

**CITY OF MASON
COUNCIL MEETING
OCTOBER 24, 2011**

The meeting was called to order at 7:05 p.m. Chaplain Tom Moll 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 October 10, 2011 Council Meeting Minutes was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: 5 YEAS, 2 ABSTAIN (Shimrock, Nichols)

RECOGNITION OF VISITORS

Ginny Sundin of 108 E. North Street announced that the Mason Community Band and Sycamore Community Band will present a free Patriotic Concert at Mason Middle School on Sunday, November 13 at 7:30 p.m. Refreshments will be served.

Steve Mombach, Vice President of Ambulatory Services for TriHealth Bethesda and Good Samaritan Hospital, took this opportunity to address Council for the first time since the grand opening, 15 months ago, of TriHealth and Bethesda Rehab on the Mason campus. He stated that Mason is a great place to live if you care about the health of yourself and your family. He listed the many free health and wellness programs and services offered to residents over the past year as a result of their partnership with the City of Mason. He stated that Mason City leaders share the mission of wellness in the community and he welcomes AssureRx to this partnership.

John Looker of 111 East Main and Commander of American Legion Post 194 announced that on Veterans Day there will be an all day program at Mason Middle School every hour beginning at 7:30 a.m. A Mason High School Junior will be presenting this program to show his appreciation to Veterans. The Veterans Day Program at Mason Municipal Center will begin at 7:00 p.m.

**ORDINANCE 2011-96 AMENDING COMMUNITY REINVESTMENT AREA NO. 3,
DESIGNATING A HOUSING OFFICER, ESTABLISHING A COMMUNITY
REINVESTMENT AREA HOUSING COUNCIL**

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

Eric Hansen described the next two ordinances regarding the new partnership with AssureRx. He stated that he never imagined that within one year of the Community Center expansion there would be this opportunity with AssureRx. He explained that the Community Center was started in partnership with Mason City Schools, the partnership with Group Health provided financial stability for the expansion, and the unfinished space represented future partnerships. Council has

the opportunity to expand on the business model established by the partnership between TriHealth and the City. Eric stated that although the attention has been on the jobs and economic win that AssureRx's expansion represents for the entire State and Region, their move is also significant to the long term business plan of the Community Center. Similar to Tri-Health, AssureRx's lease ensures they are responsible for all direct costs of the space they occupy, such as utilities, interior walls and finishes, etc. They will also help share some of the common expenses of the Community Center, including parking, snow removal, lobby utilities, etc. In addition to the lease revenue that will help the Center's revenue goals, AssureRx will purchase premier memberships for all of their employees, helping to grow the membership base of the Center, and provide for improvements to the Senior Center. Finally, the City will own the finished space for future use/revenue generation. Eric explained that Ordinance 2011-96 amends Community Reinvestment Area No.3. The creation of a Community Reinvestment Area enables the City to utilize some of the tools necessary to encourage additional investment into the community. This mechanism is necessary in order to present an incentive package to secure investment and job growth with AssureRx. Eric explained that Ordinance 2011-97 is part of the tax incentive package which authorizes provision of funds, up to \$100,000, to the Mason Port Authority for a 15-year incentive to retain the AssureRx corporate headquarters in Mason and will be payable back to the City if they fail to meet the job specifications of the agreement. Eric then introduced Michele Blair, Mason's Economic Development Director.

Ms. Blair addressed Council and introduced Mr. Jim Burns, CEO of AssureRx and Mr. Don Wright, Executive Vice President and COO of AssureRx. Michele stated that a top priority of the City is strategic economic development: attraction of companies within targeted industry sectors and the growth of our existing tax base. Companies generate 75-80% of our tax base. AssureRx is a growing company with a highly educated workforce. Since 2006 they have grown 186% and expect to have a 300% growth rate over the next 5 years. Michele invited Jim Burns to speak.

Jim Burns addressed Council and stated that it is a thrill to call Mason home. He explained that although they had many opportunities to locate outside of Ohio, they chose Mason for a number of reasons. He stated that AssureRx is a personalized medicine company focusing on psychiatric disorders. The source of its technology comes out of Cincinnati Children's Hospital and the Mayo Clinic. The Midwest is an epicenter for this type of technology with the core of this technology coming out of major Midwest universities. The City of Mason's fitness and wellness mission is one that the company shares and believes will attract other high tech companies. Mr. Burns stated that the typical AssureRx employee will be between 20-30 years old, highly skilled and educated, with an average salary of \$80,000. The Community Center offers the type of amenities that would attract this type of young, energetic workforce. He stated that AssureRx hopes to partner with the City by offering seminars and symposiums on mental health and wellness in the community. He envisions Mason becoming the fitness and wellness capital of America.

Michele Blair thanked Don and Jim for their work and commitment.

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 2011-96 was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2011-97 AUTHORIZING THE CITY MANAGER TO PROVIDE THAT FUNDS BE MADE AVAILABLE TO THE MASON PORT AUTHORITY TO FUND A LOAN FOR THE ASSURERX HEALTH PROJECT IN THE AMOUNT OF \$100,000.00

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

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

A motion to adopt Ordinance 2011-97 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

Michele Blair explained that the Community Reimprovement Tax Abatement Incentive is recommended for both business portions of the Community Center. This includes 10,000 square feet for AssureRx and 32,000 square feet for TriHealth for investment and job creation. A motion to provide an abatement under the Community Reinvestment Area program of 100% of real property improvements for a period of 15 years on the value of the new building improvements for AssureRx and for TriHealth as authorized by the State of Ohio Community Reinvestment Area Program and contingent upon the companies making annual compensation payment to the Mason City School District for the abatement of the term period was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS.

Council presented Jim Burns and Don Wright with a framed news article.

Mayor Prince requested that Resolution 2011-16 be added to the agenda.

RESOLUTION 2011-16 IN FOND MEMORY OF CARL H. LINDNER AND HIS LEGACY IN MASON AND THE CINCINNATI REGION

Council discussed the many contributions to the City of Mason by Carl Lindner and his family.

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

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

A moment of silence was observed.

ORDINANCE 2011-77 2ND READING APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A UTILITY STATION ON AN R-6 ZONED PROPERTY LOCATED AT 111 KINGS MILLS ROAD (TIME WARNER)

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

Richard Fair addressed Council and explained that Time Warner is planning an expansion of the existing building located at 111 Kings Mills Road. The proposal is to add an approximately 780 square foot addition to the south east. He reviewed the surrounding properties. Two variances were applied for by Time Warner. The Zoning Board of Appeals approved variances to allow the building and pavement to be in the setback as well as for a fence between the 11 unit apartment building and Time Warner building. Planning Commission recommended approval of the Conditional Use permit contingent on the following items: Change the Eastern Red Cedar to an evergreen tree, add a continuous 6 foot tall screen planted with a minimum of 1 tree per 15 feet along the northern property line, and submit a record plat.

The Public Hearing was opened at 7:55 p.m.

Lee Hamilton, owner of the apartment building at 135 Kings Mills Road, requested that the vinyl fence approved by the Zoning Board be removed. He would prefer an open view to the wooded property behind his property.

John Looker of 111 East Main asked if there is any zoning change on this property. Staff confirmed that the zoning will stay the same.

Greg Warner of HGC Construction, contractor on the project for Time Warner, stated that they are agreeable to any changes regarding the fence. He also stated that they would like to get much work done on this project by the end of the year.

The Public Hearing was closed at 8:03 p.m.

Council discussed their ability to eliminate the fence. Law Director Jeff Forbes suggested that Council vote on the Ordinance with it being noted in the record that the property owner for the apartment does not want a fence between the two properties and the construction company representative had no objection.

A motion to approve this ordinance with a notation that both property owners desire not to have a fence and agree to the City Landscape Code requirements of a barrier was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

A motion to adopt Ordinance 2011-77 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

ORDINANCE 2011-86 2ND READING ENACTING A CODE OF ORDINANCES FOR THE CITY OF MASON REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY

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

Jennifer Heft stated that the ordinances for the City of Mason were last recodified over thirty-three years ago. It has been over three years since the last supplemental codification. She explained that typically a supplemental codification is done every year to update the codification with new

ordinances that have been authorized by Council. A recodification includes incorporating new ordinances and a legal review and written report. The review will uncover inconsistencies between sections in the code and inconsistencies with the code and State statutes. In addition, the recodification will include updating the index and tables, reformatting the pages into a new typestyle and there may be some reorganization and renumbering of the code as necessary. She stated that on July 13, 2009, Council approved Ordinance 2009-82 authorizing a contract with American Legal Publishing Corporation for services related to the recodification. Since that time City staff, American Legal Publishing Corporation, City Prosecutor Bethany Bennett and Wood and Lamping have been working to complete this project. Many of the revisions were grammatical or changes necessary to remain consistent with State law. Jennifer then highlighted these significant changes:

- Title Eleven, Chapter 205: Fee Schedule: During 2009 and 2010, the Finance Committee reviewed fees and charges assessed by the City and Council authorized modification to these fees and charges. In most cases, Council authorized the future annual increase of various fees and charges based upon a Cost of Living Amount (COLA). With the recodification, all fees and charges were consolidated into one new codified section, which will facilitate future modifications and reduce future codification expenses.
- Chapter 103: Official Standards - modified the seal for the City of Mason
- Updated Titles and Job Descriptions. Majority of these changes were a result of reorganization of the Police and Fire Departments.
- Added Christmas Eve Day as the additional holiday authorized by Council
- Chapter 123 – added the City’s website as official place for posting publications of the City’s ordinances and resolutions.
- Chapter 165 – General Employment Practices
- Chapter 171 - Economic Development Department - new section to reflect current operations.
- Title Nine - Earned Income Tax – modifications made to include changes to credits paid to another municipality.
- Traffic Code was updated to remain consistent with State Law.
- Chapter 505: Barking or howling dogs – updated to reflect changes previously authorized by Council.
- Chapter 707: Transient Vendor Regulations - updated to reflect changes previously authorized by Council.
- Chapter 717: Taxicabs - updated to reflect changes previously authorized by Council.
- Chapter 967: Mason Community Center – was added to reflect the operations of the Mason Community Center.
- Chapter 941 and 942: In 2002 the City contracted with Greater Cincinnati Water Works for the operations of the City’s water system. This recodification includes separate chapters for water and sewer operations and begins the transition to remove ordinances related to the water system from the City’s codifications. More extensive work by legal counsel, GCWW and the City is necessary before this separation can be completed.

Jennifer stated that this recodification reflects all new ordinances and updates as of December 31, 2010. With the approval of this ordinance the City will begin work on an annual supplemental to take into account all new ordinances for this year.

Eric Hansen stated that Jennifer Heft has been actively working on this important project for two years and it is a project that began before 2002. He recognized and thanked Jennifer for taking on and completing this difficult task.

A motion to adopt Ordinance 2011-86 was made by Vice Mayor Nichols, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2011-92 2ND READING AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,750,000 OF TAX INCREMENT FINANCING REVENUE BONDS (EVERYBODY'S FARM PROJECT) OF THE CITY OF MASON, COUNTY OF WARREN, STATE OF OHIO, UNDER SECTION 5709.40 ET SEQ. OF THE OHIO REVISED CODE FOR THE PURPOSE OF PAYING THE COST OF CERTAIN PUBLIC IMPROVEMENTS; AUTHORIZING A PLEDGE OF AND LIEN ON CERTAIN SERVICE PAYMENTS TO SECURE SUCH BONDS; AND AUTHORIZING A SERVICE AGREEMENT SECURING SUCH BONDS

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

Eric Hansen explained that this ordinance authorizes the financing for the TIF (Everybody's Farm) project and that the revenue bonds will be paid from the incremental increase in property taxes from the TIF district. The bonds are backed by personal and corporate repayment guarantees of the developer and do not affect the City's full faith and credit. The bonds pay for public improvements such as roads, bike paths, and landscaping done in the right of way and does not pay for private improvements by the developer.

A motion to adopt Ordinance 2011-92 was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2011-98 ACCEPTING THE LOW BID FOR THE MUDDY CREEK STREAM RESTORATION PROJECT FROM EVANS LANDSCAPING, INC., IN THE AMOUNT OF \$189,726.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

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

Richard Fair explained that on May 24, 2010 City Council authorized the City Manager to enter into an agreement with Ohio EPA to receive grant funding for the Muddy Creek Stream Riparian, Restoration and Protection project. Later on in the year, Council authorized a contract with Beaver Creek Hydrology for the design of those improvements. He explained that the improvements are for two areas. The first area is behind St. Susanna church and elementary school and the second area is located behind Four Seasons Apartment Complex. Beaver Creek Hydrology completed the design of proposed stream improvement and bids were opened on October 14, 2011. Evans Landscaping was the lowest bidder. He stated that the grant in the amount of \$258,000 is intended to reimburse the City for the design and construction costs for the two project sites which will restore approximately 1400 linear feet of Muddy Creek. 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 will be granting a perpetual conservation easement along the Muddy Creek to the Ohio EPA and providing volunteers to help during construction of the project. He stated that the City of Mason's local match includes \$14,900 cash match and \$88,130 as in-kind services that include project management, project inspections, easement surveys, minor office supplies, and signage. It is estimated that expenses for the project will exceed grant funding and local matches by approximately \$1,926. Richard explained that two reasons the EPA awarded the grant include the educational value to the students regarding stream restoration and the willing partners on this project. This is another example of City staff developing partnerships to accomplish an overall need in the community.

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 2011-98 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2011-99 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VOGELPOHL FIRE EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$26,520 FOR THE PURCHASE OF 65 SCBA AIR BOTTLES TO REPLACE EXPIRING SCBA AIR BOTTLES AND DECLARING AN EMERGENCY

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

Eric Hansen stated that the City has an opportunity to purchase a component of significant Fire Department equipment, bottles that go into the self contained breathing apparatus (SCBA), which will extend the useful life of existing gear. This extension will allow time until new regulations from the NFPA are released. He explained that these bottles that normally cost \$1100 each will be purchased for \$408 each. City staff was able to secure pricing on these bottles as a result of an order from another department that could not be used. The bottles are new and quality is not compromised. Eric explained that by spending \$26,000 today we extend the lifetime of our gear beyond the time when new certifications are released. At that time we will need to purchase new gear that meets these specifications. The Safety Committee met to review this strategy and recommends adoption of Ordinance 2011-99.

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

A motion to adopt Ordinance 2011-99 was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

► Patriot Fair on Saturday, October 29 from 9:00 a.m. – 6:00 p.m. at the Municipal Center and Memorial Park. The fair will consist of a number of historical demonstrations and reenactments highlighted by the dedication of the Liberty Elm Tree.

► Halloween is Monday, October 31 and Trick or Treat hours are 6:00 to 8:00 p.m.

► Election Day is Tuesday, November 8 with voting hours from 6:30 a.m. to 7:30 p.m. The Municipal Center serves as a polling location that day. Election signs are not allowed to be posted on City property.

► The third annual Mason Serves volunteer event will take place on Saturday, November 12 from 9 a.m. to Noon.

► The Employee Picnic will be held on Sunday, November 13 at Great Wolf Lodge. Gratitude is extended to Great Wolf Lodge for their generous agreement in hosting this event. As part of this arrangement the City receives a number of rooms that can be used for an overnight stay the night before the event. I am very proud that departments have elected to use this offer to internally raise funds through a raffle in support of the daughter of a City employee who is in need of a double lung transplant. City Council is encouraged to attend this event.

► City employees will begin the 15th annual “Hope for the Holidays” program on November 28. Employees volunteer and sponsor a variety of ways for staff as well as interested community members and businesses to help local families in need during the Holidays. Donations may be dropped off at all City facilities including the Community Center, Municipal Center, and Fire Stations. Donations will be accepted through December 16th.

► This time of year City Council authorizes the purchase of a gift certificate for a ham or turkey for City employees. An additional option would be a gift certificate for the Community Center. If Council would like to offer this to all City employees, a motion to this effect would be appropriate.

A motion to purchase gift certificates for City employees was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

Jennifer Heft explained the Community Center’s focus of health and wellness for the community and the many partnerships that bring the community closer together. On October 12th there was a Community Wellness Expo with over 29 vendors promoting a healthy lifestyle. She reported that the Community Center Open House held October 22, 2011 was very busy and provided a great opportunity for showcasing all the facility offers. The Body Pump Fitness Program exhibition had over 55 participants. The Community Center will begin offering this program in January and it will be the only location for this program in the region. A local resident, Laurie Mitroff, contacted the Community Center with an interest in bringing organizations together that are in need of volunteers or would like to volunteer. The Volunteer Fair had 26 vendors and over 250 in attendance. Jennifer stated that personal training packages were discounted 15% on this day which generated \$7776 in sales. The Fall Festival was held in the evening with over 400 people attending the event, 200 children. The day was a huge success with 65 memberships sold on this day. 22 value books were sold with the proceeds of the sale going toward the Parks Foundation scholarship program.

Councilmember Pelfrey attended the Fall Festival and commented on how much they enjoyed the event and how well organized it was. Councilmember Shimrock commented on how the Community Center is fulfilling its purpose of bringing the community together.

COMMITTEE REPORTS none

OLD AND NEW BUSINESS

Mayor Prince commented on the misinformation regarding City finances through campaign literature. He stated that the City does not have a deficit, the General Fund is not in the negative, the debt supported by the General Fund is less than two times the annual amount of General Fund, the City's debt is less than \$95 million and about half of that is supported by other revenue streams. He stated that the City of Mason is financially sound as exhibited with by our AAA Moody's Bond Rating which is the highest rating for a city of our size. The Mayor encouraged anyone with questions to contact the City or himself. Councilmember Bradburn, Finance Committee Chairperson, explained some of the revenue sources and stated that he would also be happy to address anyone's questions or concerns. Vice Mayor Nichols encouraged voters to get the facts.

Mayor Prince requested that Resolution 2011-17 be added to the agenda. He explained that it is his intention is to send this resolution, along with a letter that he has drafted, to Governor Kasich and other state leaders. A motion to add Resolution 2011-17 to the agenda was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS.

RESOLUTION 2011-17 OPPOSING CENTRALIZED MUNICIPAL INCOME TAX COLLECTION IN THE STATE OF OHIO AND DECLARING AN EMERGENCY

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

Councilmember Gilb expressed his alarm at the State considering the taking away of local home rule and local authority to collect our own taxes. He stated that it seems that the State is taking a step to take away local dollars. He urged Council to support this resolution.

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

RECOGNITION OF VISITORS

Ginny Sundin of 108 E. North Street expressed her disappointment with the "zombie walk" incident on Friday night. Eric Hansen responded that the City was aware of the event, the group was made aware of restrictions including city property lines and paid for three extra duty police officers to monitor the event. He said the group was not given variance on the noise ordinance. The group was asked to turn the music down twice, and after the third call the music was turned off shortly after 9:00.

Scott Pierce, President of Festivals of Mason, complimented the City on the Community Center success and excellent staff. He had the opportunity to partner with the MCC during the Heritage and Bicycle Festival and commented that Chrissy Avery did a great job on the scavenger hunt bike ride.

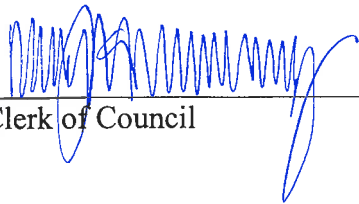
EXECUTIVE SESSION: PERSONNEL/LITIGATION/SECURITY

A motion to adjourn into Executive Session for the purpose of discussing Personnel, Litigation, and Security was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 9:05 p.m..

A motion to reconvene into Regular Session was made by Councilmember Gilb, seconded by Vice Mayor Nichols. VOTE: ALL YEAS. TIME: 9:55 p.m.

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS. TIME: 9:55 p.m.



Clerk of Council



Mayor