

**CITY OF MASON
COUNCIL MEETING
OCTOBER 22, 2001**

Mayor McCurley called the meeting to order at 7:07 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

A motion to approve the minutes of the October 8, 2001 meeting was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: 6 YEAS, 1 ABSTAIN (Staten)

RECOGNITION OF COLORING CONTEST WINNERS

Mayor McCurley was assisted by Jennifer Trepal in presenting prizes to the winners of the coloring contest sponsored by the Mason Municipal Center Publicity Committee. There were eight winners total, two in each age category from 3 to 10 years old. Jennifer Trepal thanked the Schools for their assistance in distributing the contest forms. She also asked residents to submit any memories of Mason to the committee. She said they will be compiled and placed in a memory book that will be sold with proceeds going to the Historical Society and the Veterans Memorial Fund. She stated there is also a drawing or photo contest going on for anyone who wishes to participate. She said all favorite photos/drawings should be submitted to the City. More information on this contest appears in the most recent issue of *Mason Matters*.

PROCLAMATION HONORING NAOMI CUNNINGHAM

Mayor McCurley read a Proclamation recognizing the contribution of Naomi Cunningham to the City of Mason and the youth in our area. He stated she operated a dance studio, which was started 40 years ago. Her family was present to receive the Proclamation.

PRESENTATION BY JENNIFER HEFT FOR "MAKE A DIFFERENCE DAY"

Jennifer Heft, Finance Director, addressed Council regarding two efforts the City is undertaking for "Make a Difference Day". Employees are contributing items to be donated to Warren County Community Services and on Saturday will hold a fund raiser for the Wendy Faulkner Memorial Foundation and the Red Cross. Mr. Faulkner was introduced and expressed his thanks for efforts the City was making.

Becky Osborne addressed Council and explained the plans for Saturday the official “Make a Difference Day”. She invited all to participate on Saturday at the park.

Ron Ferrell, Chief of Police, addressed Council and explained how the City is handling the recent threats from terrorists that have occurred across the country. He said the City is handling the matter in a professional manner. He said policies are reviewed annually.

RECOGNITION OF VISITORS

Kathy Thomas of 4929 Mustang Trail addressed Council and asked why the playground equipment was installed first at Heritage Oak Park instead of the restrooms. Scot Lahrmer responded the master plan was completed and it was determined soccer fields were the first priority. He said the playground was installed for the benefit of the families that bring other children to the games to watch one child play soccer. Kathy Thomas said the current restroom facilities are too far away from the fields and it is necessary for many to travel by car. She stated the porta-potties provided are not adequately maintained. Vice Mayor Fox explained the cost of installing restrooms is more than it appears, as it required the installation of utilities. Councilmember Pelfrey suggested portable hand sanitizers such as Cedar Point uses be installed to provide a more sanitary situation until the restrooms can be built. Mayor McCurley requested the City Manager to look into identifying the cost to construct the restrooms separate from the next phase and possibly proceeding with that portion.

ORDINANCE 2001-178 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PREANNEXATION AGREEMENT WITH ROBERT AND DIANE BEATTY REGARDING ANNEXATION AND THE EXTENSION OF WATER SERVICE

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

Scot Lahrmer stated the property in question is located at 4309 Mason Montgomery Road and is owned by Robert and Diane Beatty. He stated they are interested in annexing to the City of Mason and receiving water service. He stated the pre-annexation agreement is necessary for them to receive these services prior to annexing. He stated the annexation process has been started but it will be late spring before it is approved.

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

A motion to adopt Ordinance 2001-178 was made by Councilmember Davis, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2001-179 ADVISING THE COUNTY COMMISSIONERS AS TO THE BENEFITS OF ANNEXATION OF PROPERTY INCLUDED IN THE PETITION FOR ANNEXATION FILED BY GREGORY P. AND DEANNA MULLINS TO THE CITY OF MASON

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

Scot Lahmer stated this property is owned by Greg and Deanna Mullins and is located on the west side of Mason Montgomery Road, north of Sentinel Oak Drive. He said it contains 4.66 acres and in order for the City to be in compliance with the Ohio Revised Code it is necessary to provide an ordinance indicating the benefits of annexation to the parcel in question. He said Ordinance 2001-179 meets that requirement.

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

A motion to adopt Ordinance 2001-179 was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2001-180 ADVISING THE COUNTY COMMISSIONERS AS THE BENEFITS OF ANNEXATION OF PROPERTY INCLUDED IN THE PETITION FOR ANNEXATION FILED BY BOARD OF EDUCATION, MASON CITY SCHOOLS AND BRADLEY J. AND MARILYN R. MITCHELL TO THE CITY OF MASON

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

Scot Lahmer stated this property is located on the north side of Mason Road and contains 78.22 acres. He stated the land is owned by Mason City Schools and Bradley and Marilyn Mitchell. He said both owners wish to annex into Mason and as with the previous ordinance this legislation states the benefits of annexation and complies with the Ohio Revised Code.

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

A motion to adopt Ordinance 2001-180 was made by Vice Mayor Fox, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2001-181 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THELEN ASSOCIATES FOR GEOTECHNICAL TESTING SERVICES NECESSARY FOR THE WIDENING OF MASON-MONTGOMERY ROAD FROM TYLERSVILLE ROAD TO CHURCH STREET

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

Scott Lahrmmer stated the City staff has been managing Mason-Montgomery construction with a project engineer, one full time inspector, and a geotechnical engineer. He said the geotechnical engineering services have been provided by Thelen Associates on the project for an amount not to exceed \$9,000. Due to poor soil conditions, staff has requested additional testing to assure the stability of the roadway. The additional testing has caused the original contract amount to be exceeded. Staff estimates a total of \$15,000 should be adequate to complete the project. This is an additional \$6,000 from the original contract. Scott noted the road improvement does not include landscaping for this phase. It will be done in the future. Mayor McCurley stated the road will be open by December 7, 2001 for two lanes of traffic.

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

A motion to adopt Ordinance 2001-181 was made by Councilmember Davis, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2001-182 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$38,300 TO INCREASE THE DESIGN CONTRACT OF BAYER-BECKER ENGINEERS FOR THE WIDENING OF MASON-MONTGOMERY ROAD FROM CHURCH STREET TO TYLERSVILLE ROAD

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

Scott Lahrmmer stated this legislation deals with the changes to the design services for the Mason-Montgomery Road widening project. He stated most of the changes were made to reduce the impact on the residents north of the cemetery. He said the total amount of the changes results in an increase cost of \$38,300.

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

A motion to adopt Ordinance 2001-182 was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2001-183 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$31,652.00 TO INCREASE THE CONTRACT OF CINERGY CORP. FOR THE INSTALLATION OF STREET LIGHTING ON INNOVATION WAY

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

Scott Lahmer stated this legislation authorizes a change order in the amount of \$31,652.00 for the installation of 27 streetlights on Innovation Way. The City originally received a cost from Cinergy of \$90,317.00. This price was revised to \$71,652 with the City being responsible for the restoration including trees and unmarked facilities i.e. sprinkler systems. Cinergy is responsible for all boring under pavement. This price reflects an increase of \$31,652 over the original proposal of replacing only a portion of the lights. 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 2001-183 was made by Councilmember Pelfrey, seconded by Councilmember Davis. VOTE: ALL YEAS

CITY MANAGER'S REPORT

*A joint meeting with the Chamber of Commerce and Council will take place on Monday October 29, 2001 at 5:00 p.m. It will be held at the Four Seasons Country Club at 11790 Snider Road.

*In the past, Council has authorized the purchase of a ham or turkey for full-time City employees during the holidays. Councilmember Pelfrey moved the City offer the same items this year. Councilmember Muennich seconded the motion. VOTE: ALL YEAS

*The Chamber has requested a contribution from the City for the Christmas in Mason event. The City previously paid \$3,000 in 2000 and \$2500 in 1999. This year the Chamber is requesting \$5,000. Councilmember Muennich moved to contribute \$5,000 to the Chamber for this event. The motion was seconded by Councilmember Beck. VOTE: ALL YEAS

*The City has been exploring options to keep up with the increasing demand on the City's water supply. One of the options explored has been with the Greater Cincinnati Water Works (GCWW) and their interest in supplying water to the entire city. With the concern the area has over the capacity of the aquifer, it has become clear the city needs another source. Currently through discussions with GCWW, it has become evident if this option is realized, it will mean a reduction of rates by approximately 11%. If the City does not elect to partner with GCWW, there could be a 30% increase in rates to cover the expected demand. Councilmember Davis requested a Public Hearing on this matter as it is a long-term commitment and there may be questions from residents. Councilmember Staten stated GCWW is going to invest millions of dollars into our system and this would be taking a great step in preserving the aquifer. Vice Mayor Fox stated the Utility Committee has reviewed this proposal and feel GCWW is a very professional

organization with a national reputation. The Public Hearing will be held on November 12, 2001 and will be advertised.

COMMITTEE REPORTS

Councilmember Pelfrey announced there will be a Veteran's Day Program held on November 9, 2001 at 10:00 a.m. She stated the event will include lunch at the Tory Center in the Grace Baptist Church. The cost is \$5 per person and will be served at 12:00 p.m. She added reservations are requested and can be made by calling 398-1989. She said Margaret Ringenberg will be the keynote speaker. She said Mrs. Ringenberg flew a plane in WWII when she delivered planes to the east and west coast. She is currently in her seventies and is still flying.

Councilmember Beck stated a meeting will be held on Wednesday at 7:30 a.m. for the Economic Development Committee. He also stated a meeting will take place on October 23 to discuss the fund raising efforts for the Veteran's Memorial.

COUNCIL OLD AND NEW BUSINESS

Vice Mayor Fox stated November 6, 2001 is Election Day and urged people to vote. He added some elections signs have been stolen and it is a slap in the face of democracy.

He also stated leaf pick-up started this week. Leaves will be delivered for compost upon request. He added brush pick-up continues year round. Mayor McCurley said the leaves should be placed in the yards and not in the curbs as they block the storm sewers.

Councilmember Beck stated "Make A Difference Day" will be at 9:00 a.m. on Saturday at Pine Hill Lake Park and Trick or Treat will be held from 6-8 on October 31, 2001. He also stated a golf tournament was held yesterday to benefit the Wendy Faulkner Memorial Fund as part of "Make a Difference Day". He stated this will be an annual event.

Councilmember Staten asked about the status of sidewalks. No action has been taken. Mayor McCurley referred the matter to the Public Works Committee.

Councilmember Muennich stated the Equipment Committee will meet on October 25, 2001. He stated the Fire Department was told to remove flags from the trucks after a certain period of time. He stated he feels they should continue to be displayed. He said the National United Way has stopped contributing to the Boy Scouts due to their stand on homosexuality. Clerk of Council, Terry Schulte, stated she is on the United Way Board of Directors for Warren County and that is not the case for the local organization. Councilmember Muennich said he had been contacted by Mrs. Patti Web of 3914 Laurel Wood Court and she is unhappy about the road construction on Mason-Montgomery Road saying it has inconvenienced her family and neighbors. She stated when the City is contacted, they do respond but not as quickly as she would like. It was recommended Richard Fair contact her to get more details. Councilmember Davis stated Sunessis has not represented the City well. She suggested they be contacted.

Mayor McCurley stated the Kiwanis Pancake Day will be held on November 10 at the high school. The times are from 7-1:00 p.m. He also stated the Halloween Festival was held on Saturday and was well attended.

RECOGNITION OF VISITORS

None

EXECUTIVE SESSION: LAND ACQUISITION AND PERSONNEL

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

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

A motion to add Ordinance 2001-184 to the agenda was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: 6 YEAS, 1 NAY (Muennich)

ORDINANCE 2001-184 MODIFYING THE COMPENSATION FOR LEGAL SERVICES AND DECLARING AN EMERGENCY

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

A motion to suspend the rule was made by Councilmember Staten, seconded by Councilmember Davis. VOTE: 6 YEAS, 1 NAY (Muennich)

Councilmember Muennich stated he could not support this legislation and the resulting expenditure of taxpayer dollars. He said social security isn't being increased

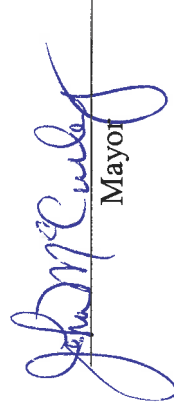
A motion to adopt Ordinance 2001-184 was made by Vice Mayor Pelfrey, seconded by Councilmember Pelfrey. VOTE: 6 YEAS, 1 NAY (Muennich)

ADJOURN

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

TIME: 10:05 p.m.


Clerk of Council


Mayor