

**CITY OF MASON
COUNCIL MEETING
SEPTEMBER 11, 2000**

The September 11, 2000 regular Council meeting was called to order by Mayor McCurley at 7:07 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

A motion to approve the minutes of the August 28, 2000 meeting was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

SWEARING IN OF BILL GIRTON TO PLANNING COMMISSION

Bill Girton was sworn in by Mayor McCurley to serve on Planning Commission.

RECOGNITION OF VICKIE LARCOMB, HERITAGE FESTIVAL CHAIRPERSON

Mayor McCurley presented a Proclamation recognizing Vickie Larcomb for her efforts as Chairperson for this year's Heritage Festival. He stated she has agreed to be the Co-Chairperson for the 2001 Heritage Festival. She accepted the Proclamation and recognized her committee chairpersons and her family for their assistance.

RECOGNITION OF BILL HARPER, DIRECTOR OF WARREN COUNTY RECOVERY SERVICES

Mr. Bill Harper, Executive Director of the Warren County Recovery Services, addressed Council and explained this fall residents will see a replacement levy on the ballot for one mil. He stated this is a renewal levy and will be used to continue the agency's efforts to provide mental health and substance abuse treatment for county residents.

RECOGNITION OF VISITORS

Sheryl Short of 4296 Flagstone Drive addressed Council and spoke in support of Chief Goldfeder. She requested Council pass the Ordinance on tonight's agenda awarding a consultant contract to Chief Goldfeder.

Councilmember Pelfrey stated Council will regard only factual data in evaluating any professional employee and /or company.

RESOLUTION 2000-15 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

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

Scot Lahrmer stated to Council the City adopted the 2001 Tax Budget on July 10, 2000. The Tax Budget is then certified by the County Auditor. He further explained, based on the amounts certified in the Tax Budget, the Warren County Budget Commission determines the tax rates necessary to be levied within and without the ten mill tax limitations. The City is then required to accept the rates through adoption of a resolution. This legislation satisfies that requirement.

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

A motion to adopt Resolution 2000-15 was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

RESOLUTION 2000-16 PROCLAIMING SEPTEMBER AS OHIO PLANNING MONTH AND NOVEMBER 8TH AS COMMUNITY AND REGIONAL PLANNING DAY

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

Eric Hansen explained to Council this legislation recognizes the high quality of life, health, safety and comfort that the citizens of Mason are accustomed and is directly related to the quality of planning performed by the Mason Planning Commission, City Council, Zoning Board, city staff and various citizen based steering committees.

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

A motion to adopt Resolution 2000-16 was made by Councilmember Davis, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2000-127 APPROVAL OF THE FINAL PLAT OF MASON FIELDS SUBDIVISION

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

Richard Fair explained to Council the developer is requesting the approval of the final plat for the Mason Fields Subdivision. He stated the development is located on the north side of Western Row Road, just east of the Village Lakes Subdivision. This plat contains 58 single-family lots on 14.5 acres, 4 open space lots on 4.8 acres and 4.2 acres of right of way. He further stated Planning Commission recommends approval contingent on the applicant addressing engineering comments. Richard Fair stated staff recommends approval contingent on the submission of a performance bond.

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

A motion to adopt Ordinance 2000-127 was made by Councilmember Muennich, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2000-128 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 26.787 ACRES FROM R-6 TO R-4 LOCATED IN THE SOUTHEAST CORNER OF THE OAKS OF CROOKED TREE SUBDIVISION, NORTH OF BETHANY ROAD AND WEST OF MASON-MONTGOMERY ROAD (DREES CORPORATION)

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

A Public Hearing was set for October 9, 2000 at 7:05 p.m.

ORDINANCE 2000-129 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 28 ACRES FROM R-1 TO COMMERCIAL PUD LOCATED IN THE NORTHEAST CORNER OF THE INTERSECTION OF COLUMBIA ROAD AND CATALINA ISLE (HENRY W. SCHNEIDER)

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

Mayor McCurley set a Public Hearing for this legislation for October 9, 2000 at 7:10 p.m.

ORDINANCE 2000-130 ACCEPTING PERMANENT HIGHWAY EASEMENTS FROM JEFFERY D. BENSON AND AQUIPORT/ANSDELL AT THE CORNER OF S.R. 741 AND BETHANY ROAD

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

Scot Lahrmer stated this legislation is necessary to acquire the permanent highway easements necessary for the Bethany Road and S.R. 741 Traffic Signal and Road Widening project. He stated a permanent easement has been negotiated with Mr. Benson for \$250. At this time, a temporary easement has been negotiated with Acquiport/Amsdell (owners of U-Store It) at the southwest corner of the intersection. This firm is currently going through a name change and will conclude a permanent easement once that is complete. This legislation gives the Engineering Department approval to negotiate up to a \$250 compensation with Acquiport/Amsdell if necessary. Staff recommends approval.

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

A motion to adopt Ordinance 2000-130 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2000-131 AUTHORIZING THE CITY MANAGER TO ACQUIRE EASEMENTS WHICH ARE NECESSARY FOR THE SOUTH 42 TRUNK SEWER PROJECT

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

Scot Lahrmer explained to Council the city's effort to improve the sewer problems on Snider Road involved re-routing and replacement of the sewer on US 42. This new route involves rerouting the line behind several businesses and the First Baptist Church. The property was appraised and the Baptist Church agreed to accept \$20,000 for the easement through their property. There will be approximately 20 feet of permanent easement and 30 feet of temporary easement. Staff recommends approval.

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

A motion to adopt Ordinance 2000-131 was made by Vice Mayor Fox, seconded by Councilmember Muennich. VOTE: ALL YEAS

ORDINANCE 2000-132 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE MASON CITY SCHOOL BOARD FOR SITE SERVICES FOR THE MUNICIPAL BUILDING PROPERTY

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

Scot Lahrmer stated the Mason City Schools have entered into a contract for site development work for the new high school and Community Center. One of the alternates their architects have specified included stripping and stockpiling topsoil from the Municipal Building site, excavating and hauling fill dirt to the Municipal site, and construction of the north entry drive between the lease line and Mason Montgomery Road. These items total \$182,691.24. Considering the City's architects have determined fill dirt would be required and the cost would far exceed the cost per cubic yard this agreement will provide, staff is recommending approval of this legislation which authorizes a not to exceed price of \$182,691.24. Scot Lahrmer also stated this arrangement has an added savings since the schools do not have to pay prevailing wage.

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

A motion to adopt Ordinance 2000-132 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2000-133 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WILLIAM GOLDFEDER FOR CONSULTING SERVICES

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

Scot Lahrmer stated while Chief Goldfeder has submitted his resignation, he has agreed to continue to assist the City in preparing an Emergency Operations Center planned for the new municipal building. This center will be programmed and equipped to function in emergency situations as a central location for planning, decision making, strategic response, and a structured way to handle emergencies. Scot Lahrmer explained the Chief has considerable expertise in these matters and will assist in the plans for the center for the next three months. The cost for these consulting services is \$16,800.

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

A motion to adopt Ordinance 2000-133 was made by Councilmember Davis, seconded by Councilmember Pelfrey. VOTE: 6 YEAS, 1 NAY (Staten)

ORDINANCE 2000-134 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO, SECTIONS 723.03, 723.08, AND 723.13 AND DECLARING AN EMERGENCY

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

Mayor McCurley stated this will be a first reading for this modification to the sexually oriented businesses ordinance. The second reading will take place at the September 25, 2000 Council meeting.

ORDINANCE 2000-135 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,050,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF EXTENDING HERITAGE OAK PARK

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

Scot Lahrmer stated the re-issuance of Bond Anticipation notes is required to continue to finance the construction of the Heritage Oak Park expansion. He explained the financing began in 1999 with the authorization of a contract with Sunisis Construction for Phase I and II of the expansion project. The re-issuance of these notes in the amount of \$1,050,000 reflects a principal payment of \$150,000.

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

A motion to adopt Ordinance 2000-135 was made by Councilmember Muennich, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2000-136 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,450,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING LAND FOR COMMERCIAL AND/OR INDUSTRIAL DEVELOPMENT

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

Scot Lahrmer stated Council approved the purchase of 105.499 acres in 1999 for the purpose of ensuring Mason's future industrial tax base. Ordinance 99-158 was passed to provide for the issuance of Bond Anticipation Notes to provide the funding for the purchase of the property. The City's budget provides for a payment on the principal and interest of \$150,000. The original notes mature on October 26, 2000. The new notes will be issued in the amount of \$1,450,000.

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

A motion to adopt Ordinance 2000-136 was made by Councilmember Muennich, seconded by Councilmamber Davis. VOTE: ALL YEAS

COMMUNITY REINVESTMENT AREA APPLICATION

Scot Lahrmer stated Neyer Properties plans to build a facility in the Fountains of Mason at Mason-Montgomery Road and Cedar Village Drive. This will be marketed to companies with professional operations such as legal, engineering, financial and related services. It is estimated the facility will initially house 230 employees with an estimated annual payroll of \$8,050,000. It is recommended by the Economic Development Committee an abatement under the Community Reinvestment Area Program of 100% of real property improvements for a maximum of 10 years for each phase be approved. A motion to grant the recommended abatement of 100% on real property improvements for 10 years to the Fountain TechneCenter office facility was made by Councilmember Davis contingent on the City Manager entering into the agreement with the firm on meeting performance expectations and contingent on the calculated payment being made to the schools. The motion was seconded by Councilmember Beck. VOTE: ALL YEAS

Scot Lahrmer stated a second abatement has been recommended by the Economic Development Committee for Ohio Valley Flooring which intends to renovate the vacant Michelin facility at 4333 Bethany. It is their plan to consolidate regional distribution operations at this location and employ 65 people with a payroll of \$1,500,000. The Committee recommends abating 100% of real property improvements for 10 years contingent upon an annual payment being made to the Mason School District for the term of the abatement. A motion to grant the recommended abatement of 100% of real property improvements for 10 years contingent upon an annual compensation payment to the Mason City School District was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Charelle Rodenbaugh has joined The Community Press and will cover the City of Mason for the newspaper.

A variance has been requested to allow for an overhead electric service drop to a new home located at 231 Kings Mill Road. The Planning Commission has recommended this variance be granted. A motion to allow this variance was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: 6 YEAS, 1 ABSTAIN (Beck)

COMMITTEE REPORTS

Councilmember Staten reported on the activities of the Planning Commission at the monthly meeting held on September 5, 2000.

Councilmember Pelfrey reported the Safety Committee is reviewing the Foxfield Drive traffic situation. The Committee recommends a four way stop sign be installed at the intersection of Mason Road and Main Street. The condition of the sidewalks located downtown is being reviewed. Scot Lahrmer stated it is the homeowner's responsibility to repair sidewalks. He stated while the City has not aggressively pursued this policy, an

assessment process could be utilized to repair the walks within a clearly defined district. Councilmember Pelfrey stated this committee is also reviewing the Sexually Oriented Business Ordinance 2000-134.

Councilmember Davis reported the Finance Committee will be scheduled soon and she requested an Ad Hoc Fire Committee meeting be scheduled.

Councilmember Beck reported he and Councilmember Davis had been working on a lease agreement with the Schools for the new facility. The agreement is in outline form at this time.

COUNCIL OLD AND NEW BUSINESS

It was suggested fountains be utilized to eliminate the stagnant water at the Pine Hill Lake thus correcting the odor problem.

The Senior PGA event is being held this week in Mason at the Golf Center at Kings Island.

AUDIENCE COMMENTS

Rachael Davis addressed Council and asked about the status of a traffic engineer being added to the City staff. She asked if the City could control the speed cars travel on Tylersville and Fireside Drive. She also stated there is a need for a road improvement on Western Row Road.

EXECUTIVE SESSION: LAND ACQUISITION, POTENTIAL LITIGATION

A motion to go into executive session for the purpose of discussing land acquisition and potential litigation was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

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

A motion to add Resolution 2000-17 to the agenda was made by Councilmember Staten, Councilmember Davis. VOTE: ALL YEAS

RESOLUTION 2000-17 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE MASON-MONTGOMERY ROAD WIDENING PROJECT AND THE ENTRANCE/EXIT ROAD TO THE MUNICIPAL BUILDING AND RECREATION CENTER AND DECLARING AN EMERGENCY (CHASE)

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 Staten, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Resolution 2000-17 was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: ALL YEAS


ADJOURN

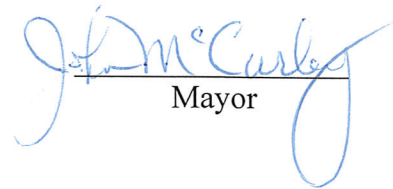
A motion adjourn was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: 2 YEAS, 5 NAYS. Motion failed.

A general discussion followed regarding health benefits for the various categories of employees.

A motion to amend Ordinance 2000-133 to include health related costs on family coverage for the period of the contract was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: 4 YEAS (Beck, Davis, Muennich, McCurley), 3 NAYS (Pelfrey, Fox, Staten) Motion carries.

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


Clerk of Council


Mayor