

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

The meeting was called to order by Mayor McCurley at 7:06 p.m.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the March 11 Council Meeting was made by Councilmember Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to approve the minutes of the March 18 Special Council Meeting was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

PRESENTATION BY JOHN BURKE, WARREN COUNTY DRUG TASK FORCE

John Burke addressed Council and thanked them for their past support. He stated the number of arrests has doubled this year over last and he thanked the Mason Police Department and Chief Ferrell for their support.

RECOGNITION OF VISITORS

Mr. Lou Eves of 4708 Appaloosa Trail addressed Council and stated he cannot see a purpose to widen RT 42 at this time. He stated other area road improvements have helped the traffic situation in town. He said he would like to see the Downtown Committee pursue things like new decorative streetlights and placing utilities underground.

Mr. Daryl Dunn addressed Council and stated he was running for Warren County Commissioner and wanted to introduce himself. He resides at 15 W. Orchard Street in Lebanon, Ohio.

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 US 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

Mayor McCurley thanked the Concerned Citizens for their input and professional presentation on March 18, 2002. He said they provided good ideas on signage, improved parking, improved pedestrian access and preserving the historical character of the area. He said Council looked at plans to provide a bypass and reviewed various routes. Council supports Downtown by ensuring it remains clean, road striped annually, participation in the Heritage Festival, improvements to Church Street, support of the Historical Society and support for the Downtown Revitalization effort. He also stated Council has been proactive in not allowing the big box businesses to locate in the area. They want small business to thrive. Comments followed from Councilmembers stating lack of support for passage of this legislation. Councilmember Staten stated he would be willing to work with the various stakeholders to form a committee and proceed with plans for the downtown area. Ken Schneider, Law Director, stated Victor Kidd could not comment as an elected official on this matter as he has a business in the area thus it would be a conflict of interest. Councilmember Pelfrey stated if projections are accurate, we will be discussing this matter again in the future. She stated we are now hearing from one voice on this matter but there may be other opinions from other residents. She stated one good thing that has come out of this is the team effort put forth by the downtown community. Councilmember Grossmann stated he does not want to change the character of the downtown but would like to have things like parallel parking, sidewalks and undergrounding of utilities examined. Vice Mayor Fox stated questions on this matter go both ways and he read a list of questions he submitted to the Concerned Citizens that need answers so progress can be made on the issue. Councilmember Beck stated he supports small business and agrees some of the ideas expressed are good ones. Mayor McCurley said the community has a body of elected officials that listens to them.

A motion to adopt Ordinance 2002-39 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: 6 NAYS, 1 ABSTAIN (Kidd)

RESOLUTION 2002-02 PROCLAIMING APRIL 7-13, 2002 AS INTERNATIONAL BUILDING SAFETY WEEK

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

Eric Hansen stated the week of April 7-13 is designated as International Building Safety Week. He said the purpose of this designation is to urge citizens to recognize the contributions of engineering and building employees to help promote building safety and spotlight the role of dedicated code officials in administering the codes.

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

A motion to adopt Resolution 2002-02 was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-54 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$5,850,000 ON NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING MASON-MONTGOMERY ROAD IN THE CITY.

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

Scot Lahrmer stated this legislation is necessary for the reissuance of bond anticipation notes related to the road improvements and widening of Mason Montgomery Road from Tylersville Road to Church Street. He added principal payment in the amount of \$150,00 and an interest payment of \$198,000 were included in the 2002 budget.

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

A motion to adopt Ordinance 2002-54 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2002-55 PROVIDING FOR THE ISSUANCE OF \$1,400,000 OF ROAD IMPROVEMENT BOND ANTICIPATION NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF WIDENING AND IMPROVING TYLERSVILLE ROAD AND STITT ROAD IN THE CITY.

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

Scot Lahrmer stated this legislation is necessary for the reissuance of bond anticipation notes for the improvements and widening of Tylersville and Stitt Roads. He added a principal payment in the amount of \$150,000 and an interest payment of \$93,000 have been included in the 2002 budget.

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

A motion to adopt Ordinance 2002-55 was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2002-56 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$3,159.14 TO INCREASE THE CONTRACT OF REYNOLDS, INC. FOR THE INSTALLATION OF THE FORCE MAIN NECESSARY FOR THE FILTER BACKWASH BASIN, FORCE MAIN AND AERATOR CONTACT BASIN PROJECT AT THE WATER PLANT

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 ordinance and the next ordinance is to authorize the change orders associated with the contract to construct a force main from the new backwash water pump station to the trunk sewer crossing Mason-Montgomery Road and a contract to perform the electrical work on the backwash pump station project. Scot explained Ordinance 2002-55 deals with the change order to the Reynolds contract and was requested by the department personnel to add tracing wire and test stations to allow easier location of the plastic pipe used for the force main. He said this was originally approved by Council last year in Ordinance 2001-123 and the cost for this addition is \$3,159.14. He said the department personnel also requested heat tracing wire be installed under the insulation on exposed pipe to prevent freezing in cold weather. This effects the original contract with O.R.E. Electric approved in Ordinance 2001-124. The cost for this addition is \$10,733.

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

A motion to adopt Ordinance 2002-56 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-57 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$10,733.00 TO INCREASE THE CONTRACT OF OMEGA RIGGERS AND ERECTORS, INC. FOR THE FILTER BACKWASH BASIN, FORCE MAIN AND AERATOR CONTACT BASIN PROJECT AT THE WATER PLANT

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

A motion to adopt Ordinance 2002-57 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-58 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH McCLUSKEY CHEVROLET FOR THE PURCHASE OF ONE (1) 2002 CHEVROLET C-8500 TANDEM-AXLE DUMP TRUCK

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

Eric Hansen explained to Council the Equipment and Finance Committees of Council have reviewed the request for a new dump truck and have agreed with the purchase in order for the City to keep up with the snow removal demands in an economical and efficient manner. He stated the budget has included \$113,500 for this purchase. This item was not available through the State Bid process so the City accepted bids for this purchase. The best value that adhering to the City's specifications was received from McCluskey Chevrolet at \$95,699.

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 2002-58 was made by Vice Mayor Fox, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2002-59 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO, TO RESCIND CHAPTER 311 STREET OBSTRUCTIONS AND SPECIAL USES AND ENACTING NEW CHAPTER 311

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

Eric Hansen explained to Council the purpose of this legislation is to clarify and update the City's existing parade and public assembly ordinances to provide a clear process for handling such use of the public right-of-way. He stated other cities have been contacted and the solicitor has reviewed the legislation.

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 2002-59 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

Councilmember Beck and Grossmann raised several questions about this legislation and its compliance with state and federal laws and the potential effect it may have on a person's constitutional rights. As a result it was decided more time was needed so this would be a first reading. A motion to refer this matter to the Safety Committee was made by Councilmember Kidd, seconded by Councilmember Grossmann. VOTE: ALL YEAS

CITY MANAGER'S REPORT

The annual Easter Egg Hunt will be held on Saturday March 30, 2002 at noon at the Heritage Oak Park.

A tour for Council of the new Municipal Center will be held on April 15, 2002 at 6:00 p.m. Council should meet in the Dugan and Meyer field office.

The Chamber Auction will be held on Wednesday May 1, 2002. In the past, Council has agreed to donate a family fishing pass and a family swimming pool pass. A motion to repeat the donations for this year's event was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Beck stated the Veteran's Committee will meet on April 16, 2002 at the American Legion from 5-6:00 p.m. He said they are planning a monthly fund raising event. On April 23 and 24 the Houston Restaurant will be contributing one half of the income from dinners to the Veteran's Committee. He said they are working on press for the event. Councilmember Pelfrey stated the Firebird Theatre is gathering stories for a book to be published and sold. She said any veteran who would like to contribute can attend interview sessions at the American Legion on Memorial Day. She stated contributions can also be made by a family member of a veteran. She added the Chief of the USS Mason is still interested in participating in the dedication of the memorial and in the Memorial Day Parade next year.

Mayor McCurley stated the Fire Organization Committee has met to proceed with the selection of a new Fire Chief.

COUNCIL OLD AND NEW BUSINESS

Councilmember Staten requested Council to proceed with the extension of Snider Road to Tylersville Road. He said it will be a catalyst for the development in the area and the City can control the curb cuts and the design. He also stated the cost could be assessed to the property owners with the City participating in a portion for the intersections and lights etc. Mayor McCurley asked about the status of the realignment of US 42 at Snider Road. Richard Fair stated it has been engineered but is now on hold. Councilmember Staten suggested the City prepare the bid documents and see how the bids come in. Scot Lahrmer stated the next step would be to notify property owners. He suggested allowing staff to gather information and present information back to Council.

Councilmember Pelfrey asked about the installation of a guardrail at the pond location on Mason Road. Richard Fair stated he has been in contact with the County Engineer and the pond is going to be filled in so there will not be a need for the guardrail.

Mayor McCurley said he attended the Open House for Aeroserv and a 4-H promotion on Saturday. He also said the Mason Library Board has met and he swore in Beth Stewart to serve on the board in the vacancy created by the retiring of Sally Shorten.

AUDIENCE COMMENTS

David Adams of 6181 Brewer Road addressed Council and stated he is with Troop #750 of the Boy Scouts. He is working on acquiring his government badge.

Mr. Lou Eves addressed Council and stated the extension of Snider Road was discussed in the past and at that time Council did not want to pay for it. He also said a bypass is a good idea. Most communities have one and the City should pursue it. He also stated residents should be made aware the new Municipal Center is being built without funds from a tax levy or bond issue.

Martha Howard addressed Council and stated she approved of the review Council is giving proposed Ordinance 2002-59. She also stated she is a township resident but realizes if Bethany Road is widened it will become the route connecting I-71 and I-75. She said there has been a significant increase in traffic since S.R.129 opened.

EXECUTIVE SESSION

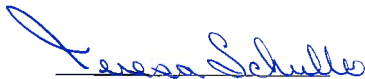
A motion to go into executive session for the purpose of discussing land acquisition was made by Councilmember Kidd, seconded by Vice Mayor Fox. VOTE: ALL YEAS

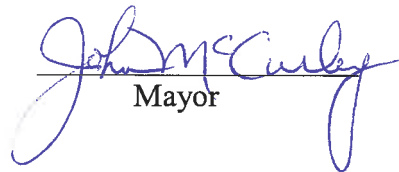
A motion to reconvene into regular session was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ADJOURN

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

TIME: 9:20 p.m.


Clerk of Council


Mayor