

**CITY OF MASON
COUNCIL MEETING
MAY 12, 2003**

The meeting was called to order by Mayor McCurley at 7:04 p.m. Pastor Jerry Pelfrey opened the meeting with a prayer. Those present were invited to participate in the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Jim Fox, Dick Staten, Victor Kidd, Peter Beck, Charlene Pelfrey and John McCurley. Councilmember Tom Grossmann joined the meeting during the first recognition of visitor's period at 7:43 p.m.

APPROVAL OF MINUTES

A motion to approve the minutes of the April 21, 2003 Council Worksession was made by Vice Mayor Fox, seconded by Councilmember Kidd. Councilmember Pelfrey asked for a clarification regarding the creation of a job description for the Downtown Co-ordinator. Mayor McCurley stated the Committee from Council would meet with Linda Fitzgerald to define the position and its responsibilities. VOTE: ALL YEAS

A motion to approve the minutes of the April 28, 2003 Council meeting was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: 5 YEAS, 1 ABSTAIN (Pelfrey)

RESOLUTION 2003-06 PROCLAIMING MAY 12-16, 2003 AS SMALL BUSINESS WEEK 2003

Scot Lahrmer read the Resolution.

Mayor McCurley introduced Mr. Bill Fioretti, Director of UC Small Business Development Center. He also introduced Mr. John Harris, President of the Mason, Landen, Kings Chamber of Commerce. He stated over 87% of the Chamber members have 100 employees or less. Mayor McCurley presented the awards to each category as follows: Family Business—Arloi Dee; Retail---Miami Valley Floral; Manufacturing---Kutbest Grinding; and Professional---Tokarsky & Associates. Each winner was presented with a copy of the Proclamation and the book "Good to Great".

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 Resolution 2003-06 was made by Councilmember Beck, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

RECOGNITION OF VISITORS

Mayor McCurley introduced Mayor Amy Brewer of Lebanon and Councilman Norm Dreyer.

John Harris addressed Council and thanked them for their support of the chamber auction. He stated the dollars raised are used for their scholarship fund.

Diane Clasen addressed Council and stated this is the fourth year the City of Mason has received the designation as a Tree City USA. She stated the City has also received for a second time the Growth Award. She announced the City will be hosting the Southwest Ohio Award Ceremony in 2004. She introduced the Tree Committee members present and presented the new flag to the Mayor.

RESOLUTION 2003-07 PROCLAIMING MAY 18-24 AS NATIONAL PUBLIC WORKS WEEK

The Resolution was read by Eric Hansen.

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 2003-07 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

RESOLUTION 2003-08 PROCLAIMING MAY 11-17 AS NATIONAL LAW ENFORCEMENT WEEK

The Resolution was read by Eric Hansen.

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 2003-08 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

RESOLUTION 2003-09 PROCLAIMING MAY 18-24 AS EMERGENCY MEDICAL SERVICES WEEK

The Resolution was read by Eric Hansen.

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 2003-09 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

RESOLUTION 2003-10 PROPOSING A REPLACEMENT LEVY FOR FIRE AND EMERGENCY SERVICES AS SET OUT IN OHIO REVISED CODE SECTION 5705.19(1) TO BE SUBMITTED TO THE ELECTORS

The Resolution was read by Eric Hansen.

Councilmember Grossmann asked about the amount of revenue this generates and the calculations used to indicate the amount of dollars needed to operate. He also asked about the cost of a special election. Scot Lahrmer responded it costs approximately \$10,000-\$15,000 and the cost is shared if other issues affect the City. Councilmember Pelfrey asked why this was not being held during the November election. Scot replied we are repeating what we have done in the past.

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 2003-10 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2003-52 APPROVAL OF THE FINAL PLAT OF WEATHERSTONE, SECTION 3, BLOCK C.

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 the developer is requesting the approval of the final plat for Weatherstone, Section 3, Block C. He said this section contains seven multi-family lots on 5.075 acres. He added this plat will dedicate the water, utility and access easements needed for this section of the subdivision. Staff recommends approval contingent on 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 Kidd, seconded by Councilmember Staten. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-52 was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2003-53 APPROVAL OF THE REPLAT OF LOTS 23 AND 24-B OF THE THORNGATE AT WINDEMERE SUBDIVISION.

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

Richard Fair explained to Council the developer is requesting approval of the replat for Thorngate at Windemere Lots 23 and 24-B located on the north end of the Windemere Subdivision. He added this replat will create 39 residential lots (landominiums) and over 2.7 acres of open space. He said this legislation will also dedicate the utility, sanitary, storm and water easements needed for this section of the subdivision.

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 2003-53 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2003-54 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DAVID WILLIAMS AND ASSOCIATES, INC. FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT IN PINE HILL LAKES PARK

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

Scot Lahrmer explained to Council the current structure is 13 years old and does not fully comply with updated safety standards. Included in the 2003 budget was \$175,000 for replacement equipment. What is being proposed is metal play structures for both age groups 2-5 and 5-12 including the installation of a synthetic safety surface throughout the play area. He added a small water play spray ground will also be installed near the VIP building. The current structure will be removed. The lowest and best bid was received from David Williams & Associates for \$158,875. Included in the decision process was the input from two fourth grade classes and a second grade class. Scott stated installation should be complete by the end of August. A discussion took place among Councilmembers on the possibility of selling the old equipment.

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 2003-54 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2003-55 AUTHORIZING THE CITY MANAGER TO PROVIDE UP TO \$29,928 TO CINCINNATI METRO TO CONTINUE THE METRO 71/72 RUSH HOUR COMMUTE PUBLIC TRANSPORTATION SERVICE FROM WARREN COUNTY TO THE CITY OF CINCINNATI

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

Paige Bryan reported to Council this is the seventh year the City has supported the metro service to our area. She stated invoices have been submitted to the City of Mason, Deerfield Township and Warren County to support the 71/72 Rush Hour Commute and the Reverse Commute. She stated the City's total financial commitment is \$29,928 for the Rush Hour Commute and \$13,385.25 for the Reverse Commute for a total of \$43,31.25. This equates to 25% of the requested subsidized cost.

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 2003-55 was made by Councilmember Staten, seconded by Vice Mayor Fox. Councilmember Grossmann asked how important is this to our businesses. Paige replied the contract workers at Proctor and Gamble and Kings Island employees use the service. No information was given for Cintas. It was noted Luxottica requested a stop be placed in front of their building. Councilmember Grossmann reported 320 riders use the commute to downtown with 69 being Mason residents. The Total cost of the system is \$855,000 with \$300,000 coming from the people who use it. The remaining \$555,000 is from state, federal and local contributions. Councilmember Grossmann suggested tabling this legislation until it can be determined how much Kings Island depends on this system. He stated it is hard to justify this expense for the number of residents using the service. Councilmember Staten stated Cedar Village and Mason Christian Village might also use the service. He said we were told this is needed to service our local businesses. It is a community effort that services local businesses. Vice Mayor Fox stated one of the biggest problems for businesses in our area is finding employees. Councilmember Pelfrey asked for figures from last year. Councilmember Beck asked for clarification of the route metro takes from Kings Island to Cincinnati.

A motion to table this legislation until the June 9, 2003 Council meeting was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2003-56 AUTHORIZING THE CITY MANAGER TO PROVIDE UP TO \$13,385.25 TO CINCINNATI METRO TO CONTINUE THE 71/72 REVERSE COMMUTE PUBLIC TRANSPORTATION SERVICE FROM THE CITY OF CINCINNATI TO THE CITY OF MASON

A motion to table this legislation until the June 9, 2003 Council meeting was made by Councilmember Staten, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2003-57 AUTHORIZING THE CITY MANAGER TO EXECUTE AND PRESENT TO THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY A PETITION FOR A CHANGE OF TOWNSHIP BOUNDARIES

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 is necessary in order to bring the territory recently

annexed into Mason into Mason Township. He stated the boundaries will then be identical between the City of Mason and Mason Township.

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 2003-57 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

CITY MANAGER'S REPORT

On May 8, 2003 the Employee Excellence Awards were given to the following employees: Tim Perkins, Kendra Taylor, Jennifer Heft, Pam Eickenhorst, Steve McNamee, Karen Eve, Barb Ostendarp, Mike Trader, Ryan Tyree and Levi Wells.

City offices will be closed on Memorial Day May 26, 2003.

The City received great scores on the MVRMA safety evaluation with a 93.3% overall.

DARE graduation will beheld on May 21 and May 30, 2003. All of Council is invited to attend.

A liquor permit application has been received from the "Tennis for Charity". Councilmember Beck moved to not request a hearing. The motion was seconded by Councilmember Staten. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Staten reported the Planning Commission tabled Windemere Phase 4 and discussed a sign request for the Bank One Building located on Mason-Montgomery Road. He added the law director is researching the required compliance with the area covenants and restrictions.

Councilmember Beck reported on the activities of the Veteran's Memorial Committee. He stated the fund raising and construction are continuing. He said some items are being rebid in an effort to reduce costs.

COUNCIL OLD AND NEW BUSINESS

Councilmember Beck said he has attended the National Association of Development and found it very beneficial. He asked for clarification of the bid process for contract on lawn maintenance. Richard Fair replied the City did not pay prevailing wage to Great Escape. He said that information was included in the contract documents.

Councilmember Pelfrey asked what the parameters were for the sale of the old City building. She asked if we have any offers and if we can control what the building can be used for in the future. She

stated residents have said they would like it to be a restaurant. Scot Lahrmer replied the City currently has no offers but has had some discussions with various parties. Ken Schneider said the City can put reasonable restrictions on the property but cannot discriminate. Councilmember Pelfrey said she would like to define the function of the property before it is listed with a broker. Councilmember Beck suggested the Downtown Committee of Council review the matter and establish the parameters. Councilmember Kidd stated he would like the City to be proactive in bringing a business to the downtown area that the residents want and that would enhance the downtown.

Councilmember Pelfrey explained to Council an experience she had with the new Community Center based on the current rate structure. She relayed a story of having to pay fees for non-swimmers while attending a birthday party. She stated the fees should be reviewed, as the City does not want to discourage residents from using the center. Mayor McCurley stated the Park Board will review the matter. Mayor McCurley also stated he has received a request for open swimming from 4:30-6:30 p.m. Councilmember Beck asked how the basketball courts are controlled. He stated he has observed some teens just walking in to play a game.

Councilmember Pelfrey stated plans are being developed for the dedication of the Veteran's Memorial. She stated the current plaza is not conducive to accommodating a large crowd. She suggested the rocks be reduced in size. She also suggested the current design creates small areas and the visibility is decreased by the trees. She stated she would like to see it more functional. Mayor McCurley stated that was reviewed and it was determined it would cost approximately \$65,000 to reduce the size of the rocks. Councilmember Beck suggested the Council Building Committee meet and suggest corrections. Councilmember Staten, Vice Mayor Fox and Mayor McCurley will meet and discuss the matter.

Terry Schulte asked Council if the City is interested in purchasing a table for the County Bicentennial event on August 9, 2003. She stated many townships and cities have already made purchases. The cost is \$400 per table. Ken Schneider is to review the matter and determine if there is any conflict with the City participating.

Mayor McCurley referred to Safety Committee the suggestion of allowing no on street parking in new subdivisions in R1, R2 and R3 areas.

RECOGNITION OF VISITORS

Larry Garver of Fields Edge in the Village Lakes Subdivision addressed Council and asked for someone to review the water-shed problem on the old portion of Stitt Road. He also stated the grass needs to be cut. Scot Lahrmer stated it is the City's intent to make that area a linear park space.

EXECUTIVE SESSION

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

YEAS

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

A motion to add Ordinance 2003-58 to the agenda was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2003-58 AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH N.J. POLICICCHIO AND DENISE BEAUCHAMP FOR THE ACQUISITION OF CERTAIN INTERESTS IN PROPERTY LOCATED AT 4976 LAURELWOOD COURT, 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

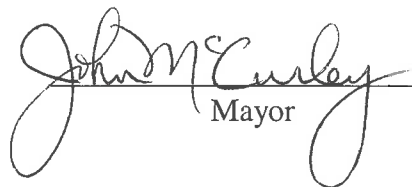
A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-58 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Councilmember Kidd, seconded by Vice Mayor Fox. VOTE: ALL YEAS
TIME: 10:35 p.m.


Clerk of Council


Mayor