

**CITY OF MASON  
COUNCIL MEETING  
AUGUST 27, 2001**

Mayor McCurley called the meeting to order at 7:06 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 13, 2001 Council Meeting was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to approve the minutes of the August 20, 2001 Council Work Session was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**RECOGNITION OF VICKIE LARCOMB FOR PRESENTATION OF THE DAVID LYON FLOAT AWARD**

Mayor McCurley introduced Vickie Larcomb who announced the winner of the David Lyon Float Award, the Grace Baptist Church. She stated this is the 37<sup>th</sup> parade.

**RECOGNITION OF YEAR 2001 CITY OF MASON SMALL BUSINESSES**

Paige Bryan of the Economic Development Department and Mayor McCurley recognized the following small businesses: Senior Flaherty Insurance, Dr. Gary Hardin, Fanuc Robotics and Mason Framing Gallery. John Harris, President of the Mason Landen Kings Chamber of Commerce, and Bonnie Scherk of the Small Business Administration also spoke congratulating the recognized businesses.

**RECOGNITION OF VISITORS**

Mr. Ron Barrett of 207 Kings Mill Road addressed Council and stated he is representing a group of residents that is growing in number and they all have concerns on stormwater issues. He stated the purpose of this organized effort is to provide a place where residents can register their concerns, gather details and advise people of legal recourse or any litigation. He said the stormwater problems are all over not just in Mason. He said they plan to keep attention on the matter. Mayor McCurley responded the City is willing to work together to resolve the problems. He stated the City has been proactive with the creation of the Stormwater Utility. Councilmember Muennich asked if the Utility Committee has met to discuss the Mays property matter. Vice Mayor Fox responded the Committee will meet Wednesday night. Mr. Tom Speed of 3542 Crooked Tree Drive

addressed Council and said he is concerned about the development on the Zopff property. He said the drainage from this development will empty onto his property where there is already a problem. He also said he is concerned about the safety in the area as the trucks working on the Zopff development are speeding in front of his home. He said the police have been called but there is not enough staff to solve the problem. Mayor McCurley responded this development on the Zopff property is outside the City and thus limits what the City can do on this matter. Councilmember Staten suggested the matter be referred to the Safety Committee for those not adhering to the speed limit. He also suggested challenging the County's calculations for stormwater requirements for this development. Mayor McCurley suggested a sign be placed at the corporation line stating the end of city services. Councilmember Davis suggested the City should look at the channeling as well as the retention and detention in the area. The Engineering office will look into the matter and the Legal Counsel will look into what legal recourse the City has to protect land inside the corporation from excessive watershed. It was questioned whether the City must allow the street to connect. It was asked if it could be made a cul-de-sac. Ken Schneider will review the matter.

Steve and Janelle Burnett of 3541 Crooked Tree Drive addressed Council and stated they are concerned about erosion problems. He asked if the City would consider rip wrapping the areas that are eroding away. He also stated there is a lot of dirt on the street. Mayor McCurley responded the City does not allow this. Residents should contact the city.

Joan Barnhill addressed Council and stated she was a flood victim and urged the City to do whatever possible to correct the problems.

Ron Barrett addressed Council and quoted an article from the Cincinnati Enquirer regarding widespread stormwater problems.

Jeannette Ellis of 202 E. Circle Drive addressed Council and stated water stands in her yard constantly. She said the health department has sprayed for mosquitoes several times. She would like the problem fixed. She said the railroad does not cut the grass. The City will send a letter to the railroad notifying them of this problem. Richard Fair stated he is aware of the problem and the railroad should be maintaining the ditch.

**ORDINANCE 2001-153 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAMP, DRESSER & MCKEE FOR THE ENGINEERING DESIGN SERVICES ADDRESSING FLOODING IN DAVIS RUN**

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

Scot Lahmer explained to Council the Engineering Department has assessed the problems the City has regarding flood damage from the July 17<sup>th</sup> rainfall and has prioritized sites. One of the most critical sites is the floodplain along Davis Run. Davis Run, he explained, lies between Western Row Road and Tylersville Road and includes

the Woodcreek, Manhasset Village, Crestfield, and Winding Creek Subdivision. Staff requests a consultant be hired to determine the revised FEMA Floodplain and make recommendations to reduce flooding in the watershed. This legislation is for a not to exceed cost of \$73,985.

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

Councilmember Staten stated the City should take inventory of retention and detention basins. He said they should see if they have been installed correctly and maintained. He also stated the City needs to do more and it should be paid for out of the general fund.

Vice Mayor Fox asked if it is possible to expand on the national standards. Richard Fair stated Ordinance 2001-154 deals with this matter.

A motion to adopt Ordinance 2001-153 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

**ORDINANCE 2001-154 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FULLER, MOSSBARGER, SCOTT, & MAY FOR THE ENGINEERING DESIGN SERVICES NECESSARY FOR THE PINE HILL LAKE DAM**

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

Scot Lahrmer explained to Council many erosion and drainage problems surfaced within the City as a result of the July 17<sup>th</sup> rainfall. The most critical of these sites is at Pine Hill Lake. He said staff is requesting a consultant experienced in dam repair and redesign be hired to evaluate the damage to the Pine Hill Dam and submit proposals for correcting the problem. This legislation allows for a contract to be awarded to the firm of Fuller, Mossbarger, Scott, & May in the amount of \$162,780.

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

A motion to adopt Ordinance 2001-154 was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2001-155 ADVISING THE COUNTY COMMISSIONERS AS TO THE BENEFITS OF ANNEXATION OF PROPERTY INCLUDED IN THE PETITION FOR ANNEXATION FILED BY MARK AND KIMBERLY SCHAPPACHER TO THE CITY OF MASON**

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

Scot Lahmer explained to Council the Ohio revised code requires the City to file a benefits ordinance for each annexation petition the City receives. This legislation fulfills that requirement for the Schappacher property located on the east side of Mason Montgomery Road and contains 2.7 acres.

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

A motion to adopt Ordinance 2001-155 was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

**ORDINANCE 2001-156 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INCENTIVE GRANT AGREEMENT WITH LENSRAFTERS, INC. IN AN AMOUNT NOT TO EXCEED \$500,000**

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

Scot Lahmer explained to Council this legislation is the final step in the recruitment of the 30+ million dollar Lenscrafters corporate headquarters project. He said the Economic Development Committee recommended the City of Mason provide both a CRA agreement abating new capital investment for a period of 15 years and an incentive grant agreement to underwrite the cost of the infrastructure improvements necessary for the development of a 43-acre site. He said the Engineering Department estimated the cost for infrastructure improvements could exceed \$1.4 million however, the City negotiated an incentive package whereby the City's investment into infrastructure would not exceed \$500,000. These improvements include sanitary sewer and water lines, storm sewers, pavement and utility crossovers in the right-of-way.

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

A motion to adopt Ordinance 2001-156 was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2001-157 APPROVAL OF THE FINAL PLAT OF THE OAKS OF CROOKED TREE SUBDIVISION, SECTION 6, BLOCK "B"**

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 developer of this subdivision is requesting the final approval of the Oaks of Crooked Tree Subdivision, Section 6, Block "B". He said the final plat is consistent with the revised plat and is consistent with the Thoroughfare Plan and 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 2001-157 was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2001-158 APPROVAL OF THE FINAL PLAT OF PARKSIDE SUBDIVISION, SECTION 2, BLOCK "C"**

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

Richard Fair explained to Council the next two ordinances deal with the same subdivision. He stated the final plat in Ordinance 2001-158 actually reduces the density of the subdivision and Ordinance 2001-159 increases the amount of open space. Staff and Planning Commission recommend approval.

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

A motion to adopt Ordinance 2001-158 was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS

**ORDINANCE 2001-159 APPROVAL OF THE FINAL PLAT OF PARKSIDE SUBDIVISION, SECTION 3 BLOCK "B"**

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

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

A motion to adopt Ordinance 2001-159 was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2001-160 ACCEPTING THE PUBLIC IMPROVEMENTS FOR HERITAGE CLUB SUBDIVISION, SECTION 7, AND RELEASING THE PERFORMANCE BOND**

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

Richard Fair stated the purpose of this legislation is to release the performance bond and accept the public improvements as recommended by staff. He said this subdivision includes a small portion of Maxwell Drive in the Heritage Club Subdivision. He stated

the inspections by the various departments have been completed and staff is recommending approval.

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

A motion to adopt Ordinance 2001-160 was made by Councilmember Davis, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2001-161 AUTHORIZING THE CITY MANAGER OF THE CITY OF MASON TO NOMINATE MICHAEL HECKER, DIRECTOR OF PARKS & RECREATION TO SERVE AS A MEMBER OF NATURAL RESOURCES ASSISTANCE COUNCIL IN THE 10<sup>TH</sup> PUBLIC WORKS COMMISSION DISTRICT, STATE OF OHIO**

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

Scot Lahmer explained with the passage of House Bill 3, the Clean Ohio Program has been created. He stated with this legislation, an opportunity exists for the City to participate with the disbursement of funds for the acquisition and development of open space. He recommends the appointment of Michael Hecker, Director of Parks and Recreation Department, to serve on the Natural Resources Assistance Council.

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

A general discussion followed and it was decided to show the highest level of interest in this effort for Issue 1 funds. It was decided to add David Riggs and Terry Schulte to the list of nominees for the appointment to the commission. It was also stated a letter should be sent to the County and members of the Committee to encourage these appointments.

A motion to amend Ordinance 2001-161 to include David Riggs and Teresa Schulte was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2001-161 as amended was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS

**ORDINANCE 2001-162 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$31,902.00 TO INCREASE THE CONTRACT OF W.G. STANG, INC. FOR THE EXTENSION OF WATER AND SEWER MAINS FOR THE MUNICIPAL COMPLEX, RECREATION CENTER AND LOUEVES SWIMMING POOL**

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

Scot Lahmer explained to Council three change orders are necessary to provide the extension of water and sewer mains for the municipal complex. He said the change orders involve changes to the various manholes and an upgrade to the water line to the pool. The total amount for the change orders is \$31,902.

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

A motion to adopt Ordinance 2001-162 was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2001-163 DECLARING CERTAIN VEHICLES AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO ADVERTISE, AUCTION AND TO ENTER INTO A CONTRACT FOR THE SALE OF SAID VEHICLES**

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

Eric Hansen explained to Council as in years past, the City has arranged with the Cincinnati Auto Auction, to sell vehicles that have been declared as surplus. This process is efficient in that it allows the City to dispose of surplus property faster, realize a competitive financial return and forgo the administrative time of organizing a full auction.

John Harris addressed Council and asked if the stage that is listed as surplus be used by Deerfield Township for Deerfield Days. He said he was in charge of the event this year and this would greatly add to its success. He said the Chamber would take care of any liability. Scot Lahmer stated the only concern the City may have is storage of the stage if it is not included in the auction of surplus vehicles. He said the auction could be delayed and a rental for the stage could apply. Council agreed to assist the township with the use of the stage.

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

A motion to adopt Ordinance 2001-163 was made by Vice Mayor Fox, seconded by Councilmember Davis. VOTE: ALL YEAS

**ORDINANCE 2001-164 ESTABLISHING THE SALARY ADMINISTRATION AND PROVIDING FOR MERIT INCREASE CONSIDERATION ON AN ANNUAL BASIS AND DECLARING AN EMERGENCY**

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

Eric Hansen stated the Employee Relations Committee has met and is recommending a 5% merit pool be established for this years non-contractual employees. He said some employees performing a good job would receive the approved percentage and above average employees could receive more while below average employees could receive less.

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

A motion to adopt Ordinance 2001-164 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2001-165 REJECTING ALL BIDS FOR THE HYDRAULIC ELEVATORS NECESSARY FOR THE NEW MASON MUNICIPAL CENTER**

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

Eric Hansen stated the next two ordinances deal with the elevator for the new municipal center. The first ordinance 2001-165 rejects the bids as only one bid was received. Ordinance 2001-166 awards the contract to Schindler Elevator as the best and lowest bid. He said the cost is \$159,007 and has been reviewed by the Employee Building Committee, Dugan Meyer and MSA.

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

A motion to adopt Ordinance 2001-165 was made by Vice Mayor Fox, seconded by Councilmember Davis. VOTE: ALL YEAS

**ORDINANCE 2001-166 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SCHINDLER ELEVATOR FOR THE HYDRAULIC ELEVATORS NECESSARY FOR THE NEW MASON MUNICIPAL CENTER**

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



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

A motion to adopt Ordinance 2001-166 was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2001-167 APPROVAL OF THE DEDICATION PLAT OF U.S.42, WEST OF S.R. 741**

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

Richard Fair explained to Council the owner of the Super 8 Motel is requesting approval of the dedication plat for US 42 in front of the motel. He said the plat dedicates 0.267 acres of right-of-way from the 2.753 acre tract. Planning Commission and staff recommend approval.

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

A motion to adopt Ordinance 2001-167 was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

A worksession is scheduled for September 5 at 5:00 p.m. at the Mason Christian Village.

A Council walk about is scheduled for September 10 prior to the Council meeting. The location is the Mason Montgomery Road construction area.

The final paving of Tylersville begins tomorrow.

**COMMITTEE REPORTS**

Councilmember Beck stated the Veteran's Memorial Committee is currently in the process of receiving estimates for the structure. They plan to have these ready to present to Council by September 19. He also stated brick pavers are for sale to anyone.

Councilmember Pelfrey reported the booth displaying the model of the Municipal Center and Veteran's Memorial was well received by the residents. She stated we must remember this is for everyone to enjoy not just City of Mason residents.

## COUNCIL OLD AND NEW BUSINESS

Councilmember Muennich asked if the City has begun the process of hiring a new fire chief. Scot Lahmer stated the committee and administration are currently evaluating job descriptions. He stated advertisements are not yet published.

Councilmember Muennich stated ODOT crack sealed Route 42 on Saturday when Heritage Festival was scheduled. He stated this contributed to traffic delays and requested a letter be sent to them informing them of this inconvenience.

Councilmember Muennich stated the City placed a culvert on property adjacent to the Mays property. He stated this has affected the amount of water on the Mays property and he feels the City should be responsive to correcting the problem. He also stated the resident from Crooked Tree affected by the development on the Zopff property should be addressed. He suggested the concerns be conveyed to the Township Trustees. Council agreed a letter should be sent to the County and the Township relaying the residents' and City's concerns.

Councilmember Davis stated she has three issues dealing with Sprint. First she stated we cannot receive service to northern Kentucky and Dayton yet Lebanon is offered these services. She stated when she inquired about this discrepancy, the response from Sprint was that no residents or businesses have requested this service. She suggested all interested parties contact Sprint and she requested the administration also contact the company. She stated the cost of the service would be voted on by the residents. Second she said the intra-state access fee Sprint has notified their customers about is not \$4.10 but in some cases over \$10.00. She said this is a pass through fee Sprint was charging long distance carriers. Sprint stated the long distance carriers are suppose to credit your bill. Councilmember Davis reported this has not been done in her case and advised residents to call the PUCO hot line if this is the case for them. The third item she mentioned is business customers are charged several hundred dollars in some cases and they should maintain a log of these charges as they too are to be credited. She stated she would like administration to contact Cincinnati Bell to see if there is another option for the City and its residents.

Councilmember Davis stated Warner Cable has increased residents bill recently applying a charge for the music media deck. She said she was told by a representative of the company the charge is a result of the upgrade of equipment in the area. She said residents should call the company. She said they installed this charge on her bill without notice. She suggested the City look elsewhere as this is a monopoly.

Councilmember Pelfrey requested an executive session for the purpose of discussing land acquisition.

Vice Mayor Fox requested City administration forward the data on the status of the aquifer to the resident's organization from the central area.

Councilmember Staten suggested an intern be hired to review the current status of the City retention and detention basins. It was suggested an intern's opinion may not be of much value. Scot stated the City staff is overwhelmed right now and a preliminary review may be of no value as it would not be thorough enough. Councilmember Staten said it is very important and should not be delayed. He suggested contacting the Engineering department or hiring temporary help to accomplish it. He said it should include the school property on Mason Montgomery Road.

Councilmember Staten asked about the status of the improvement planned on S.R. 741 at Bethany Road. Richard Fair said it was being held up by the railroad. Councilmember Staten said the tracks by Leggett Platt have been abandoned.

Mayor McCurley stated Council attended a dedication of the Frank Hosea Woods Park prior to the Council meeting tonight.

Mayor McCurley reminded residents of the Farmers Market this Saturday from 8-12:00 this Saturday morning.

He announced the recent inductees into the Mason Athletic Hall of Fame are Duke Flaherty, Jay Koepfle, Jeff Bentley, Kendra Meyer, Lisa Smith, Tracey Hill and Tom Diehl.

#### RECOGNITION OF VISITORS

Mary Varga of 5740 Villa Creek Drive thanked Council for passing legislation tonight to correct flooding problems in the area.

#### EXECUTIVE SESSION


A motion to go into executive session for the purpose of discussing 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 Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS

#### ADJOURN

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

TIME: 10:32 p.m.

  
Clerk of Council

  
Mayor