

**CITY OF MASON
COUNCIL MEETING
MARCH 26, 2001**

Mayor McCurley called the meeting to order at 7:03 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

A motion to approve the minutes of the March 12, 2001 worksession was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: 5 YEAS, 2 ABSTAIN (Beck, Pelfrey)

A motion to approve the minutes of the March 12, 2001 Council meeting was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: 5 YEAS, 2 ABSTAIN (Beck, Pelfrey)

RECOGNITION OF PARK VOLUNTEERS

Lorri Fox introduced Jamie Schoor, Recreation Programmer in the Parks and Recreation Department who introduced the volunteers from the Park Department. The gold awards were presented to the volunteers with over 50 hours served. They are as follows: Laura Allen, Frank Bailey, Bill Boop, Ted Boop, Betty Emerson, Teri Campbell, Ginny Sundin and Casey Wittekind. The silver awards were presented to the volunteers with 25-49 hours of service. The following is a list of recipients of the silver award: Dan Bobinger, Kevin Collins, Fiona Crawshaw, Susan Gardner, Danny Inderhees, Michelle Lanham, Ballard Morton, Billie Jean Morton, Patty Quill and Ernie Stickler. Council thanked all the volunteers for helping the Parks and Recreation Department with their various programs.

PRESENTATION OF UNITED WAY AWARD TO BOB BEHAN

Mayor McCurley presented Bob Behan, Supervisor in the Public Works Department, with the Bronze Award the City received for the contributions employees made in the Warren County United Way 2000 Campaign. Bob Behan thanked all the employees for their efforts and generosity and gave examples of the activities in which the employees participated.

MASON WATER TOWER-JONATHAN NIEMEYER, HAMPTON VILLAGE RESIDENT

Mr. Jonathan Niemeyer, Hampton village resident, addressed Council and stated he represented a group of homewowners from the Hampton village Subdivision that are opposed to the City's water tower planned for Mason road. He stated it is across the street from his subdivision, the city proceeded without any input from the residents, the city is ignoring the current zoning restrictions. He further stated he met with the City Manager and was discouraged by the outcome of that meeting, as it seemed imperative the City was not willing to relocate the Tower. Scot Lahmer stated the location of the tower is not negotiable, however, the city did state in the previously mentioned meeting they are willing to listen to resident's ideas on landscaping the tower or the surrounding property. Mr. Niemeyer stated the opposition also feels this tower will devalue their property and they are not even able to access this water service. Mayor McCurley stated the city currently has two other towers located in the township and they abut residential areas. He elaborated the site was chosen because of the elevation. He also stated the subdivision Mr. Niemeyer resides in currently receives their water from a tower Butler County recently built which is in view of this subdivision and is outside of their jurisdiction. Councilmember Pelfrey stated she had researched this subject and had canvassed other communities to determine how they select sites for water tower. She explained she asked the following same four questions to numerous communities and a leading engineering firm that specializes in water tower construction: where is the source of their water; are their towers located within the city limits; who do they serve and what criteria do they use when selecting a new site. She stated the response was consistently the same. The site is driven by elevation. It is common to locate towers outside municipal boundaries and it is not customary to seek residential approval prior to decisions being made. Mayor McCurley stated two years ago a minor drought was experienced in this area and the City began to seek options to improve the water supply. As a result of that move, the City purchased water from the City of Cincinnati and part of that plan was the erection of a water tower in this vicinity. Mr. Louis of 4734 Hampton Pond Lane addressed council and stated everyone was frustrated and asked if there was any alternative the city would consider. Scot Lahmer stated the site is firm but the City will discuss other details such as landscaping. He said the deadline for any input is March 30, 2001. Councilmember Fox stated the cost of the tower is approximately \$10,000 per foot of elevation. He also stated the school owns property on Mason Road and there may be a school there in the future. They will need increased water pressure. There may be a time in the future when this system will be connected with Butler County to add a regional strength to the water system in the area. Council stated the township indicated they wanted the site for a fire station. At that time, the City suggested sharing the site but the township refused. The City has designed the tower so that a fire station or garage could be placed in the base. At this time there is no plan to do so. Mr. Rick Kaeser of 6825 Waterbury Lane stated the problem is the residents feel violated. They wonder what could happen next. Is the City planning on placing a water treatment plant there? Council replied they have no intention of placing one on this property. Water towers are a common occurrence. Mrs. Chang of 4979 Hampton Village Drive addressed Council and stated they are worried about a decreased property value. Mayor McCurley responded the city does not feel this will happen.

RECOGNITION OF VISITORS

Mr. David Frederick of Laurel Woods Court addressed Council and asked if Council was considering the proposal that the residents gave to Council regarding the Mason-Montgomery Road widening. Scot Lahmer stated the City is considering the proposal and gave Mr. Frederick a copy of the modified plans.

Mr. Richard Cox of 3425 Broken Ridge in the Crooked Tree subdivision addressed Council and stated he is concerned about the widening of RT 42 in front of his business. He stated he will find it almost impossible to exit his property. He also stated several other businesses in this area share his concern. He requested a meeting prior to the planning stage of the road improvement. The city has received an Issue 2 grant for that project and just received it. The road improvement has not been designed. Mr. Cox was instructed to contact the City Manager to discuss the matter.

Councilmember Davis requested a better drawing of the Mason-Montgomery Road improvement as planned.

RESOLUTION 2001-06 PROCLAIMING APRIL 8-14, 2001 AS INTERNATIONAL BUILDING SAFETY WEEK

The Resolution was read by Eric Hansen.

He stated the purpose of this legislation is to generate public attention and recognize the employees of the City's Engineering and Building Department in their efforts to increase public awareness of their efforts. He also stated the Building Department provided 10,661 inspections and issued 1,159 permits in the year 2000. The department protects the community's interest in ensuring that construction meets accepted life-safety regulations.

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

A motion to adopt Resolution 2001-06 was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS

ORDINANCE 2001-43 AUTHORIZING THE CITY MANAGER TO GRANT A RIGHT-OF-WAY EASEMENT FOR PUBLIC HIGHWAY AND ROADSIDE DRAINAGE PURPOSES TO THE BOARD OF WARREN COUNTY COMMISSIONERS ALONG THE SOUTH SIDE OF MASON ROAD ACROSS THE FORMER HOSKINS PROPERTY

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

Scot Lahmer stated the County Engineer, Neil Tunison, is planning to improve the intersection of Butler-Warren and Mason Roads this summer. This project will include a

new traffic signal and left turn lanes. The scope of the project will extend beyond the City's water tower property, located on the south side of Mason, Road east of the intersection. Mr. Lahrmmer stated this improvement would benefit the city's residents and recommends approval of this legislation which grants the necessary easements. Council requested a letter be sent to the Neil Tunison requesting the improvement of Butler-Warren Road as it is seeing higher amount of traffic.

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

A motion to adopt Ordinance 2001-43 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2001-44 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TENNIS TECHNOLOGY, INC. FOR THE HERITAGE OAK PARK TENNIS AND BASKETBALL COURT RECONSTRUCTION

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

Scot Lahrmmer stated the condition of the tennis courts at Heritage Oak Park continue to decline. The City has gone out to bid for the reconstruction of the courts, as the continuation of mending the cracks over the years has not proven to be an answer to the reoccurring problem. One bid was received from Tennis Technology, Inc. There proposal is to remove par of the fence, remove and resetting new tennis and basketball posts, installing a geotextile membrane on top of the current surface and then installing 6' of crushed stone using totally automated laser equipment to obtain a 1% slope, installing 3" of asphalt, replacing the fence and installing the new surface coat and playing lines. The cost for this project is \$99,985, which is within the budgeted amount. A general discussion followed among Council. It was stated that typically a one-year warranty accompanies this type of work.

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

A motion to adopt Ordinance 2001-44 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2001-45 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FINKBEINER, PETTIS & STROUT, INC. FOR CONSTRUCTION ADMINISTRATION SERVICES NECESSARY FOR THE EXTENSION OF WATER AND SEWER MAINS FOR THE MUNICIPAL COMPLEX, RECREATION CENTER AND LOU EVES SWIMMING POOL

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

Scot Lahrmmer explained Council has awarded the contract to W.G. Stang for the construction of the water and sanitary sewer main extension for the municipal complex, recreation center and swimming pool. He stated along with this project, Bayer and Becker were to perform the duties of construction administration and inspection. It has been determined they currently do not have the staff to complete this part of there agreement so as an alternative, the construction management portion will be completed by Finkbeiner, Pettis & Strout, Inc. The inspection portion will be completed Ramon Bernardo, one of the City's subdivision inspectors. This saves the City approximately \$22,000 over using FPS inspectors. The balance on the Bayer and Becker contract will be applied to the FPS contract.

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

A motion to adopt Ordinance 2001-45 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2001-46 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CDS ASSOCIATES FOR THE NEGOTIATION AND APPRAISAL SERVICES NECESSARY FOR THE INSTALLATION OF A TRAFFIC SIGNAL AND REALIGNMENT OF APPROXIMATELY 800 FEET OF SNIDER ROAD SOUTH OF U.S.42

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

Scot Lahrmmer stated this legislation is necessary to acquire the necessary right-of-way for the realignment of Snider Road with US 42. The cost of the contract to CDS Associates for negotiation and appraisal services is not to exceed \$15,500.

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

A motion to adopt Ordinance 2001-46 was made by Councilmember Staten, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2001-47 APPROVING THE REPLAT OF EAGLE VIEW VILLAGE, SECTION TWO, PHASE 25, LOTS 221-224

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

Richard Fair stated Ordinance 2201-47 and 48 both deal with the developer requesting a replat of the property so they may proceed with the sale of individual condominium units. 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 2001-47 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2001-48 APPROVING THE REPLAT OF EAGLE VIEW VILLAGE, SECTION THREE, PHASE 43, LOTS 225-228

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 Ordinance 2001-48 was made by Councilmember Staten, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2001-49 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$9,508.01 TO INCREASE THE CONTRACT OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE TYLERSVILLE ROAD EXTENSION AND WIDENING PROJECT

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

Scot Lahmer stated the purpose of this legislation and Ordinance 2001-50 is to approve the additional costs incurred for the Tylersville Road improvements due to requested changes. The change orders resulted from a request for additional underground conduit be installed which would be used for telephone and electric cables. This also included requesting additional signal cable for the traffic signal to be installed at Foxfield. Due to an error made by Reynolds Construction when they installed the 20" water main in Tylersville Road, the costs were increased. The \$7,079.10 expense for the correction will be subtracted from the funds remaining in the Reynolds contract. As these were not part of the original contract, ODOT is requesting the City pay the total cost without the 80-20 split that occurred on the original project. The total costs for Ordinance 2201-49 is \$9,508.01 to be paid to ODOT and for Ordinance 2001-50 is \$22,700 to be paid to SK Construction, Inc.

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

A motion to adopt Ordinance 2001-49 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2001-50 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$22,700.00 TO INCREASE THE CONTRACT OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE TYLERSVILLE ROAD EXTENSION AND WIDENING PROJECT

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

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

A motion to adopt Ordinance 2001-50 was made by Councilmember Muennich, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2001-51 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARRETT PAVING CO. FOR THE 2001 STREET MAINTENANCE AND RESURFACING PROGRAM

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

Richard Fair explained to Council the purpose of this legislation is to award a contract for both street maintenance and resurfacing. He explained further this is being done with one contract this year in an effort to simplify the administration. The lowest and best bid was received from Barrett Paving for \$798,346. This amount is over what projected in the budget however, due to a refund from the State of Ohio on the SR 741 Improvement, Public Works Committee has recommended it be applied to our street program.

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

A motion to adopt Ordinance 2001-51 was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS

CITY MANAGER'S REPORT

A Council Worksession will be held on April 3, 2001 from 5:00 to 7:00 p.m. at the Chamber of Commerce offices. The topic will be water reclamation issues.

Public Meetings will be held on the Comprehensive Plan. The public is invited.

The Cedar Village Drive Fire Station will be dedicated on Saturday March 31, 2001 at the site. It will occur from 2-4:00 p.m. Residents are invited to attend.

COMMITTEE REPORTS

Councilmember Davis stated the Solid Waste Committee had met and reported they are still considering a generation fee. She stated the Big Foot Landfill has been closed. She also stated House Bill 592 in the General Assembly could have an impact on this issue and she will keep Council informed.

Councilmember Davis reported the Veteran's Memorial Committee had met and has decided to use the City's architect, MSA, for input on the design.

COUNCIL OLD AND NEW BUSINESS

Councilmember Muennich asked about the status of Butler-Warren Road and US 42. Richard Fair responded the Warren County Engineer is coordinating the project. He asked about whom reports street lights that are out. Scot Lahmer responded the Police Department, various employees and the Public Works Department. Councilmember Muennich stated he is waiting on a report on the number of water main breaks that have occurred in 2001 and he asked about the status of the cemetery study. Scot Lahmer responded the firm has been contacted regarding the cemetery and we are waiting for a response.

Councilmember Davis commented on the new census figures that have been released. She stated the MRDD could be a source for employers looking for workers.

Councilmember Pelfrey congratulated the Merit Scholarship finalists.

Mayor McCurley reported he had an opportunity to meet with Senator Voinovich recently to discuss unfunded mandates.

RECOGNITION OF VISITORS

None

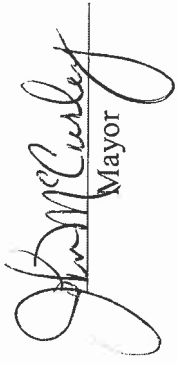
EXECUTIVE SESSION

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

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

ADJOURN

A motion to adjourn was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS
TIME: 9:53 p.m.


Clerk of Council
Mayor