

**CITY OF MASON  
COUNCIL MEETING  
JANUARY 25, 2010**

Mayor Prince called the meeting to order at 7:01 p.m. Those present recited the pledge of allegiance.

**ATTENDANCE**

The following members of Council were present: Michael Gilb, Christine Shimrock, Rich Cox, Tony Bradburn, Charlene Pelfrey, David Nichols and Don Prince.

**APPROVAL OF MINUTES**

A motion to approve the minutes of the January 11, 2010 Council Meeting was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS

**RECOGNITION OF 2009 MASON GIRLS GOLF TEAM STATE CHAMPIONS;  
AND ZACH WILLS – 2009 BOYS CROSS COUNTRY INDIVIDUAL STATE  
CHAMPION**

Mayor Prince read a proclamation recognizing the Mason Girls Golf Team winning the 2009 State Championship.

Mayor Prince read a proclamation recognizing Zach Wills, 2009 Boys Cross Country Individual 2009 State Champion.

**RECOGNITION OF MEREDITH RAFFEL OF THE MASON AREA ARTS  
COUNCIL**

Meredith Raffel addressed Council and thanked them for their support. She reported the name has been changed to the Mason-Deerfield Arts Alliance. She provided a brief review of the events scheduled for 2010.

**SWEARING IN OF FIRE DEPARTMENT LIEUTENANTS JOHN CERJAN AND  
SCOTT RAY, AND FULL-TIME FIREFIGHTERS JULIE STANLEY, EVAN  
WILLIS AND DOUG ROLPH**

Law Director, Ken Schneider, swore into service, Fire Department Lieutenants John Cerjan and Scott Ray. Also sworn in were full time firefighters Julie Stanley, Evan Willis and Doug Rolph. Chief Moore introduced the wives who pinned the badges on their husbands.

**RECOGNITION OF VISITORS**

Mayor Prince recognized Ginny Sundin for her 33 years of serving on the Park Board and notes she never missed a meeting.

Jennifer Olivier of 6198 Fairway Drive and Scot Krueckeberg of Cloverwood Court addressed Council and stated they are concerned over the speed and volume of traffic on Fairway Drive, Acoma and Cloverwood. They stated that during the events that attract many visitors to the area such as the volleyball and tennis tournaments, the problem is increased. They stated they would like to see the extension of Foxfield Drive to help alleviate the situation. They also stated directing the traffic through downtown Mason would benefit the businesses. They requested Council address this issue.

**RESOLUTION 2010-01 (2<sup>ND</sup> READING) RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE BENEFIT OF THE MASON PUBLIC LIBRARY AND SUBMITTING SUCH ISSUE TO THE ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE LIBRARY DISTRICT**

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

Eric Peters from the Mason Library Board addressed Council to answer any questions. Councilmember Gilb noted this is a continuing levy and will not come before the voters again. Ken Schneider stated he is correct but it could be reduced in the future if no longer needed by petitioning to have it reduced or the Library Board could volunteer to reduce it. Councilmember Gilb asked if the state funding will be restored. Eric Peters responded he did not see that as a likely option. He stated this is the first levy the library has attempted. He said the state funding has been reduced and even though the library has cut spending, it is not enough. He stated this is a continuing levy because the board believes the voters are tired of seeing levies repeated. He stated if not needed, the board would voluntarily reduce it. Councilmember Gilb noted the county auditor stated the cost to \$100,000 will result in additional \$22.96 tax value. Councilmember Bradburn reported he has learned through his contact with the state representative, they do not expect the local government fund to be increased and may be reduced entirely. Mayor Prince asked if the yield would be \$1.5 million dollars. Eric Peters replied yes, but they can't be certain of the exact amount. Mayor Prince stated the City's part in this is complying with statutory requirements to place it on the ballot. Ken Schneider agreed, the City is observing the State code by passing this legislation.

A motion to adopt Resolution 2010-01 was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**RESOLUTION 2010-02 PROCLAIMING FEBRUARY 5, 2010, AS NATIONAL WEAR RED DAY, IN SUPPORT OF THE AMERICAN HEART ASSOCIATION'S EFFORT TO PROMOTE AWARENESS OF HEART DISEASE IN WOMEN**

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 Mayor Prince seconded by Councilmember Gilb. VOTE: ALL YEAS

Jennifer Heft introduced Rene James, Dana Maidenberg, Laura Swartzel and Lori Slusser from the Community Center who explained the activities planned for February including the GoRed for Women event on February 5, 2010.

A motion to adopt Resolution 2010-02 was made by Vice Mayor Nichols, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2010-08 AUTHORIZING PAYMENT OF \$50,000 TO FESTIVALS OF MASON, INC., IN SUPPORT OF THE 2010 HERITAGE FESTIVAL AND CHRISTMAS IN MASON**

A motion to read by title only was made by Councilmember Cox, 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

Jennifer Heft explained that in 2004, the City entered into a formal agreement to provide funding for the community festivals held in Mason through the Festivals of Mason (FOM) organization. She stated this year, FOM is again requesting funding in the amount of \$50,000 to support Heritage Festival and Christmas in Mason. This is the same amount the City paid in 2009. Public Works, Police, Engineering and Building, Fire and Parks & Recreation all contribute staff support to FOM events. She explained in 2007, the City was asked to help provide ongoing administrative support for FOM. The City began providing on a trial basis a year-round contact point and business support through a Finance Clerk, Amanda Hisey. She also noted this year's contribution has been included in the budget.

A motion to adopt Ordinance 2010-08 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS

**ORDINANCE 2010-09 AUTHORIZING THE CITY MANAGER TO ENTER INTO A TWO-YEAR CONTRACT WITH TEC ENGINEERING, INC., TO OPERATE AND MAINTAIN THE CITY'S TRAFFIC SIGNAL SYSTEM, IN THE AMOUNT OF \$46,500.00 FOR YEAR ONE, AND \$48,000.00 FOR YEAR TWO**

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 Bradburn, seconded by Councilmember Cox. VOTE: ALL YEAS

Richard Fair explained that in 2007, City Council authorized a one-year contract with TEC for the operations and maintenance of the City's 39 (now 40) traffic signals. This first year was meant to be a trial period for both TEC and the City. The contract was a success and resulted in a much more proactive approach to managing our traffic signals as well as a dramatic reduction from over \$50,000 per year in signal maintenance costs to under \$20,000 in 2007. With the success of the first year, City Council authorized a two-year agreement in 2008 with TEC to continue the operations and maintenance contract. He stated the past three years has produced a lengthy list of accomplishments. Included in that list is the elimination of the split-phase timing at the Mason-Montgomery Road & Tylersville Road intersection providing much less delay on both roadways and the coordination with Warren County Dispatch to call TEC on nights and weekends before dispatching a signal contractor. Richard reported this has significantly reduced unnecessary costs and allowed TEC to determine if the signal contractor is truly needed or if the repair could be done by Public Works or wait until normal business hours. TEC received over 20 calls from dispatch after hours or on weekends last year. The first two years of the contract the monthly fee was \$3,750. The third year there was a 3% increase for the second year to \$3,875. The attached scope of services proposes a fee of \$3,875 for the first year and then a 3% increase to \$4,000 per month for the second year for a total contract amount of \$94,500. Major items that TEC is to provide includes: 24-hour monitoring of the forty traffic signals in the City, monthly inspections of all signals, special inspection of signals after storm events, daily review of all logs, daily electronic archiving of all reports; daily archiving and review of the traffic counts, minor signal timing changes, verification of all complaints (225 received last year), weekly signal reports and review of all coordinated systems. The proposed cost for the first year of the contract is \$3,875 a month or \$46,500 for the year and the second year is \$4,000 per month or \$48,000 for the year.

A motion to adopt Ordinance 2010-09 was made by Councilmember Shimrock, seconded by Councilmember Cox. VOTE: ALL YEAS

**ORDINANCE 2010-10 AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR AN OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR REMOVAL AND REPLACEMENT OF HANDICAP ACCESSIBLE CURB RAMPS IN THE BAY MEADOWS SUBDIVISION**

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

Eric Hansen stated that each year the City is eligible to apply for grant monies for areas that will benefit low to moderate income (LMI) persons or eliminate immediate threats.

He reported due to a policy change by the state of Ohio in the CDBG formula allocation program, Mason is no longer considered an "acquired" city as in the past. This means that Mason is not eligible for a guaranteed allocation, but is still able to apply to the county for CDBG monies each year. He said a city must have a population of at least 25% low to middle income to be considered an acquired city. Per the 2000 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. Mason's applications for FY2004 through FY2009 were not approved for funding due to the status change and lack of funds for cities that are not considered "acquired". If approved, future CDBG applications will likely include additional curb ramp replacements throughout the city. This type of work meets program requirements and there are approximately 400 eligible curb ramps currently in the City.

A motion to adopt Ordinance 2010-10 was made by Vice Mayor Nichols, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2010-11 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #3 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND STEPHEN GROSS & SONS, INC. IN THE AMOUNT OF \$31,107 FOR THE CITY OF MASON COMMUNITY CENTER ADDITION AND ALTERATIONS**

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 Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS

Eric Hansen explained to Council that Ordinances 2010 – 11 and 2010 - 12 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 noted all items included in these ordinances are from within the GMP allowance.

Eric stated Ordinance 2010-11 addresses the change order with Stephen Gross & Sons for \$31,107 which includes items for the café area, turnstile boxouts, door changes due to code review, temporary doors at the Community Center entrance, and to correct several problems with the existing building this also includes deducts for the reduction of the building pad and the addition of a vapor barrier which replaced the need for outside boarding. Ordinance 2010-12 deals with the design, fabrication and installation of a climbing wall and the equipment necessary for its operation. He said both of these ordinances address costs will be less than the funds originally allocated for this portion of the Community Center project.



A motion to adopt Ordinance 2010-11 was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2010-12 AUTHORIZING THE CITY MANAGER TO EXECUTE PAYMENT TO ROCKWERX FOR A CLIMBING WALL IN THE AMOUNT OF \$98,200.00 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 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

Councilmember Cox asked how much had been included in the budget for the rock wall. Eric Hansen replied \$150,000.

A motion to adopt Ordinance 2010-12 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS

**ORDINANCE 2010-13 AN ORDINANCE ACCEPTING THE LOW BID FOR THE BETHANY ROAD SANITARY SEWER EXTENSION PROJECT FROM BROSHEAR CONTRACTORS, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE REQUIRED CONTRACT DOCUMENTS 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 Gilb. VOTE: ALL YEAS

Eric explained to Council that in 2009, the City applied to the Ohio EPA/Division of Environmental and Financial Assistance (DEFA) for Water Pollution Control Loan Fund (WPCLF) funding for several sewer and wastewater treatment projects. Following review of the applications, DEFA awarded the City a \$200,000 matching grant for the Bethany Road Sanitary Sewer Project and \$500,000 (100% grant) for the Mason Sports Park Irrigation Project.

He explained the Bethany Road Sanitary Sewer Project involves construction of a new sewer from the Parkside Lift Station along Bethany Road to Heartwood Lane in the Oaks of Crooked Tree Subdivision to an existing manhole. This project will eliminate the lift station and its operation and maintenance expense. Easements for this project have been purchased. He said the Utility Committee has reviewed this project and is recommending Ordinance 2010 - 13 Bethany Road Sanitary Sewer Project for adoption.

Eric also explained the Mason Sports Park Irrigation Project will provide treated effluent to the park for summer irrigation, eliminating the \$20,000 to \$25,000 expense per year from purchasing water from Greater Cincinnati Water Works (GCWW). He said in the competitive grant selection procedure, the irrigation project was determined to be an environmentally desirable project, and thus eligible for a set-aside reserve fund that was established under the DEFA program for green infrastructure projects. A total of ten bids were received on December 1, 2009 for the Bethany Road Sanitary Sewer Project. The apparent low bidder was Broshear Contractors, with a bid of \$224,320. The Engineer's Estimate for this project was \$300,000. The bidding for Bethany Road was very competitive, and the low bid represents an attractive prospect for the City in terms of constructing the entire sewer for a cost of \$112,160, one-half of the low bid.

He reported bids for the Mason Sports Park Irrigation Project were not as attractive. A total of three bids were received on December 8, 2009 and the apparent low bidder was Winelco, Inc. with a total bid including two alternates of \$756,000. This bid with alternates is \$256,000 over the grant amount. Eric said staff worked with DEFA to increase the grant amount to cover this additional cost. Since this project is considered to be a "Green Project" DEFA sided with the City and agreed to increase the amount of the grant from \$500,000 to \$756,000. This project is 100% funded with grant money. He concluded by stating the Utility Committee has reviewed these projects and is recommending Ordinance 2010 - 13 Bethany Road Sanitary Sewer Project and Ordinance 2010 - 14 Mason Sports Park Irrigation Project for adoption. The 2010 budget includes \$400,000 for the Bethany Road sewer project.

A motion to adopt Ordinance 2010-13 was made by Councilmember Cox, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2010-14 AN ORDINANCE ACCEPTING THE LOW BID FOR THE MASON SPORTS PARK IRRIGATION PROJECT FROM WINELCO, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE REQUIRED CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY**

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

A motion to adopt Ordinance 2010-14 was made by Councilmember Cox, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

Eric Hansen reported on the following items:

► A tour is being planned of the new Fire Station #51 and the Mason Community Center prior to the February 8<sup>th</sup> or 22<sup>th</sup> Council meeting. A city van would transport interested

Council members to the fire station at 5:00 p.m. for a brief tour and discussion, followed by a tour of the Community Center, where box lunches would be provided. We would return in time for the 7:00 p.m. Council meeting that evening. Council agreed to the February 22, 2010 date.

► Together with local youth sport organizations, the City is planning a kick-off celebration at the Municipal Center on March 20<sup>th</sup>. Tri-Health, Bethesda Rehab, and Group Health Associates as well as the Cincinnati Reds Community Fund will participate in providing educational and entertaining events for everyone involved with youth sports in the Mason community.

► The Community Center is offering a new program for when Mason School District calls off school due to inclement weather. Parents can let their children ages 6-12 have fun at the Mason Community Center. Each day will feature group games, crafts, sport activities, a movie and swimming at the indoor leisure pool. Parents are asked to pack a full lunch, refillable water bottle, plenty of snacks, extra clothing, gym shoes, swimsuit and towel. Program hours are 8:00 a.m. to 4:30 p.m. Pre-registration for this program is required. Parents can go online at [imaginemason.org](http://imaginemason.org) to pre-register.

► Residents who recently moved into the City of Mason or the Mason City School District are invited to a coffee to meet other new residents and learn more about the area. The coffee is being hosted by Community Basket representative Courtney Allen and is sponsored by the City of Mason and the Northeast Cincinnati Chamber of Commerce. The coffee will be at 10 a.m. on Wednesday, February 3, in the classroom at the Mason Community Center, 6050 Mason-Montgomery Road in Mason (adjacent to Mason High School). Refreshments will be provided by Homemade Dreams Coffeehouse, and tours of the Community Center will be provided. Families in attendance will also receive a one-day family pass to the Community Center. Children are welcome.

### **COMMITTEE REPORTS**

Councilmember Gilb reported the Court Liaison Committee met and would like to discuss the personnel matter in executive session. He requested the Mayor excuse himself from that session as it deals with the prosecutor position.

### **OLD AND NEW BUSINESS**

Councilmember Pelfrey asked if the City's landscaping and irrigation needs could be met using the equipment at the golf course. Eric replied this was researched last year as an option but it was discovered the City would need additional staff. He said the city received such attractive bids for this work that it was more advantageous to award a contract. Councilmember Pelfrey asked who decides on the band selection for the Red Rhythm and Boom event. Eric replied it was done by committee. Councilmember Pelfrey stated in the past Council has made that decision not staff. Eric replied the cost of two bands under consideration do not require legislation as the cost is under \$15,000. He added this does not preclude Council from adding another act. He said the only



limitation could be time as the schedules for the band become full. Councilmember Shimrock suggested Councilmember Pelfrey take the role of assisting in this selection. Councilmember Cox agreed to help with that effort. Mayor Prince stated Council should have a say in the selection and he advised Councilmembers to send their comments to Eric. Councilmember Pelfrey stated she will meet with Councilmember Cox and Eric and report back to Council.

Councilmember Gilb stated at the next meeting the admissions tax will come before Council. He suggested the Finance Committee review the entire tax issue and look at a comprehensive tax reform. He stated a broader approach might be beneficial to business being attracted to Mason. Chair of the Finance Committee, Councilmember Bradburn, agreed to review the matter.

### **RECOGNITION OF VISITORS**

Scott Pierce, President of the Festivals of Mason, addressed Council and thanked them for their support. He provided a brief overview of the 2010 schedule. He noted five events have been added on the plaza. "Thursday Night Live" will be held on the plaza with bands and individual performers providing entertainment. He added they are working with the local restaurants to provide food. Councilmember Shimrock stated the first event will be held on May 6, 2010.

Ray Warrick of 7272 White Oak Court addressed Council and stated he is opposed to the admission tax issue. He asked if Council was tabling the matter with the comprehensive tax reform suggestion. Councilmember Gilb stated he is not certain this means a delay. He said Council will address that when it comes before them at the next meeting. Mr. Warrick then asked about the saving on the Red Rhythm and Boom event. Councilmember Bradburn replied that it is estimated this year's event will cost approximately \$200,000 less than last year's event.

Greg Scheid of 6300 Kings Island Drive addressed Council and said he is concerned about a delay in the admission tax issue. He stated several groups are waiting until this is decided to determine if they are booking events at the park. He said he does not want this held over his head longer.

### **EXECUTIVE SESSION: PERSONNEL**

A motion to adjourn into executive session was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS Mayor Prince did not join the executive session.

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

A motion to add Ordinance 2010-15 to the agenda was made by Councilmember Gilb, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**ORDINANCE 2010-15 APPOINTING BETHANY BENNETT AS THE INTERIM PROSECUTOR, AT THE SAME RATE OF COMPENSATION, FOR PROSECUTION SERVICES FOR THE PERIOD BEGINNING, FEBRUARY 1, 2010, AND ENDING MARCH 1, 2010, AND DECLARING AN EMERGENCY**

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

A motion to adopt Ordinance 2010-15 was made by Councilmember Gilb, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

**ADJOURN**

A motion to adjourn was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS TIME: 10:05 p.m.

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

A motion to bring back to the table Ordinance 2010-15 was made by Vice Mayor Nichols, seconded by Councilmember Bradburn. VOTE: ALL YEAS

A motion to amend Ordinance 2010-15, Section 2 to include compensation prorated monthly was made by Councilmember Bradburn, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.


Councilmember Gilb noted this amendment is needed so as not to place a financial burden on the operations of the prosecutor's office.

A motion to adopt as amended was made by Councilmember Pelfrey, seconded by Councilmember Bradburn. 5 YEAS, 1 ABSTAIN (Prince), 1 ABSENT (Shimrock)

**ADJOURN**

A motion to adjourn was made by Councilmember Cox, seconded by Councilmember Gilb. VOTE: ALL YEAS TIME: 10:05 p.m.

  
Clerk of Council

  
Mayor