PUBLIC WORKS COMMISSION, DISTRICT 10 STATE ISSUE 1 GRANTS FOR PROGRAM YEAR 29 (2015)**

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

Eric Hansen stated that the intent of the Issue 1 (formerly Issue 2) grant program is to assist in financing public infrastructure capital improvements of local governments. Since this program was initiated in 1987, the City of Mason has been very successful in pursuing these competitive State Issue 1 funds. He explained that pre-application is the first step in a three year funding cycle. The three programs recommended are all part of the City's capital budget, have been reviewed for their chances for success, and some of the projects have funds already committed. The first application is for the Kings Island Drive Safety Improvements project to widen Kings Island Drive from Western Row Road to the north entrance providing a left turn lane and other

improvements, including a bike path. The project has received 80% funding thru OKI and this application would provide \$1,000,000 in additional funding for the project. The next application is for the Hanover Bridge Replacement project. The existing bridge was built in 1972 and is showing signs of deterioration. The OPWC pre-application for this project requests a grant of \$225,000 (49.0%) of an estimated project cost of \$460,340. The third application is for Castle Park and Brookstone Lift Stations Rehabilitation. The OPWC pre-application for this project requests a grant of \$124,500 (49.0%) against an estimated project cost of \$254,100. Eric stated that Ordinance 2012 – 44 authorizes these three preliminary applications for project grant funding.

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 2012-44 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

### **CITY MANAGER'S REPORT**

- ▶ The next scheduled Council meeting is on Monday, July 9 at 7:00 p.m.
- ▶ City offices will be closed on Wednesday, July 4 in observance of the July 4 holiday. The Community Center will be open with limited services from 6:00 a.m. – 12:00 p.m.
- ▶ The next meeting of the Warren County Municipal League will be held on Wednesday, June 20 beginning at 6:00 p.m. at Shaker Run Golf Course.
- ▶ The City, in partnership with the American Heart Association and TriHealth Heart Institute, will join forces for a family safety program at the Mason Community Center on Wednesday, June 20. Kids can tour and see the inner workings of Mason Fire Department fire trucks and ambulances and meet some of Mason's life-saving heroes. Mason Fire Department will also provide information safety and CPR techniques in honor of CPR Awareness Month.
- ▶ On Saturday, July 14, the Center will host an Open House from 8:00 a.m. – 8:00 p.m. The public can enjoy a free day at the Center. Anyone who becomes a member that day will receive their first month of membership free. Participants have the opportunity to enjoy all the amenities at the Center. Also on that day the City has invited over 200 local businesses to the first annual Community Center Expo. The intent is to help promote local area businesses. The Business Expo will run from 10:00 a.m. – 4:00 p.m.
- ▶ The second annual Mason Community Center 5K Run & Sun will be held on Sunday, June 10. Run or walk the 5K (3.1 mile) course from Lou Eves Municipal Pool through Pine Hill Lakes Park and finish with a loop through Corwin M. Nixon Park. The run begins at 9:30 a.m. Awards will be given by age group.
- ▶ On Saturday, June 16 from 9:00 a.m. – 12:00 p.m. Mason Community Center celebrates Father's Day by hosting Men's Wellness Day in partnership with Tri-Health. Over 15 vendors located along Main Street at the Center will feature "man" at heart. At 12:00 p.m. the Center

will host a grill out for sons, fathers and grandfathers to have a healthy grill out and fun outdoors. The public is invited to this “free” event.

► A motion to not request a hearing for a D5I liquor permit for Straits of Malacca, LLC at 202 West Main Street was made by Councilmember Cox, seconded by Vice Mayor Kidd.

VOTE: ALL YEAS.

### **COMMITTEE REPORTS**

Councilmember Pelfrey stated that it has been her privilege to serve on Safety Committee for over eleven years, with most of that time serving as chair. She expressed her pride in the City’s safety services and is passionate in supporting the Police and Fire Departments. She is determined to provide quality safety services to the Mason community.

### **OLD AND NEW BUSINESS**

Councilmember Cox announced the Mason Historical Society’s Ice Cream Social on Tuesday June 19<sup>th</sup> at 6:00 and encouraged all Councilmembers to attend.

Councilmember Prince reported that the new Federal mandate regulating handicap access to swimming pools may go away due to a huge outcry nationwide. He explained that handicap access is already provided to each of our City pools. The new regulation requires the City install additional access points even though existing access points are lightly used.

### **RECOGNITION OF VISITORS**

Perry Schwartz of 6309 Tarton Fields Lane stated that he is proud to be a citizen in Mason and is proud of City Council and City staff. He also requests an electronic copy of Resolution 2012-14, the budget forecast for 2012 year-end, and the 2013 budget when available.

### **EXECUTIVE SESSION: LITIGATION, LAND ACQUISITION, AND PERSONNEL**

A motion to adjourn into Executive Session for the purpose of discussing litigation, land acquisition, and personnel was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS. TIME: 8:20 p.m.

A motion to reconvene into Regular Session was made by Councilmember Grossmann, seconded by Councilmember Prince. VOTE: ALL YEAS. TIME: 9:40 p.m.

### **ORDINANCE 2012-46 MODIFYING THE CONTRACT FOR LEGAL SERVICES WITH WOOD & LAMPING LLP TO PROVIDE FOR UPDATED COMPENSATION**

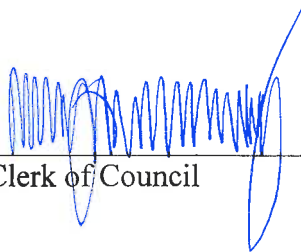
A motion to read by title only was made by Councilmember Grossmann, seconded by Councilmember Prince. VOTE: ALL YEAS.

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.

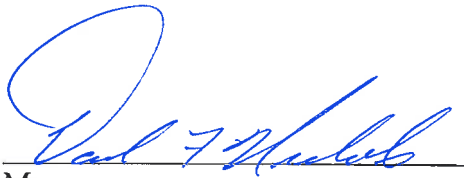
A motion to adopt Ordinance 2012-46 was made by Councilmember Cox, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ADJOURN**

A motion to adjourn was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 9:41 p.m.



Clerk of Council



Mayor