

**CITY OF MASON  
COUNCIL MEETING  
NOVEMBER 30, 2009**

Mayor Grossmann called the meeting to order at 7:05 p.m. The Mason Police Department Honor Guard presented the colors. Those present recited the pledge of allegiance.

**ATTENDANCE**

The following members of Council were present: Christine Shimrock, Don Prince, Tony Bradburn, David Nichols, Michael Gilb, and Tom Grossmann.

**RECOGNITION OF VISITORS** None

Mayor Grossmann announced an executive session for the purpose of discussing land acquisition will be added to the agenda following Resolution 2009-19.

**RESOLUTION 2009-19 COMMENDING TOM GROSSMANN FOR HIS OUTSTANDING DEDICATION AND SERVICE TO THE CITY OF MASON, OHIO**

Ken Schneider read the Resolution.

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

A motion to adopt Resolution 2009-19 was made by Councilmember Nichols, seconded by Councilmember Shimrock. VOTE: 5 YEAS, 1 ABSTAIN (Mayor Grossmann)

Mayor Grossmann thanked everyone he has worked with and stated he has enjoyed serving his community. Councilmembers each commented on the contributions he has made to the City of Mason.

Carol Hackney with "Mason Serves" addressed Council and thanked them for their support on the day of volunteering they undertook for area residents. She said the Council on Aging, Warren County Community Services and RASKALS provided the names of those receiving assistance. She mentioned how much help Joan Bernard had been in working with the City.

**EXECUTIVE SESSION**

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

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

**ORDINANCE 2009-125 AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH AL NEYER, INC., AND DECLARING AN EMERGENCY**

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

Eric Hansen stated this is a first reading and will come before Council at the next meeting. He suggested the next meeting be moved to December 15, 2009 to avoid conflicts with other events. Vice Mayor Prince moved to schedule the meeting on December 15, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

**ORDINANCE 2009-126 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT OF PURCHASE AND SALE AND REPURCHASE WITH AL NEYER, INC., AND DECLARING AN EMERGENCY**

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

Eric stated this is a first reading and will come before Council at the next meeting December 15, 2009.

**ORDINANCE 2009-127 AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,100,000 ECONOMIC DEVELOPMENT REVENUE NOTES, SERIES 2009 (AL NEYER INC., PROJECT) OF THE CITY OF MASON, OHIO THE PROCEEDS OF WHICH SHALL BE USED TO FINANCE 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 Shimrock, seconded by Councilmember Nichols. VOTE: ALL YEAS

Eric stated this is a first reading and will come before Council at the next meeting December 15, 2009.

**ORDINANCE 2009-128 DELEGATING AUTHORITY TO MAKE DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS WITH RESPECT TO REIMBURSEMENTS OF TEMPORARY ADVANCES DURING FISCAL YEARS 2009 AND 2010 MADE FOR CAPITAL IMPROVEMENTS FOR THE ACQUISITION OF REAL ESTATE TO BE MADE FROM SUBSEQUENT BORROWINGS.**

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

Eric stated this is a first reading and will come before Council at the next meeting December 15, 2009.

**ORDINANCE 2009-129 REPEALING ORDINANCE NO. 2008-128 OF THE CITY OF MASON, OHIO, AND ESTABLISHING HIRING COMPENSATION RANGES FOR CITY OF MASON EMPLOYMENT POSITIONS**

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 Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS

Jennifer Heft explained to the Council that the Employee Relations Committee identified six goals to guide this effort that included maintaining control over the system and being sensitive to comparable benefits enjoyed by contractual employees; minimizing costs of frequent employee turnover; maintain a merit system that rewards high performance; improve recruiting effectiveness; maintain conservative financial management by unbundling inflationary pressures, merit incentives, and system maintenance; and providing an administratively consistent structure.

She stated a key element was the Committee's intent to review compensation and hiring ranges during the budget process and recommend inflationary adjustments to take effect January 1 of each calendar year. Ordinance 2009 - provides a 1.5% inflationary adjustment to current non-union, in good standing City employee compensation effective the first pay period following January 1, 2010. Like last year's adjustment, the Ordinance also identifies a merit component consisting of a gross dollar amount equal to 2% of payroll available for distribution to those employees that demonstrate exceptional effort. The actual dollar amount available to individual employees depends on performance evaluations, current rate of pay, and availability of funds and not on a percentage of their pay rate. These amounts will be calculated and administered within the first quarter of 2010. Several years ago as part of the compensation package, modifications were made to the City's health insurance program, including the implementation of annual deductibles, increase of out of pocket maximums, and a mail-order prescription drug plan that had a significant impact on health care costs for the City. For 2010, the annual family deductible will be \$1,000 and the maximum out-of-pocket amount will move to \$1,980, based upon the actual percentage of increased costs for 2009. In 2008, to continue efforts to control health care costs, and build on the partnership with TriHealth, the Employee Relations Committee recommended that the City partner with TriHealth for the development and implementation of a Wellness Program for employees, that included membership access to the Community Center for full time employees and a City-wide educational, coaching and promotional element. Jennifer said the downturn in the economy has had an impact on revenues of the City. Throughout 2009, a top priority of the City has been in reducing expenses, controlling costs while providing quality services to residents and businesses that can continue to be provided within the reduced revenues. Some of the steps taken to retain full time positions and reduce the need for layoffs or furloughs included the following: 7 vacant positions remain unfilled, delayed filling four vacant positions, overtime was dramatically reduced, department heads choose to forego their merit increases, part-time and seasonal staff were reduced or eliminated, employee development and training was reduced and merit increases for non-union employees were reduced. As a result demands on many employees increased and changed as they assumed larger workloads or were required to fill in for vacant jobs, outside their typical duties. While not always easy, employees across all departments have risen to the challenge and looked for ways to continue to control costs.

A motion to adopt Ordinance 2009-129 was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2009-130 ESTABLISHING THE SALARY ADMINISTRATION PLAN, PROVIDING FOR CONSIDERATION OF INCREASES IN COMPENSATION ON AN ANNUAL BASIS, AND GRANTING A COST-OF-LIVING INCREASE**

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

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

A motion to adopt Ordinance 2009-130 was made by Councilmember Bradburn, seconded by Vice Mayor Prince. VOTE: ALL YEAS

**ORDINANCE 2009-131 AN ORDINANCE 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. 2008-139 OF THE CITY OF MASON, OHIO, PASSED BY THE COUNCIL OF THE CITY OF MASON, OHIO ON DECEMBER 15, 2008 FOR THE YEAR 2009.**

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

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

Jennifer Heft stated that City Council approved the 2009 Budget with Ordinance 2008-139 on December 15, 2008. She explained that this appropriation ordinance is a plan and guide for City finances for the complete year. As the City's priorities change or are modified these plans are altered, costs rise higher than the budget and as an annual housekeeping item, legislation re-appropriating funds is appropriate.

The reappropriation ordinance is for those appropriation transfers, which fall outside the department head's legal level of control. In a fast paced, high growth environment it is important that the budget provide enough discretion and flexibility that it can accommodate new and shifting priorities. A continued effort was made this year to identify expenses that could be scaled back with minimal service impact and department expenses were measured against this goal. Jennifer stated throughout 2009, Department Heads monitor spending levels and identify areas to better manage expenses. Over \$1.5 million of savings has occurred in the General Fund. Part of the savings is used in the re-appropriations while the remaining is being reduced from the 2009 budget in the supplemental ordinance. The most significant re-appropriations are re-appropriating for Community Development in the General Fund to better account for contribution to other organizations such as ICRC, Festivals of

Mason, AVP, and Tennis for Charity; start up costs for the postal unit at the Municipal Center and income tax refunds. There are fourteen fund transfers being requested as part of the Reappropriation Ordinance. The General Fund transfers include: \$2.5 million to the General Capital Improvement Fund, \$1,671,400 transfer to the Government Center Reserve Fund for the annual Municipal Center lease payment, \$50,000 transfer to the Special Assessment Fund to cover a negative fund balance as a result of delinquent property tax revenue, \$1,000,000 transfer to the Community Center and \$890,000 transfer to the Golf Course Fund to cover negative fund balances. The most significant transfer, \$7,372,487, is from the General Capital Improvement Fund to the Community Center Expansion Fund as part of TriHealth's expansion to the Community Center. The Capital Improvement fund also transferred \$772,000 to the Golf Course Fund for debt service payments and capital purchases. Transfers from the Street Improvement Fund, Street Subdivision Fund, Downtown Investment Fund and Socialville-Fosters Road Improvement Fund are necessary to close the fund as these funds are no longer needed. A transfer from the Federal Grant Fund to the General Fund was necessary to reimburse the General Fund money received from FEMA for windstorm expenses. The transfer from the Fire Reserve Fund to the Fire and Emergency Services Fund is for the fire station 51 construction. Finally, the transfer from the Sewer Revenue Fund and 2004 Sewer Debt Reserve Fund are for the debt service payment for the Water Reclamation Plant.

Although there are adjustments that will always occur throughout the year it is customary for an annual reappropriation ordinance to be prepared at year end to close the City's accounts.

A motion to adopt Ordinance 2009-131 was made by Councilmember Nichols, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2009-132 AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATIONS OF MONIES: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2009-139 OF THE CITY OF MASON, OHIO, PASSED BY THE COUNCIL OF THE CITY OF MASON, OHIO ON DECEMBER 15, 2008 FOR THE YEAR 2009**

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

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

A motion to adopt Ordinance 2009-132 was made by Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: ALL YEAS

**ORDINANCE 2009-133 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND STEPHEN GROSS & SONS, INC. IN THE AMOUNT OF \$50,469 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS**

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



Eric Hansen explained the next ten ordinances, if adopted, will allocate budgeted dollars from two sources within the GMP for the Mason Community Center Expansion project. He stated the list of allowances in the GMP but outside the contracts were a combination of discretionary items to cover unknown but probable project items that arise with any existing building renovation or addition, and others were ear-marked for specific items that were not fully documented at the time of the bidding and contract awards. The design for the structural shoring was one of these specific allowances as well. While most items are additions, some deducts were also achieved. All allowance funds used in these change orders are less than the estimated amounts that were listed in the GMP.

Eric added, other items are covered by the owner's contingency that was part of the original GMP ordinance, but had no specific allocation and was not part of the construction cost. These items are related to the re-design of the café in cooperation with the café tenant and to finish the member amenities area and keep the project on schedule. When the project was originally designed and bid, the member amenities area was not assigned and was only unfinished shell space. The member amenities area will include the relocation of the satellite post office, rentable meeting rooms, and retail space.

He stated while the changes to the contracts from the allowances do not affect the fees already designated to Turner Construction (the construction manager), the changes outside the original project scope and not in the allowances are subject to added fees at the same rate as the original contract. This corresponds to the monies from the owner's contingency.

Ordinance 2009- 133 Stephen Gross & Sons, \$50,469 for the café area, therapy pool tank room, and added sloped roof insulation; with deducts for floor material changes, unused waterproofing, roof edge re-design, and building pad prep.

Ordinance 2009- 134 Complete Masonry Services, \$46,773 for the masonry ground signs and the therapy pool tank room.

Ordinance 2009- 135 DeBra-Kuempel, \$80,685 for the fire alarm system, therapy pool tank room, sprinkler pit alarm, and café area.

Ordinance 2009- 136 Wittrock Woodworking, \$12,468 for the revised café design.

Ordinance 2009- 137 Pioneer Cladding and Glazing, \$(5,849) deduct for the changes to the glass surround of the therapy pool, new switching for the existing entry power doors, and an improved flashing for the windows.

Ordinance 2009- 138 Triton Services (Plumbing), \$29,350 for the revised café design and piping changes due to existing conditions.

Ordinance 2009- 139 Dalmation Fire, \$1,052 for the revised café design.

Ordinance 2009- 140 Steven Schaefer Associates, \$13,300 for the temporary shoring designs.

Ordinance 2009- 141 Turner Construction Company, \$8,996.76 for their fee increase based on the increase in non-allowance costs for the project.

Ordinance 2009- 142 Michael Schuster Associates, \$58,600 for the designs of the café, member amenities area, interior graphics, and interior furnishings.

Eric stated Chief Building Official, Greg Nicholls, attends all construction meetings and has spent a significant amount of time and effort in overseeing, evaluating and negotiating change order requests. With these ordinances, \$733,000 of the original \$908,000 in allowances remain; however, approximately 35% will be spent on the climbing wall and interior signage and graphics. Additionally, \$270,000 of the original \$400,000 in the owner's contingency remains after changes to the café area, turnstiles, and customer service desks. He reported the Community Center Committee has reviewed these change order requests and is recommending Ordinances 2009-133 to 142 for adoption.

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

A motion to adopt Ordinance 2009-133 was made by Councilmember Gilb, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2009-134 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND COMPLETE MASONRY SERVICES, INC. IN THE AMOUNT OF \$46,773 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS**

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

A motion to adopt Ordinance 2009-134 was made by Vice Mayor Prince, seconded by Councilmember Gilb. VOTE: ALL YEAS

**ORDINANCE 2009-135 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND DEBRA-KUEMPEL MECHANICAL-ELECTRICAL IN THE AMOUNT OF \$80,685 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS**

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

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

A motion to adopt Ordinance 2009-135 was made by Councilmember Shimrock, seconded by Vice Mayor Prince. VOTE: ALL YEAS

**ORDINANCE 2009-136 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND WITTROCK WOODWORKING AND MANUFACTURING COMPANY, INC. IN THE AMOUNT OF \$12,468 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS**

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

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

A motion to adopt Ordinance 2009-136 was made by Councilmember Gilb, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2009-137 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND PIONEER CLADDING AND GLAZING, LLC IN THE AMOUNT OF A DEDUCT OF \$5,849 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS**

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

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

A motion to adopt Ordinance 2009-137 was made by Councilmember Nichols, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2009-138 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND TRITON SERVICES, INC. IN THE AMOUNT OF \$29,350 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS**

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

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

A motion to adopt Ordinance 2009-138 was made by Councilmember Gilb, seconded by Vice Mayor Prince. VOTE: ALL YEAS



**ORDINANCE 2009-139 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND DALMATION FIRE, INC. IN THE AMOUNT OF \$1,052 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS**

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

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

A motion to adopt Ordinance 2009-139 was made by Councilmember Shimrock, seconded by Vice Mayor Prince. VOTE: ALL YEAS

**ORDINANCE 2009-140 AUTHORIZING THE CITY MANAGER TO EXECUTE PAYMENT TO STEVEN SCHAEFER ASSOCIATES, INC. IN THE AMOUNT OF \$13,300 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS**

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

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

A motion to adopt Ordinance 2009-140 was made by Councilmember Shimrock, seconded by Vice Mayor Prince. VOTE: ALL YEAS

**ORDINANCE 2009-141 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND TURNER CONSTRUCTION COMPANY IN THE AMOUNT OF \$8,996.76 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS**

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

A motion to adopt Ordinance 2009-141 was made by Vice Mayor Prince, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2009-142 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND MICHAEL SCHUSTER ASSOCIATES, ARCHITECTS, INC. IN THE AMOUNT OF**

**\$58,600.00 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS**

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

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

A motion to adopt Ordinance 2009-142 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: 5 YEAS, 1 ABSTAIN (Mayor Grossmann)

Greg Nicholls, Chief Building Official, stated the expansion project is going well. He attributed that to the professionalism of the construction manger and the contractors.

**OLD AND NEW BUSINESS**

Mayor Grossmann commented on the issues he has been involved with while serving on Council. He noted the additional parkland, the Mason Sports Park, sewer rates and full credit on income tax as some of the city's successes.

**RECOGNITION OF VISITORS** None

**ADJOURN**

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

TIME: 9:09 p.m.

  
Clerk of Council

  
Mayor