

**CITY OF MASON
COUNCIL MEETING
November 26, 2007**

Mayor Pelfrey called the meeting to order at 7:10 p.m. Those present recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the November 12, 2007 meeting was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

RECOGNITION OF VISITORS None

COMMITTEE REPORTS None

COUNCIL OLD AND NEW BUSINESS

Mayor Pelfrey stated with Matt Kline expected to resign from Council due to his new employment; those residents interested should send a resume to Eric Hansen for consideration. The decision will be made by the majority of Council within 30 days of his resignation.

Mayor Pelfrey reported on the various activities she had participated with including the opening of the Christmas event at the Beach, the dedication of the Cincinnati Chinese Church.

Councilmember Wurzbacher paid a wager to Councilmember Osborne regarding his decision whether or not to run for reelection.

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

► On Saturday, December 1, the swearing-in of new Council members and a Council reorganization meeting will take place at Noon in the Municipal Center. Prior to the meeting, A reception for the new Council members, invited guests, and the public will immediately follow the meeting.

► There may be a need to schedule a brief Council meeting on December 17, 2007 to address adoption of the budget.

► Christmas in Lights opens on Friday, November 23rd and will continue throughout Thanksgiving weekend. Daily operations start on Friday, November 30th through December 31st (closed Christmas Eve - Monday, December 24th). Hours are 6 p.m. to 10 p.m. Sun - Mon, and 6 p.m. to 10:30 p.m. on Fridays and Saturdays. This year's show adds more lights, projection, and re-designed set pieces. Visitors will enter through a lighted archway into the staging area to enjoy holiday music, video, hot beverages and other holiday treats. From there, cars are directed to one of two identical set areas to view the show head-on, as with a drive in movie. A tunable FM radio is required to hear the music that is sequenced to the light show. Admission is \$15 per car with \$5 discount coupons available at downtown Mason merchants for Monday through Thursday admission. These coupons are also available online at www.festivalsofmason.com.

► A motion is in order to appoint Clerk of Council Terry Schulte as the "elected official" designee to the City's Records Retention Committee. Councilmember Kidd moved to make that appointment. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

► Christmas in Mason will take place in downtown Mason on Friday, December 7 from 6 p.m. to 9 p.m. It will feature horse-drawn carriage rides, ice and wood carvings, photos with Santa, food vendors, and great entertainment on the main stage.

► The Warren County Municipal League will hold their last meeting of the year on Wednesday, December 12 at 6:00 p.m. at Heatherwoode Golf Club in Springboro. City Council members are urged to attend. Please contact Terry Schulte with your R.S.V.P.

► City of Mason employees will gather in the Community Room on Thursday, December 13 at 11:30 a.m. to celebrate our annual Employee Holiday Lunch. City Council is invited to attend. Turkeys, hams, and gift certificates will also be distributed to full-time employees during the course of the day.

► The City's 2007 Hope for the Holidays program has begun. City departments and the community participate in a gift collection for needy families in Mason. There are donation boxes in each department for non-perishable food items, new and unwrapped toys, and gift certificates. Donations should be made by December 17 in order for volunteers to wrap and deliver the gifts in time for Christmas. This year, the City is also participating in the Warren County Food Drive. All food collected that will not be used for the Hope for the Holidays program will be donated to the county.

► Kings School District has requested a waiver for the permit fees required for their planned building. Ken Schneider, Law Director, has rendered an opinion that Council can elect to do this. Councilmember Osborne moved to grant the waiver of fees. Councilmember Wurzbacher seconded the motion. VOTE: 5 YEAS, 1 NAY (Bradburn)

► Jessamine County officials have been visiting the City to determine the success the City has experienced that resulted in the national rating within the top 100 cities in the nation of comparable size.

►The City has been notified that Moody's Investor Service has upgraded the City's general obligation bond rating from Aa3 to Aa2. The indication is that the City is close to achieving a rating of Aa1. An improved rating often means lower interest rates and can save the City substantial dollars. This upgrade demonstrates the City's continued objective of remaining fiscally conservative while utilizing planning tools to manage growth and to control development in order to secure a strong financial future.

**RESOLUTION 2007-20 COMMENDING J. STEVEN OSBORNE FOR HIS
OUTSTANDING DEDICATION AND SERVICE TO THE CITY OF MASON, OHIO**

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

Mayor Pelfrey read the resolution and presented it to Councilmember Osborne along with a key to the city.

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 Resolution 2007-20 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: 5 YEAS, 1 ABSTAIN (Osborne)

**RESOLUTION 2007-21 COMMENDING CHARLENE A. PELFREY FOR HER
OUTSTANDING DEDICATION AND SERVICE TO THE CITY OF MASON, OHIO**

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

Vice Mayor Grossmann read the proclamation and presented it to Mayor Pelfrey along with a key to the city.

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

A motion to adopt Resolution 2007-21 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

**RESOLUTION 2007-22 CONSENTING TO APPOINTMENTS OF MEMBERS OF THE
BOARD OF DIRECTORS OF MASON PORT AUTHORITY AND DECLARING AN
EMERGENCY (ROBERT HAUSER)**

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

Eric Hansen explained to Council, the purpose of this legislation is to ensure the continued momentum of the Port Authority through the reappointment of current member Gordon Hullar to a 4-year term

He said during the first year of the Mason Port Authority, the Board has spent extensive time on education and interviewing various knowledgeable experts doing port authority related business. Maintaining the consistency of the board members by re-appointment is expected to help with the progressive development of this economic resource.

Eric stated Resolution 2007-23 appoints a new member to the Port authority Board, Robert Hauser who replaces Craig Ross.

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

A motion to adopt Resolution 2007-22 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

RESOLUTION 2007-23 CONSENTING TO APPOINTMENTS OF MEMBERS OF THE BOARD OF DIRECTORS OF MASON PORT AUTHORITY AND DECLARING AN EMERGENCY (ROBERT HAUSER)

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

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

A motion to adopt Resolution 2007-23 was made by Councilmember Osborne, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

ORDINANCE 2007-145 APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A PET CARE FACILITY ON A B-3 ZONED PROPERTY LOCATED ON THE WEST SIDE OF READING ROAD, SOUTH OF 6391 READING ROAD

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

Richard Fair explained to Council, Mr. Mike LeVally of Architects Plus is requesting review of a Conditional Use Permit and landscape plan for a new pet care facility to be located on the west side of Reading Road, south of the Marathon Gas station at Snider Road. The property is zoned B-3, Road Service Commercial and is 3.19 acres in size. A pet care facility is a Conditional Use in a B-3 zoning district.

He stated this project, Pete and Mac's, is similar to the Pet Nation project that was approved for the property located on Snider Road south of Allman's Garden Center. However, that project never materialized. The proposed one story 12,000 square foot building is located towards the

northern end of the property. There is a floodplain at the rear of the property that separates the project from City owned property along Reading Road. Updated floodplain information is not shown on the plan, but will be addressed during construction drawing review. There is a single access point for the project, which lines up with the Advanced Auto site across Reading Road. Richard further explained, the facility will house 110 dogs and 20 cats in interior kennels. An outdoor recreation area is provided for the dogs behind the building. This area will be fenced in to minimize the amount noise generated on the property. The outdoor play operation will be limited to the hours of 8 am to 8 pm.

He reported the Zoning Board of Appeals granted two variances to reduce the rear setback from 200 feet to 75 feet due to the flood plain providing an adequate buffer to the residential property and the side setback from 100 to 75 feet due to the nature of the adjacent business. The design of the building appears to blend in with the surrounding architecture on Snider and Reading Roads. Staff requests that the brick, masonry, and EIFS colors match the surrounding buildings.

Richard said Planning Commission, at its October 2, 2007 meeting, voted 5 to 0 recommending approving the Conditional Use permit application contingent on the following items:

Site Plan

1. Show a left turn lane off of Reading Road and reduce the width of the driveway to a maximum of 24 feet.
2. Confirm that all pet waste will be bagged and disposed of in dumpsters as opposed to being sent into the sanitary sewer system.
3. Line up the sidewalk connection with the building sidewalk.
4. The parking space closest to the dumpster will be difficult to maneuver in and out of. Either eliminate this spot or turn it into a landscaped island.

Their approval was based on the following findings:

1. The pet care facility is suitable for the proposed location.
2. This use should cause no harm to surrounding property.

Mayor Pelfrey opened the public hearing at 8:05 p.m. Mr. Michael LeValley representing Architects Plus addressed Council and said he would answer questions. There were no further comments. Mayor Pelfrey closed the public hearing at 8:06 p.m.

A motion to adopt Ordinance 2007-145 was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-161 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 Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

Eric Hansen stated this was brought before Council at the November 9, 2007 meeting. It is a housekeeping item to allow for an update of the City's codified ordinances.

A motion to adopt Ordinance 2007-161 was made by Councilmember Bradburn, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

ORDINANCE 2007-162 APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A CHILD DAYCARE FACILITY ON AN O-1 ZONED PROPERTY LOCATED ON THE EAST SIDE OF SNIDER ROAD, APROXIMATELY 1,000 FEET NORTH OF THE SNIDER ROAD AND READING ROAD INTERSECTION

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

Eric Hansen stated a public hearing will be held on this legislation on January 14, 2008.

ORDINANCE 2007-163 APPROVAL OF THE WATERLINE EASEMENT PLAT FOR RESERVES OF BETHANY SUBDIVISION

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

Richard Fair explained to Council, Shawna Rosemond with Bayer Becker Engineering representing Robert Lucke Homes is requesting approval of a water main easement for their 9.91-acre residential development located along Bethany Road, just east of Parkside Subdivision. The development, zoned R-1 Single Family Residential, will consist of eight buildable lots and an open space lot where the retention facility will be located. The two existing residences and accessory structures have already been removed. Richard stated the proposed water main easement extends from Bethany Road to the southern property line. This plat is consistent with the previously approved Preliminary Plat and will allow the developer to proceed with the installation of the waterline. Planning Commission approved this plan on November 6, 2007

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 2007-163 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-164 ACCEPTING DEDICATION OF RIGHT-OF-WAY AND EASEMENT, AND AUTHORIZING THE EXECUTION OF A DEED FOR PROPERTY FOR THE WESTERN ROW ROAD IMPROVEMENT PROJECT (MILLER, 460 WESTERN ROW ROAD)

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 next seven ordinances all deal with the widening of Western Row Road. He described each ordinance as follows:

Ordinance 2007-164: Ms. Mary Irene Miller (460 Western Row Road) has signed paperwork agreeing to donate to the City a 3.6' wide strip of property (0.020 acres or 0.134 acres including the existing roadway easement) along the road frontage.

Ordinance 2007-165 Ms. Marian K. Wheeler and Mr. Daniel L. Wheeler (348 Western Row Road) have signed paperwork agreeing to donate to the City two parcels of property of varying width (Parcel 1, consists 0.003 acres or 0.010 acres including the existing roadway easements and parcel 2, consists 0.069 acres or 0.161 acres including the existing roadway easements) along the road frontage.

Ordinance 2007-166 Mr. Roger D. Wilson and Ms. Mavis R. Wilson (370 Western Row Road) have signed paperwork agreeing to donate to the City a standard highway easement and a drainage easement of a varying width (highway easement consists 0.036 acres or 0.194 acres including the existing roadway easement and drainage easement consists of 0.033 acres) along the road frontage.

Ordinance 2007-167: Lexington Park Home Owners' Association has signed paperwork agreeing to donate to the City a drainage easement of varying width (drainage easement consists 0.010 acres or 0.022 acres including the existing channel easement) along the road frontage.

Ordinance 2007-168: Hope Evangelical Free Church (4934 Western Row Road) has signed paperwork agreeing to donate to the City two parcels of property of varying width (Parcel 1, consists 0.162 acres and parcel 2, consists 0.062 acres) along the road frontage

Ordinance 2007-169: Al Neyer Inc (4079 Old Western Row Road) has signed paperwork agreeing to donate to the City a drainage easement which consists 0.043 acres along the south side of the road.

Ordinance 2007-170: Mason Fields Home Owners Association has agreed to the City's offer to sell the right-of-way at an appraised value of \$19,350. The city has also agreed to pay the association for landscaping to minimize the impact of electric poles. The right-of-way acquisition consists of three parcels of property (Parcel 1, consists 0.054 acres, parcel 2, consists 0.004 acres, and parcel 3 consists 0.164 acres) along the road frontage.

Richard stated the widening of Western Row Road was slated to begin in 2007. However, the acquisition of property delayed this project until 2008. This project consists of approximately 9,200 feet of widening from Cherokee Drive to Tylersville Road. The new roadway will include: lane widening, islands, curb and gutters, sidewalk, a bike path, landscaping, boulevard lights, street trees and irrigation for the islands. Duke has completed relocation of the electric poles and is stringing the wires. The City plans to advertise the project for bids this winter.

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

A general discussion took place among Councilmembers and an interest was expressed by the majority of Council to include right hand turn lanes where possible at the Mason Montgomery Road/ Western Row Road intersection. Eric Hansen said it is possible to add three lanes at least on 3 of the directions it just takes more time and increases the cost. He said one of the biggest problems is obtaining the necessary right-of-way. Mayor Pelfrey asked them to look at including the turn lanes where feasible.

A motion to adopt Ordinance 2007-164 was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-165 ACCEPTING DEDICATION OF RIGHT-OF-WAY AND EASEMENT, AND AUTHORIZING THE EXECUTION OF A DEED FOR PROPERTY FOR THE WESTERN ROW ROAD IMPROVEMENT PROJECT (WHEELER, 348 WESTERN ROW ROAD)

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

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 2007-165 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-166 ACCEPTING DEDICATION OF RIGHT-OF-WAY AND EASEMENT, AND AUTHORIZING THE EXECUTION OF A DEED FOR PROPERTY FOR THE WESTERN ROW ROAD IMPROVEMENT PROJECT (WILSON, 370 WESTERN ROW ROAD)

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

A motion to adopt Ordinance 2007-166 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-167 ACCEPTING A STORM SEWER EASEMENT FOR THE WESTERN ROW ROAD IMPROVEMENT PROJECT (LEXINGTON PARK HOA)

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

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 2007-167 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-168 ACCEPTING DEDICATION OF RIGHT-OF-WAY AND EASEMENT, AND AUTHORIZING THE EXECUTION OF A DEED FOR PROPERTY FOR THE WESTERN ROW ROAD IMPROVEMENT PROJECT (HOPE EVANGELICAL FREE CHURCH, 4934 WESTERN ROW ROAD)

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

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 2007-168 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-169 ACCEPTING A STORM SEWER EASEMENT FOR WESTERN ROW ROAD IMPROVEMENT PROJECT (NEYER, 4079 OLD WESTERN ROW ROAD)

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

A motion to adopt Ordinance 2007-169 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-170 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE ACQUISITION OF PROPERTY AS PART OF THE WESTERN ROW ROAD IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$19,350.00, AND DECLARING AN EMERGENCY (MASON FIELDS HOA)

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

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 2007-170 was made by Councilmember Osborne, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

ORDINANCE 2007-171 ACCEPTING THE DONATION OF LOT 126 OF HICKORY WOODS, SECTION THREE, BLOCK B TO THE CITY OF MASON, OHIO

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

Richard Fair explained to Council, the Hickory Woods PUD is a 72-acre residential development located off of Hickory Woods Drive, just south of Parkside Subdivision. The development was approved in 1996 and consists of a total of 122 single-family residential homes. As part of the rezoning to a Planned Unit Development, the developer agreed to donate 14 acres for use as a public park, currently known as Frank Hosea Woods Park. Lot 126, a 2.5 acres site, is the last remaining parcel necessary to complete the park and satisfy the requirements of the PUD.

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

A motion to adopt Ordinance 2007-171 was made by Councilmember Osborne, seconded by Vice Mayor Grossmann.

ORDINANCE 2007-172 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WOOLPERT, INC. FOR CONSULTANT SERVICES TO CREATE THE CITY OF MASON COMPREHENSIVE PLAN AND MUNICIPAL LAND STUDY FOR \$245,765.00

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 award a contract for consultation services to perform a major update to the 2001 City of Mason Comprehensive Plan and to create a Municipal Land Study, regarding status of City owned property.

He stated in 2001, the City adopted the latest major update to the Comprehensive Master Plan for the City. That document was created during a period of tremendous residential growth. Since that time, the supply of quality residential land has sharply diminished. Also, over the past several years, the City has acquired hundreds of acres of land for various reasons including road construction and park development. This radically changing environment requires a reevaluation to determine the best way for the City to continue on its path of success. This two-part project, made up of the Comprehensive Plan and Municipal Land Study, will examine the current conditions of the City and describe how to continue quality new development over the next 20 years as well as suggest how to maintain the existing first class development.

Richard stated a Comprehensive Plan is one of the most important planning tools for guiding future development. The Comprehensive Plan defines guidelines for considering land use decisions, current and future planning, locating proposed developments, and improving vehicle movement throughout the City. The plan also considers the community's image and character and suggests ways to enhance it. The Mason Comprehensive Plan has been invaluable in guiding

the planning process in Mason. The Comprehensive Plan is consulted each time a rezoning or development request comes before the City. The Municipal Land Study will look at all of the existing parcels of land currently owned by the City and determine the highest and best use for that land. This information will be used to determine if a particular parcel or tract of land should be kept for future municipal uses, combined with other parcels, or if it should be sold. As the City has amassed several hundred acres of land, it is important to begin to look at what is the best use of the land

Staff received proposals from three project teams. After reviewing the proposals and interviewing each team, staff is recommending the team composed of Woolpert, Inc -- McKenna and Associates --Beck Consulting, Inc to perform the project tasks. Because this is a large and complicated project, staff believes the aforementioned team with its depth of experience and positive past performance with planning projects will provide a quality product that will help to guide the growth of the City for years to come. A break down of costs illustrates the expense for the comprehensive plan is \$110,000 and the Municipal Property Study is \$135,765. Richard closed by stating the 2007 Budget includes \$150,000 for the Municipal Property study and \$100,000 for the Comprehensive Plan Update.

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 Ordinance 2007-172 was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn.

A general discussion took place among Councilmembers in which the cost of providing this service was questioned. Eric Hansen said in high growth cities, it should be done more frequently. He said it typically is done every five years. Richard added the City's plan was done in 2001 and amended in 2004 for adjacent properties. Council agreed they are not opposed to contracting for this service but the cost is too high.

A motion to table this ordinance until the January 14th meeting was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2007-173 AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING REGARDING MUTUAL AID EMS BILLING

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

Eric Hansen explained to Council, in 1998, in order to offset some of the cost of providing EMS services, Council authorized an agreement with Medicount Management, Inc. for professional services rendered in conjunction with billing emergency medical services provided in the City of Mason. Medicount bills the insurance company directly for these services. Deerfield Township also uses Medicount Management, Inc. for these services. Medicount Management, Inc. utilizes a "soft billing" approach, billing three times then writing off the expense. In addition, Medicount has a hardship provision where if someone does not have insurance and is not able to

financially pay, Medicoount writes it off as well. The current mutual aid agreement prohibits a jurisdiction from charging for services provided when responding to mutual aid calls in another jurisdiction. Eric stated the proposed Memorandum of Understanding will allow the City and Township to bill for services provided under the agreement. This cooperative agreement will allow both entities to recover costs from the individual's insurance provider when responding to an EMS mutual aid call.

For 2007, the City has received over \$426,728 from EMS billing, which is used to cover operating costs of providing the service. The City anticipates that the revised agreement will provide an additional \$40,000 in revenues. The Safety Committee has reviewed the proposal and is recommending adoption of Ordinance 2007 – 173.

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

A motion to adopt Ordinance 2007-173 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-174 REPEALING SECTION 181.15 (a) OF THE CODIFIED ORDINANCES OF THE CITY OF MASON, OHIO, AND ADOPTING A NEW SECTION 181.15 (a) TO REFLECT THE CHANGES IN THE CITY OF MASON'S CHARTER, AND DECLARING AN EMERGENCY

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

Jennifer Heft addressed Council and stated on November 7, voters approved the City of Mason's Charter amendment, which modifies the amount of credit for taxes paid to another municipality. Ordinance 2007 - 174 is necessary to bring Mason's Income Tax Ordinance in compliance with the City's Charter. The Tax Ordinance will be modified to reflect the following phased in approach for allowing a credit paid to other municipalities:

- 50% for tax years 2006 and prior
- 65% for tax year 2007
- 80% for tax year 2008
- 90% for tax year 2009
- 100% for tax years 2010 and thereafter

She explained the emergency clause is necessary to allow the Tax Ordinance to take effect immediately and accurately reflect the changes implemented as part of the Charter amendment.

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 2007-174 was made by Councilmember Osborne, seconded by Councilmember Kidd.

Vice Mayor Grossmann stated he would like more time to review this legislation and moved to table it until the December 10, 2007 meeting. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

ORDINANCE 2007-175 AUTHORIZING THE RE-APPROPRIATION AND TRANSFER OF MONIES AND TRANSFERRING OTHER FUNDS AND APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF MASON: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2006-180 OF THE CITY OF MASON, OHIO, PASSED BY THE COUNCIL OF THE CITY OF MASON, OHIO ON DECEMBER 11, 2006 FOR THE 2007.

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

Jennifer Heft explained both Ordinance 2007-175 and 176 to Council stating, as the City's priorities change or are modified, these plans are altered and as an annual housekeeping item. Department heads are responsible for reviewing appropriation accounts and maintaining positive balances in all line items. As priorities change, they can request to transfer, within their respective department, appropriation amounts among all line items except those that fall outside the legal level of control.

The reappropriation ordinance is for those appropriation transfers, which fall outside the department head's legal level of control. In a fast paced, high growth environment it is important that the budget provide enough discretion and flexibility that it can accommodate new and shifting priorities. A continued effort was made this year to identify expenses that could be scaled back with minimal service impact and department expenses were measured against this goal. Throughout 2007, Department Heads monitor spending levels and identify areas to better manage expenses. The result, from over 1,000 total appropriation accounts, only 49 of the accounts require Council's reappropriation approval. And, 34 of the reappropriations being requested are still within the total appropriated amounts for the individual departments. The remaining 15 eliminate the need for a supplemental appropriation. The largest re-appropriations, are the result of the City's purchase of the Golf Center at Kings Island in 2007, which was anticipated to occur in 2006. The appropriation for reissuing debt was re-appropriated for the purchase. Police salaries also required a re-appropriation due to staffing shortages and the need for overtime.

She noted for Ordinance 2007-176, of the 28 supplemental appropriations 26 are needed to ensure budgetary compliance for financial reporting purposes and 2 are needed to close funds that are no longer needed.

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 2007-175 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-176 AUTHORIZING THE SUPPLEMENTAL APPROPRIATIONS OF MONIES: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2006-180 OF THE CITY OF MASON, OHIO PASSED BY THE COUNCIL OF THE CITY OF MASON, ON DECEMBER 11, 2006 FOR THE YEAR 2007.

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 Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-176 was made by Councilmember Wurzbacher, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

ORDINANCE 2007-177 AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH ROZZI'S FAMOUS FIREWORKS AND ROZZI, INC., IN THE AMOUNT OF \$26,250.00, TO PROVIDE A FIREWORKS SHOW DURING THE CITY OF MASON'S "RED, RHYTHM & BOOM" FOURTH OF JULY CELEBRATION

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

Eric Hansen reported Rozzi's Famous Fireworks has been providing Mason's fireworks since its inception in 1999. They have the ability to provide a safe display and the best exhibit for the money. In 2006, Council authorized \$25,000 for the 25-minute fireworks display. For the 2008 event, Rozzi is proposing the same display for a price of \$26,250. This is a fee increase of \$1,250, or 5%. The increase is primarily due to the increasing cost of materials. Over the life of the City's relationship with Rozzi, this is only the third cost increase.

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 2007-177 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2007-178 DESIGNATING A PREFERRED PROVIDER AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH TRI-HEALTH FOR A LONG TERM SPACE LEASE AND HEALTH SERVICES OPERATION

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

Eric Hansen explained to Council the City has been researching an opportunity to enhance the services and benefits provided to members of Mason Community Center, while securing the

long-term financial health of the facility. He provided a brief background of the activities that have occurred since December 1999 and the partnership with the schools for the Community Center. He said in June, staff together with the Community Center Committee began working with Scott Forrest and Russ Sanford of Equity to develop a proposal for expansion and wellness component at the Community Center. On August 13, proposals were mailed to health care providers.

On October 5, two proposals were received. After reviewing the proposals and meeting with representatives of each health care provider it became apparent that the proposal from TriHealth is financially superior and represents an excellent opportunity to advance both the financial position of the Community Center and the programming and fitness benefits available to Mason residents. Some highlights of the proposal include:

- a. Creating a wellness/medical facility of 30,000 square feet.
- b. Adding significant programming to every constituency of the Community Center.
- c. Adding many diverse programs and departments of TriHealth to the Community Center based operation.
- d. Locating TriHealth staff at the Community Center and directly marketing the Center to its patients/ clients.
- e. Offers additional rent in excess of \$100,000 per year above the minimum rent standard, while still allowing for TriHealth to pay its share of operating expenses due to its use of the Community Center space or due to site related costs such as snow removal and other common costs.
- f. Providing revenue streams to allow for expansion of Community Center specific space (such as fitness, Kids Korner and other program areas.

A partnership with TriHealth is anticipated to increase market exposure to the Center and thereby help the Center regain and increase it's market share, while continuing it's focus on serving area families. This in turn, will strengthen the financial position of the Center into the future.

Eric reported a significant amount of time and effort has been invested in this project over the past year by staff and Council. Ordinance 2007-178 will allow this project to move to the next phase. If approved, staff along with Equity and legal counsel will draft a contract and begin negotiations with TriHealth.

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

Vice Mayor Grossmann asked if the competition in the area has been reviewed. Eric Hansen stated it has been reviewed and this fits into the City's future expansion plans. Councilmember Osborne said the City met with Middletown Regional in the early stages of this discussion and

they were not interested in providing this facility. Councilmember Kidd said there is an 85% conversion rate from individuals that complete therapy and then join the facility.

A motion to adopt Ordinance 2007-178 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: 5 YEAS, 1 ABSTAIN (Grossmann)

Mayor Pelfrey stated ordinance 2007-179 is being added to the agenda.

ORDINANCE 2007-179 CHANGING THE SALARY OF MEMBERS OF COUNCIL TO \$8,400.00 PER ANNUM, AND THE MAYOR TO \$13,200.00 PER ANNUM, EFFECTIVE DECEMBER 1, 2009, AND DECLARING AN EMERGENCY

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

Mayor Pelfrey said the time required serving on Council and as Mayor is greater than many perceive. She stated if this legislation passed, it will not go into effect until December 2009. It will not impact any current Councilmembers with the exception of Councilmember Bradburn and Councilmember Wurzbacher if he chooses to run for another term

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 motion to adopt Ordinance 2007-179 was made by Vice Mayor Grossmann, seconded by Councilmember Osborne. VOTE: 4 YEAS, 2 ABSTAIN (Bradburn, Wurzbacher)

Law Director, Ken Schneider stated the charter requires five affirmative votes for passage of this ordinance.

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

A motion to adopt Ordinance 2007-179 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: 5 YEAS, 1 ABSTAIN (Bradburn)

RECOGNITION OF VISITORS


Perry Schwartz of 6309 Tartan Fields Lane addressed Council on the growth of population rates and figures.

ADJOURN

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

TIME: 10:05 p.m.


Clerk of Council


Mayor