

**CITY OF MASON
COUNCIL MEETING
DECEMBER 12, 2011**

The meeting was called to order at 7:04 p.m. Rabbi Yosef Kalmanson opened the meeting in prayer. Jake Broekema of Boy Scout Troop 194 led all those present in reciting the Pledge of Allegiance.

ATTENDANCE

The following members of Council were present: Victor Kidd, Barbara Spaeth, Rich Cox, Tom Grossmann, Charlene Pelfrey, Don Prince, and David Nichols.

APPROVAL OF MINUTES

A motion to approve the November 28, 2011 Council Meeting Minutes was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

A motion to approve the December 1, 2011 Special Council Meeting Minutes was made by Councilmember Prince, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

PRESENTATION OF PROCLAMATION TO CUNNINGHAM DANCE STUDIOS ON THEIR 50TH ANNIVERSARY

Mayor Nichols read and presented a proclamation to Paul Cunningham and family. The Cunningham family was also given a Key to the City, a framed print of the City, and a basket of treats. Paul Cunningham and his family thanked the City for honoring their wife and mother, Naomi Cunningham, with this recognition of the business she founded in 1961.

BEAUTIFICATION AWARD PRESENTATION

Councilmember Prince presented Cincinnati Horticultural Society awards he collected on behalf of the City of Mason to Sean Ford of Mason Public Works Department.

“REMEMBER ME” VIDEO

A short video was played to honor those who have served or are serving in the United States Military.

RECOGNITION OF VISITORS

Scott Pierce of 5829 Grazing Court congratulated Eric Hansen on the birth of his daughter, Kensington Rose. Scott invited community leaders, citizens, and business owners to attend a free video presentation “Doing the Right Thing”, a discussion of ethics in America. The six, 1-hour sessions will begin at 7:00 p.m. each Thursday beginning on January 5th in the Mason Municipal Center. This program is presented as a public service by *The Leadership Alliance*. Registration is not required.

Perry Denehy of 4184 Fieldsedge Drive invited the public to a program organized by Mason Historical Society and Fire Auxiliary on Sunday, December 18 from 2:00-4:00 p.m. at old Station 51. Jim Knott's family will be in attendance for this Farewell to the old firehouse.

ORDINANCE 2011-119 AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR AN OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR INSTALLATION OF A HANDICAP LIFT AT THE LOU EVES MUNICIPAL POOL AND COMMUNITY CENTER POOLS

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

Richard Fair addressed Council and stated that this is an application for Community Development Block Grant (CDBG) monies to install a handicap pool lift chair at the Lou Eves Municipal Pool and the Competition and Leisure pools at the Community Center. He explained that between 1990 and 2003, the City used approximately \$520,000 in CDBG funds for the replacement of curb and gutters, sidewalks, driveway approaches, and street resurfacing in the Meadows Subdivision. However, due to policy changes by the state of Ohio in the CDBG formula allocation program, Mason is no longer considered an "acquired" city as in the past. A city must have a population of at least 25% low to middle income to be considered an acquired city. Per the most recent census data, Mason has only a 23% low to middle income population. Warren County Commissioners will determine which projects get funding for non-acquired cities. Warren County has recently been deemed a "Housing and Urban Development (HUD) Urban County", which means the County will now get CDBG funding directly from HUD. Richard stated that the FY 2012 grant application is for the installation of a handicap lift for the Lou Eves Municipal Pool and the Competition and Leisure pools at the Mason Community Center. This project meets the guidelines for the CDBG program. He explained that the City has one handicapped entrance at all of the pools but new Federal Regulations require a second handicap entrance at each. If the grant is successful, the project will be bid and constructed by December 31, 2012. As required by CDBG grant, the County will handle the bidding and contract administration. All inspections, plans and specifications will be handled by the Engineering Department. If the grant is unsuccessful, the City will need to pay for the lifts in order to keep the pools compliant. Total estimated cost for this project is \$30,000.

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

Councilmember Grossmann questioned the Federal requirement. Richard Fair explained that the new Federal regulations mandate that pools exceeding a certain perimeter require additional handicap entrances. Council discussed the real need for two handicap access points into the pools. Councilmember Grossmann suggested that staff draft a letter to the Federal government explaining the City's position.

A motion to adopt Ordinance 2011-119 was made by Councilmember Cox, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

ORDINANCE 2011-120 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR RESURFACING STATE ROUTE 741 (KINGS MILLS ROAD) FROM EAST OF PARKSIDE DRIVE TO BETHANY ROAD AND DECLARING AN EMERGENCY

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

Richard Fair addressed Council and stated that two streets (SR-741 and US-42) within Mason receive funds from the Ohio Department of Transportation (ODOT) Urban Paving Program. SR-741 is scheduled for resurfacing in ODOT calendar year 2012. He stated that in March Council approved Ordinance 2011-21, preliminary legislation committing to the project. This ordinance will authorize ODOT final legislation for resurfacing SR-741 from just east of Parkside Drive to Bethany Road. Richard explained that the City pays for the 20% non-federal share of the construction costs and 100% of items not paid for by ODOT. Total estimated project cost is \$625,440. ODOT has estimated the City's share is approximately \$174,024, and includes those items not paid for by ODOT such as pavement returns, raising manholes and valve boxes, curb repairs, full depth repairs, and the City's share of construction inspection services. During actual construction, staff will work closely with ODOT officials to monitor costs. \$350,000 was included in the 2011 Budget for this project. Staff worked with ODOT to modify the scope of the project to match the existing pavement conditions reducing the overall project cost by over \$78,000, therefore reducing the City's share to the estimated \$174,024. Richard stated that an emergency clause has been added to accommodate ODOT's request to secure approval and payment by December 28, 2011.

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

A motion to adopt Ordinance 2011-120 was made by Councilmember Cox, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

ORDINANCE 2011-121 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NATARE CORPORATION FOR THE MASON MUNICIPAL POOL LINER PROJECT IN THE AMOUNT OF \$82,000.00

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

Richard Fair addressed Council and explained the next two ordinances together. He stated that the Lou Eves Municipal Pool opened in 1995 and just completed its 16th year of operations. The concrete pool shell has been deteriorating and is in need of renovation. The pool continues to be a popular amenity for the community. Two years ago, outdoor pool passes were included as an additional benefit to Premier members of the Community Center. There has been increased interest in Premier memberships to the Community Center as a result of this benefit. Richard explained that Ordinance 2011-121 addresses the option of installing a pool liner to extend the life of the pool. He stated that the maintenance cost to paint, caulk, plaster and sandblast the pool is estimated at \$24,000/per four years and a general renovation of the concrete shell has been estimated at over \$800,000. City Council authorized \$175,000 to renovate the pool in 2011. This money comes from the residential bedroom fee, not the general fund. A much more

cost-effective approach that will insure an attractive watertight pool surface is to install a custom fit PVC liner membrane. A PVC pool liner has an expected product life of up to 15 years. On November 8, 2011, staff received two bids and the best and lowest bidder was Natara Corporation at \$102,000. The bid includes a \$20,000 allowance for replacing the mushroom water feature in the pool. In order to reduce costs, staff is recommending that the replacement of the mushroom water feature be removed from the project for a total contract of \$82,000 with Natara.

Richard explained that Ordinance 2011-122 addresses the replacement of the pool pump. He stated that Public Utilities took over maintenance of the pool pumps, filters, and chemical storage this year. Along with engineering staff they took a detailed look at the mechanical operations of the pool. One recommendation derived was to replace the current 40 HP pump with (2) 20 HP pumps. The larger 40 HP pump was oversized from the original design and was being throttled back by partially closing a valve. This operation caused the pump to work harder and operate less efficiently. In addition, staff recommends adding variable frequency drives (VFDs) to allow the pumps to operate at variable speeds. Richard explained that this new configuration will save operational costs by being more efficient, will allow for reducing the flow rate when the pool is closed and provide additional flexibility when pumps need to be serviced. Pump Pros was the low bidder at \$35,000 for two 20-HP vertical turbine pumps and two VFDs. He said that Public Utilities will install the pumps, saving the City \$20,000 in installation costs.

Richard stated that the total restoration project also included repairs done this summer by Public Utilities staff on two filter tanks and lateral pipes, the slide pump damaged by lightning, and a chemical controller for the kiddie pool. He explained the need to resurface the pool slide. The original surface finish of the slide has become rough but it is structurally sound. A future project will restore the original luster to the slide with a new application of gel coat which would extend the life of the slide by about 10 years. The cost to replace this slide would be very expensive due to the need to meet new Federal regulations requiring pool depth and width alterations. Richard stated that the total project cost is \$175,270 and that both the Park Board and Finance Committee have reviewed these projects and is recommending approval. The goal is to have the restoration completed prior to the 2012 pool season. He stated that the pool building is also being painted inside and out.

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

Council discussed the costs of maintaining and the usefulness of this facility. Eric Hansen stated that the pool has an operating deficit and that the proposed restoration will buy time (expected 10 years) to consider the need for an outdoor pool in the future. Vice Mayor Kidd stated that this time will allow us to pause and think on how an outdoor community pool competes with local business such as The Beach and Kings Island and to discuss creative solutions for working with our businesses.

A motion to amend Ordinance 2011-121 contract amount to \$82,000 was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

A motion to adopt Ordinance 2011-121 as amended was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2011-122 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PUMP PROS, INC., FOR TWO (2) VERTICAL TURBINE PUMPS WITH (2) VARIABLE FREQUENCY DRIVES FOR THE MASON MUNICIPAL POOL IN THE AMOUNT OF \$35,000.00

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

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

A motion to adopt Ordinance 2011-122 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2011-123 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,125,000 ECONOMIC DEVELOPMENT REVENUE NOTES, (AL. NEYER INC., PROJECT), SECOND (2012) RENEWAL OF THE CITY OF MASON, OHIO, THE PROCEEDS OF WHICH SHALL BE USED TO REFINANCE THE ACQUISITION OF REAL ESTATE LOCATED WITHIN THE CITY OF MASON, OHIO TO BE SOLD TO AL. NEYER INC., FOR DEVELOPMENT; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH NOTES, AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH NOTES

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

Jennifer Heft addressed Council and stated that Ordinance 2011-123 reissues Economic Development Revenue Notes for the Oakpark Development District. Council authorized Ordinance 2009-127 on December 15, 2009 to issue economic development revenue notes for the Oakpark District and authorized entering into a long-term economic development agreement with Al Neyer, Inc. These ordinances put in place steps to designate the area located along Western Row Road between I-71 and Old Western Row Road, as the Oakpark District. She stated that this is an exciting project for the City which leverages over \$100,000 in private sector dollars to further plan and market this development for class A office, corporate headquarters and innovation sector businesses, potentially bringing over 7,000 jobs to the area. She stated that the notes require a financial guarantee by the developer, a repurchase agreement, and do not impact the City's debt capacity. The developer will reimburse all costs of issuing the debt plus will begin repurchasing the carrying cost (principal and interest) of the property no later than 2013. In addition to paying for all cost of the property and debt, the developer also pays the City an annual financing fee. She stated that the re-issuance of the notes fulfills the commitment made in the development agreement while making strategic investments in the City's future economic development.

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

A motion to adopt Ordinance 2011-123 was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2011-124 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. 2010-156 OF THE CITY OF MASON, OHIO, PASSED BY THE COUNCIL OF THE CITY OF MASON, OHIO ON DECEMBER 13, 2010 FOR THE YEAR 2011

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

Jennifer Heft explained the next two ordinances together. She stated that on December 13, 2010, Council approved Ordinance 2010-156, which authorized the 2011 Budget. 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 and must maintain the same total appropriated amount for their department. The legal level of control is the level at which Council passed the original annual appropriation ordinance. As situations change throughout the year, it is important that the budget provide enough discretion and flexibility that it can accommodate new and shifting priorities. She explained that Ordinance 2011-124 is for those transfers which fall outside these levels of control and therefore require Council approval. Jennifer explained that the most significant re-appropriations are for additional operating and personnel cost for police overtime, higher than expected fuel cost, personnel vacancies in the Economic Development Department requiring contractual resources and additional snow removal cost as a result of a higher than normal number of snow events in the 2010/2011 winter. She listed the most significant General Fund transfers: \$3 million to the General Capital Improvement Fund, \$1,592,645 to the Government Center Reserve Fund for the annual Municipal Center lease payment, \$1,300,000 to the Community Center Fund, \$1,500,000 to the Golf Course Fund, and a \$950,000 advance to the Federal Grant Fund was transferred back to the General Capital Improvement Fund to cover negative fund balances.

Jennifer explained that once the re-appropriations and fund transfers have been made, if there are negative balances in any funds or accounts, a supplemental appropriation is necessary. Ordinance 2011-125 has been prepared to close the City's accounts. She described the most significant supplementals being requested: \$950,000 is needed for several economic development activities including incentives and lease agreements for AssureRx and Intelligrated, \$3 million transfer to the General Capital Improvement Fund, \$2.7 million for the refinancing of the 1998 Road Improvement Bonds and debt service payment for the 2011 Various Purpose Bonds, \$975,000 to encumber funds for potential litigation, \$600,000 for the Street Maintenance & Repair Fund for the resurfacing partnership with Deerfield Township, \$1.7 million for the TIF bonds issued in conjunction with Everybody's Farm project, \$7.6 million to refinance outstanding notes through the issuance of long-term bonds for the Golf Center, \$480,000 to complete the shell space at the Community Center for AssureRx, \$400,000 to cover the costs of increased health care claims, and \$400,000 to pay the forgivable loans authorized by Council and the Mason Port Authority.

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

A motion to adopt Ordinance 2011-124 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2011-125 AUTHORIZING THE SUPPLEMENTAL APPROPRIATIONS OF MONIES; THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2010-156 OF THE CITY OF MASON, OHIO, PASSED BY THE COUNCIL OF THE CITY OF MASON, OHIO ON DECEMBER 13, 2010 FOR THE YEAR 2011

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

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

A motion to adopt Ordinance 2011-125 was made by Councilmember Pelfrey, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

► City offices will be closed on Monday, December 26 for the Christmas Holiday and Monday, January 2 for the New Year Holiday. The Community Center will be open normal operating hours 5:00 a.m. – 11:00 p.m. on the 23rd.

► Christmas Day and New Year's Day are on Sundays this year and therefore, the Rumpke trash and recycling schedule will not be affected. Rumpke also advises that holiday wrapping paper and wrapping tissue, cards, envelopes, and gift boxes will be accepted for recycling this year.

► The Warren County Municipal League will meet on December 14 at Heatherwood Club House.

► The 4th annual Live Well Mocktails event, in partnership with Tri-Health, will be held at the Community Center from 11:00 a.m. until 1:00 p.m. on Wednesday, December 14. This event is held in the atrium and along Main Street and is free to the public.

A motion to not request a hearing for a C1 C2 D6 liquor permit for Istorel Inc. at 5591 SR-741 was made by Councilmember Cox, seconded by Mayor Nichols. VOTE: ALL YEAS.

COMMITTEE REPORTS

Mayor Nichols stated that committee appointments will be assigned next month.

OLD AND NEW BUSINESS

Councilmember Grossmann wished everyone a Merry Christmas.

Vice Mayor Kidd stated that he had the opportunity to attend an Art Show at Pop Revolution Gallery and encouraged the patronage of local businesses such as this outstanding art gallery. He

commented on his recent experience attending a military ceremony and how he was impressed with the high caliber of our military leaders.

Councilmember Pelfrey recognized Scott Pierce, the Festivals of Mason board, and dedicated volunteers for the great Christmas in Mason event. She thanked the Mason Community Band for the fantastic music.

Councilmember Spaeth encouraged everyone to attend the farewell to Old Fire Station 51 event on Sunday. She stated that Jim Knott's granddaughter will be travelling from Louisville to be in attendance along with other members of his family. Councilmember Cox suggested that they consider a future memorial to commemorate Jim Knott and fire volunteers' service to the City.

Mayor Nichols expressed his appreciation to Scott Pierce, the Festivals of Mason, Ginny Sundin and the Mason Community Band. He welcomed the new Councilmembers to their first Council meeting and wished all a Merry Christmas.

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tarton Fields Lane suggested that City Staff draft a standard letter of protest to use when Federal regulations are imposed which require the City to spend money that ought not be spent.

Scott Pierce, Festivals of Mason president, reported that Christmas in Mason had an estimated 5000 in attendance. He recognized Tom Kaper, Brand Garden for sponsoring the live Nativity, City Council, and City Departments (Public Works, Parks, Police, and Fire).

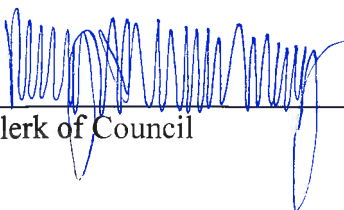
EXECUTIVE SESSION: POTENTIAL LITIGATION, PERSONNEL, AND SECURITY

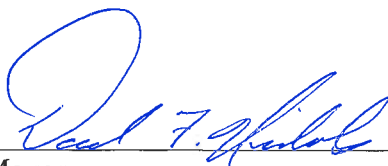
A motion to adjourn into Executive Session for the purpose of discussing potential litigation, personnel, and security was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 8:40 p.m.

A motion to reconvene into Regular Session was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS. TIME: 9:28 p.m.

ADJOURN

A motion to adjourn was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS. TIME: 9:29 p.m.


Clerk of Council


Mayor