

**CITY OF MASON
COUNCIL MEETING
OCTOBER 14, 2002**

Mayor McCurley called the meeting to order and asked the Mason VFW to perform the Presentation of Colors. Following the pledge of allegiance, Rabbi Kalmanson led the group in prayer.

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 September 23, 2002 Council meeting was made by Councilmember Kidd, seconded by Vice Mayor Fox. VOTE: 5 YEAS, 2 ABSTAIN (Grossmann, Pelfrey)

OPENING CEREMONIES

Mayor McCurley read a letter from Governor Bob Taft in recognition of the first Council meeting to be held in the new Municipal Center. Each Councilmember presented a meaningful item to be placed in the time capsule. Councilmembers unveiled the date stone at the base of the clock tower on the exterior of the building.

COMET ZONE

Liz Pieper, a student at Mason High School, addressed Council and explained the Comet Zone was a store planned by the students to be included in the new high school. She explained during the week of September 11, they sold decals of "Proud to be an American". She presented the proceeds of the sale to Council to be used for the Veteran's Memorial funds.

RECOGNITION OF VISITORS

Virginia Combs of Heritage Club Drive addressed Council and presented a petition including 192 signatures requesting a change in the current waste water rates. She stated this group feels they should not be paying a sewer charge for water that does not have to be treated. She said their suggestion is to bill sewer usage based on winter usage figures. Vice Mayor Fox stated this matter is being reviewed by the Utility Committee. He stated there are several matters to consider including a software adjustment that GCWW will have to address and the concern over the capacity issue. Councilmember Grossmann stated he has been researching this matter with the GCWW and the national information and has discovered generally when comparing the average usage to the peak usage a factor of 1.9 to 2 is used. He stated when this information is applied to the recorded peak

and average usage for the City of Mason, it illustrates the concern over capacity is not a problem. He also stated the water tower on Mason Road should go on line in November which also helps alleviate the supply concerns in the northern area. Councilmember Grossmann said he has been in conversations with Bill Phelps of the GCWW and has been assured their software can be modified to address our needs. Mayor McCurley asked Scot to schedule a worksession to discuss the matter. Jeff Vaughn of 4109 Maxwell Drive addressed Council and stated his support for changing the waste water rates. He said it affects all residents including those on a fixed income.

Charlotte Hagen of 5836 Running Fox Lane addressed Council and stated she would like to present Council with another view of the traffic situation on Thornberry Court. She said there are three issues at hand. The first is the volume of traffic, the second is the speed at which they travel and the third is the problem of children being left unattended and allowed to wander into the street. She said two children have been hit in the area but no cars have jumped the curb for those accidents to occur. The children were in the street. She stated other residents in the area do not regard the speeding and traffic volume as the only matter that should be addressed by residents.

RESOLUTION 2002-14 PROCLAIMING OCTOBER 23-31 AS NATIONAL RED RIBBON WEEK

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

Eric Hansen explained the purpose of this resolution is to increase the awareness in the community about the importance of prevention and education efforts relating to alcohol and drug abuse. Officer Jamie Van Wagner, Community Service Officer, addressed Council and explained the activities that are occurring in the schools for Red Ribbon Week. This includes the "Plant the Promise" project, which involves planting red and blue flower bulbs to bloom in the spring.

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

A motion adopt Resolution 2002-14 was made by Councilmember Beck, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2002-132 APPROVAL OF THE REPLAT OF THE WEST MASON CHURCH OF CHRIST

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

Richard Fair explained to Council the property is located on the north side of Tylersville Road just east of Tyler Office Park. He stated the replat consists of combining lot 19, part of lot 20 and 1.8702 acres of the unplatted area to the north. This 2.727 acre site is

to be labeled lot 24 and will be the location of the new West Mason Church of Christ facility. Planning Commission recommends adoption.

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

Councilmember Beck asked for clarification on the curb cut. Richard Fair responded there would be no additional curb cut on Tylersville Road.

A motion adopt Ordinance 2002-132 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2002-133 APPROVAL OF THE FINAL PLAT OF OAKS OF CROOKED TREE SECTION 7

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

Richard Fair explained to Council this legislation is requesting the approval of the final plat for The Oaks of Crooked Tree, Section 7, zoned R-3. This section contains 25 single-family lots on 9.6 acres and 1.9 acres of right of way. It is located north of Bethany Road and is bordered by land in Deerfield Township. Planning Commission recommends approval contingent on submission of a subdivider's contract and a performance bond.

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

A motion adopt Ordinance 2002-133 was made by Councilmember Beck, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2002-134 ADVISING THE COUNTY COMMISSIONERS AS TO THE BENEFITS OF ANNEXATION OF PROPERTY INCLUDED IN THE PETITION FOR ANNEXATION FILED BY JENNIFER A. BRUNK AND KYLE E. VONDERHAAR

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

Scot Lahrmer explained to Council it is a requirement of the Ohio Revised Code for the municipality to indicate the benefits it can provide to a property requesting to annex into its jurisdiction. This legislation complies with those requirements. He said this property is located on the north side of Bethany Road, east of Hickory Woods Drive and has been receiving city water for some time. The property is owned by Jennifer Brunk and Kyle Vonderhaar.

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

A motion adopt Ordinance 2002-134 was made by Councilmember Beck, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2002-135 REJECTING ALL BIDS FOR THE CONSTRUCTION OF THE THIRD AVENUE STORM SEWER PROJECT

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

Richard Fair explained to Council the next two ordinances will be discussed together. Ordinance 2002-135 rejects a bid for the work to be completed to repair the storm sewer in the vicinity of Third Avenue, which caused flooding to the Shorten and Ryan Funeral Home. The contract that was bid did not include the cost of excavation, backfill, and removal of excess material. This omission requires this bid be rejected. Another request for bids was made that was all-inclusive and as a result of the responses, it was determined the lowest and best bid was received from the firm of SK Construction Co. for \$429,269. Richard Fair explained the project begins on US 42 at the northeast corner of Fourth Avenue and US 42. The new 42-inch storm pipe travels along US 42 to Third Avenue in front of the Shorten and Ryan Funeral Home. Then a new 48 inch storm pipe will be installed along Third Avenue to South West Street where a 54 inch storm pipe will be installed finally discharging into the Muddy Creek. Mayor McCurley requested the contractor maintain two lanes of traffic at all times if possible as it is a major inconvenience to the residents. Councilmember Kidd suggested parking be removed from the side of the street to allow for two lanes of traffic to be maintained at all times. Richard Fair said he will work with the contractor on this matter. He stated it is to the contractor's benefit as it is a cost savings to them to not maintain traffic control.

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

A motion adopt Ordinance 2002-135 was made by vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2002-136 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SK CONSTRUCTION COMPANY FOR CONSTRUCTION OF THE THIRD AVENUE STORM SEWER PROJECT

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

Councilmember Beck asked if this project is funded through the StormWater Utility. Scot Lahrmer responded it is funded with a balance of approximately \$587,000. Mayor McCurley stated the City is ahead of the EPA mandates that will be effective in 2003.

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

A motion adopt Ordinance 2002-136 was made by Vice Mayor Fox, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2002-137 AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE WARREN COUNTY COMMISSIONERS TO SUBMIT AN APPLICATION FOR THE OHIO PUBLIC WORKS COMMISSION, DISTRICT 10 STATE ISSUE 2 GRANT FOR SOCIALVILLE-FOSTERS ROAD WIDENING FOR PROGRAM YEAR 17

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

Scot Lahrmer explained to Council this year the City and the Warren County Engineer are joining forces to submit a combined application for Issue 2 Grant funding in Program Year 17 (2003). The project the application addresses is the widening of Socialville-Fosters Road from Mason-Montgomery Road to I-71 to five lanes and includes the installation of curb and gutter, sidewalk, bike path and storm sewers. He stated the City's portion is approximately 2,680 feet which requires 56% of the funding. The application is requesting 33% from the Ohio Public Works Commission, which is \$893,921.00. Scot stated the costs include any land acquisition and utility relocation.

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

A motion adopt Ordinance 2002-137 was made by Councilmember Staten, seconded by Councilmember Grossmann. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Two Public Works employees participated in the Southwest Ohio Snow Plow Rodeo in Dayton, Ohio. Levi Wells and Steve Sparks finished middle of the 67 contestants.

The October issue of Mason Matters was mailed to residents the week of October 7. It contains information on the passes available for the new Community Center.

COMMITTEE REPORTS

Councilmember Beck reported the Veteran's Memorial Committee is currently working to maximize use of funds. He added the CEO Breakfast project is under way and they expect to have an updated projection within a couple of months.

Councilmember Pelfrey explained the project planned for November 8 and 9 is called the Mason Veteran's Memorial Community Challenge. She said among other activities, the memorial will be guarded overnight and be followed the next day by a community wide effort to raise funds at each subdivision entrance.

Councilmember Pelfrey reported the Safety Committee has met and discussed the issue of speeding on Thornberry Court. The matter has been reviewed and it has become evident there is not agreement among the residents on what they would like to see done in the area. It was decided nothing further would be done at this time but may be reviewed again in the future if necessary. Councilmember Grossmann agreed there is no consensus among the residents in the area on future actions they would like to see done in this area.

COUNCIL OLD AND NEW BUSINESS

Councilmember Staten stated he had recently heard a report on the three top causes for traffic accidents. They are speed, people running red lights and people not stopping before they turn right on red. He stated there seems to be a growing disregard for our traffic laws. He also said the report noted larger traffic signals (12 inch) have been proven to be more effective in getting drivers to stop. Another suggestion to help this problem is to lengthen the time it takes signals turning from red to green. He suggested the Safety Committee look into these suggestions and see if it is possible to implement them in the City.

Councilmember Grossmann stated he has been reviewing the City's plan for the new wastewater treatment plant. He stated he has concerns over the expense and the investment the City would be vacating. He asked that other options be explored such as re-directing the Muddy Creek, looking at regional efforts and possible privatizing this function. Mayor McCurley stated this can be discussed in the next worksession.

Councilmember Pelfrey thanked Chief Fletcher for the Fallen Firefighters Service. She also asked council to act upon the Downtown Revitalization Project. She said the Poggemeyer Design Group is close to completing their work and will be making a presentation. She asked everyone to keep an open mind for the future of our downtown area.

Mayor McCurley thanked all those who recognized the recent death of his father, Bill McCurley. He also mentioned he has received a request to place a plaque recognizing Eagle Scouts in the new Municipal Center. He purchased the first pass to the new Community Center. He stated another topic that should be discussed at the worksession concerns the extension of Snider Road. A request has been received from the Mason City Schools for crossing guards and no right turn on red during school hours. Scot Lahrmer said they will be meeting with the schools to discuss these matters. Mayor McCurley reported the City's earnings tax is up by 9% to date.

Mayor McCurley reported a request for a liquor permit has been received by the City for 1061 Reading Road. A motion to not require a hearing was made by Vice Mayor Fox,

seconded by Councilmember Staten. VOTE: ALL YEAS A second permit was requested for the same address however, it was requesting a transfer of the existing permit to the new owners. A motion to not require a hearing was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

RECOGNITION OF VISITORS

A visitor asked what day of the week the Community Challenge would take place. Councilmember Pelfrey replied it will be on Saturday November 8 from 9-11:00 a.m.

EXECUTIVE SESSION: LAND ACQUISITION

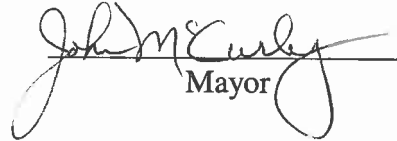
A motion to adjourn into executive session for the purpose of discussing land acquisition was made by Councilmember Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

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

ADJOURN

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


Clerk of Council


Mayor