

**CITY OF MASON
COUNCIL MEETING
NOVEMBER 1, 2010**

The meeting was called to order at 7:05 p.m. Father Anthony Tozzi opened the meeting in prayer. A Life Scout led all those present in reciting the Pledge of Allegiance.

APPROVAL OF MINUTES

A motion to approve the minutes of the October 11, 2010 Council Meeting was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: 6 YEAS, 1 ABSTAIN (Prince).

ATTENDANCE

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

RECOGNITION OF MASON HIGH SCHOOL GIRL'S GOLF TEAM 2010 STATE CHAMPIONS

Mayor Prince read the Proclamation and congratulated the team on their third consecutive State Title. Coach Fred Reeder was introduced. Coach Reeder thanked Council for the invitation and then introduced the JV Coach, Karen Benzell and the team: Emily Wright, Erin Michel, Jessica Zhang, Jamie Ellison, and Tara Liebert. He stated that these girls are great ambassadors for their school and community on and off the golf course.

RECOGNITION OF VISITORS

Sharon Rausch of 5405 Bethany Road asked Council to consider these items when voting on Ordinance 2010-111 and how it affects her adjoining property: the lighting, the continuity of fencing, and the lot sizes (under ½ acre).

ORDINANCE 2010-107 2ND READING: APPROVING THE 2010 COMPREHENSIVE PLAN OF THE CITY OF MASON, OHIO

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

Brian Lazor stated that this plan is the culmination of two years of intensive fact finding and public meetings. He explained that comprehensive planning for the City of Mason goes back as far as 1963, when the City was still a Village. A comprehensive plan provides the foresight and vision that helps direct topics from growth management to capital expenditures. Public participation is key to the creation of the document. In late 2008, "Mason Planning Month" was designed to gather ideas and directives from the public. The Comprehensive Plan Steering Committee, which included residents, key community stakeholders as well as local and regional planning representatives, then helped to decipher the information and formulate the plan.

Brian explained that the document is divided into topic specific chapters and includes an Executive Summary as well as an Action Plan. Each chapter contains goals, strategies and actions steps. The goals are broad based statements; strategies are ways to achieve the goal; and the action steps are what will be required to complete the goal. Brian highlighted two important concepts new to this document which reflect the community's interest in more cohesive mixed land use development and limited high density development. Brian concluded by stating that Planning Commission has reviewed and is recommending approval of the 2010 City of Mason Comprehensive Plan.

The Public Hearing was opened at 7:21 p.m.

Scott Krueckeberg of the Fairways of Pine Run HOA expressed his concern with the removal of the southbound extension of Foxfield to Tylersville Road from the Comprehensive Plan. He pointed out that an alternate route to Tylersville Road (from the Community Center) would alleviate some of the traffic congestion already on Mason-Montgomery Road. He also referred to a traffic study that indicated that this extension would alleviate traffic in the Fairways of Pine Run. He questioned striking out the possibility of this future road.

The Public Hearing was closed at 7:25 p.m.

Council discussion began with Councilmember Bradburn stating that he felt the extension should remain in the plan. As a result of further discussion, it was determined that by removing this extension, the right-of-way dedicated by the schools would be rescinded, therefore limiting future Councils ability to consider any southbound extension of Foxfield. This does not mean that the road will be built, only that the line remains on the map in the Comprehensive Plan. Council then discussed the impact this extension would have on residents in Durfield Subdivision as well as residents in the Fairways of Pine Run.

A motion to amend the Comprehensive Plan by adding the Foxfield Road extension south to Tylersville Road was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS.

A motion to adopt Ordinance 2010-107 with the amended Comprehensive Plan was made by Councilmember Cox, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

ORDINANCE 2010-110 2ND READING: AMENDING THE CODIFIED ORDINANCES OF THE CITY OF MASON, OHIO, TO REPEAL CHAPTER 1169 IN ITS ENTIRETY AND ADOPT A NEW CHAPTER 1169 PROVIDING FOR FLOODPLAIN MANAGEMENT REGULATIONS

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

Richard Fair addressed City Council and stated that for the past two years, the Federal Emergency Management Agency's (FEMA) consultant has been re-evaluating the flood hazards throughout Warren County and the City of Mason. Under this effort called Map Modernization, FEMA has updated and modernized the flood hazard maps. The updates provide the City of Mason flood hazard data in the form of a new Flood Insurance Study (FIS) and a new digital Flood Insurance Rate Map (FIRM). The new FIRM and FIS report for the City of Mason have been prepared in a countywide format, which means that the flood hazard information for all jurisdictions within Warren County, Ohio has been combined into one FIRM and FIS report. Richard said that the effective date of the new flood maps is December 17, 2010.

He continued by explaining that each time FEMA provides a community with new or revised flood hazard data, the community must either adopt new floodplain management regulations or amend its existing regulations to reference the new flood map and flood study. At the direction of the Ohio Department of Natural Resources (ODNR) Division of Water, FEMA's designated State Coordinator for the National Flood Insurance Program (NFIP), staff completed changes to Chapter 1169 Floodplain Overlay District and Floodplain Management Regulations. Updates of the Floodplain Overlay District have been completed citywide and Chapter 1169 has been rewritten.

Richard continued by stating that as a participating community in the NFIP, the City of Mason is responsible for making sure that its floodplain management regulation meet or exceed the minimum requirements of the NFIP. By, law, the Department of Homeland Security's FEMA cannot offer flood insurance in communities that do not have regulations that meet or exceed these minimum requirements. He stated that if the City does not adopt new floodplain management regulations or amend its existing regulations before December 17, 2010, the City of Mason will be suspended from the NFIP.

Planning Commission has recommended approval of the modifications to Chapter 1169 Floodplain Overlay District and Floodplain Management Regulations. Ordinance 2010 – 110 is recommended for adoption.

The Public Hearing was opened at 7:50 p.m.

The Public Hearing was closed at 7:51 p.m.

A motion to adopt Ordinance 2010-110 was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2010-111 2ND READING: APPROVAL OF THE REPLAT FOR RESERVES OF BETHANY SUBDIVISION – SECTION 1A

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

Richard Fair stated that the Reserves of Bethany Subdivision is located on Bethany Road, just east of Parkside Subdivision and west of Mrs. Rausch's property. The original development was zoned R-1, single-family residential and contained eight (8) buildable lots. In September, City Council approved the rezoning of the Reserves of Bethany from R-1 (approx. 1 acre lots) to R-2 (approx. half acre lots). This replat creates four (4) additional lots (two lots on the west side and two lots on the east side) and is in compliance with the R-2 zoning. Richard continued by addressing Mrs. Rausch's concerns. He explained that the lot size requirement is 20,000 ft², which these lots meet. He then addressed Mrs. Rausch's fencing concern by explaining that the City does not set any fencing requirements. This sort of requirement is typically set by the community. The street lights are installed; however the city does not have any control over lights behind the homes.

Joe Farruggia of Classic Properties then answered the fencing question by stating that the Homeowner's Association would approve consistent fencing for each lot. He also stated that the HOA does not have any control over back lighting.

A motion to adopt Ordinance 2010-111 was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2010-112 2ND READING: AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BLACK & VEATCH FOR PREPARATION OF A COMPREHENSIVE FINANCIAL STUDY, IN THE AMOUNT OF \$41,500.00 PLUS DIRECT EXPENSES, OF THE MASON WASTEWATER AND STORMWATER UTILITIES AND DECLARING AN EMERGENCY

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

A motion to amend Ordinance 2010-112 by deleting section 3 and renumbering section 4 as section 3 was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

Jennifer Heft stated that in 1993, Mason had to increase sewer rates by 65% to finance improvements to the wastewater system. So in 1996, the City took a proactive approach to the fiscal management of the wastewater system operations by using a comprehensive financial study as well as the development of a five year rate plan for the City. She continued by explaining that a comprehensive financial study is a valuable tool whenever there are dramatic changes to the system and you want to insure there is financing available to meet those needs. Jennifer then cited examples in 2003, when the City used a comprehensive financial study to issue debt for the construction of the new wastewater treatment plant and for the development of the summer sewer credit. She stated that 2009 was the last scheduled rate increase, which was part of a five-year plan. Currently the City is in non-compliance with debt service coverage for the water reclamation plant debt and we are required to commission a rate study. In early September, a request for proposals for a comprehensive financial study of the wastewater utility with an alternate to complete a stormwater rate study was sent to six firms. Black & Veatch was determined the most advantageous and economical for the City. The City has worked with Black & Veatch on two previous occasions and has been satisfied with their work.

Jennifer stated that the total cost for the project is \$41,500. This includes \$26,500 for the wastewater study and \$15,000 for a stormwater study. The stormwater utility has not undergone a comprehensive study since its inception in 2001. The final product will be a report, which summarizes the study approach, assumptions, findings and recommendations for wastewater and stormwater utility rates. The Utility Committee has reviewed and is recommending adoption of Ordinance 2010 – 112.

A motion to adopt Ordinance 2010-112 as amended was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2010-113 AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNICATION SITE LEASE AGREEMENT WITH CLEAR WIRELESS, LLC

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

Eric Hansen stated that Clear Wireless, LLC is seeking approval of a communication site lease agreement for 100 square feet of land and space to install wireless antennas on the water tower, located near Snider Road. The City has a similar lease agreement with Sprint in the amount of \$2,138.64 per month for their antennas on the same water tower. He said that the lease negotiated with Clear Wireless is in the amount of \$2,400 per month with a 3% annual increase. The term of the lease is for five years with the option to renew two additional 5 year terms, for a total of fifteen years. Over the full fifteen year period this represents \$535,000 in revenue to the City's General Fund.

Eric also explained that the Snider Road water tower was decommissioned when GCWW installed their water tower in Pine Hill Lakes Park. Since the future of the Snider Road water tower is unknown, the contract contains language that Clear Wireless has agreed to relocate their antennas to a new cellular tower, if one is constructed on the site, at no cost to the City. The Public Utilities Committee has reviewed this project and is recommending Ordinance 2010 – 113 for adoption.

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 2010-113 was made by Councilmember Gilb, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

ORDINANCE 2010-114 AUTHORIZING THE CITY MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH JEFFREY SPATZ FOR A SANITARY SEWER CROSSING OF MASON-MONTGOMERY ROAD AND DECLARING AN EMERGENCY

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

Richard Fair stated that there are approximately 15 properties located on the west side of Mason Montgomery Road just opposite Mitsubishi that are within the City of Mason, however, are not serviced with City sewer. Over the years as this area has developed, the City has considered tying these properties into City sewer service via a connection that would cross Mason Montgomery Road near the southwestern corner of the Mitsubishi property. The project would require a jack-and-bore crossing of Mason Montgomery Road and at the time had an estimated cost of \$50,000, and therefore was not considered a high priority. Richard said that this year, Jeffrey Spatz purchased land on the west side of the road and approached the City about providing City sanitary sewer service for a residence which he intends to build on the property. Mr. Spatz has proposed to reimburse the City for \$20,000 of the construction of the sewer line crossing at Mason Montgomery Road. The offer of \$20,000 was based on an estimate he had received for the approximate cost of a septic system which would satisfy Warren County Health District requirements. Richard stated that this is an excellent opportunity for the City to extend the sanitary sewer to the west side of Mason-Montgomery Road at a reduced cost and also for a resident to acquire service. Richard concluded by stating that the Public Utilities Committee has reviewed this project and is recommending Ordinance 2010 – 114 for adoption. Emergency language is necessary to meet Mr. Spatz's time frame for obtaining a building permit and tying into the City sanitary sewer system.

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 2010-114 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2010-115 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BEAVER CREEK HYDROLOGY, LLC, FOR DESIGN OF MUDDY CREEK RESTORATION, IN THE AMOUNT OF \$70,200.00, AND DECLARING AN EMERGENCY

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

Richard Fair addressed Council and stated that on May 24, City Council authorized the City Manager to enter into an agreement with Ohio EPA to receive grant funding for the Muddy Creek Stream Riparian, Restoration and Protection project, as part of the Ohio EPA 319(h) Nonpoint Source Implementation Grant program. As a result of that agreement, the City has completed a Request for Proposal (RFP) for the design of stream restoration in two reaches of the Muddy Creek. The primary objective of the overall project is to address bank erosion and habitat degradation using Natural Channel Design principles. Richard described the first proposed site as adjacent property owned by the St. Susanna church and elementary school. The second proposed site is located behind the Four Seasons Apartment Complex. Both projects combined will restore approximately 1,400 linear feet of Muddy Creek. He stated that proposals for design of the stream improvements were requested from 7 Engineering firms with a total of 6 proposals received on October 18, 2010. All six proposals have been evaluated and the proposal received from Beaver Creek Hydrology, LLC was found to be the most responsive to the project requirements. Their total design fee is \$70,200.

The Grant will reimburse the City for the design cost and the future construction cost for the two project sites. The overall grant monies received from the Ohio EPA is \$258,000. The City of Mason, St. Susanna, Marvin Gardens and Warren County Soil and Water Conservation District (SWCD) are partnering to complete the \$430,000 worth of improvements. Richard explained that the City's contribution would be around \$18,000 plus in-house services such as project management, project inspection, easement surveys, minor office supplies, and signage. St. Susanna's will be granting a perpetual conservation easement along the Muddy Creek to the Ohio EPA and providing volunteers to help during construction of the project. Richard concluded by stating that this is an excellent opportunity to repair the stream and stop erosion with little cost to the City. He then explained that this ordinance includes emergency language in order to meet the overall project time table.

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 2010-115 was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

RESOLUTION 2010-15 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (BARR)

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

Richard Fair addressed Council and explained that the next 14 resolutions will acquire the remaining easements that are needed for the widening project of US-42 (Reading Road) from Butler-Warren Road to Tylersville Road. This long-planned project will improve US 42 from the south corporation line to Tylersville Road from two to three and five lanes with curb and gutter, sidewalk and bikepath, and lighting. Richard explained that the estimated \$11,104,174 project has been reduced with grants, leaving approximately \$3.8-million (34%) of the \$11.1-million of construction cost from City sources. The City has already spent \$1.2 million in engineering design, environmental services and right-of-way acquisition leaving about \$2.6 million in City costs for the project. The bidding process will start sometime in May. Richard stated that staff has also requested ODOT allow City staff to perform the construction engineering which will save the City an additional \$700,000.

Richard continued by stating that the Finance Committee has reviewed this project several times along with the Public Works Committee. The Committee recommended the project and grant applications move forward, understanding that remaining City financing will be secured by using annual State Highway Fund revenues which are restricted for use on US42 and SR 741. The outstanding cost for this project will therefore not draw from City earnings tax or capital fund balances. He added that this project will be a major safety, traffic, and aesthetic improvement to the City's southern entrance and will require considerable coordination and communication with residents, businesses and ODOT.

Richard explained 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.

He continued by stating that Resolutions of Intent are included for the following properties: Walter Stallcup (Wendy's), Donald Lamping, David Family Limited Partnership, Mason Crossing (La Rosa), Mohamed Abdel Aziz, William and Matilda Trammel, Beverly Barr, Lawrence Klasmeier, Patricia Shroder, Eugene Jeffery, Jeffery Benson, First Baptist Church of Mason and Jarvis properties. Passage of these resolutions will begin the appropriation process and will allow for all the needed right of way to be acquired by the end of the year as required for the project. Once the property owners have been served with the City's intent to appropriate, the next step will be for Council to pass an ordinance directing the Law Director to file the appropriation action for each remaining parcel. Richard explained 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 lawsuits 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.

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 Resolution 2010-15 was made by Vice Mayor Nichols, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

RESOLUTION 2010-16 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (BENSON)

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

A motion to adopt Resolution 2010-16 was made by Councilmember Gilb, seconded by Councilmember Cox. VOTE: ALL YEAS.

RESOLUTION 2010-17 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (DAVID FAMILY LTD. PARTNERSHIP – WALGREEN'S PROPERTY)

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

A motion to adopt Resolution 2010-17 was made by Councilmember Cox, seconded by Vice Mayor Nichols. VOTE: ALL YEAS.

RESOLUTION 2010-18 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (FIRST BAPTIST CHURCH)

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

A motion to adopt Resolution 2010-18 was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

RESOLUTION 2010-19 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (JEFFERY)

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

A motion to adopt Resolution 2010-19 was made by Vice Mayor Nichols, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

RESOLUTION 2010-20 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (KLASMEIER)

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

A motion to adopt Resolution 2010-20 was made by Councilmember Cox, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

RESOLUTION 2010-21 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (LAMPING)

A motion to read by title only was made by Councilmember Shimrock, 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 Resolution 2010-21 was made by Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: ALL YEAS.

RESOLUTION 2010-22 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (MASON CROSSING, LLC)

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

A motion to adopt Resolution 2010-22 was made by Vice Mayor Nichols, seconded by Councilmember Gilb. VOTE: ALL YEAS.

RESOLUTION 2010-23 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (SHRODER)

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 Bradburn. VOTE: ALL YEAS.

A motion to adopt Resolution 2010-23 was made by Vice Mayor Nichols, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

RESOLUTION 2010-24 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (STALLCUP)

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

A motion to adopt Resolution 2010-24 was made by Councilmember Bradburn, seconded by Councilmember Cox. VOTE: ALL YEAS.

RESOLUTION 2010-25 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (TRAMMEL)

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

A motion to adopt Resolution 2010-25 was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS.

RESOLUTION 2010-26 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (JARVIS PROPERTIES)

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

A motion to adopt Resolution 2010-26 was made by Councilmember Shimrock, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

RESOLUTION 2010-27 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (DAVID FAMILY LTD. PARTNERSHIP – BIG TOP PROPERTY)

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

A motion to adopt Resolution 2010-27 was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

RESOLUTION 2010-28 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (AZIZ)

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

A motion to adopt Resolution 2010-28 was made by Councilmember Cox, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

► The Mason Police Department is partnering with the Warren County Solid Waste District and Kroger Company to offer a drug turn in program. Residents can turn in unused and outdated prescription and over-the-counter medications for proper disposal. The event is scheduled for Saturday, November 13, 2010, from 10am - 2pm. The drop off site will be the new Fire Station 51, located at 4420 N. Mason-Montgomery Road. Two Mason Police Officers will be staffing the location site to receive the unwanted medications. The medications will then be destroyed in an environmentally safe way.

► On Veterans Day, Thursday, November 11, services will be held at the Mason Municipal Center beginning at 7:00 p.m. Mayor Don Prince will open the event and members of the American Legion and VFW will post colors. The Mason Community Band will perform. Gary Topper, US Army will be the guest speaker.

► In order to meet Council business timeframes, Council set the November 1st meeting date, without removing the regularly scheduled November 8th Council meeting. With completion of Monday's agenda items, I do not anticipate the need for another November Council meeting until the regularly scheduled meeting on November 22. If Council would like to cancel the November 8th Council meeting, a motion would be appropriate. Staff is anticipating a number of Committee meetings, including Finance Committee meetings on the 2011 Budget.

Motion to cancel the November 8, 2010 meeting was made by Councilmember Cox, seconded by Vice Mayor Nichols. VOTE: 6 YEAS, 1 NO (Bradburn)

► Today the Community Center opens for typical operations after a week of Grand Reopening events. Many thanks and congratulations are due to City Council, the Community Center Committee of Council, past members of Council, members, TriHealth, a number of other partnerships, contractors and consultants, and City staff. Millions of dollars were saved with a hands-on, team approach that required broad involvement. While the construction is complete and celebrations marking it are welcome, continued attention to operations and partnerships will be necessary to implement and modify when necessary the business plan that the expansion was based on.

COMMITTEE REPORTS

Councilmember Cox reported that the Park Board took a tour of the Waste Water Treatment Plant and Sports Park.

Councilmember Bradburn reported that the Warren County Municipal League met last week for a presentation by Barney Wright of Lebanon Citizens National Bank on the state of the economy.

OLD AND NEW BUSINESS

Councilmember Cox announced that the Kiwanis Pancake Breakfast is on Saturday, November 13 from 7:00 to 1:00.

Vice Mayor Nichols announced that Mayor Prince is another year older and wished him a happy birthday.

Councilmember Pelfrey discussed the trees planted as part of the Mason Road Project. She is concerned that the trees along Mason Road will quickly grow into the utility lines and will require heavy pruning in future years. Her other concern is the plantings in the center of the roundabout limiting visibility. Eric Hansen stated that trees in the roundabout are a safety feature that creates a visible obstacle which should discourage drivers from driving through the roundabout.

Mayor Prince stated that the Festivals of Mason has offered to provide the City with a live Norway spruce to be planted on the Plaza. The proposal is to remove one existing tree in the center on the north edge of the plaza, inside the perimeter, and put in spruce tree that could be used as the City's Christmas tree.

RECOGNITION OF VISITORS

Sharon Rausch of Bethany Road congratulated the City on the Community Center and thanked Council for their consideration on her concerns regarding the Reserves of Bethany and the impact that development has on her property.

Matt Marvin of 4477 North Mallard Cove thanked City Council for all that they do for the City and recognized all the students present through the entire meeting. He continued by commenting on the positive impact that the Community Center has on the City. Matt and his daughter Kaylin wanted to comment on a traffic safety concern that they noticed near the old entrance of the Community Center. There is a brick wall/sign that blocks a driver's view coming from the High School. He suggests that either a stop sign be placed for southbound traffic on Lakeview or that the brick wall be removed. Mayor Prince thanked Matt for bringing this to the City's attention and added that striping down the center of Lakeview would also be helpful.

EXECUTIVE SESSION: PERSONNEL AND LAND ACQUISITION

A motion to adjourn into Executive Session was made by Councilmember Bradburn, seconded by Vice Mayor Nichols. VOTE: ALL YEAS. TIME: 9:00 pm.

A motion to reconvene into Regular Session was made by Vice Mayor Nichols, seconded by Councilmember Pelfrey. VOTE: ALL YEAS. TIME: 9:38 p.m.

A motion to add Ordinances 2010-116 through 2010-118 was made by Vice Mayor Nichols, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2010-116 REPEALING ORDINANCE NO. 2007-5 AND APPOINTING NANCY HICKEY AS CLERK OF COUNCIL

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

A motion to adopt Ordinance 2010-116 was made by Councilmember Gilb, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

ORDINANCE 2010-117 ESTABLISHING THE PART-TIME POSITION OF GOVERNMENT RELATIONS, APPOINTING TERRY SCHULTE TO THE POSITION AND ESTABLISHING COMPENSATION

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 2010-117 was made by Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2010-118 AUTHORIZING THE CITY MANAGER TO ENTER INTO A GOLF FACILITY LEASE AGREEMENT WITH TENNIS FOR CHARITY, INC.

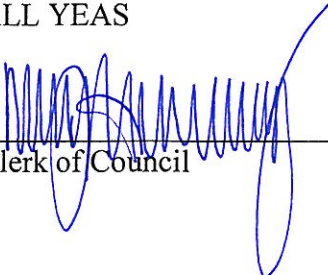
A motion to read by title only was made by Councilmember Pelfrey, seconded by Councilmember Gilb. VOTE: ALL YEAS.

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


A motion to adopt Ordinance 2010-118 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 Vice Mayor Nichols. VOTE: ALL YEAS TIME: 9:45 p.m.



Clerk of Council



Mayor