

**CITY OF MASON
COUNCIL MEETING
September 28, 2009**

Mayor Grossmann called the meeting to order at 7:05 p.m. The pledge of allegiance was recited by all present. Mayor Grossmann conducted the swearing in of Chaplain, Father Tozzi, who then opened the meeting with prayer.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the September 14, 2009 Council Meeting was made by Councilmember Gilb, seconded by Vice Mayor Beck. VOTE: ALL YEAS

RECOGNITION OF ARTIST ROB GLOVER

Mayor Grossmann introduced artist Rob Glover, who created the piece of original art that received the Mayor's Award at the Mason Art Festival. Rob Glover addressed Council and provided a brief background information on his creative process. Mayor Grossmann announced he purchased the art and is donating it to the City in what he hopes will begin a new tradition.

RECOGNITION OF VISITORS

Meredith Raffel with the Mason Arts Festival addressed Council and stated due to poor weather conditions approximately 30 artists did not participate in this year's festival. She reported those that did participate reported very good sales. She thanked Vice Mayor Beck for being the Master of Ceremonies. She also thanked City staff for all of their assistance.

RESOLUTION 2009-16 TO CONGRATULATE PETER BECK ON HIS APPOINTMENT AS STATE REPRESENTATIVE

Mayor Grossmann read the Resolution.

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

A motion to adopt Resolution 2009-16 was made by Councilmember Nichols, seconded by Councilmember Gilb. VOTE: 6 YEAS, 1 ABSTAIN (Beck)

ORDINANCE 2009-106 AN ORDINANCE AUTHORIZING THE LEASE-PURCHASE FINANCING OF RENOVATIONS TO AND EXPANSION OF THE MUNICIPAL COMMUNITY CENTER, INCLUDING A GROUND LEASE AGREEMENT AND A LEASE AGREEMENT, AND MATTERS RELATED THERETO AND DECLARING AN EMERGENCY

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

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

Eric Hansen explained to Council, in July, Ordinance 2009-80 authorizing \$14 million of bond anticipation notes for the Community Center Expansion was adopted by City Council. Short-term financing for the project had to be secured before construction commitments could proceed. He stated based on current market conditions, it is anticipated that the City will pay approximately \$8.5 million in cash for the project and finance approximately \$11.5 million. After evaluating several financing options and market conditions, a lease-purchase financing agreement issuing certificates of participation is recommended. Eric reported the total interest rate is anticipated to be about 4.5%. The annual debt service payment is expected to be about \$800,000. The lease payment from Tri Health is estimated to be \$911,770. The resulting annual balance of \$111,770 can be used for future renovation and reinvestment into the Community Center. The Community Center Committee has reviewed and is recommending adoption.

A motion to adopt Ordinance 2009-106 was made by Vice Mayor Beck, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2009-107 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND STEPHEN GROSS & SONS, INC. IN THE AMOUNT OF \$24,148 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 Beck. 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 Prince. VOTE: ALL YEAS

Richard Fair explained to Council, the purpose of the next three ordinances is to confirm the expenditure of funding allocated within the GMP allowances for the Mason Community Center Addition Project. This includes the contracts for Stephen Gross & Sons, Triton Services, and DeBra-Kuempel Electrical-Mechanical. Richard stated Ordinances 2009 – 107, 2009 - 108 and 2009 - 109 will fund change orders to allow monies previously allocated in the GMP to be distributed to the contractors. 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 come up during construction and items not fully documented at the time of the bidding and contract awards. He reported all items

included in these ordinances are from within the GMP allowance. While the contracts are increases to the three individual contractors, the fees to Turner are not affected, as all the allowances within the GMP are already covered by their current contract. He further stated the revision for Ordinance 2009-107 for Stephen Gross & Sons for \$24,148 covers 11 items, from floor finish clarifications and flagpoles to re-grading due to inadequate soils. The change order for Ordinance 2009-108 with Triton Services for \$15,903 includes engineering the boilers to meet the revised specs and relocated ductwork to serve the existing fitness areas. The change order for Ordinance 2009-109 for DeBra-Kuempel for \$2,687 includes TriHealth changes as well as temporary connections for fiber optic cable and fire alarms. The Community Center Committee reviewed and recommended moving forward with these changes.

A motion to adopt Ordinance 2009-107 was made by Councilmember Nichols, seconded by Councilmember Shimrock. VOTE: ALL YEAS

Vice Mayor Beck stated while he understands these are not change orders but issuances of allowances they still must be closely monitored.

ORDINANCE 2009-108 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND TRITON SERVICES, INC. IN THE AMOUNT OF \$15,903 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 Prince. 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 Nichols. VOTE: ALL YEAS

A motion to adopt Ordinance 2009-108 was made by Councilmember Bradburn, seconded by Vice Mayor Beck. VOTE: ALL YEAS

ORDINANCE 2009-109 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND DEBRA-KUEMPEL MECHANICAL-ELECTRICAL IN THE AMOUNT OF \$2,687 FOR THE CITY OF MASON COMMUNITY CENTER

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

A motion to adopt Ordinance 2009-109 was made by Vice Mayor Beck, seconded by Councilmember Prince. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

- ▶ The 40th annual Area Progress Council dinner will be held on Thursday, October 29 at Valley Vineyard Winery in Morrow. Social hour begins at 5:30 p.m. and dinner is served at 6:30. Cost is \$35 per person. Let Joan or Terry know if you would like to attend.
- ▶ The Northeast Cincinnati Chamber's 2009 Annual Dinner and Awards Extravaganza is being held at the Manor House on Thursday, October 8 beginning at 5:30 p.m. Please let Joan know if you plan to attend.
- ▶ The Mason Fire Department will host an open house on Sunday, October 4 from 12:00 p.m. to 4:00 p.m. at Station 52 located at 5500 Cedar Village Drive, to kickoff National Fire Prevention Week. The event will include fire fighter demonstrations, fire extinguisher training and plenty of fun activities for kids. The public is invited to attend.
- ▶ The Warren County Convention & Visitors Bureau have brought The United States Australian Football League (USAFL) to Mason for the 2009 USAFL Nationals. Play starts on Saturday, October 10 at Heritage Oak Park at 9:00 a.m. and runs to 6:00 p.m. On Sunday, October 11, play resumes at 9:00 a.m. and ends around 5:30 p.m.
- ▶ On Wednesday, September 24 the City of Mason Police Department in conjunction with Partners in Wellness hosted a Safety Fair at the Community Center from 9 am to noon and from 6 pm to 8 pm. Approximately 160 participants attended the morning session including two child care centers-Little Leprechaun Academy and Endeavor Learning Center and 140 participants attended the evening session, including Boy Scouts and Girl scouts packs # 323, # 875 and # 230. A total of 11 vendors helped to promote bike safety, safety rules in car, school bus safety and more. The Community Center fitness staff participated with "Sporties for Shorties" and Kids Korner personnel also helped with the event. During the evening Doug Bohlen, Personal Trainer promoted "Teens and Tweens Boot Camp" by engaging kids to workout with him, and Laura Swartzel, Fitness and Sports Supervisor led the girl scouts in a short dance routine to fun music.
- ▶ October 10, 2009 Scout Day and will be held from 10:00-2:00 hosted by the Mason Police Department.
- ▶ Two liquor permit requests have been submitted to the City. The first is for 6691 Western Row Road. Councilmember Bradburn moved to not require a hearing. Councilmember Gilb seconded the motion. VOTE: ALL YEAS The second permit request was for 8060 S. Mason Montgomery Road (Walgreens). Councilmember Nichols moved to not require a hearing. Vice Mayor Beck seconded the motion. VOTE: ALL YEAS
- ▶ Kings School has requested a permit fee be waived. The Finance Committee reviewed the matter and is recommending the City waive \$2,000 and bill only \$561 as it is more in line with the value of the project. Vice Mayor Beck moved to waive the \$2,000. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

COMMITTEE REPORTS

Vice Mayor Beck reported the Community Center Committee met and reported the rain has delayed the construction slightly but it is not anticipated this to be a major problem. He also reported the Finance Committee met and announced the budget process will begin now.

Ken Schneider, Law Director, asked that litigation be added to the executive session topics.

OLD AND NEW BUSINESS

Mayor Grossmann noted there have been some comments on the appointment of Bethany Bennett as acting City Prosecutor. He stated the Court Liaison Committee discussed this matter and decided at Judge Peeler’s recommendation she would be the best person to act as interim prosecutor as she had been doing the job for the last year and could keep the office and process seamless while the search for a permanent appointment was chosen. He stated applicants should submit letters to the City by October 1, 2009. Mayor Grossmann also clarified the charter amendment that will appear before the voters does not obstruct term limits in Mason. He stated all it simply does, is to not allow an appointment to an unexpired term count as one of the two terms the charter allows. He stated if this passes, it will bring the City into compliance with what is done at the state level.

RECOGNITION OF VISITORS

Rich Cox addressed Council and stated as Vice President of the Mason Historical Society, he wanted to announce the Rail Road is partnering to offer a dinner train ride from Mason to Lebanon. He said it would be a five-course dinner with a cash bar. He said tickets go on sale Thursday and if anyone would like to reserve a seat, call Al’s Heating at 398-7921.

Vice Mayor Beck thanked Council and the residents of Mason for working with him over the years and for all the experience he has gained as a result of it.


EXECUTIVE SESSION: PERSONNEL AND LAND ACQUISITION

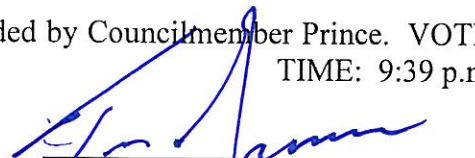
A motion to adjourn into executive session for the purpose of discussing personnel, land acquisition and litigation was made by Councilmember Gilb, seconded by Councilmember Shimrock. VOTE: ALL YEAS

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

ADJOURN

A motion to adjourn was made by Councilmember Gilb, seconded by Councilmember Prince. VOTE: ALL YEAS
TIME: 9:39 p.m.


Clerk of Council


Mayor