

**CITY OF MASON
COUNCIL MEETING
OCTOBER 8, 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: Victor Kidd, Barbara Spaeth, Rich Cox, Tom Grossmann, Charlene Pelfrey, Don Prince, and David Nichols.

APPROVAL OF MINUTES

A motion to approve the September 10, 2012 Council Meeting Minutes was made by Councilmember Prince, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

RECOGNITION OF KYLE STRENSKI AND SIMON HOGAN OF THE CINCINNATI DOCKERS AUSTRALIAN RULES FOOTBALL TEAM

Mr. Hogan thanked City Council and the Mason community and stated that this weekend 40 teams and 1000 football players representing 25 states will be playing the USAFL 2012 National Tournament in Mason. He gave some background information on Aussie Rules Football and invited the community to attend. Mr. Hogan and Mr. Strenski distributed boxes to Council filled with Australian memorabilia as a token of their appreciation for hosting the event. Mayor Nichols presented them with a framed City of Mason poster and Mason cookies.

RECOGNITION OF MASON GRANGE – MASTER EVELYN THOMPSON

Mayor Nichols presented and read a Proclamation recognizing the Mason Grange for their 104 years of service to the Mason community. Ms. Thompson thanked the Mayor and Council and stated that we all work together to make Mason the beautiful town that it is. She stated that the Grange is a national, state, and local organization with members of all ages serving their communities. Councilmember Pelfrey expressed her appreciation to the Grange for welcoming outside groups to meet at the Grange Hall. Mayor Nichols thanked and presented a framed photograph of the Grange Hall, framed poster of the City of Mason, and Mason cookies to Grange members.

RECOGNITION OF MASON CERT – PATRICK PALMER AND MICHAEL KRAMMER

Chief Craig Bryant, of the Mason Fire Department, stated that Mason CERT (Community Emergency Response Team) was formed in 2007 by Council action. The team has 25 active volunteer members with a goal of 50 volunteers in 2013. His presentation highlighted the team's goals, mission, activities, training, and qualifications. He introduced Mike Krammer, CERT President, Patrick Palmer, CERT Vice President, and CERT members. Mayor Nichols thanked

CERT members for providing this important service to the Mason community and presented a framed poster of the City of Mason and Mason cookies.

RECOGNITION OF VISITORS

Mark Rameto, Director of External Affairs AT&T Southwest Ohio, talked about AT&T's slogan "Rethink Possible" as a challenge that applies to the City of Mason and the City's growth over the years. He explained that understanding your history is important to that growth. He presented a \$2000 check to the Mason Historical Society to support republishing the book, "*Around Mason, Ohio*" in honor of Mason's upcoming bicentennial. He thanked Representative Pete Beck for recommending the Historical Society for this recognition. Judy Cox, Mason Historical Society President, accepted the check on behalf of the organization. She thanked AT&T for this generous gift and described plans for the book's bicentennial edition.

Representative Pete Beck applauded City of Mason leaders for attaining the highest bond rating in the State of Ohio. Mason is recognized as #1 of all cities in Ohio for this bond rating. He explained that, as Chairman of the House Ways and Means Committee, the goal is to take in less money and shrink government. The committee is reviewing tax policy regarding individual tax, business tax, commercial activity tax, and sales tax. Representative Beck stated that he does not anticipate a municipal income tax bill coming out of committee. Council had a discussion with Representative Beck regarding tax issues and the heartbeat bill. Councilmember Grossmann stated that in the past, a portion of funds generated by Real Personal Property Tax collected in each municipality was returned to help fund fire and EMS services. The Governor has eliminated that reimbursement back to the cities in an effort to balance the State Budget. Councilmember Grossmann stated that Issue 7 is a way in which the city is trying to address in part this \$700,000 shortfall created by the state. He expressed his appreciation to Representative Beck for his support of Issue 7, because it is good for Mason, caps and limits taxes, limits Mason property tax to the 1998 rate, and at the same time it does broaden to some non-residents payment of a very small portion of tax to pay for services. Councilmember Prince stated that he is against the state collecting City of Mason income tax and then disbursing it back to the city. It seems to be centralized, big government approach, and he believes that it does not make sense. Councilmember Prince expressed his suspicion that the city will not be reimbursed and that jobs lost will be transferred to Columbus. He asked Representative Beck to reconsider this in his committee. Councilmember Prince requested Representative Beck make an effort to communicate to his friends in the Senate the importance of passing the Heartbeat Bill. Representative Beck stated that the Heartbeat Bill passed out of the House, has been in the Senate, where it is presently in committee. House Representatives have been encouraging their peers in the Senate to support the bill. He encouraged the public to contact their representatives in the Senate regarding this issue. Representative Beck stated that centralized collection of municipal income tax is off the table and that it does not have the support of the Speaker of the House. Mayor Nichols thanked Mark Rameto and AT&T's support of the community. He thanked Representative Beck for his service and asked him to remind Columbus that just as state government does not like the federal government to interfere in their affairs; local government does not appreciate the state interfering in theirs.

Meredith Raffel of the Mason-Deerfield Arts Alliance thanked the City of Mason for their support of the Arts Festival. She announced that the 2013 event will be renamed "Fall Fair Festival" and will be held in Cottell Park, Deerfield Township. She explained to Council that reasons to move the festival to this new location included financial resources, the desire for a park setting, and sponsorships.

RESOLUTION 2012-17 PROCLAIMING THE WEEK OF OCTOBER 7-13, 2012 AS NATIONAL FIRE PREVENTION WEEK

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

Fire Chief John Moore announced that Mason Fire Stations 51 and 52 will have Open Houses during Fire Prevention Week. On Tuesday, Wednesday and Thursday, October 9-11, firefighters will canvas neighborhoods in the Church Street and Indianwood Boulevard areas going door-to-door in a "Smoke Alarm Blitz". He stated that a portion of the American Legion yearly donation sponsors this smoke alarm blitz to install or check smoke alarms and replace smoke alarm batteries if necessary. During the open houses and the smoke alarm blitz, fire crews will pass out fire prevention literature to reinforce safety and to inform residents of fire prevention practices. He stated that the NFPA theme for this year is "*Have Two Ways Out!*" The emphasis is to develop and practice a home fire escape plan during Fire Prevention Week and year-round. The Mason Fire Department encourages families to meet and make a plan.

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

A motion to adopt Resolution 2012-17 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

RESOLUTION 2012-18 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

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

Eric Hansen stated that on July 9, Council adopted Resolution 2012-14 adopting the 2013 Tax Budget. The Tax Budget is then certified to the County Auditor. Based on the amounts certified in the Tax Budget, the Warren County Budget Commission enacts the tax rates necessary to be levied within and without the ten mill tax limitations. The City is required by state law to accept these tax rates by resolution.

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.

A motion to adopt Resolution 2012-18 was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2012-52 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 5.45 ACRES FROM I-1 LIGHT INDUSTRIAL TO RESIDENTIAL PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED SOUTH AND EAST OF 1224 CASTLE DRIVE (CASTLE PARK RESIDENTIAL)

Eric Hansen announced that the developers of this property have requested a continuance of the Public Hearing in progress to the next Council Meeting, October 22, 2012. Council approved this request.

COMMUNITY REINVESTMENT AREA #3: EMPIRE PACKING COMPANY

Michele Blair introduced Mike Marek, CFO of Empire Foods, Len Marek, co-owner and COO of Empire Marketing Strategies, Jeff Eichhorn of Henkle Schueler, and Laurence Jones of Brixey & Meyer. Michele stated that Empire Foods is the industry leader in perishable foods and is a primary partner with Kroger, one of the region's Fortune 500 companies. Part of the function of the proposed food manufacturing plant is to provide case-ready pork with the ability to add case-ready beef production in the future. She stated that staff has visited an Empire plant in the area and found facility operations to be clean and quiet. Empire considered many locations in multiple states, short-listed several northern suburban sites as their preferred location, and eventually chose Mason as their top site. Securing this project would mean the second industrial development in the Lakewood Commerce Park located north on Mason-Montgomery Road. Michele explained that the development of Lakewood Commerce Park began in 2008 with a progressive economic development agreement providing for the development of the industrial park roadway and location of City Fire Station 51. That agreement provided the foundation to aggressively attract a signature company, Noritake, to the front 6 acres. She explained that in order to develop Empire Food's preferred site at the back of the industrial park, it is necessary to extend Alliance Drive and all utilities to provide access to the property. The joint economic agreement with Henkle Schueler will allow the road to be extended 400 linear feet and in addition to 22 acres will open up an additional 11 acres for development. The City's contribution is estimated to represent less than 20% of the total cost. Michele explained that the State of Ohio will pay for 50% of the total cost up to \$150,000. Ohio Jobs and Commerce will partner with the City to cover up to an additional \$50,000. The City and Lakewood Farms/Henkle Schueler will cover the remaining 50% of the costs, splitting it one third by the City and two thirds by Henkle Schueler. Staff anticipates the City's total estimated cost won't exceed \$75,000, but the City will likely be reimbursed for approximately \$22,000 of engineering and construction management costs and \$10,000 for right-of-way acquisition reducing the City's cost to less than \$50,000. Michele stated that a further economic partnership developed to facilitate the project is underway with the Mason Port Authority. Port Authorities offer the unique ability to provide structured and lease financing, using the Port as conduit to provide savings to the company. The Mason Port Authority has a team in place and has been working with the company for the past month to develop and enter into an agreement that will make the Mason site more economically competitive by leveraging this tool. Ms. Blair invited Len Marek and Mike Marek to speak.

Len Marek said that Empire Foods is excited about the possibilities of locating a facility in Mason. Empire represents good neighbors and citizens in the community and has operated similar facilities for over 20 years. He stated that the first facility opened in 1989 in Memphis, Tennessee which has expanded to a 95,000 square foot facility still operating today. In 1996 the facility on Circle Freeway in Cincinnati opened and was expanded in 2005. This location is now landlocked and incapable of future expansion. He stated that Cincinnati is an outstanding geographic location with the ability to reach over 700 Kroger stores within a 2-hour drive. He explained that Empire packages and ships perishable food to stores with emphasis on food safety, quality and cost control, with the ability to trace product through the system. Mr. Marek answered questions from Councilmembers. He stated that other locations considered for this plant included two in Ohio, Indiana, and Kentucky. He said that the plant operates two shifts, is open 24 hours, seven days a week with ten trucks accessing the plant each day. The plant is expected to have 200 employees.

Michele Blair stated that Empire proposes a \$10 million facility and overall investment including land, machinery, equipment and inventory of \$12 to \$13 million. They will develop an approximately 90,000 to 125,000 square foot manufacturing and packaging plant with expansion capability to double the size of the building on 22 acres, bringing approximately 200 new jobs to Mason within a three-year period from the time of move-in, and a payroll of \$5M. The project will contribute over \$2.4M back into the Community during the first ten years. Jeff Eichhorn of Henkle Schueler explained that with the extension of Alliance Drive, additional acreage will be accessible for development. Michele stated that a joint economic agreement has been drawn up between the City and Empire Packaging Company to provide a legal financial security tool to protect the City against unexpected circumstances. The State funding committed to the road project can only be realized once the total company investment has been made and initial jobs created. The City has worked with the Company in order to help them expedite their timeframe, a requirement of the project by their customer, Kroger. This agreement provides a financial backstop by Empire to assure that any City funds expended early in the project to help facilitate the company's accelerated timing, will be covered by Empire should the project not be completely fulfilled and State Funds not realized. She stated that Economic Development Committee of Council has reviewed this project and recommends a motion to grant a financial incentive to Empire Packaging.

A motion to grant a financial incentive to Empire Packaging Company, Inc., and provide an abatement under the Community Reinvestment Area Program - 100% of real property improvements for a period of 15-years on the value of the new building improvements, as authorized by the State of Ohio Community Reinvestment Area Program and contingent upon the company making an annual payment to the Mason City School District for the term of the abatement period was made by Councilmember Prince, seconded by Vice Mayor Kidd.

VOTE: ALL YEAS.

ORDINANCE 2012-66 AUTHORIZING THE CITY MANAGER TO ENTER INTO JOINT ECONOMIC STIMULUS AGREEMENTS AND TO ACQUIRE THE NECESSARY RIGHT OF WAY RELATED TO THE ALLIANCE DRIVE EXTENSION PROJECT

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

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.

Mayor Nichols commented that during this tough economy the City is fortunate to be considered by this financially stable corporation for future development, capital improvements, and jobs. He thanked Empire, our partners, and the Economic Development staff.

A motion to adopt Ordinance 2012-66 was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2012-67 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND BARRETT PAVING MATERIALS, INC., IN THE AMOUNT OF \$380,970 FOR THE 2012 JOINT STREET RESURFACING PROGRAM AND DECLARING AN EMERGENCY

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

Eric Hansen explained how the City has worked with many partners to build roads which have enhanced fire service, job opportunities, revenues, and land development. These overlapping benefits are the result of collaboration across government entities and departments.

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.

A motion to adopt Ordinance 2012-67 was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2012-68 AUTHORIZING THE CITY OF MASON TO ENTER INTO A SUBRECIPIENT AGREEMENT WITH WARREN COUNTY FOR FUNDING THE MOVING OHIO FORWARD DEMOLITION PROGRAM

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 is a grant program administered by the State of Ohio Attorney General's Office when they settled with five major mortgage service providers regarding abuses, fraud, and unfair and deceptive mortgage practices. The grants are administered through the counties. Warren County, with a funding limit of over \$1.2 million, has elected to have that amount distributed to its municipalities with even amounts of \$45,000 each. He explained that funds are to be used for demolition of residential buildings and are

available until January 31, 2014. Eric Hansen clarified that funds are intended to assist property owners in demolition of their blighted or unsafe homes.

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

Council discussed the criteria for qualifying for these funds and how funds would be distributed. Richard Fair said that funds would be available to residents on a first come first serve basis. Any funds not distributed would go back to the state.

A motion to adopt Ordinance 2012-68 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2012-69 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ALTERNATIVE CONTRACT FOR THE PURCHASE OF HIGHWAY ROCK SALT

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

Eric Hansen explained that this is a precaution in the event that the City's current rock salt supplier does not have the capacity to fulfill the need for salt if significant snow events occur this winter season. This ordinance allows an additional option for identifying a vendor and securing the purchase of rock salt only if needed.

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 2012-69 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2012-70 FIRST READING: ADOPTING THE REVISION, CODIFICATION, RECODIFICATION, REARRANGEMENT AND PUBLICATION OF THE ORDINANCES AND RESOLUTIONS OF THE CITY OF MASON, IN BOOK FORM, FOR THE CURRENT SUPPLEMENT

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

Jennifer Heft announced that the 2nd reading and Public Hearing for Ordinance 2012-70 will be on October 22, 2012. She said that in October of last year Council approved Ordinance 2011 – 86, which revised, amended and restated the Codified Ordinances of the City. It had been over thirty-three years since a recodification and over three years since the last supplemental codification. She explained that a supplemental codification updates the codification with new ordinances that have been authorized by Council since the last recodification or supplemental codification. Staff's objective is to annually update the City's codification to accurately reflect the operations of the City. This current supplemental incorporates all legislation enacted for the

year ended December 31, 2011.

CITY MANAGER'S REPORT

- ▶ The date of the November Planning Commission meeting has been changed from Tuesday, November 6 (Election Day) to Wednesday, November 7 at 7:00 p.m.
- ▶ The Area Progress Council will host their annual Economic Outlook Breakfast on Thursday, November 20 at 7:00 am at the Kings Island Conference Center.
- ▶ The Warren County Municipal League will meet on October 17, 2012 at the Golden Lamb in Lebanon.
- ▶ Halloween is Wednesday, October 31 and Trick or Treat hours are 6:00 to 8:00 p.m.
- ▶ The United States Australian Football League (USAFL) will stage its 2012 National Tournament at Heritage Oak Park on October 12-14, 2012.
- ▶ The Mason Community Center's upcoming Open House will be held on October 27, 2012 from 8am-8pm. From 11am-1pm, a Fall Festival is scheduled in Mason Community Center's gymnasium. From 10am-2pm, a Volunteer Fair will take place along the Center's Main Street.

COMMITTEE REPORTS

Councilmember Pelfrey reported that the Bicentennial Committee of Council met to begin planning and preparing for Bicentennial events. The committee discussed Mason's history, the Bicentennial Committee mission statement, and Festivals of Mason (FOM) responsibilities. The Festivals of Mason committee is identifying potential vendors, outlining sponsorship packages, website and branding for the event, and discussed perhaps offering a special glass blown ornament to be sold at the 2013 Christmas in Mason event. The City will be promoting 2015 Bicentennial events including the FOM signature event. Councilmembers are invited to attend Festivals of Mason meetings held twice a month.

Councilmember Spaeth reported from the September 13 Park Board meeting. She stated that many items were discussed at this meeting including the need to review the athletic complex usage policy, 53% of Mason Community Center (MCC) memberships are Premier, net activity of \$33,201 in July at MCC, the Parks Rules and Regulations booklet is being updated, and that concession bids will be going out.

OLD AND NEW BUSINESS

Councilmember Cox announced that the Mason Historical Society's Cemetery Walk is on Tuesday, October 16. He commented that residents continue to report the problem of street lights out. He suggests that police officers report these outages. Richard Fair explained that Public Works gathers the reported street outages and then reports these to Duke Energy for repair. A Public Works employee also travels the streets each month to report any out of order

lights. Eric Hansen stated that police and fire personnel currently report when street lights are out and submits them to the Public Works Department.

Councilmember Grossmann reported that meetings are continuing with Mason businesses and organizations to explain and answer questions regarding Issue 7, Charter Amendment to fund Fire and EMS services. Positive support for Issue 7 has been received from Kings Island, Luxottica, L3, and the Chamber of Commerce. Councilmember Grossmann stated that an organization out of Lebanon is planning to distribute flyers with inaccurate information regarding Issue 7, even after City of Mason representatives met with them. The City has contacted the organization with a request to correct the flyer. Councilmember Grossmann clarified that the purpose of Issue 7 is not to build additional fire stations; it is to fund existing fire stations. He stated that Issue 7 establishes a cap of 5 mills on real estate taxes, which is the historic levy amount set in 1998. It does not give Council the unilateral right to set tax levels. He stated that with these caps in place, Issue 7 permits Council, on a yearly basis, to make an adjustment to keep taxes low. Councilmember Grossmann stressed the importance for Council representatives to understand and communicate the facts of the upcoming Charter Amendment Issues.

Mayor Nichols stated that the Patriot Fair on Saturday has the potential of becoming a main event for the city and region. It has quadrupled in size with people coming from outside of Ohio, including Virginia and Pennsylvania. He said that the exhibits and activities portray living history and are enjoyed by students, children and adults of all ages. He thanked Councilmember Prince for bringing this outstanding event to Mason for the first time last year. Councilmember Prince stated that he only presented the opportunity to the city last year and that credit should be given for its success to the American Spirit Education Alliance (ASEA). He agrees with the Mayor that this event promises to be a premier event going into the future. Councilmember Spaeth said that she enjoyed the Patriot Fair and thanked Councilmember Prince for his efforts with this event and the support of the Veterans Memorial.

RECOGNITION OF VISITORS

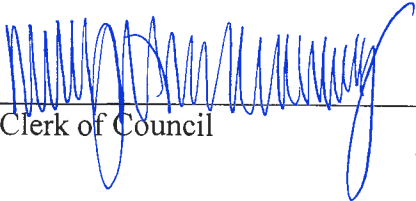
Chris Inzerello of 4659 Oakland Court and HOA president of Windemere Subdivision had questions regarding the Empire Packing plant. To his question regarding what type of processing and if there would be vapors, Councilmember Prince replied that it is strictly a meat cutting and packaging plant handling all raw meat that comes in butchered. There are no cooking processes involved. Mr. Inzerello asked about truck traffic generated from this business and had concerns regarding trucks along the side of the road in the right of way waiting to be admitted to the plant. Councilmember Prince stated that the facility is staffed 24 hours, so trucks will not be waiting for entrance outside a gate. He stated that the facility expects 10 trucks each day (1 truck in, 4 trucks out each shift) and that parking seems adequate on the premises to accommodate these trucks. Truck parking along the road is unacceptable. Chris Inzerello inquired about similar plants. Eric Hansen stated that city staff visited a plant in West Chester and were impressed with how clean and aesthetically pleasing the facility was inside and out.

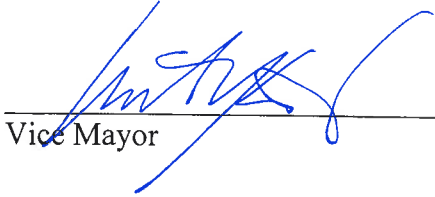
EXECUTIVE SESSION: LAND ACQUISITION

Mayor Nichols announced that Executive Session will be postponed to next meeting with Council's approval.

ADJOURN

A motion to adjourn was made by Vice Mayor Kidd, seconded by Councilmember Spaeth.
VOTE: ALL YEAS. TIME: 10:12 p.m.


Clerk of Council


Vice Mayor