

**CITY OF MASON  
COUNCIL MEETING  
JULY 9, 2012**

The meeting was called to order at 7:05 p.m. Chaplain Rick Huff opened the meeting in prayer. All those present recited the Pledge of Allegiance.

**ATTENDANCE**

The following members of Council were present: Barbara Spaeth, Rich Cox, Tom Grossmann, Charlene Pelfrey, Don Prince, and David Nichols. Victor Kidd joined the meeting at 7:10 p.m.

**APPROVAL OF MINUTES**

A motion to approve the June 8, 2012 Council Worksession Minutes was made by Councilmember Prince, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

A motion to approve the June 11, 2012 Council Worksession Minutes was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS

A motion to approve the June 11, 2012 Council Meeting Minutes was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS

**PRESENTATION OF THE STATE OF OHIO IMAGE AWARD TO THE CITY OF MASON PUBLIC UTILITIES DEPARTMENT BY DAN SULLIVAN, PRESIDENT OF THE SOUTHWEST OHIO ENVIRONMENTAL ASSOCIATION (SWOEA)**

Mr. Dan Sullivan stated that SWOEA is recognized as the leading water resource organization for preserving and enhancing Ohio's water environment. He explained that the Facility Image Award recognizes a wastewater treatment facility which has greatly improved its appearances, supports the SWOEA mission, adopts programs which enhance the public image of water treatment, and sets forth to improve Ohio's water quality environment. Mayor Nichols accepted the Ohio Image Award on behalf of the City of Mason.

**PRESENTATION BY VINCE CICERO, TOURNAMENT DIRECTOR AND COO OF THE WESTERN & SOUTHERN TENNIS OPEN**

David Roemisch stated that tonight is the kick-off for Tennis in Mason and introduced Vince Cicero. Mr. Cicero stated that the Western and Southern Open provides an opportunity for Mason residents to enjoy international tennis. He stated that, outside the Grand Slam events, Mason is one of only five cities in the world that host the top men and women tennis players. He stated that the tournament has an economic impact of \$62

million, an international TV audience of fifty nine million, and that the players represent 12 countries and 49 states. Mr. Cicero said that they enjoy working with the City of Mason and this year are offering ticket sales at the Community Center, with special discounts available to Mason residents and MCC Premier members. He stated that this is the final year for the 3-year \$22 million expansion of the facility and that the Food Court has tripled in size with an investment of \$3 million this year.

### **MASON COMMUNITY CENTER / WESTERN & SOUTHERN TENNIS PROGRAMMING UPDATES**

David Roemisch distributed a program guide for tennis themed events at the Community Center and highlighted some of the activities offered over the next month. Chrissy Avery and Dane Burchett described Community Center Open House and Tennis Festival activities on July 21<sup>st</sup>. Chrissy also reviewed other upcoming events including the Digital Bookmobile, Sunshine Summer Concert series, and the Great Mason Chase.

### **RECOGNITION OF VISITORS**

Gene Nell of 607 Bunker Lane expressed his concerns regarding tax funding for fire and safety services. He listed the types of taxes a Mason business owner and resident pays.

Tom Muennich of 206 Short Street voiced his opposition to additional taxes and his concerns with the relocation of the Police, Fire, and Post Office from downtown.

Rick Inskeep of 6352 Butler-Warren Road explained the reduction factor of levies and questioned the wording in the proposed charter amendment.

Joe DeZenzo of 5083 Plantation Court stated that he conducted two surveys on funding options for safety services and the majority of those responding chose an option other than taxing those living outside the City of Mason. He also stated that 66% of Mason taxpayers do not live in Mason and he feels that this proposed safety services charter amendment would not be treating our neighbors fairly.

Bryan Brumagen, Secretary/Treasurer of Mason Fire Fighters, and the Fire Fighters in attendance expressed their support for the proposed charter amendment.

### **RESOLUTION 2012-14 SECOND 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 Prince. VOTE: ALL YEAS.

The Public Hearing was opened at 7:54 p.m.

The Public Hearing was closed at 7:55 p.m.

Eric Hansen explained that as required by the State of Ohio, a budget to justify receipt of local government monies is required to be adopted prior to July 15 of each year. The tax budget must show the City's need for funding of next year's services. A public hearing is required prior to adoption. He stated that this does not commit funds but is merely a process.

A motion to adopt Resolution 2012-14 was made by Councilmember Grossmann, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

**ORDINANCE 2012-45 SECOND 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**

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

Eric Hansen explained the need for additional fire funding is not so much an increase in expenses as it is a loss in revenues. He highlighted some of the cost saving measures the Fire Department has implemented. Eric stated that there is a \$2 million per year reduction in revenue which includes a \$1 million loss due to the 2008 tax levy renewal not adjusted for inflation, \$700,000 loss due to the elimination of the tangible personal property tax by the State of Ohio, and \$300,000 loss of interest income. On top of these yearly losses in expected revenue, the Fire Fund also will experience a \$2 million total loss over the next five to six years due to the State's removal of a reimbursement intended to help cities adjust to the cessation of the personal property tax. Eric explained that last month Council rejected a traditional 5-mill replacement levy as it was a short term fix and inadequate to address funding shortfalls. He explained that the proposed charter amendment would provide long term funding of safety services with two tools: a property tax levy of up to 5 mills and an earnings tax of up to .0015, with credit given to residents that pay the property tax. The earnings tax would be set at .0012 for the first year. Latitude is given to council for annual adjustment of these rates in order to find the correct mix for funding from each of these sources. Eric stated that the Fire Fund currently has a positive balance that is eroding and if action is not taken that balance will quickly be exhausted. There will be a dramatic reduction in services if alternative revenue sources cannot be found.

During Council discussion, Councilmember Grossmann stated that since 2003 there has been no increase in taxes paid but increases in cost. The Fire Department is operating with a yearly deficit and needs \$3 million in capital improvements. He explained that the

“hybrid” method would combine the two traditional revenue sources of property tax and earnings tax to fund safety services. Both residents and non-residents would pay a portion of the cost of safety services available to them while in the City. He believes that this approach would be fair. He stated that the vast majority of the cost would be paid by property owners.

Vice Mayor Kidd stated that he appreciates the “hybrid” method as a creative approach for funding safety services, but would rather support the more traditional method of a property tax levy. He believes that Mason property owners shouldn’t mind paying extra for safety services. Vice Mayor Kidd stated that he believes this “hybrid” method would be difficult to explain, create suspicion and unnecessary controversy. He also believes that an increase in the earnings tax should be considered as a last resort and voiced concerns regarding business attraction.

Councilmember Spaeth stated that although the “hybrid” method may be controversial and confusing, she challenged Mason residents to become informed on the issue. She supports the citizens’ right to vote and freedom to choose.

Councilmember Cox stated that he supports an income tax of 1.25% for everyone. His concerns with the proposed charter amendment are the effective increase in residential tax, it is not renewable, and would create a clerical nightmare for business owners.

Councilmember Prince stated that safety services are the primary responsibility of the City. He believes that the proposed charter amendment would provide the best and fairest way to fund these services. It would be a slight increase in taxes for non-residents and the earnings tax rate would still be at or below the tax rate of other municipalities. He stated that typically taxes are paid where you earn your money.

Councilmember Pelfrey explained that the Safety Committee initially considered a 5.7 mill fire levy that would last just five years and then require an increase to 6.0 or 6.5 mills. She stated that Deerfield Township approved a 6.8 mill levy. She stated that lost revenue needs to be raised somewhere and that she believes the proposed charter amendment provides a fair and balanced approach for funding safety services.

Eric Hansen clarified points raised during Council discussion. He said that businesses withhold the same earnings tax rate for each employee and that residents apply for a credit when filing their taxes. He stated that the County determines the effective rate of a millage and that the current levy will continue through 2013. Eric explained that the proposed charter amendment allows for Council to adjust the property tax rate up to 5 mills. He stated that with a 5-mill replacement levy, the Fire Department expects operating deficits of \$1 million in 2013 increasing each year to \$2 million in 2017.

Vice Mayor Kidd and Councilmember Cox expressed the importance of funding safety services and that although the proposed charter amendment is not their first choice, it is a

good proposal, and they will support it in November. Mayor Nichols expressed appreciation for the effort and productive discussions by the Safety Committee, Councilmembers, and City Staff. He stated that the safety of our citizens and firefighters has always been their first priority. Failed school and fire levies have a negative impact on the attraction and retention of business and affect the economic development of our City. Mayor Nichols expressed his confidence in the voters to decide on this important issue of funding quality safety services.

A motion to adopt Ordinance 2012-45 was made by Councilmember Grossmann, seconded by Councilmember Prince. VOTE: 5 YEAS, 2 NAYS (Kidd and Cox)

**ORDINANCE 2012-46 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 SECTION 8.01 REGARDING NOMINATIONS FOR MEMBERS OF COUNCIL**

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

Eric Hansen explained that the proposed charter amendment would amend the City's Charter to replace the filing deadline of nominations for City Council from 75 days to 90 days. This is consistent with State law and is intended to provide sufficient time to prepare the ballots, deliver them to individuals stationed overseas and have them returned in time for those ballots to be included in election results. Council's Veterans Committee discussed this issue and recommends Ordinance 2012 – 46 for adoption.

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

Jeff Forbes clarified that the filing deadline is the only change to this section of the charter.

A motion to adopt Ordinance 2012-46 was made by Vice Mayor Kidd, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

**ORDINANCE 2012-47 APPROVAL OF THE FINAL PLAT FOR THE RESERVES OF CARMELLE SUBDIVISION PHASE 1**

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

Richard Fair addressed Council and stated that this final plat of Phase 1 for the Reserves of Carmelle is an extension of the Carmelle Subdivision located between the existing Carmelle Subdivision and Willow Brooke Subdivision on the south side of Mason-

Morrow-Millgrove Road. The plans are for Stone Ridge Drive to connect to SR-741 and eventually, based on the thoroughfare plan, connect to US-42. Phase 1 consists of 30 buildable lots and meets the concept plan approved a couple years ago. He stated that Planning Commission has reviewed and recommends approval of the final plat of the Reserves of Carmelle.

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

A motion to adopt Ordinance 2012-47 was made by Councilmember Prince, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2012-48 APPROVAL OF THE FINAL PLAT FOR WILLOW BROOKE SUBDIVISION – THE MEADOWS SECTION ONE**

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 this is the final plat for Willow Brooke Subdivision which is located adjacent to the Reserves of Carmelle. Stone Ridge Drive goes through the subdivision and this is the first section to be developed on the south side. The plat consists of 40 buildable lots and meets the concept plan approved by Council. He stated that Planning Commission has reviewed and recommends approval of the first final plat for the Willow Brooke Subdivision on the south side of Mason-Morrow-Millgrove Road.

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.

Councilmember Cox questioned why the two intersections were so close together. Richard Fair suggested that reasons may include the thoroughfare's plan for Stone Ridge Drive to cross Mason-Morrow-Millgrove Road, a second access road to the middle section of the subdivision, or the steep slopes.

A motion to adopt Ordinance 2012-48 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

**ORDINANCE 2012-49 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE LANDFORM FOR EVERYBODY'S FARM LANDSCAPING PROJECT**

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 this is the last contract for the TIF for Everybody's Farm at the southwest corner of Tylersville Road and Snider Road. The first contract was with Diggitt to install streetlights and underground utilities. Landform was the best and lowest bidder on this contract for the installation of landscaping and irrigation systems for the two medians located on Tylersville Road, around the site, and the pocket park located within the development. Richard stated that this contract is within the limits of the TIF and Henkle Schueler is responsible for any expenses beyond the contract amount.

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.

In response to Mayor Nichols' question, Richard said that the medical office is almost complete and that Marion's Pizza is expected to open at the end of November. He also said that the contractor will install the irrigation in the summer and landscaping in the fall.

A motion to adopt Ordinance 2012-49 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

**ORDINANCE 2012-50 AUTHORIZING A CHANGE ORDER TO THE INDIANA & OHIO RAILWAY COMPANY FOR REPLACING THE EXISTING RAILROAD CROSSING AT THE US 42 AND TYLERSVILLE ROAD INTERSECTION AND EXTENDING THE CROSSING FOR THE WIDENING OF US-42 (READING ROAD)**

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

Eric Hansen stated that improvement of US-42 is one of the most significant transportation projects the City has undertaken. Staff has worked diligently securing funding for this project with the most sizeable grants in the history of the City. The project has moved forward smoothly and staff has taken a number of cost savings measures to keep the project under budget. He said that the success of those efforts gives the City an opportunity to complete some much needed railroad improvements to round out the project. Since July 26, 2010 the City has been working with Indiana & Ohio (I & O) for the construction and installation of additional concrete crossing panels at the railroad crossing at US-42 (Reading Road)/Tylersville Road intersection to partially improve the crossing. At the April 9, 2012 Council meeting, a change order of \$77,600 was approved as the City's costs for this work. Eric explained that based on the US-42 project coming in under budget and the magnitude of grant financing, the City has been working towards a more permanent and full correction to the entire railway crossing. The City would use the savings directly realized and leverage additional grant dollars not being spent toward a total change order of \$287,000 to correct the entire railway crossing. He said that existing grant dollars would pay \$173,000 of this amount leaving a maximum amount of \$114,000

as the City's responsibility. Contributions by the railroad would reduce this amount further as could other cost savings efforts. Since the entire US-42 project is under budget, the City currently anticipates a savings of \$120,000. Even if no additional cost savings materialize for the crossing project, US-42 improvements are expected to be under construction contract amounts. The Ohio Department of Transportation (ODOT) has reviewed and approved the additional cost for federal funding, however, the City is required to pay I & O the entire cost upfront and then seek reimbursement from ODOT.

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.

During Council discussion, Richard Fair explained that there will be traffic interruptions, typically Friday through Monday. Staff has come up with a plan to maintain traffic that will avoid shutting down the intersection and provide the least disruption to traffic during construction. However, some significant disruption of traffic is still anticipated in order to complete the necessary work. He said that concrete panels have a longer life expectancy and are less slippery than the existing rubber panels. Councilmember Cox stated that the striping of southbound US-42 seems to be a little off. Engineering will investigate.

A motion to adopt Ordinance 2012-50 was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

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

► The 2012 Western and Southern Open will begin in Mason on Saturday, August 11<sup>th</sup> at the Lindner Family Tennis Center. The City of Mason will be hosting our economic development partners and governmental partners at different events during the 9-day period to strengthen our regional relationships and maximize our opportunity to promote Mason as a place to do business.

► Festivals of Mason is sponsoring the 2012 Heritage & Bicycle Festival on Saturday, August 18 in downtown Mason. New this year will be the introduction of the Kids Zone, Teen Zone and Sweet Street-a food court.

► Mason Community Center welcomes its newest partner, Buckeye Run Club. The partnership with Buckeye Running Company provides additional running programs and activities for members of the Center.

► Eric Hansen will be out of town August 3 through August 12, 2012. A motion to appoint Jennifer Heft as acting City Manager during Eric's absence was made by Councilmember Prince, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.



► A motion to not request a hearing for a new D5I liquor permit for Marion's Piazza at 6176 Sound Wave Blvd. was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

### **COMMITTEE REPORTS**

Councilmember Spaeth announced that the Park Board's annual picnic recognizing city maintenance workers will be held at the Mason Sports Park on Thursday July 19<sup>th</sup> at 11:00.

Councilmember Cox reported that the Brent Spence Bridge project was a major topic at last month's OKI meeting. He said that traffic projections estimate average speeds of 6-7 mph for the year 2025 in this location. Councilmember Cox also reported that the 2040 Transportation Plan was approved.

### **OLD AND NEW BUSINESS**

Councilmember Pelfrey stated that she is concerned about the condition of the UDF entrance/exit at Tylersville and US-42.

Councilmember Spaeth stated that she was proud to see the CERT team in action after the June 29<sup>th</sup> storms. They were walking and knocking on doors in the Avalon neighborhood offering assistance.

Councilmember Cox reported that the Mason Historical Society's Ice Cream Social was a great success. He stated that the Historical Society appreciates the stormwater improvement work on Church Street.

Mayor Nichols asked for a motion to approve Library Board appointments for a three year term beginning May 2012 of Mary McCain, Erik Peters, and Corwin Smith. A motion to approve these appointees was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

Mayor Nichols asked for a motion to approve the appointment of Councilmember Spaeth to the Community Improvement Corporation (CIC) Board. A motion to approve this appointment was made by Vice Mayor Kidd, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

Council recognized the performance of the CERT team with Kurt Seiler as the incident commander during the June storm.

**RECOGNITION OF VISITORS**

Gene Nell of 607 Bunker Lane said that educating the voters on the upcoming charter amendment is essential, since the issue is so complicated. He expressed his support and the importance of funding safety services.

Rick Inskeep of 6352 Butler-Warren Road explained his perception of proposed charter amendment language flaws.

Ginny Sundin of 108 E. North Street stated that the Park Board picnic is for park maintenance workers, who keep our parks looking great. She extended an invitation for all to attend a performance of the Dixieland Band at the Houston Inn on Thursday.

**EXECUTIVE SESSION: LAND ACQUISITION, LITIGATION**

A motion to adjourn into Executive Session for the purpose of discussing Land Acquisition and Litigation was made by Vice Mayor Kidd seconded by Councilmember Prince. VOTE: ALL YEAS. TIME: 9:44 p.m.

A motion to reconvene into Regular Session was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 10:37 p.m.

**ORDINANCE 2012-51 ACCEPTING THE DONATION OF APPROXIMATELY 4.3 ACRES OF LAND TO THE CITY OF MASON, OHIO**

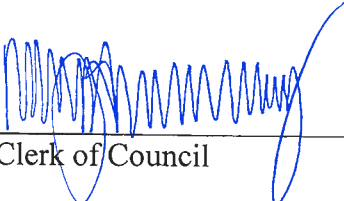
A motion to read by title only was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

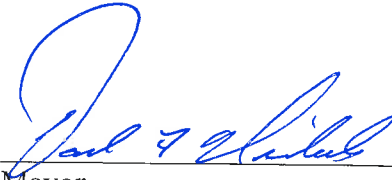
A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

A motion to adopt Ordinance 2012-51 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

**ADJOURN**

A motion to adjourn was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 10:38 p.m.

  
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Clerk of Council

  
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Mayor