

**CITY OF MASON
COUNCIL MEETING
May 24, 2010**

Mayor Prince called the meeting to order at 7:00 p.m. The Mason Police Honor Guard presented the colors and those present recited the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Michael Gilb, Christine Shimrock, Rich Cox, Tony Bradburn, Charlene Pelfrey, David Nichols and Don Prince.

APPROVAL OF MINUTES

A motion to approve the minutes of the May 10, 2010 Council Meeting was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

RECOGNITION OF RICHARD T. FARMER, GREAT LIVING CINCINNATIAN

Mayor Prince presented a proclamation to Richard T. Farmer in recognition of his achievement of being named "Great Living Cincinnati" by the Cincinnati USA Regional Chamber. He stated Mr. Farmer is the founder and chairman emeritus of the Cintas Corporation which located in Mason in 1990. Along with the proclamation, he was presented with a key to the City and a donation was made in his name to the National Night Out program. Mr. Farmer introduced the other officials attending with him from Cintas including Sarah Koucky, Steve Seiter, Bill Gale and Scott D. Farmer. He stated Cintas now has 400 locations with over 33,000 employees. He noted 1200 employees are located in Mason.

**RECOGNITION OF MASON POLICE DEPARTMENT AWARD WINNERS:
JEFF WYSS, DAN FRY, RYAN TANNER, TROY NELSON, AND JOHN
CULLEN**

Mason Chief of Police Ron Ferrell, Captain Carter, Captain Schuchart and Mayor Prince presented the awards to the following officers: Officer Dan Fry received the "Medal of Honor" award, Officer Ryan Tanner received the Operation Medicine Cabinet award, Officer Troy Nelson received the "Certificate of Commendation" and Sergeant John Cullen received the "Officer of the Year" award. Eric Hansen noted this year, as a cost saving measure, the officers are receiving the awards tonight instead of at an annual dinner. Mayor Prince stated there will be a brief break for about ten minutes to take the time to congratulate the officers receiving these awards.

RECOGNITION OF VISITORS

Ray Warrick of 7272 White Oak Court addressed Council and stated participated in the Citizens Police Academy and found it a very worthwhile experience. He encourages others to try it. He stated he is a member of the Tea Party movement and his concern is the ordinance passed at the last meeting for the Code Red service. He said he feels government is too big and that service was not necessary. He stated if it had to come before the Tea Party, it would have been rejected. He asked Council please consider this in the future. Mayor Prince asked Mr. Warrick to please not use every meeting to school council on the City's debt. He added if it is a new item of expenditure, then that is acceptable to comment. Councilmember Pelfrey stated the benefits of Code Red may include life and death decisions. She stated if a child is abducted, this could provide instant notification. If a senior citizen is impaired, it could be beneficial. She stated it was money well spent for the residents of Mason. Mr. Warrick stated he completely disagreed. He said police and fire departments are the emergency response team. We don't need this added layer of government. Councilmember Bradburn reported the Safety Committee reviewed this request and felt the more information communicated to residents the better. He said this could be very beneficial if there was a tanker spill on I-71. Mr. Warrick stated he would review the City's budget as it becomes available in July and comment on it in the future. He asked when the report would be available. Eric Hansen stated it would be available in July. Mayor Prince said he is welcome to attend Finance Committee meetings. Eric said the city could send him a notice of the meetings. He suggested he send an email requesting this notice.

ORDINANCE 2010-46 FIRST READING: AMENDING THE STORMWATER DESIGN MANUAL TO MODIFY AND UPDATE THE STORMWATER STANDARDS TO COMPLY WITH NEW OHIO EPA MS4 REGULATIONS

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

Eric Hansen said the public hearing will be held on June 28, 2010.

ORDINANCE 2010-58 AUTHORIZING THE ISSUANCE OF UP TO \$16,250,000 OF ECONOMIC DEVELOPMENT REVENUE AND REFUNDING REVENUE BONDS, SERIES 2010 (CEDAR VILLAGE PROJECT), OF THE CITY OF MASON, OHIO, THE PROCEEDS OF WHICH SHALL BE LOANED TO CEDAR VILLAGE TO FINANCE (A) THE COSTS, INCLUDING ANY PREMIUM AND/OR PENALTIES, OF REFUNDING THE ADJUSTABLE RATE DEMAND ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1997 (CEDAR VILLAGE PROJECT), THE PROCEEDS OF WHICH WERE USED TO PROVIDE PERMANENT FINANCING FOR THE CONSTRUCTION, INSTALLATION AND EQUIPPING OF A FACILITY LOCATED WITHIN THE CITY OF MASON, OHIO, AND (B) ALL OR A PORTION OF THE COSTS OF ACQUIRING, CONSTRUCTING, RECONSTRUCTING, ENLARGING, FURNISHING OR EQUIPPING CERTAIN IMPROVEMENTS AND ADDITIONS

TO SUCH FACILITY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A BOND PURCHASE AND LOAN AGREEMENT APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; RECOGNIZING THE BONDS AS QUALIFIED TAX EXEMPT OBLIGATIONS UNDER I.R.C. SECTION 265(b)(3); AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

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

Eric Hansen explained that in 1997, the City of Mason issued \$20,300,000 Economic Development Revenue Bonds for Cedar Village Health Care Facility, to be used to finance the cost of acquisition, equipping facilities and construction of the facility located within Mason. This new \$16,250,000 issue will provide for the financing and/or refinancing certain costs of the acquisition, construction and equipping. Eric explained Economic Development Revenue Bonds (ERB's) or Industrial Revenue Bonds (IRB's) are a "pass through vehicle," and are based on the credit of the entity for which they are issued. The use of this economic development tool provides the opportunity for certain qualifying companies, usually manufacturing or healthcare industries, to access federally designated funding options to help facilitate growth and job creation. Through IRB or ERB financing, companies are required to meet detailed and lengthy federal and state tax requirements and guidelines. He noted this required no funding from the City of Mason. He reported the Economic Development Committee has reviewed and is recommending this Ordinance for passage. Mr. David Bence, attorney with Frost Brown and Todd stated he was available if anyone had any questions. Councilmember Bradburn asked if this is for new debt or refinancing. Mr. Bence said it basically is to lock in a rate and extend the maturity date.

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

A motion to adopt Ordinance 2010-58 was made by Councilmember Pelfrey, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2010-59 APPROVAL OF THE FINAL PLAT FOR AGILE PURSUITS SUBDIVISION

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

Richard Fair stated that Mr. David Wright of Kleingers and Associates is requesting approval of the Agile Pursuits Subdivision final plat for a proposed Tide Dry Cleaners facility on a 1.27 acre Business PUD. He stated the site is located along Mason-Montgomery Road just south of Walgreen's retail store. The building is approximately

4,596 square feet in size and will house the dry cleaners and a support center. PUD zoning was approved for the site by City Council at the April 26, 2010 meeting. The site accesses Mason-Montgomery Road and Socialville Fosters Road via access easements through the Walgreen's site. No new curb cuts will be installed with this project. This plat will dedicate easements and right-of-way required by the City of Mason Thoroughfare Plan.

Richard reported the Planning Commission recommends approval of the final plat contingent on providing the necessary easement restriction statements for the proposed utility easement and ingress-egress easement.

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

A motion to adopt Ordinance 2010-59 was made by Councilmember Shimrock, seconded by Councilmember Cox. VOTE: ALL YEAS

ORDINANCE 2010-60 ACCEPTING THE PUBLIC IMPROVEMENTS FOR COLUMBIA COMMONS PUD AND RELEASING THE PERFORMANCE BOND

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

Richard Fair explained that the Columbia Commons PUD is located east of Columbia Road and north of The Ravines at Timber's Edge Subdivision. He stated the roadway within the PUD is private. The Public Utilities, Public Works, Engineering Department and Greater Cincinnati Water Works have inspected the public improvements. The utilities and other improvements will become the City's responsibility upon acceptance. Richard reported staff recommends accepting the public improvements.

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

A motion to adopt Ordinance 2010-60 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

ORDINANCE 2010-61 ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE LANDING AT OAKWOOD LAKES SECTION 2A, 2B AND 2C AND RELEASING THE PERFORMANCE BOND

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

Richard Fair stated at the request of the Homeowners Association, this will be a first reading only tonight. The second reading will be held on June 28, 2010.

ORDINANCE 2010-62 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT, NOT TO EXCEED \$25,000.00, WITH WARREN COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR THE INSPECTION AND ASSOCIATED SERVICES NECESSARY TO MEET THE NATIONAL POLLUTANT DISCHARGE ELIMINATION (NPDES) PHASE II REQUIREMENTS AND DECLARING AN EMERGENCY

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

Eric Hansen stated that partnering with Warren County Soil and Water Conservation District has given the City an opportunity to consistently meet EPA Best Management Practice regulations at the lowest possible cost to residents. Warren County Soil and Water District (SWCD) is a branch of the Ohio Department of Natural Resources. He explained part of their funding mechanism is a proportional match of funds supplied by local government agencies. In the past, the State has matched up to 75 cents on the dollar. The City's \$25,000 contribution helps SWCD to pay a full time staff member who then is available to complete all required inspections and all additional requested work. The cost for inspection services was included in the 2010 budget. Eric reported the City has been partnering with SWCD since 2003 to meet NPDES mandates.

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

A motion to adopt Ordinance 2010-62 was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS

ORDINANCE 2010-63 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR THE CLEAN WATER ACT SECTION 319, NONPOINT SOURCE GRANT TO RESTORE APPROXIMATELY 1,400 LINEAR FEET OF THE MUDDY CREEK IN THE CITY OF MASON

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

Richard Fair explained that this project restores approximately 1,400 linear feet of Muddy Creek, a tributary to the Little Miami River. The primary objective of this project is to address bank erosion and habitat degradation using Natural Channel Design principles. The project is located in two areas of the Muddy Creek. Richard stated the first proposed restoration site is located at river mile 6.0, approximately 500 feet northeast of the intersection of Tylersville Road and Reading Road in the City of Mason and is adjacent to property owned by St. Susanna church and elementary school. Over the past several years staff have been working with St. Susanna to monitor on-going erosion along the creek and to list this project on the Stormwater CIP list. He said although the project currently ranks 39th on the list, receiving the grant funding for construction of this project, moves the project to 2nd on the CIP listing. The second proposed restoration site

is located at river mile 4.3, approximately 300 feet south of the intersection of US Rt. 42 and Hanover Drive behind the Four Seasons Apartment Complex. The restoration work in this area also addresses alignment problems noted with the design of the future Muddy Creek Bike Path-Phase 2 project scheduled for construction in 2011-2012.

Richard reported the City of Mason, St. Susanna, Marvin Gardens and Warren County Soil and Water Conservation District (SWCD) are partnering to complete the \$430,000 worth of improvements. The two largest local matches are from St. Susanna and the City of Mason. St. Susanna's will be granting a perpetual conservation easement along the Muddy Creek to Ohio EPA and providing volunteers to help during construction of the project. The City of Mason's local match includes \$14,900 cash match and \$88,130 as in-kind services, which includes project management, project inspections, easement surveys, minor office supplies, and signage.

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

Councilmember Pelfrey suggested the City review the option of hiring a person whose sole responsibility is to apply for grant. She stated she feels this would more than pay for the position. She suggested this be referred to a committee. Mayor Prince agreed.

A motion to adopt Ordinance 2010-63 was made by Councilmember Cox, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

ORDINANCE 2010-64 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO SECTION 961.04 – CHARGES AND BILLING FOR RUBBISH AND WASTE COLLECTION AND DECLARING AN EMERGENCY

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

Jennifer Heft stated that in August 2009, the State of Ohio levied an additional surcharge fee of \$1.25 per ton (or approximately \$1,241 monthly fee-based upon the current average tonnage) on the disposal of municipal solid waste. During the budget process the Finance Committee evaluated the increase and recommended using existing fund balances to offset the additional surcharge for 2009 and delay passing the surcharge fee along to residents until May 1, 2010 when Rumpke's rates were scheduled to increase.

Jennifer explained the fund balance is now exhausted and based upon the scheduled rate increase for this year, the Waste Collection Fund is estimated to have an approximate \$25,500 deficit fund balance at year's end. The scheduled residential rate for 2010 is \$13.64. Staff is recommending an additional 2% increase to cover the 2009 State of Ohio surcharge fee bringing the monthly rate to \$13.91 for 2010. The rate will become effective for utility bills mailed in June. Mason continues to enjoy one of the lowest rates in the County. Rumpke Waste Inc. has had a significant history with the City of Mason.

The City receives relatively few complaints related to waste removal services and Rumpke is very cooperative in responding to those issues.

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

Councilmember Bradburn stated this is essentially an unfunded mandate that has impacted the City and now is impacting the residents. He said this is a result of action at the state level and he provided phone numbers for the area State Representative Pete Beck and Senator Shannon Jones. He encouraged residents to let them know how they feel about such mandates.

A motion to adopt Ordinance 2010-64 was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following issues:

► The NEC Chamber and Downtown Mason Association are presenting "Picnic on the Plaza" every Friday at lunchtime throughout the summer (May 14 through September 24). Different downtown restaurants are anticipated to have lunch specials available each Friday. The entire plaza is now a WiFi Hotspot powered by CenturyLink.

► The Lou Eves Municipal Pool will open weekends beginning on Memorial Day weekend, Saturday, May 29- Monday, May 31 and again the weekend of June 5-6. Daily operation of the pool begins on Thursday, June 10 through Sunday, August 22. The pool will be closed on July 3. Hours are noon to 8 p.m.

► American Legion Post #194 is hosting the Memorial Day Parade on Monday, May 31. The parade will form at Post #194 on Reading Road at 9:00 a.m. The parade will begin at 10:00 a.m. and go north on Reading Road to Main Street, east on Main to Mason-Montgomery Road, and then south to the Rose Hill Cemetery. The parade should last about one hour.

► The next Thursday Night Live will be on Thursday, June 3 beginning at 6:00 p.m. at the Downtown Plaza. Local artist Ben Lapps is the musical guest.

► The 2010 TEVA Championship, formerly Duramed Championship, will be held at The Golf Center at Kings Island on June 7-13. Mason residents are admitted free.

► The annual Sunshine Concert Series is back in full swing this summer with an amazing lineup. Every Sunday from June 27 through August 22 (no concert on July 4th), a free musical performance will be held in Corwin M. Nixon Park in the field behind the Lou Eves Municipal Pool. Each concert will begin at 6 p.m. and every intermission will

feature free prize giveaways from local Mason businesses. The concession stand at the Lou Eves Municipal Pool will be open for refreshments.

► The Farmers Market will return effective June 5, 2010. It will be located in the parking lot of the Mason Junior High School.

► Mason Council will be operating on a summer schedule for meetings. The next meeting will be held on June 28, 2010.

COMMITTEE REPORTS None

OLD AND NEW BUSINESS

Councilmember Shimrock reported the Festivals of Mason will hold the next Thursday Night Live on the Plaza on June 3, 2010.

Councilmember Cox reported the Historical Society will hold the annual Ice Cream Social on June 15, 2010. He said the Queen City Dulcimers will provide entertainment.

Councilmember Cox asked if the grass at the golf course could be mowed. He also said the flower pots in the downtown area are concentrated around the plaza. He noted Baysores and Peoples would also like to have them in front of their businesses. Mayor Prince stated they were relocated last year and the City has no plans to purchase additional planters at this time. Richard Fair noted the relocation requires a concrete base be installed.

Councilmember Pelfrey stated the Memorial Day Parade is coming up and Council should also wear their Council shirts. She also discussed what vehicle could be used. She noted this parade is organized and presented by the Veterans. She encouraged residents to attend. She also noted the flags will be placed around the Veteran's Memorial.

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tartan Fields Lane addressed Council and suggested Finance Committee meetings be placed on the City's calendar on the website. He noted the 2010 budget is on the website now.

EXECUTIVE SESSION: PERSONNEL

A motion to adjourn into executive session was made by Councilmember Bradburn, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

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

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Cox. VOTE: ALL YEAS
TIME: 8:55 p.m.


Clerk of Council


Mayor