

**CITY OF MASON  
COUNCIL MEETING  
APRIL 14, 2003**

Mayor McCurley called the meeting to order at 7:08 p.m. Following a prayer by Father Harry, member of the Chaplain program, the pledge of allegiance was recited.

**ATTENDANCE**

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

**APPROVAL OF MINUTES**

Councilmember Grossmann requested the minutes of the March 24, 2003 meeting be amended on page two, second paragraph, to eliminate the words "new rate" and insert the word "charge". He also clarified the term "outside water usage" instead of summer usage and "sewer charges" replace "rates" in the fifth sentence.

A motion to approve the minutes of the March 24, 2003 as amended was made by Councilmember Pelfrey, seconded by Councilmember Beck. VOTE: ALL YEAS

A motion to approve the minutes of the March 31, 2003 Council Work Session was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: 4 YEAS, 2 ABSTAIN (Beck, Staten)

**RECOGNITION OF VISITORS**

Mr. Tom Muennich addressed Council and asked about the status of the traffic signal planned for the intersection of US 42 at Butler Warren Road. He stated it is very dangerous and should be a top priority. Richard Fair stated the design work has been completed and it is now in the hands of the state. Mayor McCurley requested the County Engineer be contacted to see if this can be rushed. Mr. Muennich also stated the island in the road in front of the old Rebers site should not be there. He stated he drives a school bus and has had many close calls at this location. He stated signage should be in place to clearly notify drivers when they can turn. He also requested a flashing light be installed in front of the Fire Station on Church Street to warn autos traveling south on Mason-Montgomery Road. Richard Fair said the Fire Department has not made this request. He stated the current arrangement clears the intersection of US 42 and Mason-Montgomery Road so the trucks can get through. Mayor McCurley referred the matter to the Safety Committee to review.

Mr. Jacques Smith addressed Council and stated he is interested in buying the former city building at 202 W. Main Street. He stated the price of \$600,000 is agreeable and he does not want a private entity to own this building. He stated he would like the City to control this historic site. Mayor McCurley stated the City would review any offer presented.

Mr. Larry Garbey addressed Council and stated he is a new resident and lives in the Village Lakes condos. He stated the ditch behind his condo raised alarming fast during a recent storm. He said it either needs to be expanded or dredged. He asked Council to please look into the matter.

Councilmember Pelfrey stated on April 24, 2003 there will be a "Support the Troops Rally" held at the Municipal Center. She stated family members serving will have an opportunity to be recognized.

**RESOLUTION 2003-03 PROCLAIMING APRIL 26, 2003 EARTH DAY**

The Resolution was read by Law Director, Ken Schneider.

Eric Hansen stated the walk will begin at the ceremonial plaza in front of the Municipal Center and proceed to Pine Hill Park.

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 Resolution 2003-03 was made by Vice Mayor Fox, seconded by Councilmember Grossmann. VOTE: ALL YEAS

**RESOLUTION 2003-04 PROCLAIMING APRIL 26, 2003 ARBOR DAY**

The Resolution was read by Ken Schneider.

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

A motion to adopt Resolution 2003-04 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

Diane Clasen, Chair of the Tree Committee, addressed Council and announced 300 seedlings will be given away that day as well as four larger trees. She announced the City has been successful again this year in receiving the Tree City USA Award and the Growth Award. She also stated Mason has been chosen to host the regional award program for the Tree City USA event in 2004.

**ORDINANCE 2003-05 APPROVAL OF THE WATERLINE EASEMENT PLAT FOR GREAT AMERICAN INSURANCE COMPANY**

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

Richard Fair explained to Council this legislation dedicates a 20 foot wide public waterline easement approximately 4,850 feet long which runs from Fairway Drive to Eagle View Subdivision. He added this has been in operation without an easement since the 1970's.

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 2003-05 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

**ORDINANCE 2003-32 APPROVAL OF THE SANITARY SEWER EASEMENT FOR CEDAR VILLAGE PUD**

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

Richard Fair explained to Council this legislation approves the installation of the sanitary line along the frontage of Mason-Montgomery Road as required in the covenants and restrictions for the PUD. He said the sanitary sewer line connects to an existing 15 inch line at the southwest corner of Mason-Montgomery Road and Cedar Village Drive and extends to the undeveloped property to the south of Cedar Village. He also stated staff recommends approval contingent on submission of a maintenance bond.

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 2003-32 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2003-33 ACCEPTING THE PUBLIC IMPROVEMENTS FOR MASON ENTERPRISE PARK PHASE 1 AND RELEASING THE PERFORMANCE BOND**

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

Richard Fair addressed Council and stated the Public Works, Public Utilities and Engineering Department have inspected the public improvements for the Mason Enterprise Park Phase 1 and recommend it be accepted contingent on the submission of a one-year maintenance bond.

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

A motion to adopt Ordinance 2003-33 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2003-34 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH T.R. GEAR LANDSCAPING, INC. FOR \$358,276.00 FOR LANDSCAPING AND IRRIGATION OF CITY OF MASON PROPERTY**

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

Scot Lahrmer explained to Council this legislation will provide landscaping and irrigation maintenance, mowing, weed control, pruning, watering, etc. for the Tylersville Road and Mason-Montgomery Road corridors as well as Fire Stations 51 and 52, Parkside Drive and the Water Reclamation Facility. He said the lowest and best bid was received from T. R. Gear Landscaping, Inc. for \$358,276.

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

A motion to adopt Ordinance 2003-34 was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2003-35 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$5,700,000 OF 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 OF MASON**

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

Scot Lahrmer stated this legislation is necessary for the re-issuance of Bond Anticipation notes for the improvements and widening of Mason-Montgomery Road. He said the notes were originally issued in 2001 for \$6,000,000. This ordinance authorizes notes in the amount of \$5,700,000. He also said the notes will mature on May 30, 2003.

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

A motion to adopt Ordinance 2003-35 was made by Councilmember Beck, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2003-36 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NATORP'S INC. FOR THE DESIGN AND INSTALLATION OF LANDSCAPING AND IRRIGATION ON MASON-MONTGOMERY ROAD AND LAKESIDE DRIVE**

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

Richard Fair explained to Council this project is a 2003 budget item which includes landscaping and irrigation for 5 medians on Mason-Montgomery Road and 2 medians on Lakeside Drive. It also includes planting street trees on Mason-Montgomery road between Tylersville Road and Main Street. He stated the total cost to the City for this contract is \$312,639.

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

A motion to adopt Ordinance 2003-36 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2003-37 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 32 FORD FOR THE PURCHASE OF ONE (1) 2003 FORD EXCURSION UTILITY VEHICLE**

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 purchase of this vehicle will facilitate the supervisors as a command vehicle and serve two purposes. It will provide the EMS Supervisors with a more reliable vehicle better able to haul the heavy loads they must carry and it will also allow the 1998 suburban to be re-assigned to become the Inspector 52 vehicle as the inspectors have a need for a 4 wheel drive on construction sites. This item was included in the 2003 budget and its cost is \$39,865.

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

A motion to adopt Ordinance 2003-37 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2003-38 AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR AN OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR REMOVAL AND REPLACEMENT OF HANDICAP ACCESSIBLE CURB RAMPS ALONG U.S. 42 AND VARIOUS OTHER LOCATIONS THROUGHOUT THE CITY OF MASON**

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

Eric Hansen explained to Council this legislation allows for the City to apply for CDBG monies that will be utilized for handicap accessible curb ramps along U.S. 42 and various

other locations. This is a requirement by the State of Ohio prior to the resurfacing of U.S. 42 which is scheduled for 2006.

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

A motion to adopt Ordinance 2003-38 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2003-39 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FULLER, MOSSBARGER, SCOTT, & MAY FOR THE ENGINEERING DESIGN SERVICES NECESSARY TO REVISE THE FEMA FLOODPLAIN FOR MUDDY CREEK FROM MASON-MORROW-MILGROVE TO PINE RUN, INCLUDING PINE RUN AND MUDDY BRANCH #1 AND FOR THE HERITAGE OAK PARK CULVERT REPLACEMENT PROJECT.**

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

Richard Fair explained to Council this legislation is necessary to update the FEMA Flood Insurance Rate Map and design for the replacement of removal of the Heritage Oak Park Box culvert. He said due to structural damage the box culvert must be replaced or removed. He added the funds for this project are coming from the Storm Water Utility Fund. The cost of the project is not to exceed \$86,450.

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 2003-39 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2003-40 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH MICHAEL R. AND NANCY E. MINK FOR THE ACQUISITION OF PROPERTY LOCATED AT 201 KINGS MILLS ROAD, MASON, OHIO 45040, AND DECLARING AN EMERGENCY**

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

Scot Lahrmer stated as part of the Mason-Montgomery Road Improvement project, it was necessary to acquire a portion of the Mason-Montgomery Road frontage owned by Michael and Nancy Mink of 201 Kings Mills Road for right-of-way. He also said in addition to the right-of-way needed for the widening of the road, an easement is needed across the property for the installation of a future sanitary sewer main replacement. He explained by purchasing the property it resolves the litigation for the right-of-way,

provides the sanitary sewer easement and provides an opportunity for a future bike path. The cost of this purchase is \$231,000.

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 2003-40 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

**ORDINANCE 2003-41 AMENDING ORDINANCE NO. 2003-25 ESTABLISHING THE POSITIONS AND RATES OF COMPENSATION FOR EMPLOYEES OF THE MASON MUNICIPAL COURT AND DECLARING AN EMERGENCY**

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

Eric Hansen explained to Council this legislation represents minor changes within the funds controlled by the Court and makes no change to the City's general fund. He stated by making these changes, the Court can use part-time employees for security needs and remove the need for the Police Department's current Court Liaison Officer.

Councilmember Staten stated he supported the Court being responsible for their own security.

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

A motion to adopt Ordinance 2003-41 was made by Councilmember Staten, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

The re-accreditation of the City's Police Department is underway.

The City offices will be closed on Friday April 18, 2003 for Good Friday.

*Mason Matters* will be mailed to residents this week along with *Fun for Mason*.

A Council work session will be held on Monday April 21, 2003 at 6:00 p.m. at the Municipal Center.

The City has received a request for a liquor permit for Willie's Sports Bar. Councilmember Staten moved we not hold a hearing. The motion was seconded by Vice Mayor Fox. VOTE: ALL YEAS

## **COMMITTEE REPORTS**

Vice Mayor Fox reported the Utility Committee met prior to the Council meeting and will be prepared to discuss the alterations to sewer charges at the work session on Monday night.

Councilmember Beck reported the Veteran's Memorial web site can be viewed at [www.masonveteransmemorial.org](http://www.masonveteransmemorial.org) He reported on the status of the construction site and the fund raising effort. He said there is a blood drive in connection with the fund raiser at Western Row Elementary School in which a business donates for every pint of blood collected. Vice Mayor Fox suggested an extension be requested for this fundraiser until June 6, 2003.

Councilmember Pelfrey reported on a "Support the Troops Rally" scheduled for Thursday April 24, 2003 at the Mason Municipal Center. The time is 7:30 p.m. Councilmember Pelfrey also reported on a meeting with the Downtown Mason Association. She requested the City move forward on hiring a Downtown Co-ordinator and suggested it be assigned to the Employee Relations Committee She also suggested continued employment of LSR Consultant for the next month.

Mayor McCurley reported on the visit to the commissioning ceremony of the USS MASON. He also reported on the Bicentennial Ceremony for Warren County.

## **COUNCIL OLD AND NEW BUSINESS**

Councilmember Staten asked about the status of the railroad tracks on Bethany Road. Richard Fair responded they are suppose to correct them. Councilmember Staten asked if they would check on it. He also asked if anyone from the City monitors the dirt on the road on the weekend. Scot Lahrmer stated the police are responsible at that time. Councilmember Staten said the landscape plan at Mitsubishi has not been followed. He requested staff to look into the matter.

## **RECOGNITION OF VISITORS** None

## **EXECUTIVE SESSION**

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

Councilmember Staten excused himself from participating in the discussion regarding land acquisition.

A motion to reconvene into regular session was made by Councilmember Beck, seconded by Councilmember Pelfrey. VOTE: 6 YEAS, (1 Absent, Staten)



A motion to add Ordinances 2003-42,43,44 and 45 to the agenda was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2003-42 AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH THOMAS J. WINTERS AND ERIN M. WINTERS FOR THE ACQUISITION OF CERTAIN INTERESTS IN PROPERTY LOCATED AT 145 S. MASON-MONTGOMERY ROAD, MASON, OHIO 45040, AND DECLARING AN EMERGENCY**

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

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 Ordinance 2003-42 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2003-43 AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH JOHN L. TAYLOR AND JO ANN TAYLOR FOR THE ACQUISITION CERTAIN INTERESTS IN PROPERTY LOCATED AT 4933 LAURELWOOD COURT, MASON, OHIO 45040, AND DECLARING AN EMERGENCY**

A motion to read by title only was made by Vice Mayor Fox, seconded by Councilmember Beck. 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 2003-43 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2003-44 AUTHORIZING SETTLEMENT OF CASE NO. CA2002-04-039 (DEERFIELD TOWNSHIP VS. CITY OF MASON, Et. AL.) REGARDING ATTORNEYS' FEES**

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

A motion to adopt Ordinance 2003-44 was made by Vice Mayor Fox, seconded by Councilmember Grossmann. VOTE: 6 YEAS, 1 NAY (Staten)

**ORDINANCE 2003-45 APPROVING AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MASON AND MASON PROFESSIONAL FIRE FIGHTERS, IAFF, LOCAL 4049, NOW TO INCLUDE PARAMEDIC-FIREFIGHTERS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDED AGREEMENT, AND DECLARING AN EMERGENCY**


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

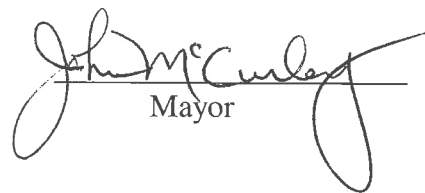
A motion to suspend the rule and allow for adoption after the first reading was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-45 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ADJOURN**

A motion to adjourn was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS TIME: 10:07p.m.

  
Clerk of Council

  
Mayor