

**CITY OF MASON  
COUNCIL MEETING  
AUGUST 13, 2001**

The meeting was called to order by Mayor McCurley at 7:04 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 July 23, 2001 meeting was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: 6 YEAS, 1 ABSTAIN (Staten)

**PLEDGE OF ALLEGIANCE**

Mayor McCurley asked Roger Yost, Commander Veterans of Foreign Wars Post #9622, Jimmy Freeze, Commander American Legion Post #194 and Tyson Smith, Eagle Scout to lead the pledge of allegiance.

**MASON VETERAN'S MEMORIAL PRESENTATION**

Councilmember Beck as Chairman of the Veterans Memorial Committee, introduced the members of the Executive Committee and introduced Cay Steinhauer, Chair of the Design Committee. Rick Tripp of Michael Schuster Associates presented the visual design of the memorial and gave a brief history of how the design evolved.

**RECOGNITION OF VISITORS**

Mayor McCurley recognized Tyson Smith for achieving the rank of Eagle Scout.

John Mays of 220 Kings Mill Road addressed Council and thanked the members of Council that responded to his invitation to come to his home and view the stormwater problems he is experiencing. He said he has located on his property 28 drains. He said his trees are threatened and his house is next. He stated he is not located in a flood zone and therefore cannot get flood insurance. Richard Fair responded the City has been out twice to his address and the City's insurance carrier has looked at the site. The City does not assume liability for the dam. The City has never maintained the dam. Mr. Mays said it is in a weakened state and unstable and if it goes, the properties downstream from it would experience much damage. Mr. Fair stated no easement exists for the water but the dam has been weakened by actions done by Mr. Mays. Councilmember Muennich stated the City has installed a culvert opposite this property and it discharges onto the site. Mr. Mays said the dam and lake have been there for approximately 60 years. Mr. Mays said

the damage has happened over years. He said in the past the previous owners complained to the City. Council responded they have no record of the previous owners complaining to the City. Mr. Mays stated he accepts being the lowest point for a natural watershed but piped water is not natural. He said he has a video of the situation he would like to show. He said the solution is to take the pipe all the way to Muddy Creek. Mayor McCurley referred the matter to Utility Committee. Mr. Mays stated the problem needs immediate attention. Ken Schneider, Law Director, stated the insurance company reviewed the matter and said it appears the owner is responsible for correcting this problem. He said the Utility Committee reviewing the matter and gathering all the data would be appropriate.

Mr. Ron Barrett of 207 Kings Mill Road addressed Council and stated the creek beside his home was out of its banks with the rain we had last Saturday. He said he is experiencing increased water from the construction site behind his property. He said the water dumped gravel on the road and walk and washed his driveway out. He said he needs immediate attention on this matter. He wants to build a new driveway but this must be fixed first. He stated the current residents need attention on these matters rather than the City spending money on grand projects. He said he is willing to join in this effort with other residents experiencing the same problems. Mr. Mays asked if there was money to fix the problem. He said perhaps we should not be approving bikepaths until these matters are resolved. Mr. Ron Barrett asked why the City is trying to buy the tennis stadium if they are faced with infrastructure problems. Councilmember Davis stated the amount of money spent on stormwater problems will be generated from the stormwater utility fee just recently put in place. In the past is has come from the general revenue and the amount has increased every year. She stated the money for landscaping the road projects comes from an entirely different source.

Mr. Dave Lutz of 208 Kings Mill Road addressed Council and stated he has been here 67 years and we have more water than ever before. He said the last little rain results in solid mud coming down the creek. The creek is twice as wide as it use to be.

Mr. Tom Britton of Lakeview Drive said he is on the Veterans Memorial Committee and asked if there were funds to do the memorial. Mayor McCurley stated there will be. Mr. Britton said there are 1000 WWII veterans dying per day.

Mary Lou Shields of 5635 Lakeview addressed Council and asked if the City has considered why the current owners want to sell the tennis stadium if it is making money. She stated she has observed cracks in the cement. Mayor McCurley responded it is not the City's intention to fund the purchase from the general fund. If the City buys the stadium, it will be financed another way. He also said it is his understanding the City would not take over the responsibility of maintaining it. Mayor McCurley said this event raises revenue of about 22 million dollars for the region.

**RESOLUTION 2001-23 AUTHORIZING THE CITY MANAGER TO FILE A DRUG ABUSE RESISTANCE EDUCATION (DARE) GRANTS PROGRAM APPLICATION AND TO ENTER INTO AN AGREEMENT WITH THE OHIO ATTORNEY GENERAL, BETTY MONTGOMERY, TO CONTINUE A DARE PROGRAM**

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

Eric Hansen stated the City has participated in the State grant program Drug Abuse Resistance Education (DARE) since 1993. Chief Ferrell introduced Officer Jamie Barker who will be the new school DARE officer. She spoke briefly on how she was looking forward to this opportunity. She replaces Officer Michael Downey, who has been promoted. Chief Ferrell stated this is not a matching grant and it is the departments plan to add a second school officer yet this year.

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

A motion to adopt Resolution 2001-23 was made by Councilmember Pelfrey, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2001-129 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 22.7 ACRES FROM R-1 TO RESIDENTIAL PUD AND APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR THE ROSEMONT SUBDIVISION AKA ARAUJO PROPERTY**

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

Allyn Kuennen addressed Council and stated this is the second reading for this legislation. He said the property is located approximately 1800 feet northeast of the intersection of Butler-Warren County Road and Tylersville Road. The applicant is proposing to rezone the 22.5 acres from R-1 to Residential PUD. Allyn stated after reviewing this proposal, it has been determined the lots are smaller than the City's smallest lots in R-4 zoning. The open space along the flood plain lacks any real use and is not the quality of open space the city normally expects within a PUD. He further stated the plan calls for the modification of the flood plain, which will threaten the mature trees that currently exist on the property. Mason Planning Commission is recommending approval of the concept PUD and rezoning including a variance on the code requirement that 50% of the open space must be useable. Mayor McCurley opened the public hearing at 8:35 p.m. Dave Reibold of Rhein Interests addressed Council and spoke in favor of the development. Councilmember Muennich stated he felt the lots were too small. He asked if there were bikepaths planned for the subdivision. Dave Reibold replied no and the

surrounding subdivisions do not have bikepaths. Councilmember Muennich asked if the trees will survive if the flood plain is modified. Richard Fair responded they will not be preserved if the flood plain is modified. Mr. Reibold stated the developer is interested in keeping the trees as they add to the development. Jim and Lisa Hackler of 6544 Timbers Court spoke against the development as it will lead to more traffic, fewer trees and more water in the creek that is behind their house and is already full. Lisa stated their lot floods with a typical rain. She stated they need to make sure this development decreases the problem. Dave Reibold stated the developer will make sure the plans comply with the City's standards and FEMA. The public hearing was closed at 9:02 p.m. Councilmember Staten said he has concerns over the flood plain and loosing the trees if the flood plain is modified.

Councilmember Staten moved to table this legislation and send it to Planning Commission for further review. The motion was seconded by Councilmember Muennich. VOTE: ALL YEAS

Councilmember Davis asked if the current property owners, Charles and Virginia Araujo, have seen any difference in the creek. Charles Araujo responded the creek has been running lower. He said the land does not slope towards the detention basin. He further stated if the detention basin is placed properly, it will help the situation. Mr. Reibold said the area flowing into the creek will be significantly reduced from the current amount. Council asked if it is possible to increase standards above current engineering levels. Ken Schneider responded yes if it is the same for everyone.

#### **ORDINANCE 2001-130 ADOPTING THE 2001 BICYCLE AND PEDESTRIAN WAY MASTER PLAN**

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

Allyn Kuennen addressed Council and introduced members of the committee who worked on creating the master plan.

Mayor McCurley stated this is a public hearing and opened the hearing at 9:15 p.m. Terry Dull and Don Christianson spoke in favor of adopting the plan. There were no comments in opposition of the plan. The public hearing was closed at 9:38 p.m.

Councilmember Davis stated she would like to see sidewalks in existing subdivisions moved up in priority. Councilmember Pelfrey stated she would like to see the sidewalks repaired in the downtown area.

A motion to adopt Ordinance 2001-130 was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS

**ORDINANCE 2001-104 AUTHORIZING THE CITY MANAGER TO PROVIDE UP TO \$37,333 FOR THE TERM OF DECEMBER 6, 2000 THROUGH DECEMBER 5, 2001 TO THE SOUTHWEST OHIO REGIONAL TRANSIT AUTHORITY (SORTA) FOR THE JOB ACCESS REVERSE COMMUTE PROGRAM THROUGH THE FEDERAL TRANSIT AUTHORITY**

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

Michele Blair introduced Paul Jablonski with Metro to discuss the benefits of the JobBus program. He stated within one year all buses will have bike racks installed. He thanked Council for their past support for this program. He stated during the month of June there were 4000 riders. He explained this program originated with seed money from the federal government. There is no commitment for this money to continue past December of this year. He said there might be state funds available. Councilmember Davis asked if there was any possibility of a route coming from the Butler County area. He replied not at this time. She said what is needed is a regional system as pilot programs do not address this. She suggested bringing counties together for future more effective programs.

A motion to adopt Ordinance 2001-104 was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

**ORDINANCE 2001-134 AUTHORIZING THE CITY MANGER TO ENTER INTO A CONTRACT WITH SOUTHWEST REGIONAL PARAMEDICS, INC. FOR TEMPORARY EMS PERSONNEL**

A motion to read by title only was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: 6 YEAS, 1 NAY (Muennich)

Eric Hansen explained to Council this is a second reading for this legislation. He stated this contract will allow the city to contract for temporary personnel to help fill shifts that are difficult to fill. He stated the intent is to provide temporary fill-in coverage in the interim before the second element of the Fire Organization Committee is realized. The contract will be negotiated once this legislation is adopted.

Councilmember Muennich stated he would like to see the money spent on existing personnel. Mayor McCurley replied this is necessary in case we cannot fill the shifts. It was suggested by Councilmember Davis the contract be negotiated so the City does not have to spend a certain amount of money with this firm.

A motion to adopt Ordinance 2001-134 was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: 6 YEAS, 1 NAY (Muennich)

**ORDINANCE 2001-145 ADVISING THE COUNTY COMMISSIONERS AS TO THE BENEFITS OF ANNEXATION OF PROPERTY INCLUDED IN THE PETITION FOR ANNEXATION FILED BY JOSEPH A. SALLY HERMANN TO THE CITY OF MASON**

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

Scot Lahrmer stated the purpose of this legislation is to comply with the requirement as dictated in the Ohio Revised Code and provide the benefits ordinance for the property petitioning to annex into the City of Mason. This property is located on Mason Montgomery Road north of Bethany Road and owned by Joseph and Sally Herman.

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

A motion to adopt Ordinance 2001-145 was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

**ORDINANCE 2001-146 APPROVING THE REPLAT OF THORNGATE AT WINDEMERE, LOTS 14 AND 21 TO LOTS 14A-14D AND LOTS 21A-21D**

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

Richard Fair explained to Council this legislation will allow the developer to subdivide the property into individual condominium lots for sale.

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

A motion to adopt Ordinance 2001-146 was made by Councilmember Davis, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2001-147 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PARTICIPATION IN THE GREATER CINCINNATI CHAMBER OF COMMERCE REGIONAL MARKETING PARTNERSHIP IN AN AMOUNT NOT TO EXCEED \$25,000 PER YEAR FOR THREE YEARS**

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

Michele Blair addressed Council and introduced Joe Kramer, from the Cincinnati Chamber of Commerce, David Smith with Cineryg and Neil Hensley with the Cincinnati Chamber of Commerce-International. She said this agreement is coming before Council

in an effort to expand the outreach of economic development efforts and establish an even playing field with regional jurisdictions when it comes to making early approaches to targeted businesses considering expansion or relocation. The agreement is for three years with the City's payment being \$25,000 per year. The Economic Development Committee recommends adoption of this legislation.

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

A motion to adopt Ordinance 2001-147 was made by Councilmember Davis, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2001-148 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LSR CONSULTANTS FOR THE DESIGN AND IMPLEMENTATION OF A COMPREHENSIVE COMMERCIAL REVITALIZATION PROGRAM FOR DOWNTOWN MASON**

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

Scot Lahrmmer stated to Council it is now time to enter into a second contract with LSR Consultants for the continuing effort on the downtown revitalization process. It will be the responsibility of LSR Consultants to oversee the work of Poggemeyer Design Group on the revitalization plan, market analysis and continue progress on this initiative. He explained this is a one year contract at a cap of \$3000 per month plus expenses.

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

A motion to adopt Ordinance 2001-148 was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2001-149 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, TO ENACT CHAPTER 723 SEXUALLY ORIENTED BUSINESSES**

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

Councilmember Pelfrey reported the Safety Committee has been working with Ken Schneider and the Community Defense Counsel to ensure the City of Mason's Ordinance regarding sexually oriented businesses is up to date. Ken Schneider stated a thorough review of this ordinance has been completed and a few changes are recommended to bring it up to current case law on this subject. Councilmember Pelfrey stated this is an issue that must be reviewed on an ongoing basis. She recommended the City contract with Community Defense Counsel annually for updates.

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

A motion to adopt Ordinance 2001-149 was made by Councilmember Pelfrey, seconded by Councilmember Muennich. VOTE: ALL YEAS

**ORDINANCE 2001-150 ADOPTING THE 2001 COMPREHENSIVE PLAN OF THE CITY OF MASON, OHIO**

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

A Public Hearing was set by Mayor McCurley for September 10, 2001 at the regular Council meeting.

**ORDINANCE 2001-151 AUTHORIZING THE CITY MANAGER TO PROVIDE \$10,000.00 TO THE BUTLER-WARREN BICYCLE COALITION FOR THE MIAMI-2-MIAMI TRAIL FEASIBILITY STUDY FOR A REGIONAL BIKE PATH**

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

Scot Lahrmer stated Michael Hecker, Parks & Recreation Director, has been working on a collaborative effort forming a coalition with communities in Butler and Warren Counties in coordination with OKI to seek funds from the Greater Cincinnati Foundation Regional Initiative Fund (RIF) for a Miami-2-Miami Bicycle Trail feasibility study. The focus of the study is to analyze and evaluate proposed connections with communities in our region from the Little Miami to the Great Miami Bicycle Trails. Neighboring townships have contributed \$10,000 each towards this endeavor. Mason's contribution of \$10,000 will indicate the City's commitment to bicycle trails and our strong support for regional initiatives.

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

A motion to adopt Ordinance 2001-151 was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

**ORDINANCE 2001-152 DECLARING EQUIPMENT AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO INDEFINITELY LOAN THE EQUIPMENT**

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 City has received a request from the Carlisle Police Department for the use of a piece of equipment the City has replaced. The old unit is currently boxed up and it is not feasible to auction off since the general public has no need for it. The equipment is a machine used to detect the blood alcohol level in suspected drunk drivers. Staff recommends taking this opportunity to help a neighboring community.

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

A motion to adopt Ordinance 2001-152 was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

### **CITY MANAGER'S REPORT**

A worksession will be held with Council on August 20, 2001 at 6:00 p.m. at Mason Christian Village.

A Council walkabout will take place prior to the Council meeting on August 27, 2001. The location will be Hosea Woods Park.

### **COMMITTEE REPORTS**

Councilmember Davis requested the Administration consider moving up the time line for budget approval to be done by the November 26, 2001 meeting.

Councilmember Pelfrey stated there will be a booth at the Heritage Festival informing residents of the Downtown Revitalization Committee progress. She said they are planning an Ice Cream Social for October 7, 2001 at the library.

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

Councilmember Muennich asked about the status of the intersection of Butler Warren Road at SR 42. Richard Fair stated there has been no change. It was suggested a written request be sent to the County engineer asking for an update.

Councilmember Muennich asked if the City has any plans to hire a Fire Chief. Mayor McCurley said the committee is to meet next week and there has been no advertisement for the job at this time.

Vice Mayor Fox stated the Heritage Festival will be held on August 25, 2001.

Councilmember Staten stated City should be check on how effective the silt fences are at the high school construction site and the retention and detention areas. Councilmember

Staten asked if a homeowners association goes bankrupt, does the City have any protection legally? Ken Schneider will check on this matter.

Councilmember Beck stated the members of the homeowners associations are assessed for any payments needed and if necessary liens are placed against their property. He also stated information regarding the City departments will be available at the Heritage Festival.

Councilmember Pelfrey stated information on the Veteran's Memorial and the new municipal building will be available at the Heritage Festival.

Mayor McCurley stated there will be a 5k run at 8:00 a.m.prior to the festival with the parade which starts at 10:00 a.m.

A request for a liquor permit has been received for Vintner Select. A motion to not hold a hearing was made by Councilmember Davis, seconded by Councilmember Muennich.  
VOTE: ALL YEAS

Mayor McCurley stated Council participated in a walkabout prior to tonight's meeting to Tylersville Road. The purpose was to view the progress of the road improvement project.

Mayor McCurley stated he would like the matter of separating sewer charges from water charges for purposes of lawn watering to be reviewed by the Utility Committee.

#### RECOGNITION OF VISITORS

None

#### EXECUTIVE SESSION: PERSONNEL AND LAND ACQUISITION

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

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

#### ADJOURN

A motion to adjourn was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS  
TIME: 12:08 a.m.

  
Clerk of Council

  
Mayor