

**CITY OF MASON
COUNCIL MEETING
JANUARY 10, 2000**

The meeting was called to order by Mayor John McCurley at 7:05 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

A motion to approve the minutes from the December 13, 1999 meeting was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE ALL YEAS.

RECOGNITION OF VISITORS

Mr. Bill Liedhegner of 626 Lindemann Lane addressed Council and asked if Mayor McCurley could vote for the Ordinance that approved the City's budget as he was absent for that Council meeting. Mayor McCurley stated he was on the Finance Committee and was familiar with the budget and supports its passage however, it is not required he be present to vote for it.

Mr. Chris Leonard of 511 Duane Drive addressed Council and stated the heavy rains that have occurred have flooded his basement five times since 1989. He stated there was raw sewage in his basement and his hot water heater had to be replaced. He feels the growth and extra demands placed on the system have been a cause for these problems and he feels the City's response has been unsatisfactory on this matter. He further stated the City told him missing manhole covers were a problem so this was corrected but it did not stop the flooding from reoccurring. Sam Hicks of 766 Indianwood Drive addressed Council and stated the first 12 years they lived in their home, there was no problem. The last ten years there have been five incidents of flooding in their home. He feels it is growth related or due to the age of the sewers. He stated she has raw sewage in his basement not groundwater. Their insurance company has removed the clause dealing with sewer backup. He stated he cannot sell his home as it is, and it is a health hazard to his family. He also stated 3 homes on the Woodcreek Subdivision experienced flooding problems. As a resident, he feels the sewer system should be brought up to standard before a recreation center is built. Council stated a consultant the City has hired to review the sewer has stated the sewer trunk line travelling through downtown Mason is inadequate and this is magnified by subsystems draining into it as well. The design work to upgrade the system is 60-70% complete. Council also stated proposals will be sought from firms to scope the system in this area to further identify problems. The residents asked that they be kept posted on the progress. It was suggested by one of the residents that a back flow preventor be installed as a

temporary fix. One resident stated this is the second time this has been requested. The first time was in 1998. Council stated the sewer expenses are funded out of the Enterprise Fund and a Recreation center will be funded out of the General Fund. Vice Mayor Fox will establish communications with Mr. Hicks and concerned residents. Council stated they are committed to correcting the problem and maintaining the quality of life in Mason residents expect.

RESOLUTION 2000-01 IN SUPPORT OF THE 2000 UNITED STATES CENSUS

The Resolution was read in full by attending Law Director, Tim Gary.

Councilmember Davis stated she had attended the area meeting for local officials regarding the census data. She stated the results from the collection of data is very important to the City and directly affects the allocation of state and federal dollars we receive. The data collected also affects the number of seats in the state legislature and the number of congressmen representing an area. She encouraged all residents to participate and informed everyone the data collected is confidential for a period of 72 years.

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

A motion to adopt Resolution 2000-01 was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS.

PUBLIC HEARING ORDINANCE 99-206 APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR THE S.R. 741 SITE OWNED BY THE CITY OF MASON

Mayor McCurley opened the public hearing at 7:43 p.m.

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

There were no comments in favor of the project. Jim Whitaker spoke in opposition of the project as he felt it would affect the value of his property which abuts this land. He also expressed concern over the site clearances on S.R. 741 and concern over drainage that might affect his property. Richard Fair stated S.R. 741 will have to be evaluated for site distance clearances and the detention basin will be designed to handle the drainage. Mrs. Schappacher stated she did not receive notice of this public hearing. Her property does not abut the project but is only separated by the railroad tracks. Council stated staff followed the requirements for notification correctly but in the future if there is only a railroad track separating a property owner, they should also be notified. The public hearing was closed at 7:55 p.m.

Councilmember Davis moved to amend the plan to show the north area of the project which

abuts residential property to contain Hi-tech and office instead of small to large light industry. The motion was seconded by Councilmember Staten. VOTE: ALL YEAS.

A motion to adopt Ordinance 99-206 as amended was made by Councilmember Staten, seconded by Councilmember Davis. VOTE: ALL YEAS.

PUBLIC HEARING ORDINANCE 99-207 - AMENDING PART ELEVEN OF THE ZONING ORDINANCE OF THE CITY OF MASON, OHIO, SPECIFICALLY THE SUBDIVISION REGULATIONS AND ACCESS MANAGEMENT REGULATIONS CONTAINED IN CHAPTERS 1101,1103,1105,1107,1109,1111,1113,1115,1117,1135; CREATING CHAPTER 1110, 1114, 1118, AND DELETING CHAPTER 927

Mayor McCurley opened the public hearing at 8:09 p.m.

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

Richard Fair stated staff has received additional comments from the Home Builders Association and would like to table this matter until they have time to review those comments. There were no comments for or against this legislation. The public hearing was closed at 8:17 p.m.

Council discussed shifting the approval for street lighting from Council to Planning Commission and decided the final approval should remain with Council.

A motion to table Ordinance 99-207 made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS.

ORDINANCE 99-208 - ADOPTING MASON THOROUGHFARE PLAN UPDATE

Mayor McCurley opened the public hearing at 8:21 p.m.

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

Kurt Seiler explained to Council the purpose of this plan is to facilitate traffic flow in and through the City and to implement the Comprehensive Plan. He further stated the emphasis is to design roads to manage traffic more effectively through expanding current roadways, monitoring curb cuts, and spacing of traffic signals rather than bypass clogged roads with new roads. He stated recommended updates will be proposed as needed.

There were no comments in favor or opposed to this legislation. The public hearing was closed at 8:25 p.m.

A motion to adopt Ordinance 99-208 was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS.

ORDINANCE 2000-1-AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE U.S.42/BUTLER-WARREN ROAD INTERSECTION

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

Scot Lahrmer explained the Ohio Department of Transportation is requesting the City pass this legislation which allows the City to enter into an agreement to improve the portion of the intersection of U.S. 42 and Butler-Warren Road that is located within the City. The plan is to install left turn lanes on U.S. 42 and to realign the intersection. Only 1/4 of the intersection is in the City and this legislation is needed for ODOT to proceed with the planning and construction of the intersection. He further explained there is no cost to the City for this work. This plan does not include the installation of traffic signal.

Council requested the plan for improvements comply with the Thoroughfare Plan with respect to curb and cutters. Council also requested sidewalks and a traffic signal be included in this project.

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

A motion to adopt Ordinance 2000-1 was made by Councilmember Muennich, seconded by Councilmember Fox. VOTE: ALL YEAS.

ORDINANCE 2000-2 - AUTHORIZING THE CITY MANAGER TO ENTER INTO A UTILITY AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RELOCATION OF PUBLIC UTILITIES

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

Scot Lahrmer explained to Council the purpose of this legislation is to provide the necessary agreement to allow for the financing, through federal funds, to relocate water lines and sanitary sewer facilities for the Tylersville Road project. ODOT will bid the road widening in the spring.

Council requested the City Engineer look into up sizing the sewer line at the same time the lines are being relocated. Scot Lahrmer stated the sewer is deep in the area and may not be touched by the state.

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

VOTE: ALL YEAS

A motion to adopt Ordinance 2000-2 was made by Councilmember Fox, seconded by Councilmember Muennich. VOTE: ALL YEAS

ORDINANCE 2000-3 - APPROVING REPLAT OF CENTRAL PARKE OF MASON LOTS 5, 6, 7

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

Richard Fair explained to Council the owner of the property is requesting the replat to accommodate their new tenants, Christian Restoration Association and JTD, Inc. This property is located in Central Parke of Mason on Mason Montgomery Road. This replat leaves the remaining lot for a future tenant. Planning Commission has approved this replat.

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

A motion to adopt Ordinance 2000-3 was made by Councilmember Staten, seconded by Councilmember Fox. VOTE: ALL YEAS

ORDINANCE 2000-4 - APPROVING THE FINAL PLAT OF WINDMERE, PHASE 1A

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 project is located at the north terminus of Windemere Way. This final plat is consistent with the final PUD plan and was approved by Planning Commission. Approval of this plan will dedicate the right-of-way and easements needed for this portion of the subdivision.

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

A motion to adopt Ordinance 2000-4 was made by Councilmember Muennich, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2000-5- ACCEPTING DEDICATION OF AN EASEMENT FOR GREENBRIER SUBDIVISION PHASE 2 SECTION 2A

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

Richard Fair stated this project is located just south of Tall Timbers Court and includes the second and final access point from the condominiums to Snider Road. Approval of this plat will dedicate the necessary easements for the utilities and drainage facilities. This was approved by Planning Commission and staff recommends approval contingent on the submission of a subdivider's contract and performance bond and the addition of the proposed 100 year flood boundary to the plat.

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

A motion to adopt Ordinance 2000-5 contingent on compliance with the three contingencies mentioned by the City Engineer was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS.

ORDINANCE 2000-6 - APPROVING REPLAT OF WHISPERING SPRINGS SUBDIVISION LOT 32

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

Richard Fair stated to Council this replat is for lot 32 of the Whispering Springs subdivision. He stated the replat will subdivide the existing 9.87 acre parcel into 27 lots for single family patio homes and 1 open space lot. This replat does not change the density of the project. Staff recommends approval.

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

A motion to adopt Ordinance 2000-6 was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS.

ORDINANCE 2000-7 - CREATING THE POSITION OF RECREATION SUPERVISOR IN THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF MASON AND DETERMINING COMPENSATION

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

Eric Hansen stated the purpose of Ordinance 2000-7 & 8 is to provide additional staffing to meet the needs of the Parks and Recreation Department. He further explained with the

tremendous growth the City has experienced, the Parks and Recreation Department has expanded the number of programs and recreational opportunities for residents. The current project of a joint venture with the schools for a recreation center has stretched the commitment of the current staff even further. The creation of a Recreation Supervisor and Maintenance Supervisor positions as recommended in the 2000 budget will better prepare the City to meet current and future needs.

Council asked if salary ranges existed for these positions. The answer was affirmative.

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

A motion to adopt Ordinance 2000-7 was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2000-8 CREATING THE POSITION OF MAINTENANCE SUPERVISOR IN THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF MASON AND DETERMINING COMPENSATION

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

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

A motion to adopt Ordinance 2000-8 was made by Vice Mayor Fox, seconded by Councilmember Muennich. VOTE: ALL YEAS

ORDINANCE 2000-9 - AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TEC ENGINEERING FOR TRAFFIC ENGINEERING SERVICES NECESSARY FOR CURRENT AND FUTURE TRAFFIC ANALYSIS ON MASON MONTGOMERY ROAD FROM MAIN STREET TO THE TYLERSVILLE ROAD EXTENSION

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

Scot Lahrmer stated in anticipation of the Recreation Center and new High School, it is necessary to analyze future traffic patterns and flow in order to design improvements to Mason-Montgomery Road. Various questions have been raised about accommodating the traffic and safely facilitating the flow of traffic in this area. This legislation awards a contract for traffic engineering services to TEC for a not to exceed price of \$33,800.

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

A motion to adopt Ordinance 2000-9 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

CITY MANAGERS REPORT

Christmas tree recycling continues. To date, the Public Works Department has chipped over 100 Christmas trees.

The January issue of *Mason Matters* is due to be delivered to residents the third week of January.

COUNCIL OLD AND NEW BUSINESS

Mayor McCurley made the following appointments to the various board and committees:

Utility Committee: Jim Fox (Chair), Charlene Pelfrey, Dick Staten

Safety Committee: Charlene Pelfrey (Chair), Jim Fox, Tom Muennich

Finance Committee: Betty Davis (Chair), Pete Beck, John McCurley

Equipment Committee: Tom Muennich (Chair), Pete Beck, Charlene Pelfrey

Employee Relations Committee: Jim Fox (Chair), Pete Beck, Charlene Pelfrey

Economic Development Committee: Pete Beck (Chair), Betty Davis, John McCurley

Public Works Committee: Dick Staten (Chair), Jim Fox, Tom Muennich

Building Committee: John McCurley (Chair), Betty Davis, Dick Staten

Warren County Council of Governments: Dick Staten

Ad Hoc Fire Committee: Dick Staten (Chair), Betty Davis, Tom Muennich,

OKI: Pete Beck

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

PARKS AND RECREATION BOARD: Mayor McCurley suggested appointing Jim Fox to the Parks and Recreation Board. Councilmember Davis moved to nominate Jim Fox to the Parks and Recreation Board. The motion was seconded by Councilmember Muennich. Councilmember Davis moved to close the nominations. The motion was seconded by Councilmember Muennich. VOTE: ALL YEAS

SOLID WASTE: Mayor McCurley suggested Betty Davis be appointed to the Solid Waste Board with Charlene Pelfrey as the alternate.. Councilmember Muennich nominated Betty Davis to serve on the Solid Waste Board with Charlene Pelfrey serving as the alternate. This nomination was seconded by Vice Mayor Fox. Councilmember Muennich moved to close the nominations. Vice Mayor Fox seconded the motion. VOTE: ALL YEAS

The Stevens on Northcrest Drive did not experience and flooding during the last rain. The City's efforts to correct the problem were successful.

The poor visibility along Mason-Montgomery Road was mentioned and it was asked if anything can be done to paint or illuminate the medians to make them easier to see. The Safety Committee will meet to discuss the use of speed bumps along Fairway Drive.

Councilmember Beck will hold another "Meet your Councilmember Night" on January 17, 2000. All Councilmembers are invited to attend, if available.

The Planning Commission approved the addition to the office for the Voorhis, Sloan, Crossland Architects; Car X will be building on one of the out lots in front of the Kroger store on S.R. 741. Planning Commission was able to negotiate exterior colors that match Kroger's.

A motion to appoint Dick Staten to represent the City on the Warren County Municipal League Telecommunications Study was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

The previously scheduled meeting with the Deerfield Township Trustees was canceled at the last minute by Bill Morand. Council discussed scheduling another meeting with the Trustees. It was suggested a member of Council meet with a member of the Trustees to discuss the matter and see if anything can be worked out.

Snider Road at Tylersville Road was discussed. It was asked if anything more can be done to enhance the awareness of the lane change in this area.

AUDIENCE COMMENTS

Mr. Bill Liedhegner of 626 Lindemann Lane addressed Council and discussed how well the Lady Comets were doing this year in basketball.

EXECUTIVE SESSION: PERSONNEL AND LITIGATION

A motion to go into executive session was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

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

A motion to add Ordinance 2000-10 to the agenda was made by Councilmember Staten, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to add Ordinance 2000-11 was made by Councilmember Muennich, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2000-10 AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE SERGEANTS' UNIT OF THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. AND DECLARING AN EMERGENCY

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

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

A motion to adopt Ordinance 2000-10 was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS

ORDINANCE 2000-11 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STATE STREET CONSULTANTS FOR LEGISLATIVE CONSULTING AND/OR LOBBYING AND RELATED SERVICES AND DECLARING AN EMERGENCY

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

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

A motion to adopt Ordinance 2000-11 was made by Councilmember Muennich, seconded by Councilmember Beck. VOTE: ALL YEAS


ADJOURN

A motion to adjourn was made by Councilmember Muennich, seconded by Councilmember Beck.

VOTE: ALL YEAS

TIME 10:50 p.m.


Clerk of Council


Mayor