

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 28, 2011**

The meeting was called to order at 7:03 p.m. Chaplain Rick Huff opened the meeting in prayer. All those present recited the Pledge of Allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the February 14, 2011 Council Meeting Minutes was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS

**MASON POLICE OFFICER SCOTT BURDICK INTRODUCTION OF EXPLORER POST –
RECOGNITION OF AMERICAN LEGION**

Chief Ferrell introduced Police Officer Scott Burdick. Officer Burdick invited seven members of the Explorer Post 2083 to come forward. He explained that the program is for young adults ages 14-20 years who have an interest in Law Enforcement and that the Post presently has 13 members. They presented a plaque in appreciation to American Legion Post 194 for their support of the Explorer Post by providing the Explorers with uniforms. Commander John Looker accepted the plaque and stated that it is an honor to support such fine young adults. Officer Burdick concluded by stating that the Explorers are available to provide service to the community.

RECOGNITION OF MARTY HEIDE OF CONGRESSMAN MIKE TURNER'S OFFICE

Marty Heide provided the Council with booklets: *How Our Laws Are Made*. She presented information on two community outreach activities that Congressman Mike Turner's office is sponsoring. Service Academy Day is on April 9th at Centerville High School from 9:00 a.m. until noon. There will be representatives from all five academies present to explain the application process. Also, an Art Competition for High School seniors and juniors is currently ongoing and all entries will be displayed at the Dayton Art Institute in March. The winner of this competition will go to Washington D.C. where their art will be hung in the Nation's Capitol for one year.

RECOGNITION OF JOHN BURKE OF THE WARREN COUNTY DRUG TASK FORCE

John Burke explained the types of services the Drug Task Force (DTF) provides Warren County and thanked Mason for their support. Mr. Burke stated that with reductions in Federal funding the DTF depends on this support. He also expressed his appreciation to Chief Ferrell as a member on both the Policy and Executive Boards of the Drug Task Force. Chief Ferrell stated that the DTF makes available critical equipment and services that the Mason Police Department could not afford.

RECOGNITION OF VISITORS

Kevin Shew of 222 Van Buren Drive updated Council on the 2011 Fireworks Event. He stated that his committee has discussed the marketing, logistics, planning, and donations required for the event. A website has been established at www.savemasonfireworks.org to provide information and solicit donations. The event committee's goal is to raise \$30,000 over the next 60 days for 15,000 shells. The event is expected to be a small picnic atmosphere with entertainment from Mason's High School and Community bands. The date is yet to be determined since the Blue Ash fireworks event is now

scheduled for July 3rd. Council discussed with Kevin the cost of City services, establishing a 5013C, and attending the DMA Board meeting on March 9.

Perry Schwartz of 6309 Tarton Fields Lane expressed his concerns regarding the modifications for replacement of street trees (Ord. 2011-150). He feels that there is a lack of transparency and that residents will have no knowledge of decisions made regarding their trees.

Sarah McClain of 5109 Bethany Road expressed her opposition to the conditional use permit allowing a gas station/convenience store (Ord. 2011-13) at the corner of Bethany and Mason-Montgomery Roads. She lives across the street from this lot and has three small children. This lot is surrounded on 5 sides with residential zoning which is not congruent with such a business.

John Looker of 111 E. Main, Commander of the American Legion Post 194 located at 401 Reading Road, announced two events sponsored by their Post. An oratorical program will be held March 5 and 6 at the Mason Municipal Building. High School students from Warren County will compete with an 8-10 minute speech on Saturday. Sunday's event will be a district wide competition. The American Legion is also sponsoring 10 boys to attend Boy State Institute at Bowling Green University for a nine day mock trial this summer.

ORDINANCE 2010-150 2ND READING: AMENDING SECTIONS 939.07, 939.08, AND 939.09 OF THE MASON CODIFIED ORDINANCES REGARDING STREET TREES

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

Richard Fair explained that, in an effort to streamline the process, Planning Commission decided that when street trees need to be replaced a homeowner could avoid the \$150 application fee required for placement on the Planning Commission Agenda by going directly to City staff. The proposed modifications are intended to provide three adjustments to the Landscape Code. The first allows an alternate tree to be planted on a street that has a previously approved Landscape Plan. The second allows an applicant to submit a change request directly to Staff without going to Planning Commission. The last change provides Planning Commission or Staff the ability to easily modify the recommended and unacceptable Street Tree lists in the Landscape Code. Richard stated that there are two main differences between the attached recommended language and what was proposed to Council in December. These differences include a statement explaining that if an alternative tree is chosen, the intent would be for it to be similar to the existing trees in the area and a statement clarifying that HOA, property owners or agents responsible for care of trees may submit modification requests. Richard stated that the transparency issue was not addressed and if Council feels that a hearing is required when street trees need to be replaced he recommends that the existing process remain in place.

Council discussed other possible ways to satisfy the transparency issue by using the same process as a zoning change or by offering a 7 to 14 day right to appeal.

A motion to adopt Ordinance 2010-150 was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: 1 YEA (Shimrock), 6 NAYS.

ORDINANCE 2010-152 2ND READING: DECLARING 1999 PIERCE QUINT AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SAID EQUIPMENT

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

Eric Hansen explained that Quint 51 was purchased in 1999 when the City of Mason Fire Department was formed. It was a front line response vehicle for 10 years and was put into reserve status in 2007.

Quint 51 has had an intensive maintenance history, costing over \$20,000 a year for the past five years to keep it operational. Chief Moore made the decision to get a thorough maintenance review which resulted in a cost estimate of over \$35,000 worth of repairs necessary to bring the truck up to proper working order. Currently, the Fire department has two frontline and two reserve fire apparatus available in the fleet. The current cost estimate for repairs, the repair history, and the reserve status of the vehicle, make it prudent to surplus the vehicle. The City has been contacted by a vendor interested in purchasing the vehicle. Once the vehicle is declared surplus, a bid process will be developed to dispose of the Quint at the highest resale value possible. Earlier this year, the Safety Committee discussed this action with Chief Moore and is recommending the adoption of Ordinance 2011-152.

A motion to adopt Ordinance 2010-152 was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2011-13 FIRST READING: APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A GAS STATION AND CONVENIENCE STORE ON A B-2 ZONED PROPERTY LOCATED AT THE NORTHWEST CORNER OF BETHANY ROAD AND MASON-MONTGOMERY ROAD (BETHANY GREEN CIRCLE)

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

Eric Hansen announced the Public Hearing date for March 28, 2011.

ORDINANCE 2011-14 FIRST READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 2.99 ACRES FROM R-6 CONDOMINIUM AND LANDMINIUM RESIDENTIAL TO BUSINESS PLANNED UNIT DEVELOPMENT AND APPROXIMATELY 6.44 ACRES FROM B-2 SHOPPING CENTER COMMERCIAL TO BUSINESS PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED AT THE SOUTHWEST CORNER OF TYLERSVILLE ROAD AND SNIDER ROAD (EVERYBODY'S FARM – PHASE I)

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

Eric Hansen announced the Public Hearing date for March 28, 2011.

ORDINANCE 2011-15 AUTHORIZING A CONTRIBUTION OF \$22,016 TO THE WARREN COUNTY DRUG TASK FORCE

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

Eric Hansen stated that the City of Mason has participated in the Warren County Drug Task Force since its inception. It is coordinated through the County's Prosecutor's office and relies on contributions from all the municipalities and jurisdictions within the County. In 2000, the Drug Task Force advisory board asked all municipalities to consider an increase in their membership fees based upon one dollar for each resident in the respective jurisdictions. He said that for many years the City's contribution has been \$22,016 and that is the request for 2011. In the past, the Commissioners have used Mason's annual payment along with other communities as leverage for State and Federal monies. Warren County's annual contribution to the Task Force is \$145,000.

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

Councilmember Cox inquired as to whether this money was included in the 2011 Budget. Councilmember Bradburn stated that this money is in the budget.

A motion to adopt Ordinance 2011-15 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

ORDINANCE 2011-16 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PARTICIPATION IN THE NORTHEAST CINCINNATI CHAMBER OF COMMERCE OHIO SMALL BUSINESS DEVELOPMENT COMMISSION WARREN COUNTY PROGRAM IN AN AMOUNT NOT TO EXCEED \$10,000 PER YEAR FOR ONE YEAR

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

Eric Hansen stated that this ordinance sets the City's participation in a pilot project to develop a jointly funded regional collaborative to open a Small Business Development Satellite Center (SBDC) in Warren County. The Economic Development Committee had the opportunity to review the materials and recommends adopting the program and funding it at \$10,000 for one year. After one year, it would be reviewed and considered for continued participation. Contributions from Deerfield Township and Warren County are also anticipated. He introduced Michele Blair, Mason's Economic Development Director to discuss the benefits of the program.

Michele Blair introduced John Harris, President North East Cincinnati Chamber of Commerce (NECC), Angie Morgan, Administrative Vice President NECC, and Matt Eisenbraun, Director and Business Advisor State of Ohio SBDC. She explained that the center will include 700 hours of counseling, monthly workshops, assisting in the startup of at least 20 businesses, the creation of at least 50 jobs in the first year, assisting with small business referrals, and establishing relationships with local partners to assist small business owners. Council discussed the funding for this venture, which was not in the 2011 Budget, and the City's one-year commitment. Vice Mayor Nichols, from the Economic Development Committee, stated that the committee was aware of budget constraints but felt that this would be a good way to leverage dollars by participating in this SBDC pilot program and helping small business. He reiterated that this is just a one-year commitment which would be reexamined at the end of the year. Matt Eisenbraun explained that placing a SBDC in Warren County would fill a hole and that small businesses would have access to more resources. He also stated that they anticipate a 3% reduction in Federal Funds.

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

A motion to adopt Ordinance 2011-16 was made by Vice Mayor Nichols, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

ORDINANCE 2011-17 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH A&A SAFETY, INC. IN THE AMOUNT OF \$51,891.00, FOR THE STRIPING OF VARIOUS STREETS IN THE CITY

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

Richard Fair addressed Council and stated that this is the City's annual street striping ordinance and that bids were opened on February 15 from two contractors, A&A Safety and Kneisel Contracting. A&A came in around \$8000 lower than the budgeted amount for 2011. He explained that last year the 2010 budget included \$60,000, however in order to conserve funds staff did only critical striping at a

cost of less than \$9,000. After two years of wear the striping needs to be completed and \$60,000 was included in the 2011 budget for this work.

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

A motion to adopt Ordinance 2011-17 was made by Councilmember Gilb, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

ORDINANCE 2011-18 AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE EXTENSION OF THE MASON BIKE TRAIL SYSTEM ACROSS MUDDY CREEK TO CONNECT WITH THE LEBANON COUNTRYSIDE YMCA TRAIL

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

Eric Hansen explained that this is an opportunity for the City to lay some groundwork for reaching our long term goal of extending Mason's bicycle network to the Little Miami Bike Trail. He stated that in order to connect the City's trail system with the Little Miami Scenic Trail we would need to cross the Muddy Creek at some point along the route. An opportunity came up with the County Engineer's plan to replace the existing roadway bridge at the intersection of Mason-Morrow-Millgrove Road and Columbia Road with a project that will realign the intersection and widen Columbia Road. The existing bridge will be vacated in good condition and may be left in place by the County Engineer for our use if the City of Mason is willing to take over ownership and maintenance of the structure. This bridge could be used to provide the crossing of the Muddy Creek and permit future connection to the Little Miami Scenic Trail. By signing this Memorandum of Understanding the City of Lebanon would be agreeing to donate an easement across their property for the extension of the future Mason Bike Path. In addition, the Memorandum of Understanding obligates Mason to accept ownership and maintenance of the existing roadway bridge on Columbia Road for future use as a bike path facility. The easement thru Lebanon's property and the bridge maintained by Mason are the two key elements needed for a future connection to the regional trail system. The County Engineer has indicated that any required maintenance will be performed prior to transferring the bridge to Mason later this summer at the completion of their project. The estimated cost to demolish the existing bridge is \$20,000 and a new bridge similar to the one at Heritage Oak Park is about \$80,000. This represents a significant savings with minimal maintenance expenses to maintain the bridge.

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

Council discussed liability issues with the vacated bridge. It was also determined that if the bike network was altered and the bridge was not to be used, the City would be responsible for the demolition of the bridge.

A motion to adopt Ordinance 2011-18 was made by Councilmember Gilb, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

ORDINANCE 2011-19 AUTHORIZING THE CITY MANAGER TO ENTER INTO A RETAIL POWER SALES AGREEMENT WITH DUKE ENERGY RETAIL SALES, LLC AND DECLARING AN EMERGENCY

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

Richard Fair stated that thanks to the work of Larry Rudd, the City's Facility Manager, Duke Energy Retail Sales (DERS) has worked with the City to lock in energy prices for years 2012, 2013, and 2014.

Due to the economic downturn, various electric utilities have a surplus of generation capacity and are actively seeking to secure customers to lock in prices for the next two to three years. Based upon Duke Energy's current regulated generation price of \$0.08379 per kwh, and the quoted locked in price from DERS of \$0.053 per kwh, the three-year contract would reflect an estimated \$720K in cost savings. The Utility Committee has reviewed this contract and is recommending Ordinance 2011 – 19 for adoption.

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

A motion to adopt Ordinance 2011-19 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

► The Mason Deerfield Arts Alliance (MDAA) will feature the work of local photographer Amy Hildebrand in the exhibition entitled "With Little Sound" at the Mason Community Center on March 7 – April 1. Opening night will be Wed., March 9 from 5:30pm - 7:30pm at the Mason Community Center Atrium. Refreshments will be served and the event is free to the public.

► The Community Center is partnering with St. Susanna to promote healthier lifestyles through family activity. On March 5, parishioners of St. Susanna are invited to a free day of fun at the Center. A 50% discount on the administrative fee will be offered and half the proceeds of this fee will be donated back to the St. Susanna Blue Ribbon Fund for anyone signing up for a membership on that day.

► On Saturday, March 12, from 8:00 a.m. – 12:00 p.m., the Community Center will partner with the Leukemia Society for The Race to Anyplace. This is a stationery cycling race used to raise money to support lifesaving blood cancer research. The Center will provide the facility, spin bikes, tables and chairs. This is a great opportunity to market the Center to potential new members.

COMMITTEE REPORTS

Councilmember Pelfrey reported that the Festivals of Mason met and has determined with the reduced budget to hold two scaled down events, Heritage Festival and Christmas in Mason.

OLD AND NEW BUSINESS

Mayor Prince read a letter from the Commander of the USS Mason. In the letter Commander Robinson reports that the framed print The City of Mason presented to him on Memorial Day is now hanging in a place of honor on the ship.

Mayor Prince reported that he is working to revitalize the Veteran's Memorial Committee. The purpose of the committee will be to raise awareness of the memorial, raise funds for ongoing maintenance and to keep the memorial current.

Mayor Prince announced that he has scheduled a press conference for Wednesday, March 2nd in the Community Room of the Municipal Building to express his views on Senate Bill 5.

Councilmember Bradburn expressed his thanks to Congressman Turner for his part in bringing Commander Robinson to Mason's Memorial Day Parade.

Councilmember Pelfrey shared her memories of the christening of the USS Mason.

RECOGNITION OF VISITORS

John Looker inquired about the all-inclusive playground's status. Eric Hansen responded by stating that the Mason Park Foundation is handling that project and that Rachel Kopfler would be the contact person.

EXECUTIVE SESSION: PENDING LITIGATION; PROPERTY ACQUISITION

A motion to adjourn into Executive Session for the purpose of discussing pending litigation and property acquisition was made by Vice Mayor Nichols, seconded by Councilmember Bradburn. VOTE: ALL YEAS. TIME: 9:10 p.m.

Councilmember Shimrock left the meeting at 10:00 p.m.

A motion to reconvene into Regular Session was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS. TIME: 10:27 p.m.

Mayor Prince made a motion to add Ordinance 2001-20 to the agenda, Councilmember Gilb seconded the motion. VOTE: ALL YEAS

ORDINANCE 2011-20 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH CINCYTECH USA AND DECLARING AN EMERGENCY

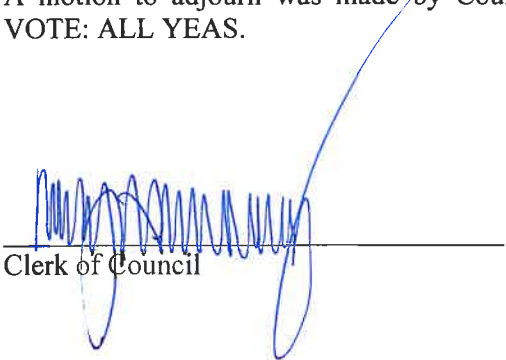
A motion to read by title only was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

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.

A motion to adopt Ordinance 2011-20 was made by Councilmember Pelfrey, seconded by Councilmember Gilb. VOTE: 6 YEAS (Shimrock absent).

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Vice Mayor Nichols. VOTE: ALL YEAS. TIME: 10:29 P.M.


Clerk of Council


Mayor