

**CITY OF MASON
COUNCIL MEETING
APRIL 28, 2003**

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the April 14, 2003 Council meeting was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: ALL YEAS

PRESENTATION BY 5TH GRADE TO VETERAN'S MEMORIAL COMMITTEE

A presentation was made by the 5TH Grade Achiever Teams from Mason Intermediate School and teachers Tina Keenevan and Jackie Eshbaugh. Those students attending presented the proceeds to Councilmember Beck.

PRESENTATION BY KEY BANK TO VETERAN'S MEMORIAL COMMITTEE

Debra Hart, Bernice Neiman and Jean Walker of Key Bank presented a check for \$6,000 to the Veteran's Memorial.

PRESENTATION BY BETTY DAVIS FOR WARREN COUNTY BICENTENNIAL

In Betty Davis's absence, Terry Schulte presented a golf shirt to Mayor McCurley from the Warren County Bicentennial Committee and announced the Bell Casting event would take place May 2 and May 3 at the County Administration Building. Activities are scheduled to begin at 1:00 p.m.

RECOGNITION OF VISITORS

Mr. William Schmitz of 302 Lela Drive addressed Council and asked about the plan for a bike path going through his driveway. He stated he has not been notified by the City but saw the plans that were presented to Council at the last council meeting. He stated there is another route that would not affect his property. Richard Fair stated the City is not trying to take his property. Mr. Schmitz stated this has happened in the past with the water easement and the route for fire trucks. Mayor McCurley stated the City will review the matter and Richard Fair will contact him.

Debbie Speed addressed Council and stated she is representing the homeowners of the Fairways of Crooked Tree Subdivision. She said the traffic and the dirt on the road is a

continual problem. She stated she has gone to the county and the township and has received no help. Mayor McCurley reported the streets involved in the new subdivision are not in the City and therefore the City cannot enforce its rules. Scot Lahrmer explained how the City would handle the situation if the development were occurring in the city. He added additional police will be scheduled for that area to help alleviate the situation. Scot added the police must witness the dirt being placed onto city streets before they can site someone.

Mr. Jeff Vaughn of 4109 Maxwell Drive addressed Council and stated he has three comments for Council regarding the sewer charges. 1. How did you arrive at the months you are choosing. He stated others use only December and January. 2. Why use the 125% cap. 3. He recommends another option where a resident can elect to pay for another meter. Mayor McCurley stated this deals with legislation that is on the agenda and will be discussed at that time.

RESOLUTION 2003-05 PROCLAIMING MAY 4-10, 2003 AS PUBLIC SERVICE RECOGNITION WEEK

The resolution was read by acting law director, Tim Garry.

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

ORDINANCE 2003-46 ACCEPTING THE PUBLIC IMPROVEMENTS FOR SUNSET RIDGE SECTION 2 AND RELEASING THE PERFORMANCE BOND

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

Richard Fair explained to Council Section 2 of Sunset Ridge subdivision includes Caddies Way and Sunset Court. He said the Public Utilities, Public Works and Engineering Departments have inspected the public improvements and recommend acceptance 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 Councilmember Kidd, seconded by Councilmember Beck. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-46 was made by Councilmember Beck, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2003-47 APPROVAL OF THE FINAL PLAT OF COLUMBIA COMMONS SUBDIVISION

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 this project is located east of Columbia Road and north of The Ravines at Timber's Edge subdivision. He said the development contains a total of 7 lots on 28 acres. He stated lot #7 will remain open space. He also said this legislation will dedicate the ingress/egress, utility and water easements necessary for this subdivision. The county will provide the sanitary sewer for this development. He said staff recommends approval contingent upon submission of a subdivider's contract and a performance bond.

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

A motion to adopt Ordinance 2003-47 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2003-48 AMENDING THE CODE OF ORDINANCES TO ENACT AMENDMENTS TO CODIFIED ORDINANCE SECTIONS 941.08 (a) AND 941.08 (b) RATES FOR SEWER SERVICE

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

Scot Lahrmer gave a history of the Utility Committee's interest in reviewing the various options regarding altering the sewer rates charged to residential customers. He stated as a result of their research, the following changes are recommended and included in Ordinance 2003-48:

- Applicable to 1 and 2 residential dwellings
- Base amount for calculating credit will be 125% of maximum winter month usage
- October (billed November) through April (billed May) will be used for the winter month period
- Utility rates will increase 8% effective with bills on or after June 1, 2003
- For those dwelling with less than 3 months of historical information, the base amount will be pre-set to 9,000 gallons for that year.
- Residents will be billed the lesser of the base amount and actual usage.
- Residents with pools will be encouraged to fill their pools during the summer months (May though September) in order to take advantage of the sewer credit.
- The credit will be used for the months of May (billed June) through September (billed October).

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

A motion to adopt Ordinance 2003-48 was made by Councilmember Staten, seconded by Vice Mayor Fox.

Councilmember Grossmann initiated a general discussion among Council regarding the number of months to use in the calculations, the season when the actual usage is highest and the effect of rainfall in these considerations. Councilmember Grossmann moved to amend the legislation to reflect the calculation be based on the usage from November to March. The motion was seconded by Councilmember Kidd. VOTE: 5 YEAS, 1 NAY (Fox)

Vice Mayor Fox provided information on the effect the different seasons have on the system. He stated several communities have been surveyed and it is apparent there is no perfect answer. He said the Greater Cincinnati Water Works (GCWW) has stated they will not read optional meters if the City elects to offer that option.

Mr. Ron Rigatti of 4139 Old Manchester Court stated his highest usage is in December. He agreed with taking the months of April and October out of the calculation to achieve a better average. He stated it is unfair to charge 125% cap in the proposed legislation.

A motion to adopt Ordinance 2003-48 as amended was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

Mayor McCurley thanked all of those interested in this matter and asked them to please recognize there are many ways to look at this issue. He stated he would like to commit this Council to reviewing this matter in one year after we have some history with the changes we have made.

ORDINANCE 2003-49 AUTHORIZING THE CITY MANAGER TO EXTEND THE TERM OF THE CONTRACT WITH LSR CONSULTANTS FOR THE DESIGN AND IMPLEMENTATION OF A COMPREHENSIVE COMMERCIAL REVITALIZATION PROGRAM FOR DOWNTOWN MASON

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

Scot Lahrmer provided a brief history of the City's previous contract with LSR Consultants for the Downtown Mason Revitalization effort. He explained this legislation extends the contract for an additional seven months with a total additional cost of \$21,000.

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

A motion to adopt Ordinance 2003-49 was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2003-50 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARRETT PAVING MATERIALS, INC. FOR THE 2003 STREET MAINTENANCE AND RESURFACING PROGRAM

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

Richard Fair explained to Council this legislation will award a contract to the lowest and best bidder for capital investments and repair to the City's streets. He said major projects included this year include resurfacing Hanover Drive, Industrial Row Road and widening Doc Erbeck Way. He added this year's program also includes a storm sewer project on Northeast Street and construction of several bike paths in the parks. He stated four bids were received for this project with the lowest and best bid going to Barrett Paving for \$1,078,606.56.

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

A motion to adopt Ordinance 2003-50 was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2003-51 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 32 FORD FOR THE PURCHASE OF ONE 2003 FORD F-350 DUMP TRUCK

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 allows for the budgeted replacement of the 1993 truck currently in use in the Public Works Department. The cost to purchase one 2003 Ford F-350 dump truck is \$39,144. He added the city will purchase a dump bed, plow and stainless steel "V" box slat spreader once the tuck has been ordered.

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

A motion to adopt Ordinance 2003-51 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

CITY MANAGER'S REPORT

"Coffee with a Cop" is scheduled for 8:00 a.m. on May 1, 2003 and Friday May 2 at the Municipal Center.

Mitsubishi is presenting a painting they had commissioned for our new Municipal Center. A reception will precede the May 12th Council meeting for this presentation.

On May 22, 2003 a dedication ceremony is planned at 7:00 p.m. for the new playground, restrooms and picnic pavilion recently completed at Heritage Oak Park.

The intersection of Butler Warren Road and US 42 will be bid by ODOT in January 2005. It is expected to cost \$1.5 million and will be paid from ODOT funds.

The City was overwhelmed by the response to the registration for Parks and Recreation programs and apologizes for the long lines.

A report is included for Council on the City's grant activity to date. The dollar value for pending grants exceeds \$14 million; for current grants \$2.1 million; and recently completed grants nearly \$1.1 million.

COMMITTEE REPORTS

Councilmember Beck reported on the "Support our Troops Rally" He stated approximately 1000 residents attended and thanked all of those who helped with the event. He gave the dates and times it will be broadcast on channel 24 and channel 4.

COUNCIL OLD AND NEW BUSINESS

Councilmember Beck asked if the City has received any further complaints regarding speeders on Thornberry. Scot Lahrmer replied there have none received recently.

Mayor McCurley reported he had attended the Rotary Event on Saturday. He apologized for the long lines at the Community Center for class registration. He stated due to our lack of experience, we were not expecting the large number of residents and the City will be more prepared in the future. Mayor McCurley also mentioned the 20th Annual Golf Event by the Kiwanis will be held on May 14, 2003 and invited those interested to attend this great event. He also reported former Mayor Lou Eves is home from the hospital.

RECOGNITION OF VISITORS None

Councilmember Grossmann stated in order to make Ordinance 2003-48 consistent throughout the entire text, a further amendment is needed to the definitions in section 2A-ii. The changes are as follows: the usage credit month is each month of usage from April (billed in May) through October (billed in November), inclusive, beginning in May 2003. Councilmember Grossmann moved to amend the ordinance to reflect these changes. The motion was seconded by Councilmember Staten. VOTE: ALL YEAS

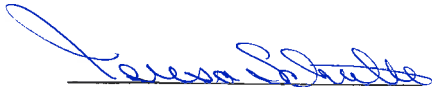
EXECUTIVE SESSION

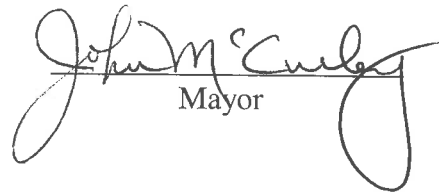
A motion to go into executive session for the purpose of discussing land acquisition was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

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

ADJOURN

A motion to adjourn was made by Councilmember Staten, seconded by Vice Mayor Fox.
VOTE: ALL YEAS
TIME: 9:53 p.m.


Clerk of Council


Mayor