

**CITY OF MASON  
COUNCIL MEETING  
NOVEMBER 22, 2010**

The meeting was called to order at 7:11 p.m. Boy Scout Troop 998 led all present as they recited the Pledge of Allegiance.

**ATTENDANCE**

The following members of Council were present: Michael Gilb, Rich Cox, Tony Bradburn, Charlene Pelfrey, David Nichols, and Don Prince. Christine Shimrock joined the meeting at 7:50 p.m.

**APPROVAL OF MINUTES**

A motion to approve the November 1, 2010 Council Meeting Minutes was made by Vice Mayor Nichols, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

**RECOGNITION OF CAROL HACKNEY OF MASON SERVES**

Ms. Hackney, Mason Serves Coordinator, reported on the success of the October 23 event. With the help of 250 volunteers, 46 homes were served. She thanked Mayor Prince and Councilmember Bradburn for leading two of the teams. She also wanted to thank the City of Mason for their support, along with Quatman Café, Skyline Chili, and Kidd Coffee for their contributions to the event.

**RECOGNITION OF SCOTT PIERCE, PRESIDENT OF FESTIVALS OF MASON**

Scott Pierce reported that an estimated 9000 to 10,000 people attended this year's Heritage Festival Parade with approximately 2500 people in the parade. He reported that established businesses were pleased with the foot traffic and new faces during the festival. He stated that next year's event will have a new name, The Mason Heritage and Bicycle Festival, and will promote wellness. There will be a morning bicycle race, decorated bikes in the parade, and a route for bicyclists to follow throughout the day (highlighting the City's bike paths). The day will end with a concert on the Plaza. A ten foot Norway Spruce, donated by Pierce's Lawncare and Landscaping, has been planted on the Plaza to be used as the City's Christmas tree during future Christmas in Mason Festivals. Mr. Pierce also recognized the sponsors of the Thursday Night Live Concerts on the Plaza: The Center for Optimal Vitality, Quatman Café, and Culver's.

**RECOGNITION OF VISITORS** none

**RESOLUTION 2010-29 COMMENDING TERRY SCHULTE FOR HER OUTSTANDING AND DEDICATED SERVICE TO THE CITY OF MASON, OHIO**

Mayor Prince read the Resolution and then presented it to Terry Schulte. Terry then thanked City Council and commended them on their professionalism. During Council discussion, appreciation for Terry's many skills including experience, selfless service, commitment, and effectiveness were mentioned.

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 Resolution 2010-29 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

**ORDINANCE 2010-119 AUTHORIZING THE CITY MANAGER TO ACCEPT THE FEDERAL SECURE OUR SCHOOLS GRANT #2010CKWX0710 IN THE AMOUNT OF \$22,295 AND IN TURN FORWARD THOSE FUNDS TO THE MASON CITY SCHOOLS AND DECLARING AN EMERGENCY**

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

Eric Hansen explained that in June, Mason City Schools and the Mason Police Department partnered in writing and submitting a Secure Our Schools Grant. The purpose of this federal grant is to establish and enhance a variety of school safety equipment and/or programs to encourage the continuation and enhancement of school safety efforts in the community. One of the requirements of this grant is that a law enforcement agency must partner with a school district to be eligible for the grant. Eric explained that Mason School District indicated that they would like to fund the purchase of a portable radio system along with repeaters that would allow communication across the entire district. The system would allow direct radio communication between the School Resource Officer (SRO) and the High School Administration at all times. The building is over 700,000 sq. ft. and currently, there are long periods of time when the only electronic communication is by cell phone. During an emergency it is critical that the SRO and High School Administrators have another means of communication to mitigate issues. He stated that the total cost of the system is \$44,950 and the grant is for 50% of that amount, the balance will be paid by the Mason City Schools. The Schools will purchase the system and submit the invoice to the City for reimbursement. Upon receipt of the grant proceeds the City will reimburse the Schools for their purchase. An emergency clause is included to meet grant deadline requirements.

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 2010-119 was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS.

**ORDINANCE 2010-120 AUTHORIZING THE CITY MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH WARREN COUNTY COMMISSIONERS FOR THE I-71/WESTERN ROW ROAD INTERCHANGE PREFERRED ALTERNATIVE STUDY IN THE AMOUNT OF \$600,000**

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

Richard Fair addressed Council and stated that over the last few years the Warren County Engineers Office in cooperation with City staff completed step 5 in a 14-step process for expanding the Western Row Road interchange. The next course of action, according to ODOT's Project Development Process (PDP), is to develop the preferred alternative, which will complete steps 6 & 7. Upon completion of step 5, ODOT agreed to drop the Kings Mills Road Interchange allowing the County and City to focus entirely on the Western Row Road Interchange. ODOT identified four feasible alternatives (two alternates were dropped) for additional review and evaluation as part of this next study. At this point in the process the design team has not been selected; however, we are moving forward with an agreement with the Warren County Commissioners Office to facilitate the process and demonstrate the City's continued commitment. The Warren County Engineer's Office will be the lead agency in this project and City engineering staff will assist with review, management, and final recommendations. Warren County Engineer's Office administers the contract and the City will reimburse the County for expenses. Total estimated cost for

steps 6 and 7 with a 2½ year schedule is around \$1.2 million. The Finance Committee has reviewed this project and is recommending Ordinance 2010 – 120 for adoption.

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 2010-120 was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

**ORDINANCE 2010-121 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #3 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND WITTROCK WOODWORKING AND MANUFACTURING COMPANY, INC. IN THE AMOUNT OF \$10,981 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS AND DECLARING AN EMERGENCY.**

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

Councilmember Shimrock joined the meeting at this time.

Eric Hansen explained that the next nine ordinances allocate funds already in the budget for the Community Center Expansion Project. He said that the project has come in under budget with almost \$900,000 saved on contracts closed out so far, which represents a 5.8% savings on the cost of the project. These savings come from three areas: great market timing, staff team work, and creativity.

Richard stated that Ordinance 2010-122 has the change order amount incorrect in the title of the Ordinance and asked that it be corrected from \$11,752.50 to \$15,612.50. He also stated that two remaining ordinances should be expected in 2010 for final contract amounts with Stephen Gross (general trades) and Turner Construction. An emergency clause has been added to these ordinances in order to meet a request by the Finance Director to finalize these in 2010.

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

A motion to adopt Ordinance 2010-121 was made by Councilmember Bradburn, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2010-122 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND ART IRON COMPANY IN THE AMOUNT OF \$15,612.50 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS AND DECLARING AN EMERGENCY.**

A motion to read by title only was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. 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 2010-122 was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

**ORDINANCE 2010-123 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO AN EXISTING CONTRACT BETWEEN THE CITY OF MASON AND MT. PLEASANT BLACKTOPPING, INC., IN THE AMOUNT OF \$20,834 FOR THE CITY OF MASON SITE WORK AND THE CITY OF MASON/DEERFIELD TOWNSHIP 2009 JOINT STREET RESURFACING PROGRAM AND DECLARING AN EMERGENCY.**

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

A motion to adopt Ordinance 2010-123 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

**ORDINANCE 2010-124 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #3 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND TRITON SERVICES (HVAC), INC. IN THE AMOUNT OF \$27,507 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS AND DECLARING AN EMERGENCY.**

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

A motion to adopt Ordinance 2010-124 was made by Councilmember Shimrock, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2010-125 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #3 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND COMPLETE MASONRY SERVICES, INC. IN THE AMOUNT OF \$4,557 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS AND DECLARING AN EMERGENCY.**

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

A motion to adopt Ordinance 2010-125 was made by Councilmember Cox, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

**ORDINANCE 2010-126 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #3 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND DALMATION FIRE, INC. IN THE AMOUNT OF \$6,176 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS AND DECLARING AN EMERGENCY.**



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

A motion to adopt Ordinance 2010-126 was made by Councilmember Cox, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

**ORDINANCE 2010-127 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #4 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND DEBRA-KUEMPEL MECHANICAL-ELECTRICAL IN THE AMOUNT OF \$83,518 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS AND DECLARING AN EMERGENCY.**

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

A motion to adopt Ordinance 2010-127 was made by Councilmember Cox, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

**ORDINANCE 2010-128 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #3 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND PIONEER CLADDING AND GLAZNG, LLC IN THE AMOUNT OF \$18,330 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS AND DECLARING AN EMERGENCY.**

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

A motion to adopt Ordinance 2010-128 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

**ORDINANCE 2010-129 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #3 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND TRITON SERVICES, INC. (PLUMBING) IN THE AMOUNT OF \$21,426 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS AND DECLARING AN EMERGENCY.**

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

A motion to adopt Ordinance 2010-129 was made by Councilmember Cox, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

**ORDINANCE 2010-130 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (AZIZ)**

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

Richard Fair addressed Council and explained that the next 14 Ordinances are necessary in order to acquire the remaining right-of-way needed for the improvement of US-42 (Reading Road) from Butler-Warren Road to Tylersville Road and to reimburse the City through bond proceeds for expenses associated with the project. He stated that construction for the improvement of US-42 (Reading Road) from Butler-Warren Road to Tylersville Road requires permanent easements, drainage utility easements and temporary construction easements on 72 parcels including two City parcels, one County parcel and one donated parcel. The City's acquisition consultant, DLZ Inc., has made offers on all 68 parcels and is negotiating with the property owners based on the appraised values. All offers are based on appraisals by ODOT approved certified appraisers and these appraisals have also all been reviewed by an ODOT approved appraiser reviewer as required to meet the federal acquisition requirements. DLZ Inc., have signed easements on 49 parcels. Richard continued by explaining that of the remaining 19 parcels, one parcel (I & O Railways) is in the process of being settled via three party agreement through ODOT, one parcel (US Post Office) can not be appropriated and one parcel is expected to be signed. Resolutions of intent to appropriate have been prepared for the remaining 16 parcels (14 property owners).

Richard stated that at the meeting on November 1, Council took the first step in the appropriation process allowing for all the needed right of way to be acquired by the end of the year as required for the project, with the adoption of Resolutions 2010-15 thru Resolution 2010-28. Property owners were served with the City's intent to appropriate via certified letters. In order to keep the project on schedule the next step is for Council to approve Ordinances 2010 – 130 to 2010 – 143 directing the Law Director to file the appropriation action for each remaining parcel. He said that because these appropriations are related to a road project, the City can use a method known as the "quick-take" process. This means that when the cases are filed, the City can deposit the appraised value of the needed property with the Court and obtain immediate access to the property. That allows the road project to continue even before each appropriation is completed. Richard stated that the City plans to bid this project in March and hopes to have a contract sometime in May. The total amount authorized by these ordinances is \$392,153. The City will continue to negotiate with each property owner. Staff expects to reach a reasonable settlement with some of the property owners before filing. They anticipate the need to file with only 3-4 properties. Authorizing the Ordinances of Intent will allow the City to file for appropriation in case negotiations with any property owner do not succeed and allow for all the needed right of way to be acquired in a timely manner.

Finally, Richard explained that in order for the City to receive reimbursement for expenses paid in advance of the bond issuance, Ordinance 2010 – 144, authorizing reimbursing legislation is necessary. Early next year, staff anticipates the issuance of General Obligation bonds to finance the construction costs for this project. The bonds will be repaid from revenue in the State Highway Fund.

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 2010-130 was made by Councilmember Cox, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

**ORDINANCE 2010-131 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (BARR)**

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

A motion to adopt Ordinance 2010-131 was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

**ORDINANCE 2010-132 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (BENSON)**

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

A motion to adopt Ordinance 2010-132 was made by Councilmember Pelfrey, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

**ORDINANCE 2010-133 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (DAVID FAMILY LTD. PARTNERSHIP – WALGREENS PROPERTY)**

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

A motion to adopt Ordinance 2010-133 was made by Councilmember Cox, seconded by Councilmember Shirock. VOTE: ALL YEAS.

**ORDINANCE 2010-134 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (DAVID FAMILY LTD. PARTNERSHIP – BIG TOP PROPERTY)**

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

A motion to adopt Ordinance 2010-134 was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2010-135 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (FIRST BAPTIST CHURCH)**

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

A motion to adopt Ordinance 2010-135 was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2010-136 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (JARVIS PROPERTIES)**

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

A motion to adopt Ordinance 2010-136 was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2010-137 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (JEFFERY)**

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

A motion to adopt Ordinance 2010-137 was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS.



**ORDINANCE 2010-138 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (KLASMEIER)**

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

A motion to adopt Ordinance 2010-138 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

**ORDINANCE 2010-139 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (LAMPING)**

A motion to read by title only was made by Councilmember Bradburn, seconded by Councilmember Cox. 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 2010-139 was made by Councilmember Shimrock, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2010-140 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (MASON CROSSING, LLC)**

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

A motion to adopt Ordinance 2010-140 was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

**ORDINANCE 2010-141 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (SHRODER)**

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

A motion to adopt Ordinance 2010-141 was made by Councilmember Bradburn, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2010-142 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (STALLCUP)**

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

A motion to adopt Ordinance 2010-142 was made by Councilmember Shimrock, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2010-143 AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (TRAMMEL)**

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

A motion to adopt Ordinance 2010-143 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2010-144 DELEGATING AUTHORITY TO MAKE DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS WITH RESPECT TO REIMBURSEMENTS OF TEMPORARY ADVANCES DURING 2010 AND 2011 MADE FOR CAPITAL IMPROVEMENTS FOR THE CITY TO BE MADE FROM SUBSEQUENT BORROWINGS.**

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

A motion to adopt Ordinance 2010-144 was made by Vice Mayor Nichols, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

**ORDINANCE 2010-145 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WARREN COUNTY COMMISSIONERS REGARDING MASON MUNICIPAL COURT PUBLIC DEFENDER**

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

Jennifer Heft explained that Ordinance 2010-145 authorizes the City Manager to enter into an agreement with Warren County regarding Mason Municipal Court Public Defender payments. Both Warren County and the City of Mason are obligated by State statute to pay for a Public Defender for those individuals who cannot afford to pay for their defense for serious offenses that are heard in Mason Municipal Court. A Public Defender is appointed to represent such people and receives compensation from either the County or City according to state statutes. The County is eligible for partial reimbursement of their public defender expenses from the Ohio Public Defender's Office if a cooperative agreement exists between the City and County regarding public defender expenditures. Since 2004, the County has requested that the City authorize an agreement that would formalize the practice and allow the County to pursue reimbursement from the State. The County is now requesting annual renewal of this agreement to meet State of Ohio requirements.

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 2010-145 was made by Councilmember Shimrock, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

### **CITY MANAGER'S REPORT**

► City offices will be closed on Thursday, November 25 and Friday, November 26 in observance of Thanksgiving.

► Rumpke has advised that there will be no change in the normal schedule for the Thanksgiving holiday. Thursday trash and recycling pick-ups will still occur on Thanksgiving. Christmas Day and New Year's Day are on Saturdays this year and therefore, the Rumpke trash and recycling schedule will not be affected

► This time of year City Council authorizes the purchase of a gift certificate for a ham or turkey for City employees. If Council would like to offer this gift to all City employees, a motion to this effect needs to be passed.

A motion to purchase gift certificates for a ham or turkey to be given to City employees was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

► For the fourteenth year, City employees are organizing the Hope for the Holidays program. Through this annual program, families and individuals in the City of Mason who are in need are provided with food and gift items for the holidays. Donations from the public are welcome. Non-perishable food, new and unwrapped toys, money, gift certificates and other donations are appreciated. Donated items will be wrapped and given to families at a special event with Santa on Monday, December 20. In addition, individuals, families, neighborhoods, businesses, church groups, and others can chose to adopt a family. A list of items requested by the family is provided. Donations can be dropped off at the Municipal Center, Mason Community Center, the Water Reclamation Plant, and at the fire stations from now until Wednesday, December 15. To arrange for special assistance in making your donation, or if you know of someone within the City who needs assistance this holiday season, please call 513-229-8507 or email [hopefortheholidays@masonoh.org](mailto:hopefortheholidays@masonoh.org).



► Christmas in Mason will take place in downtown Mason on Friday, December 3, from 6 to 9 p.m.

► City of Mason employees will gather in the Mason Municipal Center on Wednesday, December 8 at 11:30 a.m. for the annual Employee Holiday Lunch and announce this year's Employee Excellence Award winners. City Council is invited to attend.

► Recreation Management Services (RMS) memo in the Council Packet includes a positive report on the Golf Center at Kings Island. This report reflects a comprehensive review of internal controls made by an independent consultant as well as RMS' response to the recommendations made.

### **COMMITTEE REPORTS**

Councilmember Bradburn reported that the Equipment Committee has approved the City Manager's recommendation for equipment. He then stated that the Finance Committee hopes to present the 2011 Budget at the December 13 Council Meeting.

Councilmember Gilb reported that after meeting with RMS, the Golf Course Committee plans on shaving \$86,000 from the Golf Center's 2011 Budget.

Councilmember Pelfrey reported that the Downtown Committee will meet before the next Council Meeting.

Ken Schneider reported that Wood and Lamping will freeze billable rates to the City in 2011.

### **OLD AND NEW BUSINESS**

Councilmember Bradburn requested that the City address the problem of unwanted mail/newspapers delivered to residents. This paper oftentimes turns into litter which blows into storm sewers. Ken Schneider will check into any legal steps the City might make to control this problem.

Councilmember Cox reported that Waudean Cook passed away this week. She was a Cub Scout Master for over 40 years and is known by many as Mrs. Cub Scout.

Mayor Prince stated that Councilmember Pelfrey has been appointed to the Festivals of Mason Board, replacing Councilmember Shimrock.

Councilmember Bradburn has been reappointed to represent the City on the OKI (Ohio-Kentucky-Indiana) Board in 2011. A motion was made by Vice Mayor Nichols to appoint Councilmember Bradburn as the City's OKI Representative, seconded by Councilmember Gilb. VOTE: ALL YEAS.

### **RECOGNITION OF VISITORS** none

### **EXECUTIVE SESSION: PERSONNEL AND LAND ACQUISITION**

A motion to adjourn into Executive Session for the purpose of discussing personnel and land acquisition was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS.

TIME: 8:50 pm.

A motion to reconvene into Regular Session was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

TIME: 10:58 p.m.



A motion to add Ordinances 2010-146 through 2010-149 was made by Vice Mayor Nichols, seconded by Councilmember Gilb. VOTE: ALL YEAS.

**ORDINANCE 2010-146 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH STOREFLIX, LLC AND DECLARING AN EMERGENCY**

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 Pelfrey, seconded by Councilmember Gilb. VOTE: ALL YEAS.

A motion to adopt Ordinance 2010-146 was made by Councilmember Gilb, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

**ORDINANCE 2010-147 REPEALING ORDINANCE NO. 2009-128 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 Shimrock. VOTE: ALL YEAS.

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

A motion to adopt Ordinance 2010-147 was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2010-148 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 Bradburn. VOTE: ALL YEAS.

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

A motion to adopt Ordinance 2010-148 was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2010-149 APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MASON AND MASON PROFESSIONAL FIRE FIGHTERS, IAFF, LOCAL 4049, AUTHORIZING THE CITY TO EXECUTE THE AGREEMENT, AND DECLARING AN EMERGENCY**

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

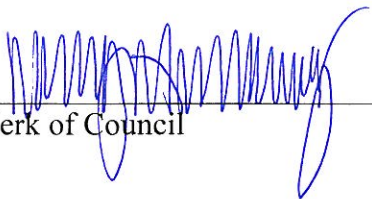
A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS.

A motion to adopt Ordinance 2010-149 was made by Councilmember Gilb, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

A motion was made by Councilmember Gilb to not take any action on disposition or reuse of the former Fire Station #51 until completing further evaluation of the property at the earliest by March 1<sup>st</sup>, 2011. If, by that time, Council determines that third party reuse is feasible, a further time period will be established to receive proposals. This motion was seconded by Councilmember Bradburn. VOTE: ALL YEAS.

**ADJOURN**

A motion to adjourn was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS.  
TIME: 11:03 p.m.

  
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Clerk of Council

  
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Mayor