

**CITY OF MASON  
COUNCIL MEETING  
July 16, 2007**

Mayor Pelfrey opened the meeting at 7:06 p.m. Following a prayer by Pastor Rick Huff, those present recited the pledge of allegiance.

**ATTENDANCE**

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Matt Kline, Todd Wurzbacher, Tom Grossmann and Charlene Pelfrey.

**APPROVAL OF MINUTES**

Terry Schulte, Clerk of Council, noted a change needed to be made to the minutes of the June 18, 2007 meeting reflecting it was Councilmember Osborne who abstained from approving the May 21 minutes, not Councilmember Kidd. A motion to approve the minutes of the June 18, 2007 meeting as amended was made by Councilmember Kidd, seconded by Councilmember Kline.  
VOTE: ALL YEAS

**RECOGNITION OF FRANK BAILEY, VOLUNTEER WITH PARKS AND RECREATION DEPARTMENT**

Mayor Pelfrey read the proclamation and presented it Frank Bailey. He has served as a volunteer in the Parks and Recreation Department for over 10 years and over 15,000 hours. He introduced the members of his family present.

**RECOGNITION OF VISITORS**

Tom Raga, Senior Development Specialist with Sinclair College, addressed Council and thanked them for their support in allowing Sinclair College to locate their new facility in Mason. He introduced Dr. Helen Grove, Provost, who provided information on the programs that will be available and the scope and quality that will be offered at this location. The new Executive Dean for the Mason Campus, George Sehi, addressed Council and stated as of today they have 100 students enrolled for a September 5, 2007 start date. He said they project to have 500 enrolled. He stated their goals are to provide a path for education and focus on economic development of the area by reaching out to businesses to identify and meet their needs.

Rick Inskeep of Butler Warren Road addressed Council and asked if there is a petition being filed to increase the tax credit to 100% for those working outside the City. Vice Mayor Grossmann responded he is personally circulating a petition and has gathered over 600 signatures. He also said there are approximately 10 to 12 other individuals gathering signatures. He said there is no requirement that the petition be filed with the clerk of council. Mr. Inskeep stated there are two other petitions that he will be involved with circulating and he wanted to know the status. Vice Mayor Grossmann then asked Mr. Inskeep if he would answer questions

on his petitions. He refused to do so. Vice Mayor Grossmann provided some background information regarding Mr. Inskeep efforts on the tax abatement issue in 1995 and he failed by a large margin.

Richard Easterling of 3134 Sierra Way in Avalon Farms subdivision addressed Council and stated he is the newly elected president of the recently formed Homeowners Association. He also introduced Jim Avery and Mike Murray also serving on the board. He stated Blue Ridge Development has turned over the development to the Homeowners Association. They understand there is an on going process of bond money being held from the developer regarding road paving and other items. He asked what the current status is so the new board can be informed. Richard Fair explained the developer had a June 30 deadline to complete items on the final punch list. He had not complied with all the items. The City has begun proceedings to take the bond. He said the major item is the topcoat of asphalt.

### **COUNCIL OLD AND NEW BUSINESS**

Mayor Pelfrey reported the Red Rhythm and Boom Concert was a huge success with over 30,000 attending. She stated it is a quality family event and thanked the City staff for a beautiful job.

Mayor Pelfrey noted the City has recently been ranked number 81 out of 100 in the nation as the best place to live in the July issue of Money Magazine.

Councilmember Osborne distributed a detailed spreadsheet to Council addressing the financial status of the City with today's revenues and projecting them out into the future. He noted this information has just been given to Council and therefore he is not asking for any comments but wants to explain the data as it is important to inform the public of the process involved. He noted the chart does not have the final numbers but this is very useful for Council when trying to make decisions of fiduciary responsibility for the City. He stated this provides a tool the City can use in determining what and how they make decisions in the future. Councilmember Osborne said this can assist when making decisions on options such as an admissions tax or offering a full credit on the income tax. He said those ideas have an impact on the City and this tool can help Council make decisions that continue to make Mason a great place to live. He stated this chart projects future revenues and operating expenses which both include assumptions. He noted this is a tool a company would use for strategic planning. He said there are 346 capital expenditures on the list and by 2012 the city shows a projected deficit. He stated that is something we want to avoid. Vice Mayor Grossmann asked what percentage was used for the increase in income tax revenue. Councilmember Osborne stated it was formula based at 13% until build out then is scaled back. He noted this will be discussed in greater detail at a worksession. Mayor Pelfrey thanked him for his efforts and stated a worksession will be scheduled with all of Council. Eric Hansen noted there is a lot of data and the person who is best informed on it is the Finance Director, Joe Reigelsperger. He noted there are a number of assumptions involved with this projection and they can be modified to shift the projections or outcomes in future years. Councilmember Osborne stated some things can be projected such as the debt on the community center but others cannot such as if a company is purchased and moves to another location. Councilmember Wurzbacher thanked Councilmember Osborne for this tool and asked for the data electronically. Eric Hansen stated that is possible but it is important Council all review the

same base line numbers. Mayor Pelfrey asked to compare the previous spreadsheets on the capital expenditures with this one. Councilmember Kidd stated this amendment for a full tax credit will probably appear on the ballot and is very important to the residents. He suggested a public forum in which the public can be fully informed. Mayor Pelfrey stated a worksession would be scheduled. Vice Mayor Grossmann stated Councilmembers are allowed to discuss the issue and send letters to the editor, hold meetings etc. He said people are signing the petition because of the fairness issue. Councilmember Kidd stated he feels it is Council's responsibility to collectively address this issue as a body.

### **COMMITTEE REPORTS**

Vice Mayor Grossmann provided an update on the Mason Municipal Judge situation. He said the Judge has 30 days to respond to the report that has been issued by the Committee of the Supreme Court. He said if the judge were suspended, Council would not have to do anything because the Governor would appoint a replacement. He stated his guess is that nothing will happen until the fall.

Councilmember Kidd asked for clarification as a member of the Park Board and a member of Council if he is still on the Ad Hoc Committee reviewing a third party partnering with the Community Center expansion. Mayor Pelfrey reported she attended one meeting on this topic so she would have an understanding on this topic. She said he is definitely on this committee. Councilmember Osborne stated there could be some confusion regarding a meeting with the school board on the Community Center. He said that has been going on concurrently with the meetings regarding a third party partnership. Councilmember Kidd stated the Park Board would like to be kept informed of the status.

Councilmember Bradburn asked about the status of the Emerald Ash Borer. Eric Hansen said they expect to have an update by the end of the week with pricing information. He said it is the City's intention to make it available to the public via homeowners associations. Dave Keener of Gem Stone Court addressed Council and stated he is interested in the Emerald Ash Borer therefore he would like to know what the City decides. Perry Schwartz addressed Council and stated the most effective treatment seems to be "Merit". He added treatment should be in the fall and spring and if the tree is young, approximately 6 inches, it should be treated.

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

Eric Hansen reported on the following items:

► A driving tour of the Mason Sports Park construction and an opening ceremony for Pine Hill Lake Lodge occurred today July 16 beginning at 5:30 p.m. There was also a visit to the Pine Hill Lake Lodge, where a brief ceremony was held to commemorate the opening of the facility.

► The City will host a welcome ceremony and reception on Wednesday, August 1 beginning at 4:30 p.m. at the Golf Center at Kings Island. There will be a ceremony and photo session from 4:30 to 5:30 p.m. with City Council, followed by a reception on Jack's Patio. A general open house for the community will be held immediately following, from 6:00 to 7:30 p.m.

A worksession will be scheduled in the future.

**RESOLUTION 2007-12 PROCLAIMING JULY AS NATIONAL PARKS AND RECREATION MONTH**

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

Jennifer Heft explained to Council, the National Recreation and Parks Association views this as an opportunity for communities to bring the importance of parks and recreation services into public focus. She stated 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 245 acres of parkland in six parks, which contain facilities for many active sports, playgrounds, picnic areas, natural areas, fishing, the Lou Eves Municipal Pool, and the Mason Community Center. In addition, the 52- acre Mason Sports Park is currently under construction with opening anticipated for Spring 2008. She noted the Parks & Recreation Department provides many activities for citizens of all ages including camps, special events, nature programs, volunteer opportunities, aquatic programs, adult and senior programming and many others.

Michael Hecker addressed Council and provided a brief update on the construction of the Mason Sports Park.

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

A motion to adopt Resolution 2007-12 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

Mayor Pelfrey stated she is altering the agenda to address the Community Reinvestment at this time.

**COMMUNITY REINVESTMENT AREA DISTRICT ONE-TOUCHSTONE MARKETING GROUP**

Paige Rothstein addressed Council and stated the City has the opportunity to retain an existing company that has been a part of the business community since 1997. She stated Touchstone Marketing Group is currently located at 7405 Industrial Row Drive in a 12,000 sq. ft. facility designing and distributing corporate promotional items. Derek Block, President/CEO of Touchstone Marketing Group was introduced and stated they have experienced a tremendous growth in sales and employment. He said he is a resident of Mason and has been happy with his business being located in the City of Mason with their pro-business environment. Paige stated since 2005, employment has grown 68% from 14 employees to 44 employees with a projected additional 60% growth within the next three years to 70 employees. Due to the employee growth

and a 60% growth in business volume over the past year and a half, the company has outgrown its existing location and has decided to build a 40,000 sq. ft. facility.

Mason is the only build-to-suit site location of the five locations that have been considered, making it the most expensive of the five choices. This is a good opportunity to retain a growing company that will put little strain on city roadways or services.

Paige stated in the interest of retaining and growing an existing business partner in the Mason Commerce Park, the Mason Economic Development Committee recommends that Mason City Council make and approve a motion to grant to Touchstone Marketing Group, an abatement under the Community Reinvestment Area Program of 100% of real property improvements for 5 years on the value of the new building investment as authorized by the State of Ohio Community Reinvestment Area Program and contingent upon the company making an annual compensation payment to the Mason City School District for the term of the abatement period. Councilmember Bradburn moved to approve that motion, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2007-25 SUBMITTING TO THE ELECTORS OF THE CITY OF MASON, OHIO, AN AMENDMENT TO CHARTER SECTION 10.04 REGARDING INCOME TAX CREDIT**

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

Eric Hansen stated Council first addressed this legislation at the March meeting where it was tabled until the July meeting.

Vice Mayor Grossmann move to table this legislation until the second meeting in August. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

**ORDINANCE 2007-82 APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A RESIDENTIAL UNIT IN A B-1 ZONED BUILDING AT 216 KINGS MILLS ROAD**

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

Brian Lazor addressed Council and stated the prospective owner of 216 Kings Mills Road, is requesting a Conditional Use Permit to allow a residential unit in a B-1 Zoning District. He stated the property is located across from Pine Hill Lakes Park. The site contains a 3-story, 3,500 square foot building and parking. Over the years, the building has contained a variety of uses, but is currently vacant.

He said the Zoning Ordinance allows a residential unit in a B-1 (Downtown Business District) Zone, with a Conditional Use Permit. A Conditional Use Permit allows the City to review a proposed use and apply extra scrutiny, if needed, to ensure the use is consistent with the surrounding area.

Brian said the top floor of the building contains a pre-existing residential unit. The main floor has vacant retail space and the walkout basement is currently used for storage. The proposal is to use the basement as a residential space. The Zoning Ordinance only permits residential units on the second floor and above and requires a minimum of 1,200 square feet of living space. The Zoning Board of Appeals granted a variance to allow residential use of the basement unit, with 1,080 square feet.

He stated the project also includes a future driveway to the back of the property, garage, and space for a recreational vehicle. The plan shows a solid fence along the eastern property line, which should screen the property from adjacent areas and a small shed for the existing tenants. Planning Commission, at its June 5, 2007 meeting, voted 5 to 0 recommending approving the Conditional Use permit application contingent on the following items:

1. If parking becomes an issue, the applicant will need to add a parking lot meeting all the requirements of the Zoning and Landscape Ordinances.
2. Eight (8) trees will need to be added with the addition of the driveway and garage on the property.

Brian reported Planning Commission discussed the desire to use some of the required landscaping to improve the appearance of the front of the building, such as street trees and window boxes. Staff supports the Planning Commission decision and recommends approval of the permit.

Mayor Pelfrey opened the public hearing at 8:45 p.m. Mr. Craycraft addressed Council and spoke in favor of the project. There were no comments in opposition. Mayor Pelfrey closed the public hearing at 8:48 p.m.

A motion to adopt Ordinance 2007-82 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: 6 YEAS, (Absent: Grossmann)

**ORDINANCE 2007-102 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KNEISEL CONTRACTING CORPORATION IN THE AMOUNT OF \$120,575.00 FOR THE STRIPING OF VARIOUS STREETS IN THE CITY**

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

Eric Hansen explained to Council, the 2007 Street Striping Program was bid on July 10 with two (2) bids received. Kneisel Contracting Corporation submitted the best and lowest bid at \$120,575.00. Eric stated work to be performed includes painting of center lines, edge lines, channelizing lines, crosswalks, school markings, railroad markings, lane arrows, words "Only" and island markings.

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

A motion to adopt Ordinance 2007-102 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: 6 YEAS (Absent: Grossmann)

**ORDINANCE 2007-103 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FMSM ENGINEERS IN AN AMOUNT NOT TO EXCEED \$49,400.00 FOR DESIGN OF US 42 NORTH TRUNK SEWER RECONSTRUCTION (PHASE 2B) AND PREPARATION OF BIDDING DOCUMENTS**

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

Richard Fair explained to Council, the purpose of this legislation is to provide necessary engineering services to secure bids for reconstruction of the US 42 North Sanitary Trunk Sewer (Phase 2B). Phase 2B runs from 3<sup>rd</sup> Avenue to Mason-Montgomery Road, and from Kings Mills Road to US 42 (east of Four Seasons).

He stated the US 42 Trunk Sewer is one of two major trunk sewers conveying wastewater from the City collection system to the Water Reclamation Plant (WRP). Most of it was originally constructed in the 1960s, and many sections had become deteriorated and were a major source of infiltration/inflow to the sanitary sewer system. In 2002, the City initiated a program to reconstruct the entire US 42 Trunk Sewer, from Quinn Park in the southern part of the City to US 42 east of the Four Seasons apartment complex. Previous projects have included US 42 South Trunk Sewer, US 42 North (Phase 1), and more recently the Muddy Creek/US 42 North Trunk Sewer. The Muddy Creek/US 42 Trunk Sewer reconstruction was done in cooperation with Engineering and Building's Muddy Creek remediation. The Muddy Creek/US 42 Trunk Sewer was completed earlier this year. Remediation design for the Muddy Creek was performed by FMSM Engineers, which has expertise in both sanitary sewer and stream remediation design.

Richard reported FMSM Engineers submitted a proposal in the amount of \$49,400 for design and preparation of bidding documents for reconstruction of the remaining section of the US 42 Trunk Sewer, known as Phase 2B. Phase 2B runs from 3<sup>rd</sup> Avenue to Mason-Montgomery Road and from Kings Mills Road to US 42, totaling approximately 4,700 linear feet. Once again, this project would be combined with Engineering and Building's Overlook Drive Creek Restoration project. FMSM performed the engineering work for the creek restoration. Combining Phase 2B Sewer Trunk with the creek restoration will save costs and eliminate the duplication of work. Richard said staff considers the proposal by FMSM Engineers to be responsive to the City's planning and very reasonable for the work involved. He also stated the Finance Committee recommended including \$200,000 in the 2007 Budget for this project and the Utility Committee has also had a chance to review this project and also recommends proceeding.

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

A motion to adopt Ordinance 2007-103 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2007-104 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH R.D.ZANDE & ASSOCIATES INC., IN AN AMOUNT NOT TO EXCEED \$36,000.00 FOR DESIGN AND PREPARATION OF BIDDING DOCUMENTS FOR PARTIAL DEMOLITION OF THE OLD WATER RECLAMATION PLANT**

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

Richard Fair explained to Council, in May 2006, the City's new Water Reclamation Plant (WRP) on Mason-Morrow-Millgrove Road was placed in operation. All City sanitary sewage flow was diverted from the old WRP on US 42 North to the new WRP. With the exception of the emergency generators, the fixed equipment at the old WRP was not suitable for use at the new WRP, due to technological advances since the old WRP was last updated in the mid 1990's and capacity differences. The equipment has been well maintained and is in good condition. Staff completed an inventory of such items and at the meeting on May 21; Council authorized Ordinance 2007-81, which declared the equipment surplus. Staff is currently working on disposal of the surplus through auction.

Richard stated health, safety and the future beneficial use of the site require demolition of the preliminary treatment facilities, digesters, oxidation ditches, screw pumps, clarifiers, and miscellaneous structures and concrete pads. Three consulting firms were contacted and bids were requested from them for this work. The lowest and best bid was from R.D. Zande & Associates Inc., for \$36,000. Richard said \$40,000 was included in the budget for this item. He also said the Utility Committee has reviewed this proposal and recommends approval.

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

A motion to adopt Ordinance 2007-104 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2007-105 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 32-FORD FOR THE PURCHASE IN THE AMOUNT OF \$35,586.00 A ONE (1) 2007 FORD F-350 TRUCK**

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

Jennifer Heft reported to Council, as part of its fleet, the Public Utilities Department utilizes a 1995 Chevrolet Van. This van has accumulated slightly over 87,600 miles, exceeds the City's scheduled vehicle replacement cycle, and is bringing diminishing returns by incurring increasing maintenance costs as wear and tear increases. The braking system on the van is recurring problem and an ongoing safety concern. The van is rusting out through the floorboards, and throughout the sides. To date the cost of repairs on Van 38 is \$8,907 and if the van is left in service it would require significant repairs, the cost of which would more than likely exceed its



value. Jennifer stated the State Bid price for this vehicle is \$35,586, which includes plowing equipment. Upon replacement, the existing van will be declared surplus and sold at auction. She reported as part of the budget process, both the Equipment Committee and the Finance Committee discussed and recommended the replacement of this vehicle. The 2007 Budget included \$38,900 for the purchase of this replacement vehicle.

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

A motion to adopt Ordinance 2007-105 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: 6 YEAS, 1 ABSTAIN (Bradburn)

**ORDINANCE 2007-106 DECLAIRNG CERTAIN CITY EQUIPMENT AND CERTAIN MISCELLANEOUS CONFISCATED PROPERTY AND EQUIPMENT AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SAID EQUIPMENT AND PROPERTY**

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

Jennifer Heft explained to Council, the City periodically disposes of surplus City property through auction. This surplus is generally made up of vehicles and equipment that no longer serves a useful purpose in delivering public services. However, surplus may also include unclaimed or forfeited property acquired through Police related activity. Jennifer stated at a previous council meeting, when new playground equipment for Quinn Park was authorized, staff was encouraged to explore options to donate the existing equipment in lieu of disposal. Because the equipment is metal and not wood (like previous replacements) the liability concerns were not that great. A strong indemnification agreement and requiring the recipient to handle the removal (to avoid cost and liability concerns with damage during removal) can adequately address those concerns.

She reported Rabbi Kalmanson at Cedar Village indicated interest in the Jewish Discovery Center's pre-school program acquiring the playground equipment. Cedar Village was willing to indemnify the City and handle the removal of the equipment themselves (which will save the City some disposal costs.) The current equipment will be removed before the new playground is installed, making this a win-win situation for both the City and Cedar Village.

Jennifer also reported in October 1998, with the formation of a new fire department, the City purchased new turnout gear (fire protective coat and pants) for each firefighter. The National Fire Protection Association (NFPA) recommends the active life of turnout gear to be five years depending on wear. In January 2004 Council approved purchase of new turnout gear. Over the past three years the old turnout gear has been in storage and only used during a controlled training or for spare equipment on an emergency basis. Butler Tech Public Safety Education Complex has indicated an interest in fifteen sets of surplus Fire Department turn out gear in exchange for a one-year membership in the Butler Tech's part-time Fire and EMS programs and providing the Mason Fire Department with a fifty percent (50%) discount on the cost of part-

time training programs. Jennifer stated the Fire Department does utilize Butler Tech for Paramedic and Fire Science classes. Last year the department spent over \$8,600 for training at Butler Tech. A partnership with Butler Tech for this turnout gear is a cost effective method for obtaining essential training for part-time staff.

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

A motion to adopt Ordinance 2007-106 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-107 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BRAY - ARNSPERGER EXCAVATING, INC., IN THE AMOUNT OF \$432,622.50, FOR THE CONSTRUCTION OF THE MASON SKATE PARK PROJECT**

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

Eric Hansen provided a brief history of the City's process regarding the construction of a new skate park. He stated on August 22, 2005, Council approved Ordinance 2004-134, which authorized a contract with Site Design, for design services, in an amount not-to-exceed \$45,000. Through the efforts of staff, the actual design costs were \$41,000. He also stated Council requested staff to contact Deerfield Township to see if there was an interest in partnering on this project. Staff did speak with Deerfield Township representatives and they indicated there was no interest in financially partnering on this project.

The site of the park was selected next to the Lou Eves Municipal Pool in Corwin Nixon Park. Eric said in May 2006, the design for the park was determined, and the final design and specifications were completed in August 2006. Earlier this year, Lockwood, Jones and Beals (LJB) was hired to review plans and specifications to ensure compliance with the ODOT Construction and Material Specifications, the Ohio Building Code and local building code requirements.

Eric said construction bids were let on May 24, 2007. Bid notifications were faxed to over twenty-nine companies and sixteen companies picked up plans. The advertisement for bids included sponsorship opportunity for prospective bidders as a means to reduce the total cost of the project. No firm submitted a bid with sponsorship opportunities.

He reported the Alternate 1 bid by Bray-Arnspenger is both the lowest and below the engineer's estimate of \$449,608. The base bid includes shotcrete and Alternate I substitutes shotcrete with concrete. Alternate 1, was included as a potential cost saving alternative. Bid results show substantial cost saving by using concrete. Other communities in Ohio (Kettering, Westerville, Anderson Township) have used concrete and are very satisfied. Shotcrete is a different application of concrete in which concrete is placed under pressure and has a smoother finish than regular concrete. Bray-Arnspenger has agreed to provide the same smooth finish as in shotcrete.

Strength of both materials is the same. LJB consultants have also recommended the use of concrete rather than shotcrete.

Eric reported the 2007 Budget recommended by the Finance Committee and adopted by Council included \$360,000 for this project with the anticipation that sponsorships would offset the cost. Staff will continue to search for sponsorship opportunities and work with the Park Foundation to solicit funding. Further efforts to bring the project more in line with budgeted amounts will require a redesign and additional costs.

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

A general discussion took place among Councilmembers in which several asked if the Township is willing to participate on this project. Eric and the Mayor both stated they have been contacted and are not willing to participate at this time. Vice Mayor Grossmann stated the City should not move forward on this project without the Township participating on this park. He stated the previous trustees stated they would be willing to partner. He said many of the children using this park will be from Deerfield Township. Councilmember Osborne agreed with Vice Mayor Grossmann especially since this has come in over budget. He also explained the reason Baker Concrete has not offered to participate with sponsoring and donating the concrete is because their business has increased and they do not have the manpower to take this on now.

A motion to table this legislation until the August 13, 2007 meeting was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2007-108 REPEALING ORDINANCE NO. 2006-95, APPOINTING KENNETH J. SCHNEIDER AS LAW DIRECTOR AND CONTRACTING WITH THE FIRM OF WOOD & LAMPING FOR LEGAL SERVICES**

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

Eric Hansen explained to Council, Ordinance 2007 - 108 authorizes an increase in pay for the City's Law Director. This increases the Law Director's compensation, effective July 1, 2007, from \$28,000 to \$29,000, a 3.57% increase. In addition, the legal services performed by the law firm will increase from the rate of \$163 per hour to \$169 per hour, a 3.68% increase. One exception to the \$169 rate is litigation and labor negotiations, which are increasing from \$179 per hour to \$186 per hour, a 3.91% increase.

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

Councilmember Kidd asked if the City ever receives bid for these services to see if we are paying a competitive price. Vice Mayor Grossmann stated any firm could underbid to get the work however, this is a very specific area of the law and this firm is very experienced and specializes in this field. He added they are not charging rates that other firms are charging but he

added, Council can decide to change firms at any time. Eric Hansen stated “going out to bid” does not apply to professional services.

A motion to adopt Ordinance 2007-108 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-109 AUTHORIZING THE REIMBURSEMENT OF \$20,000.00 TO CRANE PLASTICS COMPANY PURSUANT TO THE DUKE ENERGY ECONOMIC DEVELOPMENT GRANT TO THE CITY OF MASON**

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

Eric Hansen explained to Council, authorizing this legislation, will finalize the last step in the financial package Council approved at the August 2006 meeting. That motion was to grant Crane Plastics dba Vinyl Visions, an abatement under the Community Reinvestment Area Program of 100% of real property improvements for eight years on the value of the new building investment contingent upon the company making an annual compensation payment to Mason City School District. As part of that agreement, a reimbursement of funds was to go to Crane Plastics from Duke Energy Economic Development Grant for \$20,000. Eric explained the City is the recipient of the \$20,000 grant from Duke Energy, and this legislation will approve the distribution to Crane Plastics.

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

Councilmember Bradburn noted this firm has been a good addition for the City and thanked Economic Development for bringing them into the City.

A motion to adopt Ordinance 2007-109 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-110 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PARTICIPATION IN THE CINCINNATI USA REGIONAL CHAMBER ECONOMIC DEVELOPMENT COUNCIL (FORMERLY THE REGIONAL MARKETING PARTNERS) IN AN AMOUNT NOT TO EXCEED \$50,000 PER YEAR FOR THREE YEARS**

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

Michele Blair reported to Council, the purpose of this legislation is to continue the expanded outreach of economic development efforts by competing for prospects at a regional level and expand entrepreneurial outreach for new technology development in Mason. She provided a brief history of the partnership Mason has enjoyed with the Cincinnati USA Regional Partnership since 2001. She noted the benefits this exposure brings to our region and stated renewing our

partnership at a commitment level of \$50,000, will secure Mason's membership to the Regional Economic Development Council and membership on the Partnership's Board of Governors. She said this presents a unique opportunity to both work with Regional corporate leaders to identify new development leads and to expand Mason's local efforts to further business expansion and attraction of national and international companies in the city. Additionally, this level of participation will assure a close partnership with CincyTech's Entrepreneurial Signature Program. Michele stated the technology arm of the Region's business development effort, is partnering in the northern suburban regions to expand technology company spin-offs as a component of the City's financial commitment within the partnership. She said the Economic Development Committee recommend continuing our participation at the contractual amount of \$50,000 for three years.

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

A motion to adopt Ordinance 2007-110 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2007-111 AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH MASON CITY SCHOOL DISTRICT RELATED TO THE COMMUNITY CENTER EXPANSION**

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

Eric Hansen explained to Council, Ordinances 2007-111, 112 and 113 all relate to the same project involving the Community Center. He stated this year, the City has been in discussions with the School District related to their proposed High School expansion plans and the Middletown Regional Hospital development at the stadium. Eric explained over the past several months, members of Council held discussions or met with school officials to discuss issues related to the District's plans and the City's long term intentions for expansion and development of the Community Center. The result of the past several months' negotiations is Ordinance 2007 – 111, which authorizes the City Manager to enter into a cooperative agreement, with the District. The agreement outlines the interests and respective compromises of both the Schools and the City. The cooperative agreement allows for both District and City expansion plans, addresses parking issues, provides for respective partnerships with 3<sup>rd</sup> party medical/health professionals, and preserves options for future development of the Center. Eric stated in addition, the agreement acknowledges that the School will pursue a PUD rezoning of the property and that the City acknowledges that the proposed use is compatible and will be able to provide favorable recommendations to Planning Commission. Eric explained there are some areas within the agreement such as the future development of parking, additional expansion plans, the MRH concept plan, and improvements to Corwin Nixon Park Drive that will require additional discussion and financial considerations as plans become more fully developed and financing is necessary.

Eric further reported the School's expansion plans are nearing finalization; while the City is pursuing a partnership with a health care provider before finalizing expansion plans at the Community Center. An RFP is being finalized and staff anticipates evaluating proposals as summer ends. He stated staff has met with Mr. Jim Voorhis of Voorhis, Slone, Welsh & Crossland to discuss a professional service agreement related to this project. Voorhis, Slone, Welsh & Crossland were the architects of the Community Center and High School. There is a need to evaluate the expansion plans of both the City and the District to ensure there were no architectural or construction conflicts and to highlight potential opportunities for cost savings. Some of these items include, rooflines, underground utilities and boiler and chiller sizes. In addition, professional services would include looking for opportunities for the City to prepay expenses (upsizing the boiler/chiller) that would be needed for a future City expansion to the facility, but would be more cost effective to pay for now in conjunction with the School's project. Ordinance 2007 – 112 authorizes the City Manager to enter into a professional services contract for these services. Staff performed cost comparisons and considers the rates reasonable based upon the work to be performed.

Eric further reported staff met with representatives of Peck, Schaffer & Williams to discuss financing issues related to the development of a wellness center. Peck, Schaffer & Williams has recommended legislation to allow the City to reimburse itself, for expenses (i.e. design costs, architectural services etc.) related to the project, once the financing structure has been secured. Ordinance 2007 – 113 is the reimbursing legislation recommended by Peck, Schaffer & Williams. He said typically, the City only finances construction costs, however, authorizing reimbursing legislation will provide the City with the most flexibility during negotiations for a wellness center.

A motion to suspend the rule and allow for adoption after the first reading of Ordinance 2007-111 was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: ALL YEAS

Vice Mayor Grossmann asked if this was committing us to spend additional funds. Eric Hansen said yes, a future commitment with details to be worked out. Vice Mayor Grossmann stated as he sits on the board of the Middletown Regional Hospital, he would have to abstain from voting on these ordinances. Councilmember Osborne clarified this does not require the City to participate on the schools expansion. Vice Mayor Grossmann asked why we are addressing this now. Councilmember Osborne stated it is due to the schools time line. Vice Mayor Grossmann noted there is no definite cost on the Voorhis Slone contract in Ordinance 2007-112. Richard Fair stated we did agree to spend some funds on the park road. Eric Hansen explained that is one of the items that require further discussion. Councilmember Bradburn asked if that would be a dedicated road. Eric Hansen said yes but this agreement does not obligate us to any portion of that expense, we have left the question open as to if we would participate or not.

A motion to adopt Ordinance 2007-111 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: 5 YEAS, 1 Nay (Bradburn), 1 ABSTAIN (Grossmann),

**ORDINANCE 2007-112 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VOORHIS SLOANE WELSH CROSSLAND ARCHITECTS, INC. FOR PROFESSIONAL ARCHITECTURAL SERVICES RELATED TO THE MASON COMMUNITY CENTER EXPANSION**

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

Eric Hansen reported the fee is \$130 per hour with no cap on the amount.

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

Councilmember Osborne stated a not to exceed cost should be included. Eric Hansen suggested a not to exceed amount of \$25,000 would be an ambitious goal. Councilmember Osborne clarified the need for future expansions and the potential for turning it into a profit center. Councilmember Kline stated one of the things he has heard on the wish list for the Community Center is racquetball courts. Eric Hansen explained if there is a partnership with a third party it will allow us to provide some opportunities we have not been able to do because of the need for capital funds.

A motion to amend the ordinance to include a not to exceed amount of \$25,000 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

A motion to adopt as amended Ordinance 2007-112 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: 6 YEAS, 1 ABSTAIN (Grossmann)

**ORDINANCE 2007-113 DELEGATING AUTHORITY TO MAKE DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS WITH RESPECT TO REIMBURSEMENTS OF TEMPORARY ADVANCES DURING 2007 MADE FOR CAPITAL IMPROVEMENTS FOR THE COMMUNITY CENTER TO BE MADE FROM SUBSEQUENT BORROWINGS.**

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

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

A motion to adopt Ordinance 2007-113 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: 6 YEAS, 1 ABSTAIN (Grossmann)

**RECOGNITION OF VISITORS**

Perry Schwartz of 6309 Tartan Hills Lane asked to be notified when the worksession was scheduled for Council to discuss the financial information provided at tonight's meeting. Mayor Pelfrey directed staff to do so.

Eric Hansen reported the City has received a request for a liquor permit for 5460 Courseview Drive in the name of Elegant Fare Inc. Councilmember Bradburn moved to not require a hearing. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

Eric Hansen reported the City has received a request for a liquor permit for 5948 Snider Road in the name of Maison De Mason Wine Shoppe. Councilmember Kline moved to not require a hearing. Councilmember Wurzbacher seconded the motion. VOTE: ALL YEAS

Eric Hansen stated the Mason Art Council has requested support from the City for the Arts Festival planned for September 23, 2007. He reported the request includes non-typical items involving the supply of services, which totals approximately \$1447.00. He noted this is in addition to the City's participation of providing matching funds as agreed earlier this year with a maximum of \$8,000. Councilmember Bradburn moved to approve the request, seconded by Councilmember Kline. VOTE: ALL YEAS

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

A motion to adjourn into executive session for the purpose of discussing property acquisition and potential litigation was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

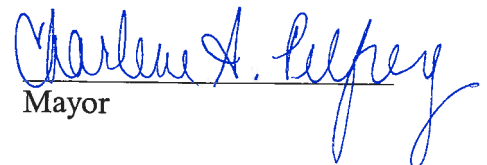
A motion to reconvene into regular session was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: ALL YEAS

#### **ADJOURN**

A motion to adjourn was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

TIME: 11:01 p.m.

  
Clerk of Council

  
Mayor