

**CITY OF MASON  
COUNCIL MEETING  
DECEMBER 13, 1999**

The meeting was called to order by Vice Mayor Jim Fox

**ROLL CALL**

The following members of Council were present: Jim Fox, Dick Staten, Peter Beck, Betty Davis, Charlene Pelfrey, Tom Muennich. John McCurley was absent.

**APPROVAL OF MINUTES**

A motion to approve the minutes from the November 20, 1999 (Council Workshop) was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS.

A motion to approve the minutes from the November 22, 1999 Council Meeting was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS.

A motion to approve the minutes from the December 1, 1999 Special Council Meeting was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS

**RECOGNITION OF VISITORS**

Mr. Jim Burton of 106 North West Street addressed Council regarding the City Christmas tree which was cut down by vandals. He reported Natorp's will provide a new tree and the only cost will be for the labor involved to plant it. Fifth Third Bank has set up an account to handle donations. The rededication will take place on December 20, 1999 at 7:00 p.m.

Mr. Jack Cooney of 200 Van Buren requested pertinent items of interest to him be listed on the agenda first instead of at the end.

**ORDINANCE 99-202 APPROVING THE REPLAT OF THE FAIRWAYS OF CROOKED TREE, PART TWO, BLOCK B, LOT 99**

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

Richard Fair explained to Council the purpose of this legislation is to correct the plat to show the removal of an existing sanitary sewer easement that is no longer needed. This lot is located on the southeast end of Hogan Court. That portion of the sewer has been removed and the new line rerouted. This action was approved by Planning Commission.

A motion to suspend the rule was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS.

A motion to adopt Ordinance 99-202 was made by Councilmember Staten, seconded by Councilmember Davis. VOTE: ALL YEAS.

**ORDINANCE 99-203 ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE OAKS OF CROOKED TREE, SECTION 1 AND 2, AND RELEASING THE PERFORMANCE BOND**

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

Richard Fair explained to Council this subdivision is located on the west side of Mason-Montgomery Road and north side of Bethany Road. These sections include 58 residential lots on the following streets: Sentinel Oak Drive, Bentley Oak Drive, Crestwood Drive(part), Larkspur Lane(part), and Woodburne Drive(part). The streets, utilities, and other public improvements have been inspected by the Public Works and Engineering Departments. The performance bond will be replaced with a maintenance bond. Staff recommends approval.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS.

A motion to adopt Ordinance 99-203 was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS.

**ORDINANCE 99-204 ACCEPTING THE PUBLIC IMPROVEMENTS FOR 42 NORTH COMMERCE PARKE AND RELEASING THE PERFORMANCE BOND**

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

Richard Fair explained to Council this property is located on the northwest side of US 42, north of Heritage Oak Park. He stated the public utilities have been inspected by the Public Works and Engineering Departments and they are recommending adoption of this legislation. The performance bond will be replaced by a one year maintenance bond.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 99-204 was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

**ORDINANCE 99-205 - APPROVAL OF FINAL PLAT OF THORNGATE AT WINDEMERE, PHASES 1 AND 4.**

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

Richard Fair addressed Council and stated this property is located on the north side of Bethany Road and the east side of Windemere Way. This development will contain 247 attached single family residences on 39.7 acres. Staff recommends approval of the application contingent on the applicant addressing minor engineering comments and the submission of a subdivider's contract and performance bond.

A motion to suspend the rule was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS.

A motion to adopt Ordinance 99-205 contingent on the developer complying with engineering comments and providing a subdivider's contract and performance bond was made by Councilmember Pelfrey, seconded by Councilmember Staten. VOTE: ALL YEAS.

**ORDINANCE 99-206--1<sup>ST</sup> READING --APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR SR 741 SITE OWNED BY CITY OF MASON**

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

Vice Mayor Fox set the date of the Public Hearing for January 10, 2000 at 7:05 p.m.

**ORDINANCE 99-207—1<sup>ST</sup> READING-- AMENDING PART ELEVEN OF THE ZONING ORDINANCE OF THE CITY OF MASON, OHIO, SPECIFICALLY THE SUBDIVISION REGULATIONS AND ACCESS MANAGEMENT REGULATIONS CONTAINED IN CHAPTERS 1101, 1103, 1107, 1109, 1111, 1113, 1115, 1117, 1135; CREATING CHAPTER 110, 1114, 1118, AND DELETING CHAPTER 927**

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

Vice Mayor Fox set the Public Hearing for this legislation for January 10, 2000 at 7:10 p.m.

**ORDINANCE 99-208—1<sup>ST</sup> READING-- ADOPTING THE MASON THOROUGHFARE PLAN UPDATE**

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

Vice Mayor Fox set the Public Hearing for this legislation for January 10, 2000 at 7:15 p.m.

**ORDINANCE 99-209 - AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WOOLPERT CONSULTANTS FOR PREPARATION OF THE COMPREHENSIVE PLAN UPDATE**

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

Scot Lahrmer stated the current Comprehensive Plan was adopted by the City Council in 1992 and had not been updated since then. He further stated with the amount of growth the City has experienced over the last eight years, it is crucial that we regularly review our regulations and long range plans and keep them consistent with the City's current and projected goals. Five firms were eventually interviewed for this contract with Woolpert Consultants being chosen. The fee for this work is not to exceed \$75,802.12 and will take approximately 17 months to complete.

A motion to suspend the rule was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to adopt Ordinance 99-209 was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

**ORDINANCE 99-210 - AUTHORIZING THE RE-APPROPRIATION AND TRANSFER OF MONIES AND TRANSFERRING OTHER FUNDS AND APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF MASON: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO 98-199 OF THE CITY OF MASON, OHIO, PASSED BY THE COUNCIL OF THE CITY OF MASON, OHIO ON DECEMBER 14, 1998 FOR THE YEAR 1999.**

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

Scot Lahrmer stated this is a housekeeping item that occurs every year. He explained this year as part of the re-appropriations, \$3.5 million would be transferred from the general fund to the Government Center Fund for the purpose of building a new Municipal Facility.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

A motion to adopt Ordinance 99-210 was made by Councilmember Davis, seconded Councilmember Pelfrey. VOTE: ALL YEAS.

**ORDINANCE 99-211 – AUTHORIZING THE SUPPLEMENTAL APPROPRIATIONS OF MONIES THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 98-199 OF THE CITY OF MASON, OHIO PASSED BY THE COUNCIL OF THE CITY OF MASON, ON DECEMBER 14, 1998 FOR THE YEAR 1999.**

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

Scot Lahrmer explained to Council this appropriation ordinance is a plan and guide for City finances for the complete year. Plans are altered as priorities change or are modified. Throughout the year it may become necessary to appropriate additional funds for purchases and projects that were not included in the original annual appropriation ordinance. This legislation is a housekeeping item to adjust and correct various line items within the City's funds.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

A motion to adopt Ordinance 99-211 was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS.

**ORDINANCE 99-212 - AUTHORIZING APPROPRIATIONS FOR EXPENSES DURING FISCAL YEAR ENDING DECEMBER 31, 2000.**

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

Eric Hansen explained to Council the annual appropriation ordinance has been reviewed by the Finance Committee and Administration and they are recommending approval. He further stated, this budget has been based on conservative revenue estimates, attention to controlling expenses, and ambitious investments in community infrastructure that provides the funding necessary for the City to deliver services effectively in the year 2000.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS.

A motion to adopt Ordinance 99-212 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS.

**ORDINANCE 99-213 - AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MASON CITY SCHOOLS FOR CONSTRUCTION AND FUNDING OF A COMMUNITY RECREATION CENTER**

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

Scot Lahrmer stated the City has been working in conjunction with the Mason City Schools to build a recreation center for the residents of the city and school district. He explained tours have been taken as well as numerous meetings have been held between the two parties and the next appropriate step is for both parties to enter into a memorandum of understanding. The primary purpose of this memorandum of understanding is to publicly state our intentions and enable Mason City Schools to move forward on placing their bond levy on the ballot in March. The School Board will also be passing this identical language at their December 14, 1999 meeting.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Staten. VOTE: ALL YEAS.

A motion to adopt was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS.

**ORDINANCE 99-214 - AUTHORIZING THE CITY MANAGER TO ENTER INTO A PREANNEXATION AGREEMENT WITH JIM AND LISA MARLOW REGARDING ANNEXATION AND THE EXTENSION OF WATER AND SEWER SERVICES**

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

Scot Lahrmer stated the property owners, Jim and Lisa Marlow, have submitted a pre-annexation agreement for their property located at 4351 Mason Montgomery Road. They wish to have their property served by Mason's water and sewer. The City corporation limit is adjacent to this property.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Beck. VOTE: ALL YEAS.

A motion to adopt Ordinance 99-214 was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS.

**ORDINANCE 99-215 - AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE YEAR CONTRACT WITH CINTAS, INC. FOR RENTAL AND MAINTENANCE OF UNIFORMS AND GRANTING THE CITY MANAGER AUTHORITY TO RENEW SAID CONTRACT FOR THE SECOND THROUGH FIFTH YEARS AT HIS DISCRETION**

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

Eric Hansen explained to Council the City, as required by collective bargaining agreement, provides uniform rental, maintenance and cleaning for employees in the Public Works and Public Utilities Departments. This contract was put out to bid and three bids were received with Cintas meeting the lowest and best bid criteria. The cost for this contract is not to exceed \$15,000 per year. Staff

recommends approval of this legislation.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS.

A motion to adopt Ordinance 99-215 was made by Councilmember Muennich, seconded by Councilmember Staten. VOTE: ALL YEAS.

**ORDINANCE 99-216- AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PHUSIO-CONTROL FOR THE PURCHASE OF TWO DEFIBRILLATORS FOR USE BY THE MASON FIRE DEPARTMENT.**

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

Scot Lahrmer stated two new pumper/quints were delivered in May for the Fire Department. He explained the purchase of two new defibrillators is necessary to fully equip these vehicles. The cost of this equipment is \$36,910. Staff recommends approval.

A motion to suspend the rule was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to adopt Ordinance 99-216 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS.

**ORDINANCE 99-217 - PROVIDING FOR THE ISSUANCE AND SALE OF \$1,150,000 OF TAX INCREMENT FINANCING REVENUE BONDS (CENTRAL PARKE OF MASON PROJECT) OF THE CITY OF MASON, COUNTY OF WARREN, STATE OF OHIO, UNDER SECTION 5709.40 ET SEQ. OF THE OHIO REVISED CODE FOR THE PURPOSE OF PAYING THE COST OF CERTAIN PUBLIC IMPROVEMENTS; AUTHORIZING A PLEDGE OF AND LEIN ON CERTAIN SERVICE PAYMENTS TO SECURE SUCH BONDS; AUTHORIZING A TRUST AGREEMENT SECURING SUCH BONDS; AND AUTHORIZING A SERVICE AGREEMENT SECURING SUCH BONDS.**

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

Scot Lahrmer stated the adoption of Ordinances 99-217 and 218 will finalize the City's commitment to participate in the Central Parke of Mason project as originally established March 5, 1999 by Ordinance 99-35. With that legislation the City established a Tax Increment Financing District that allows the city to issuance revenue bonds to be used for construction of all or a portion of designated public improvements. Staff recommends approval.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember

Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 99-217 was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS.

**ORDINANCE 99-218- AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CINCINNATI UNITED CONTRACTORS FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT CENTRAL PARKE OF MASON AND DECLARING AN EMERGENCY**

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

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Staten. VOTE: ALL YEAS.

A motion to adopt was made by Councilmember Muennich, seconded by Councilmember Beck. VOTE: ALL YEAS.

Vice Mayor Fox stated there would be an addition to the agenda of Ordinance 99-219.

**ORDINANCE 99-219 APPOINTING DOUGLAS R. STOUDER AS THE MASON MUNICIPAL COURT PUBLIC DEFENDER PROVIDING FOR COMPENSATION AND DECLARING AN EMERGENCY.**

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

Ken Schneider explained to Council a request from Judge Batsche had been received to appoint a new public defender. Specifically Douglas R. Stouder was requested to be appointed at the current salary of \$4,777.76 per year.

A motion to suspend the rule was made by Councilmember Pelfrey, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to adopt Ordinance 99-219 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

**CITY MANAGERS REPORT**

There will only be one Council meeting in the month of December. The regular meeting, which falls on December 27, 1999, is cancelled.

The Employee Christmas luncheon will be held on Thursday December 16, 1999.

The City offices will be closed on December 24 and on December 31, 1999.

### **COUNCIL OLD AND NEW BUSINESS**

A motion to reconsider Ordinance 99-201 was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS

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

Ken Schneider stated the original ordinance was for the purpose of purchasing 6.256 acres at 6891 Mason Road. The price authorized was \$375,360. Due to a competitive offer, the price has been raised to \$385,360. This legislation authorizes that increase.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Beck. VOTE: ALL YEAS

A motion to adopt revised Ordinance 99-201 was made by Councilmember Muennich, seconded by Councilmember Staten. VOTE: ALL YEAS

Councilmember Pelfrey moved to install a suggestion box in the lobby of the City building for use by all of the City residents and title it "Mason Opinions Matter". The motion was seconded by Councilmember Davis. VOTE: ALL YEAS

It was suggested the City look into stopping the traffic on US 42 during the Christmas in Mason celebration as it is done for the Heritage Festival in August. This matter was referred to the Safety Committee.

It was suggested the City look into placing banners on the street light poles located on SR 741 for the Tennis Masters Services that is held in Mason each year. Grants are available through the County for such projects.

The Earnings Tax issue that is being discussed to be placed on the ballot as a constitutional amendment is not understood by most people. If it is passed, it will threaten jobs. It was noted earnings tax is deductible from federal income tax.

### **AUDIENCE COMMENTS**

None

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

A motion to go into executive session for the purpose of discussing land acquisition and personnel

was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS

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

A motion to add Ordinance 99-220 to the agenda was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS

**ORDINANCE 99-220 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT PURCHASE WITH DAVID W. AND KAREN L. SOUTH FOR THE ACQUISITION OF PROPERTY LOCATED AT 690 MASON MONTGOMERY ROAD, MASON, OHIO AND DECLARING AN EMERGENCY**

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

Scot Lahrmer stated this property abuts the entrance to the Corwin Nixon Park and is contiguous to the joint project currently under discussion with the Mason City Schools. The property owner has expressed an interest to sell as they are moving out of state. The agreed upon price is \$132,840.

A motion to suspend the rule was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to adopt Ordinance 99-220 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

**ADJOURN**

A motion to adjourn was made by Councilmember Muennich, seconded by Councilmember Staten. VOTE: ALL YEAS

TIME: 9:23 P.M.