

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 25, 2013**

The meeting was called to order at 7:11 p.m. Vice Mayor Kidd 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 February 11, 2013 Council Meeting Minutes was made by Vice Mayor Kidd, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

RECOGNITION OF VISITORS - none

ORDINANCE 2013-09 2ND READING: APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LIBERTY TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT I CONTRACT TO ADD CERTAIN PROPERTIES TO THE LIBERTY TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT I

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

Eric Hansen stated that a public hearing is required to amend the 2006 Joint Economic Development District (JEDD) the City entered into with Liberty Township and Middletown in order to add some parcels of property. He introduced Caroline McKinney.

The Public Hearing was opened at 7:16 p.m.

Caroline McKinney, Economic Development Director for Liberty Township, stated that the proposed amendment adds 24 parcels, along Liberty Way, to the JEDD. This geographic area has been anticipated as part of the long term plan for the JEDD however was not eligible to be part of the district in 2006 because the use was residential. She explained that JEDD legislation has since changed now allowing residential areas to be included within the district, similar to zoning, as a layer over the JEDD.

The Public Hearing was closed at 7:17 p.m.

A motion to adopt Ordinance 2013-09 was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

RESOLUTION 2013-03 OPPOSING THE PASSAGE OF HB5 BY THE OHIO GENERAL ASSEMBLY AND ENCOURAGE SUPPORT OF HOME RULE THAT DOESN'T CAUSE EXCESSIVE HARM TO THE CITY OF MASON AND OTHER MUNICIPALITIES

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

Eric Hansen introduced a revised version of the Resolution which considers input by Councilmembers. He said that the Resolution expresses Council opposition to HB5 as introduced to the Ohio General Assembly. Discussions at the State level center on consolidating and moving toward uniformity of all municipalities collecting earnings tax. The Resolution voices Council concerns on HB5's impact on the City's home-rule authority, conflict with the recent Charter amendment adopted, and efficiency of the City's tax collection powers.

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 amend Resolution 2013-03 with modification of the language in the title and the second whereas clause was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS. *(The title of Resolution 2013-03 in these minutes has been changed to reflect the amendment to the original title.)*

Council discussed legal action by the City if HB5 is adopted. Jeff Forbes stated that HB5 as written now, states that once it becomes law every municipality that wants to collect a municipal income tax will be required to adopt Chapter 718 of the Ohio Revised Code (ORC). ORC Chapter 718 is different than provisions in Mason local code and whether Mason adopts ORC Chapter 718 or not, the local code becomes inoperable. He explained that if HB5 is adopted as written now, further action will be needed to deviate from State law to defend the City's home-rule authority. Jeff Forbes confirmed Councilmember Grossmann's statement that the State does not have the authority to change the City's rights under the State of Ohio Constitution. HB5, without going to a constitutional amendment, would effectively take away what the Constitution of Ohio gives cities the right to do. Council discussed the number of municipalities in Ohio opposing HB5 and communications with Representative Pete Beck. Eric Hansen stated that Pete Beck has communicated to Terry Schulte and some Councilmembers that he is hoping for a more moderate version of HB5. Vice Mayor Kidd said that two weeks ago, Representative Beck expressed his reservations concerning HB5 and that he anticipated more revisions.

A motion to adopt Resolution 2013-03, as amended was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2013-26 ACCEPTING AN OHIO DEPARTMENT OF DEVELOPMENT 629 GRANT AND AN OHIO JOBS AND COMMERCE GRANT THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION IN THE AMOUNTS OF \$150,000 AND \$50,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS AND DECLARING AN EMERGENCY

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

Eric Hansen stated that as part of the attraction of Empire Foods to Mason, the City negotiated a partnership with the private land owner and the State of Ohio. The \$13 million Empire Foods project will bring approximately 200 new jobs. The final action by City Council necessary to complete the recruitment package put in place last year, is to accept State of Ohio grant funding in the total amount of \$200,000 toward the extension of Alliance Drive. He explained that Alliance Drive began as a project pursued as part of building new Fire Station 51, attracting new business such as Noritake, and this extension of Alliance Drive will provide access to the Empire parcel and open up an additional 11 acres for future development.

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 2013-26 was made by Councilmember Spaeth, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2013-27 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ROBINSON FENCE COMPANY FOR THE PURCHASE OF FOUR REPLACEMENT BACKSTOPS AT CORWIN NIXON PARK IN AN AMOUNT NOT TO EXCEED \$37,600

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

Richard Fair addressed Council and stated that Finance Committee and City Council approved the 2013 Budget which included backstop replacement at Corwin Nixon Park. He stated that in 1990, the City constructed 4 ball fields at Corwin Nixon Park with backstops and fencing. In 2004 netting was added to protect spectators from foul balls hit over the backstop. The netting and backstops have deteriorated to a point where they need replacing. The Mason Sports Park (MSP) currently utilizes a system that has worked well with poles and fabric high enough to catch foul balls and a similar system is recommended for Corwin Nixon Park. Richard stated that the 2013 Budget included \$36,000 for backstop replacement, the lowest and best bid by Robinson Fence Company was \$37,600, and a second estimate received was close to \$100,000. The lowest bid is \$16,000 over the amount budgeted.

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.

Councilmember Pelfrey expressed her concerns that the proposed backstop system would not be adequate to protect spectators from foul balls compared to the current netting at Corwin Nixon. She explained that the fields at Corwin Nixon are closer together than MSP and wanted assurance that the proposed system would protect spectators. Richard Fair stated that although the backstops at MSP have had good results, he could not make a 100% guarantee. He explained that during winter months, ice and snow accumulating on the netting at Corwin Nixon pull the

poles towards the concession stands causing structural damage to the poles and foundations. The netting was successful in protecting spectators from foul balls but added undue stress to the backstop poles and foundations. If the netting remains, the posts and foundations will need to be replaced. He stated that extending the height of the backstops would be a solution to this problem. The proposal is to extend the backstops to 18 feet and install heavy duty mesh netting. Other options were discussed by Council including the addition of an overhang to the extended backstop and systems to remove the nets in the off-season. Councilmember Pelfrey suggested that this item be tabled to gather information and consider other options.

A motion to adopt Ordinance 2013-27 was made by Councilmember Cox, seconded by Councilmember Prince.

A motion to table Ordinance 2013-27 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS. ORDINANCE TABLED.

ORDINANCE 2013-28 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHN R. JURGENSEN COMPANY FOR THE 2013 STREET RESURFACING PROGRAM

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

Eric Hansen stated that annually the City of Mason pursues a Street Maintenance program to repair and prolong the life of City roadways. Typically, between \$750,000 and \$1,000,000 is budgeted for this annual program, although recent years have seen this amount below \$500,000 to conserve funds. He explained that the base budget for the 2013 Annual Street Resurfacing Program is \$850,000 with an additional \$150,000 for a possible secondary street maintenance program, pending bid pricing. Bid pricing came in at attractive numbers despite Deerfield Township choosing not to partner with the City as in previous years. Eric stated that the Public Works Committee recommends that this Ordinance be amended to add \$110,000 to the not-to-exceed amount in order to utilize all the funds contained in the 2013 Budget and allow the addition of streets to the program.

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 amend the not to exceed amount with the addition of \$110,000 for a total not to exceed amount of \$1,030,000 was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

Council discussed Deerfield Township reasons for not partnering with the City this year and the possibility of future partnerships with other townships or counties. Eric Hansen stated that no explanation was given by Deerfield Township and that although the City considers partnerships with other jurisdictions, the advantage is lost when distance is introduced. He stated that parking lots are great candidates for partnerships with other entities within the City. Councilmember Prince stated that the cost/ton for asphalt is lower this year than last year and he credits City

Staff. He explained that staff takes a common sense business approach and provides flexibility to the contractor as to location and timing when paving streets.

A motion to adopt Ordinance 2013-28 as amended was made by Vice Mayor Kidd, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

▶ The Mason-Deerfield Fire Auxiliary will host Fish Frys on March 1, 8, 15, and 22 at Fire Station 52 on Cedar Village Drive.

▶ Area Progress Council (APC) is sponsoring the 2013 State of the County on March 13 at Shaker Run Golf Club in Lebanon.

▶ Mason has been honored as the 100th Safest City in America by the NeighborhoodScout research site. The award is based on nationwide crime data research performed by NeighborhoodScout, a division of Location, Inc. The organization publishes this annual list based on cities with population of 25,000 or more and based on the total number of crimes per 1,000 residents.

COMMITTEE REPORTS

Councilmember Cox reported that at the WCML meeting, Tom Ariss and Pat South reported that income generated from the Racino is expected to be about one third of predicted amounts. He reported that funding the Brent Spence Bridge was discussed at the last OKI meeting and that a \$2 toll proposal with only 8 cents of that toll directed towards the cost of the bridge was considered. The bulk of the toll would be used towards administration of the toll. He encouraged citizens to contact representatives regarding bridge replacement funding.

OLD AND NEW BUSINESS

BOARDS AND COMMISSIONS

Mayor Nichols nominated Mike Gilb to be appointed to fill a vacancy in the Zoning Board of Appeals (ZBA). With no other nominations from the floor, Mike Gilb was appointed as ZBA representative by acclamation.

RECOGNITION OF VISITORS - none

EXECUTIVE SESSION: LAND ACQUISITION; LITIGATION

A motion to adjourn into Executive Session for the purpose of discussing land acquisition and litigation was made by Councilmember Prince, seconded by Vice Mayor Kidd. VOTE: ALL YEAS. TIME: 7:56 p.m.

A motion to reconvene into Regular Session was made by Councilmember Prince, seconded by Vice Mayor Kidd. VOTE: ALL YEAS. TIME: 8:38 p.m.

ADJOURN

A motion to adjourn was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 8:38 p.m.


Clerk of Council


Mayor