

**CITY OF MASON  
COUNCIL MEETING  
NOVEMBER 12, 2001**

Mayor McCurley called the meeting to order at 7:04 p.m.

**ROLL CALL**

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

**APPROVAL OF MINUTES**

A motion to approve the minutes of the October 22, 2001 regular Council meeting was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to approve the minutes of the Council Worksession on October 22, 2001 was made by Councilmember Muennich with one amendment requiring the removal of the comment stating Councilmember Staten seconded the motion to adjourn the meeting. This motion to approve the minutes as amended was seconded by Councilmember Davis. VOTE: 5 YEAS, 1 ABSTAIN (Staten)

**RECOGNITION OF CINERGY AS SPONSOR OF SUNSHINE CONCERT SERIES**

Michael Hecker recognized Tim Abbott of Cinergy for the contribution they have made to the Sunshine Concert Series. He stated the series averaged over 200 people in attendance per concert. He presented Mr. Abbott with a framed poster of the events.

**RECOGNITION BY BECKY OSBORNE OF "MAKE A DIFFERENCE DAY"**

Becky Osborne addressed Council and thanked the City for their support for "Make A Difference Day" 2001. She stated several volunteers were on hand Saturday to help plant trees donated by Marvin's Organic Garden. She also stated over 7000 books were donated and delivered to Over the Rhine and the girl scouts collected 250 pounds of pop tabs. She stated over \$500 was collected from the Skyline and Golf Outing events for the Wendy Faulkner Memorial Fund. Mr. Faulkner was present to express his appreciation.

**PRESENTATION BY JENNIFER HEFT TO PAUL STUBBINS OF SEASONGOOD & MAYER**

Jennifer Heft gave a brief description of the events involving the City employees for "Make a Difference Day". She stated over \$2500 had been raised for the Wendy Faulkner Memorial Fund and presented Mr. Faulkner with a check. She presented Paul

Stubbins of Seasongood & Mayer with a framed award for their contribution and assistance in partnering for the event.

**RECOGNITION OF VISITORS**

Mr. Lou Eves of 4708 Appaloosa Trail addressed Council and congratulated the winners in the recent council race. He announced on behalf of the Eves family they were donating 50% of the proceeds from two nights of dinners sold at the Houston Restaurant. He stated this money will be given for use on the Veteran's Memorial. He said he will work with the Chairman, Councilmember Beck, to set the dates. Mr. Eves continued by stating he would like the City to consider reuniting the two fire districts of Mason and Deerfield Township. He said it would be a benefit for the taxpayers in the area. Mayor McCurley responded the township must be agreeable. Vice Mayor Fox suggested the City extend the olive branch as a sign it is time to move forward.

Kevin Jones of 5808 Running Fox addressed Council and asked why no one from the City was present at the public hearing with the Ohio Power Siting Board and Cinergy officials with regards to the proposed routing of a gas transmission line. He stated many residents and businesses were present and learned it is the largest and highest pressure transmission line Cinergy would own. They currently do not have one this size. Scot Lahrmmer stated the City has responded in writing to the Ohio Power Siting Board which route they prefer. Councilmember Davis stated budget meetings conflicted with the public hearing and she suggested a resolution be passed opposing the alternate route. She suggested it be referred to the Utility Committee.

**ORDINANCE 2001-129 AMENDING THE ZONING CODE AND ZONING MAP TO PROVIDE FOR THE REZONING OF APPROXIMATELY 22.7 ACRES FROM R-1 TO RESIDENTIAL PUD AND APPROVAL OF THE CONCEPT PUD PLAN FOR THE ROSEMONT SUBDIVISION**

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

Councilmember Staten said this came before Planning Commission and there are some serious concerns regarding this proposal. Scot Lahrmmer stated the matter has not been referred out of Planning Commission and recommended Council not pass this legislation. He stated it could be resubmitted by the developer in the future.

A motion to adopt Ordinance 2001-129 was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: ALL NAYS

**ORDINANCE 2001-185 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE CITY OF CINCINNATI, OHIO, FOR THE CITY OF CINCINNATI TO PROVIDE RETAIL WATER SERVICES 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

Mayor McCurley opened the public hearing at 7:40 p.m.

Scot Lahmer stated the City has been facing growing demands on the water supply since the early 1990s. He stated in 2000 the City began exploring additional options for water supply, which included discussions with the Greater Cincinnati Water Works (GCWW). As a result of those discussions, he stated an offer has been received from the GCWW to takeover operations of the City's water supply system and enter into a retail water services agreement. The result of this action would be as follows: reduce rates by 11% as compared to a 30% increase next year if the City continues to maintain the system, \$30 million in capital improvements to the water system over the next 20 years (4 million over Mason's planned investment), softening capabilities to the water treatment plant to be completed by 2004, converting to automated meter reading by 2003, and offering continued employment to Mason employees that wish to join GCWW. Mr. Dave Rager, Director of GCWW, addressed Council and commented on the professionalism of the City's current staff.

Mr. Lou Eves addressed Council and stated this plan is the best security the City can buy for water supply. He said the GCWW is one of the best in the country. Mr. Kevin Jones addressed Council and asked if other options had been explored. He said Cincinnati covers a large area and if we tie ourselves to them are we also tying ourselves to their problems. Vice Mayor Fox stated the GCWW is an independent unit. He said their rates are the best around. He said Butler and Warren County have been reviewed as other options and do not compare to this offer. The stated those options are also tied to the aquifer and the GCWW is not, thus it helps the situation of a diminishing water level. He also said the American Waterworks Association has recognized the GCWW as prominent in their field. They are out in front of the issues. Council-elect Victor Kidd asked if there is a satisfaction guarantee clause in the contract.

Mayor McCurley closed the public hearing at 8:04 p.m. Councilmember Davis said she has 3 issues. The first is the question on billing services. She stated for 5% of revenue they will do all the utility billing. She asked about the current charge of 75 or 80 cents that is being charged now by the City. Is that included or will it be removed? She said the contract on waste collection should really be \$9 not \$9.75. The second issue is the length of the contract. She suggested 6 five-year renewable terms. She said the contract proposal stated termination is only for cause. She said this is a first for GCWW for this type of contract agreement. There is no track record to review. She added this does not reflect negatively on GCWW it is just recognizing this is a first time effort. The third issue she stated was that of declining population in Cincinnati. She said we do not know the condition of their system and could Mason be in for increases due to these conditions. She said 35 years is too long for the contract term. Councilmember Beck agreed with Councilmember Davis. He said the contract is not specific enough. He stated if we make recommendations, they can reject them. He added the current language has them making the final decisions. He suggested both parties agree on capital expenditures. He also had

questions regarding personnel issues, event of water shortages, water pressure and debt service fund. Scot Lahrmer stated the current employees have options. They can look to stay with the City by applying for one of the current vacancies or they can become employees of GCWW. Mr. Rager stated in 40 year of operations, they have never laid anyone off. He also stated a 20 year debt will be issued and this drives the length of the contract. He added the capital improvement expenditure must be worked out but in regards to the supply, he stated the City of Mason currently cannot guarantee the water supply to residents.

Councilmember Davis stated she is not opposed to this proposal but does have concerns that need to be addressed. Mr. Eves asked who approves GCWW's budget. Mr. Rager responded the City of Cincinnati does. After continued discussion, Council agreed this should be a first reading to allow for some changes in the contract language. The second reading will take place at the November 26, 2001 meeting.

**ORDINANCE 2001-186 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$725,000 OF TAX INCREMENT FINANCING REVENUE BONDS (MASON ENTERPRISE PARK PROJECT) OF THE CITY OF MASON, COUNTY OF WARREN, STATE OF OHIO, UNDER SECTION 5709.40 ET SEQ. OF THE OHIO REVISED CODE FOR THE PURPOSE OF PAYING THE COST OF CERTAIN PUBLIC IMPROVEMENTS; AUTHORIZING A PLEDGE OF AND LIEN ON CERTAIN SERVICE PAYMENTS TO SECURE SUCH BONDS; AUTHORIZING A TRUST AGREEMENT SECURING SUCH BONDS; AND AUTHORIZING A SERVICE AGREEMENT SECURING SUCH BONDS AND DELCARING AN EMERGENCY**

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

Scot Lahrmer explained to Council Ordinances 186 and 187 are related to the same project. The North Mason Industrial TIF District located on SR741 and US 42 contains 994 acres. He said the first Ordinance 2001-186 provides the City with an additional economic development financing tool to accomplish key projects requiring significant investment in public improvements. He explained through TIF districts, the City may authorize the issuance of revenue bonds to be used toward construction of all or a portion of designated public improvements. He added the bonds are backed by a repayment guarantee from the developer and do not affect the City's full faith and credit. Ordinance 186 authorizes the issuance of \$725,000 TIF revenue bonds and Ordinance 187 authorizes a contract for the construction of public improvements in the amount of \$525,000.

Councilmember Beck stated the Economic Development Committee has reviewed this proposal and recommend its adoption.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

A motion to adopt Ordinance 2001-186 was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2001-187 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WHITE OAK FARM PROPERTIES, LP AND NEYER PROPERTIES CONSTRUCTION, LTD FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT MASON ENTERPRISE PARK AND DECLARING AN EMERGENCY**

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 and allow for adoption after the first reading was made by Vice Mayor Fox, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to adopt Ordinance 2001-187 was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS

**ORDINANCE 2001-188 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH CHRISTOPHER G. BARTLETT FOR THE ACQUISITION OF PROPERTY LOCATED ADJACENT TO 204 KINGS MILLS ROAD, MASON, OHIO**

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

Scot Lahmer stated the City has negotiated with Chris and Victoria Bartlett to purchase a vacant lot located adjacent to 204 Kings Mills Road. He said this purchase will preserve green space and in the future be available to the City if they decide to straighten the curve on Kings Mills Road. This parcel of land is .8200 acre and the agreed upon price is \$14,000.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2001-188 was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

**ORDINANCE 2001-189 AMENDING THE CODIFIED ORDINANCES OF THE CITY OF MASON SECTION 121.01 COUNCIL MEETINGS REGARDING EXECUTIVE SESSIONS**

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

Scot Lahmer stated this legislation is necessary to change the administrative code to match the charter. He stated the charter was changed in 1996 to reflect the purposes of executive session as dictated by the voters. This ordinance will allow the administrative code to change as well.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

A motion to adopt Ordinance 2001-189 was made by Councilmember Davis, seconded by Vice Mayor Fox.

Councilmember Staten suggested this be a first reading in case any resident would like an opportunity to comment on this legislation.

A motion to continue this legislation until the next meeting was made by Councilmember Staten, seconded by Councilmember Davis. VOTE: ALL YEAS

**ORDINANCE 2001-190 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TEC ENGINEERING, INC. FOR THE TRAFFIC ENGINEERING SERVICES NECESSARY TO RE-DESIGN THE INTERSECTION OF WESTERN ROW ROAD AND U.S. 42**

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

Scot Lahmer stated the City had requested TEC Engineering to determine what was needed to revise the northeast corner of Western Row Road and US 42. He said during their investigation, many issues surfaced. It was determined the best course of action would be to revise this intersection completely without coming back and redoing it in the future. This legislation awards a not to exceed contract to TEC Engineering for \$27, 500. This contract includes the re-design, property appraisals, and negotiations.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2001-190 was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2001-191 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PLANET FORD FOR THE PURCHASE OF THREE (3) 2001 FORD CROWN VICTORIA SEDANS**

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

Eric Hansen explained to Council the Equipment and Finance Committees have reviewed this proposal for three police cruisers as part of the 2001 budget and have recommended its adoption. He said the three vehicles will be purchased through the state purchasing schedule. He also stated the current vehicles will replace older cars in the City's fleet or be auctioned. The price for the three cars is \$63,902.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2001-191 was made by Vice Mayor Fox, seconded by Councilmember Davis. VOTE: ALL YEAS

**ORDINANCE 2001-192 CREATING ONE (1) ADDITIONAL POSITION OF POLICE OFFICER IN THE CITY OF MASON POLICE DEPARTMENT AND ESTABLISHING COMPENSATION**

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

Eric Hansen stated earlier this year a request was received from the school to provide a second School Resource Officer for the Intermediate School. This arrangement will mirror that of the existing officer in the High School. The School District agrees to pay 10 months of the officer's salary and benefits annually. Outside of the school year, the officer is available to help the summer staffing for the Police Department. Chief Ferrell stated the schools wanted to be at the meeting but had an unavoidable conflict.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS

A motion to adopt Ordinance 2001-192 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

**ORDINANCE 2001-193 AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS IN THE AMOUNT OF \$128,504.44 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 Lahrmmer stated this legislation authorizes \$128,504.44 in change orders related to the Tylersville Road project. He stated these changes were a result of development along the Tylersville Road corridor unknown at the time the drawings were prepared. He added

some of the cost is reimbursable to the City by the developer however the City must first pay ODOT. Staff recommends approval.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to adopt Ordinance 2001-193 was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

**ORDINANCE 2001-194 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CRAVEN LANDSCAPE ARCHITECTURE FOR THE INSTALLATION OF LANDSCAPING AND IRRIGATION OF TYLERSVILLE ROAD**

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

Scot Lahrmmer stated the Engineering and Building Department organized the Tylersville Road Landscaping Review Committee consisting of 7 residents representing subdivisions along Tylersville Road. As a result of their meetings and interviews with the various companies submitting proposals, Craven Landscape Architecture was selected. Lawn Management Sprinkler Company will be installing the irrigation. They will provide landscaping/irrigation for the 12 medians and planting street trees from US 42 to Kings Island Drive. The total cost for this project is \$694,688.41. Thomas Craven addressed Council and complimented the City for their current landscape ordinance. He stated he has 23 years experience. He said 6 inches of super-soil is planned for the medians and tree planting may begin in December if they get approval from ODOT. He said they will maintain one lane of traffic in each direction and will replace plantings for one year. Councilmember Staten asked what kind of sprinkler system would be installed. Steve Blauwkamp, president of Lawn Management Sprinkler Company addressed Council and stated a spray system will be installed. Mr Craven said a moisture meter can be utilized. He said drip systems are not recommended for this area.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS

A motion to adopt Ordinance 2001-194 was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

The first meeting of the newly elected Council will be December 1, 2001 at 12:00 p.m.

The second regular Council meeting for December falls on December 24. At this time, it is not necessary to meet on that day. There will be only one regularly scheduled Council meeting in December on the tenth.



## **COMMITTEE REPORTS**

Councilmember Staten reported on the Planning Commission meeting agenda from the November 7, 2001 meeting. He said the Rosemont Subdivision was tabled at the developer's request.

Councilmember Davis reported the Finance Committee had met and resolved most issues. She said the preliminary budget is included in the Council packet and requested anyone who wished to comment, please do so before the final draft.

Councilmember Beck reported the Veteran's Committee will meet on Thursday at 5:00 p.m. at the Legion Hall. He stated they have filed for 5013c status.

## **COUNCIL OLD AND NEW BUSINESS**

Vice Mayor Fox congratulated the four people successful in the race for City Council.

Councilmember Staten reported the Public Works Committee had met to discuss sidewalks and it has been determined it will be approximately a five year program with a kick off at one of the next two meetings. He also asked the law director if it was illegal to make a left turn if there is a sign present stating no left turn. Ken Schneider responded yes. Councilmember Staten then requested an addition to the sign stating as passed by City Council ORD.... Mayor McCurley requested Richard Fair look into the matter.

Councilmember Muennich asked if the Ad Hoc Fire Committee had met this month. Mayor McCurley responded no they are in the process of interviewing to fill the new fire chief vacancy.

Councilmember Davis stated the response for the extended service area from Sprint has been great. She suggested the City pass a Resolution to add strength to this request. She also stated the issue of reducing property taxes has been reviewed and it has been determined that the schools could collect the taxes at a later date without a vote so even if City Council decided to act on this and receive less tax dollars from residents, it could effectively be voided by the schools. Residents may not see any relief.

Councilmember Beck reported the Veteran's Day celebration was a great event and thanked everyone involved. He said he also attended Sharonville's event on Sunday and invited everyone to view their new memorial, which is located next to the library.

Mayor McCurley reported the Kiwanis Pancake Breakfast was held on Saturday and it was well attended. He stated Christmas in Mason will be held on December 7, 2001 at 6:00 p.m. He reported Charelle Rodenbaugh, reporter for the Community Press, is in the hospital and extended best wishes to her.

**RECOGNITION OF VISITORS**

Mr. T.J. Honerlaw of Mason Montgomery Road addressed Council and extended and invitation to all elected officials to attend a service at the Courts of Praise Christian Center on Sunday November 18, 2001 at 10:30 a.m. He stated the purpose of the event is to honor those who serve our community. He passed out invitations to Councilmembers.

**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 Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

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

A motion to add Ordinance 2001-195 to the agenda was made by Councilmember Staten, seconded by Councilmember Davis.

**ORDINANCE 2001-195 AMENDING ORDINANCE NO. 2001-184 TO INCLUDE CHANGE IN COUNSEL 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: ALL YEAS

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Staten, seconded by Councilmember Davis. VOTE: ALL YEAS

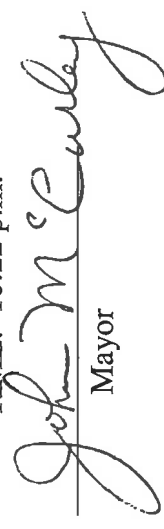
A motion to adopt Ordinance 2001-195 was made by Councilmember Davis, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ADJOURN**

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

TIME: 10:22 p.m.

  
Clerk of Council

  
Mayor