

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 25, 2002**

Mayor McCurley called the meeting to order at 7:07 p.m. He invited the members of Boy Scout Troop #750 to lead the pledge of allegiance.

Chaplain Rick Huff said the opening prayer.

MOMENT OF SILENCE IN MEMBORY OF DAVID LYON

Mayor McCurley requested a moment of silence for journalist, David Lyons who died in a car accident seven years ago after covering a Mason City Council meeting.

ATTENDANCE

The following members of Council were present: Jim Fox, Victor Kidd, Tom Grossmann, Peter Beck, Charlene Pelfrey and John McCurley. Absent was Dick Staten.

APPROVAL OF MINUTES

Councilmember Beck stated he would like it added to the minutes he did not support Option 2B in the traffic study discussed at the meeting on February 4, 2002. A motion to approve the minutes of the Council Worksession of February 4, 2002 as amended was made by Councilmember Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to approve the minutes of the February 11, 2002 Council meeting was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

PROCLAMATION TO KINGS LOCAL SCHOOL BOARD

Mayor McCurley read a Proclamation recognizing the Kings Local School Board for achieving an "Excellent" rating. Members of the School Board and Superintendent Dave Query were present to accept the Proclamation.

RECOGNITION OF VISITORS

Debby Gentine addressed Council and stated she is an accounting teacher at Mason High School and she has four students that concluded a business project that netted a profit of \$475. They would like to contribute their profits to the Veteran's Memorial fund. Councilmember Beck and Councilmember Pelfrey accepted the check and thanked the students for their generosity.

Chester Mastalerz of 5078 Carter Court asked about Ordinance 2002-39 stating he is concerned over this legislation and understood there will be an open forum to discuss it on March 18, 2002. Mayor McCurley replied this legislation will be discussed later as it is on the agenda and invited Mr. Mastalerz to comment on it at that time.

Cindy Carrie at 6592 Foxfield Drive addressed Council and introduced the Scouts from Troop 750. She stated they are from the Heritage Presbyterian Church and are working on their citizenship badge.

Phil Dubois of 4900 Laurel Wood Court addressed Council and requested they consider doing another traffic study because he thinks the problems of traffic jams have been fixed with the opening of Mason-Montgomery Road. He requested Council pass a motion to see this is done prior to committing to another road improvement plan. Mayor McCurley replied other options could be considered. He asked Richard Fair to get the exact date and conditions under which the original study was done.

David Batsche addressed Council and stated road studies may not be accurate. He stated lines on a map might reduce the value of existing buildings. He stated he is not against the Downtown Revitalization but thinks there has been some miscommunication.

Tom Muennich addressed Council and asked why none of this was brought to his attention while he was on Council. He stated he has only been off Council for 3 months. Mayor McCurley responded this information has just been made available. It was also stated the study was awarded while he was on Council. Mr. Muennich stated adding traffic onto Mason-Montgomery Road at Laurel is not good as the traffic already backs up there. He also asked if the City has hired a Fire Chief yet and he asked about the status of a signal at Butler Warren Road at U.S. RT 42.

ORDINANCE 2002-37 APPROVAL OF THE FINAL PLAT OF WEATHERSTONE SUBDIVISION, SECTION 3, BLOCK B (A.K.A. MARIVAL)

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

Richard Fair explained to Council the owner's representative is requesting approval of the final plat for Weatherstone Section 3, Block B, zoned R-6. He added this section contains four multi-family lots on 3.060 acres. Richard Fair stated the developer has complied with all of the Engineering comments and Planning Commission comments.

A motion to adopt Ordinance 2002-37 was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-38 APPROVAL OF FINAL PLAT OF WEATHERSTONE SUBDIVISION, SECTION 4, PHASE A

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

Richard Fair explained to Council the owner is requesting approval of a final plat for section 4, phase A of the Weatherstone subdivision. This section, he added, consists of 35 single-family lots and 2.7190 acres of right-of-way. This developer is the same one affected by the city's repeal of Ordinance 2001-217. This occurred in January due to unsatisfactory performance regarding the street construction. Richard Fair explained since then, the developer has submitted a \$200,000 letter of credit and a subdivider's contract as requested by the engineering staff. The Developer has complied with the requests of the Planning Commission and Engineering Department.

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

A motion to adopt Ordinance 2002-38 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2002-39 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BAYER-BECKER ENGINEERS FOR THE DESIGN ENGINEERING, AND PROPERTY ACQUISITION SERVICES NECESSARY FOR THE WIDENING OF U.S. 42 FROM TYLERSVILLE ROAD TO FIFTH AVENUE

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

Scot Lahrmer stated the purpose of this legislation is to award a contract of engineering services to prepare construction drawings for the widening of U.S. 42 from Tylersville Road to Fifth Avenue, prepare right-of-way drawings, appraise the value of needed right of way, and negotiate with property owners to purchase right-of-way. He stated there are many questions about this project that City staff cannot answer and it will be helpful to have the engineering firm on staff at that time. He added this contract is for a not to exceed amount of \$161,313. This includes a traffic study/design, property appraisal and negotiations, geotechnical services, and preliminary and final drawings. Scot also stated a public hearing will be held on March 18, 2002 at the Mason High School to discuss the downtown traffic situations and hear residents concerns.

A general discussion among Councilmembers followed with several asking to delay this legislation until after the public hearing or until after a traffic study has been done. It was asked if it is possible to cancel the contract once it is awarded if Council decides they do not want to continue as planned. Ken Schneider stated it can be done but it may not be

reasonable since there are four different subcontractors involved with this proposal. Richard Fair stated the professional services agreement the City requires allows for cancellation with 30 days written notice. Scot Lahrmer stated the traffic study authorized in October included this area. He also stated the goal was to improve the flow of traffic in the downtown area with improvements that would be beneficial 5 to 10 years from now.

Chester Mastalerz of 5078 Carter Court addressed Council and stated the group of residents feel they are not being heard. They are looking for a forum to be heard and would like to see this legislation tabled tonight.

David Batsche addressed Council and asked if the grant dollars would apply for the study. Richard Fair explained it depends on if we do the work. If the City elects not to do the work, we don't get the grant money. He stated he understands another option has surfaced and asked if the public could see it. Mayor McCurley stated it is very new and members of Council have not seen it yet but it will be available to the public soon. David Batsche asked if Short Street is targeted due to a sewer line work that is going to be done in that area. Scot Lahrmer replied there is a storm sewer problem in this area but that is not driving the road decisions.

Sally Nally of 627 Reading Road addressed Council and asked why the Downtown Revitalization Committee was not involved in this process. Mayor McCurley stated they were at the last worksession and are waiting for a decision to be made. It will facilitate their progress. She then asked why they were not involved in the process. She stated they have been put on hold. Scot Lahrmer stated Poggemeyer Design Group was not involved in the traffic analysis. They were hired to do the downtown comprehensive plan and market analysis. He added they were only told to hold off until they had traffic information. She stated the widening to four lanes destroys businesses and they will be forced to close.

Herb Nally of 319 Kings Mill Road addressed Council and stated the City should do what is best for Mason and the livelihood of the businesses. He said the City must give the Engineering firm some idea of what your goal is and you won't please everyone.

Councilmember Kidd asked if it is possible to have a concept plan of the total project and show what we are trying to accomplish. He said it should go from Tylersville Road to Kings Mill or Mason-Montgomery Road. He added the visual concept plan showing right-of-way and buildings would be very helpful.

Paul Cunningham of 6131 Villas Creek Court asked Council to wait until after the March 18 meeting before taking any action.

Councilmember Beck moved to table this legislation until after a traffic study is completed. He stated a by-pass should be considered. Councilmember Kidd seconded the motion. The motion to table was amended to state the legislation will be tabled until

March 25, 2002 by Councilmember Beck, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2002-40 RETITILING POSITIONS AND ELIMINATING CERTAIN POSITIONS IN THE PUBLIC UTILITIES DEPARTMENT

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

Eric Hansen explained to Council this legislation is necessary to provide for personnel changes resulting from transferring responsibility for Mason Water Service to Cincinnati Water Works. He stated this ordinance eliminates a total of 8 positions and reclassifies 2 positions. He added no one who currently works for the City will be out of a job.

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

A motion to adopt Ordinance 2002-40 was made by Councilmember Beck, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-41 AUTHORIZING THE DEFEASANCE OF THE CITY OF MASON, OHIO \$3,000,000 WATERWORKS SYSTEM MORTGAGE REVENUE BONDS, SERIES 1991, AND AUTHORIZING THE EXECUTION OF AN ESCROW DEPOSIT AGREEMENT

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

Scot Lahrmer explained to Council as part of the agreement with the City of Cincinnati Water Works, two debt issues need to be addressed. This involves the defeasance of our water debt which results in retiring previously issued debt. The first debt addressed in Ordinance 2002-41 is for \$3,000,000 for the waterworks system mortgage revenue bonds, series 1991. The second debt addressed in Ordinance 2002-42 is for \$6,285,000 waterworks system mortgage revenue bonds, series 1993. Scot explained Mason has approximately \$3.2 million available in its water funds for the defeasance of the debt. He added Section 13 of the new agreement with Cincinnati Water Works provides they will cover the difference between the outstanding debt and the City's balance up to a maximum of \$4.3 million. The contract to transfer water operations is effective March 1, 2002.

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

A motion to adopt Ordinance 2002-41 was made by Councilmember Pelfrey, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2002-42 AUTHORIZING THE DEFEASANCE OF THE CITY OF MASON, OHIO \$6,285,000 WATERWORKS SYSTEM MORTGAGE REVENUE BONDS, SERIES 1993, AND AUTHORIZING THE EXECUTION OF AN ESCROW DEPOSIT AGREEMENT.

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

A motion to adopt Ordinance 2002-42 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

CITY MANAGER'S REPORT

A public meeting will be held on March 18, 2002 at the Mason High School Commons to discuss the downtown traffic plans. The meeting is scheduled to begin at 6:00 p.m.

The Chamber of Commerce is holding their annual dinner on Thursday March 14, 2002. In the past a motion has been passed by Council to allow the City Manager, Assistant City Manager and Economic Development personnel to attend. A motion was made by Councilmember Kidd to agree to this again this year. The motion was seconded by Vice Mayor Fox. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Beck stated the Veteran's Committee will be meeting on March 5, 2002 from 5-6:00 p.m. at the American Legion. He stated they are going to do a thorough update of the project including timeline and status of fund raising.

COUNCIL OLD AND NEW BUSINESS

Mayor McCurley stated he had attended a meeting regarding the relocation of the Middletown Regional Hospital. He said this would provide a good opportunity for the local economy and job opportunities. He added the project is planned for I-75 at Greentree Road and includes a medical research campus. He requested a consensus of Council to send a letter supporting this project to the County Commissioners. Council agreed and directed Scot Lahrmer to send the letter to the Commissioners. Both Councilmember Kidd and Grossmann spoke in favor of the project.

Mayor McCurley stated a second Warren County Planning Summit is planned for March 7, 2002. Council and staff are invited to attend.

RECOGNITION OF VISITORS

None

EXECUTIVE SESSION

A motion to adjourn into executive session for the purpose of discussing land acquisition was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS

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

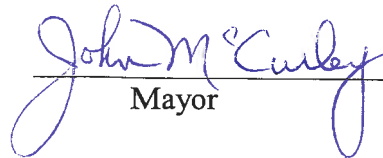
Mayor McCurley appointed Beth Stewart to the Library Board. Council supported this recommendation. She will be notified.

Mayor McCurley asked for consensus from Council to purchase a portrait of former Councilmember/Mayor/Vice-Mayor Betty Davis to hang with former Mayor Lou Eves in the current and new municipal center. There were no objections. A motion to purchase the portrait was made by Councilmember Kidd, seconded by Councilmember Beck. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Councilmember Grossmann, seconded by Councilmember Beck. VOTE: ALL YEAS TIME: 10:00 P.M.


Clerk of Council


Mayor