

**CITY OF MASON  
COUNCIL MEETING  
JUNE 23, 2003**

Mayor McCurley called the meeting to order at 7:07 p.m.

**ATTENDANCE**

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

**APPROVAL OF MINUTES**

A motion to amend the minutes to reflect one nay vote and five yea votes on Ordinance 2003-68 was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS. A motion to approve the minutes as amended was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS.

**RECOGNITION OF KELCI CULP, OHIO FINALIST FOR NATIONAL AMERICAN MISS PAGEANT**

Mayor McCurley recognized Kelci Culp who has received the designation of finalist in the National American Miss Pageant. Her mother addressed Council and provided background information on her activities

**RECOGNITION OF VISITORS**

Shelly Knoop addressed Council and stated she is a longtime resident of Mason and is requesting Council review the family membership policy to the Community Center. She stated she lives with her child and mother. She said when they tried to join the Community Center under a family membership they were told they did not qualify. She stated there are many types of extended families and they should be recognized by the City. She asked to talk to a manager but was told there was none on staff on Saturday. She said she works from Monday through Friday and could not resolve the matter during the week. Vice Mayor Fox stated if a parent is a dependant, then they are included as a family member. He said the IRS definition of family was used when the Community Center policies were created. He said the matter will be reviewed and invited Mrs. Knoop to attend a Park Board meeting held on the second Thursday of the month at 7:00 p.m. He also suggested she contact Michael Hecker, Director of Parks and Recreation.

Mr. Don Williams of 214 West Church Street addressed Council and asked if the City could make an effort to slow the traffic down on Church Street. He stated there are stop signs but many people run them and it creates a dangerous situation for residents and children in the area. He said he has observed drag racing on the street between a vehicle

and a motorcycle. Mayor McCurley stated this would be reported to Chief Ferrell. Councilmember Pelfrey asked why there was no striping on the street. Richard Fair replied in a residential area typically it is not needed. She then suggested posting signs stating "Children at Play". Richard Fair said Sgt. Schultz will be the officer in the Police Department to look into this matter.

**RESOLUTION 2003-11 ADOPTING THE BUDGET OF THE CITY OF MASON FOR THE YEAR JANUARY 1, 2004 THROUGH DECEMBER 31, 2004**

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

Eric Hansen stated this is the second reading for this legislation. He said it is a necessary housekeeping item so the City can be in compliance for the distribution of Local Government Funds.

Mayor McCurley opened the public hearing at 7:30 p.m. No comments were offered for or against this legislation. Mayor McCurley closed the public hearing at 7:31 p.m.

A motion to adopt Resolution 2003-11 was made by Councilmember Beck, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2003-70 AMENDING ORDINANCE NO. 2003-41 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 Kidd, seconded by Vice Mayor Fox. VOTE: ALL YEAS

Councilmember Pelfrey stated additional information has been submitted to the Court Liaison Committee and more time is needed to review the information.

A motion to table this legislation until the next council meeting was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2003-71 VACATING APPROXIMATELY .0616 ACRES OF SOUTH WEST STREET AND .0311 ACRES OF THE ALLEY ADJACENT TO THE SAINT SUSANNA CHURCH.**

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

Richard Fair explained to Council the property owner, St. Susanna Parish is requesting the approval of the vacation plat for part of South West Street and the alley adjacent to the school. He stated Planning Commission has reviewed this request and is recommending approval contingent upon adding the Vacation Petition statement and

signatures to the plat and adding the Deed Book number and page for the existing easement located in the section of West Street to be vacated. He also said if the easement has not been recorded, he requested they add the necessary Utility Easement Restriction to the vacation plat.

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

A motion to adopt Ordinance 2003-71 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2003-72 APPROVAL OF THE REPLAT OF THE SAINT SUSANNA SUBDIVISION.**

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 St. Susanna Parish is requesting approval of the replat for the Saint Susanna Subdivision. The replat will consolidate the existing 16 properties owned by the Parish into two lots. He stated Lot 1 will consist of 14.3330 acres and will include the educational facilities while Lot 2, will contain 9.4974 acres and be the location for the new worship center. He said Planning Commission recommends approval contingent upon compliance with the following comments:

1. The areas to be vacated cannot be included in the replat until they are recorded at the county.
2. Please dedicate 17'-0" of right of way along Reading Road for Lot 1 and 50'-0" of right of way along Reading for Lot 2 as required by the City of Mason Thoroughfare Plan.
3. Please add the Dedication Statement to the replat.
4. Please include the property lines (hatched) and numbers for the existing lots which are to be consolidated.
5. Please include the 100-year floodplain easement for the Muddy Creek on the replat.
6. Please add the Deed Reference statement to the replat.

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 2003-72 was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2003-73 APPROVAL OF THE FINAL PLAT FOR WHISPERING SPRINGS, SECTION 2, PHASE C.**

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

Richard Fair stated to Council the owner of the Whispering Springs LLC is requesting approval of the final plat for Section 2, Block C. He said this section contains sixteen single family lots on 8.377 acres with .2 acres to be used as open space. He added this plat will dedicate the right of way, water, utility and private drainage 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 Councilmember Kidd, seconded by Councilmember Staten. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-73 was made by Councilmember Kidd, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2003-74 APPROVAL OF THE FINAL PLAT FOR HICKORY WOODS, SECTION 3, BLOCK A.**

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 the owner of Hickory Woods Development, LLC is requesting approval of a final plat for Section 3, Block A of the Hickory Woods Subdivision. He stated this plat will dedicate the right-of-way and necessary easements as well as create the residential lots. He also noted Planning Commission has reviewed this request and recommends approval contingent on compliance with the following comments:

1. Please change the "Storm Sewer Easement" on sides of Lots 72, 73, 80, 81, 87, 88 and on the back side of Lots 78, 79, 88, 95, 96 and 97 to read "Private Drainage Easement."
2. Please remove "Flood Route" from Lot 85.
3. On sheet 1 under NOTES- item 2, please change "Williamsburg Properties" to "Hickory Woods Development, LLC."
4. Please provide covenants and restrictions on Sheet 2.
5. Please submit a performance bond and subdivider's contract.

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 2003-74 was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2003-75 AUTHORIZING THE CITY MANAGER TO GRANT AN ENCROACHMENT EASEMENT FOR THE HOUSE LOCATED AT 4103 IVY GROVE LANE WHICH IS ENCROACHING INTO A PUBLIC STORM SEWER EASEMENT.**

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

Richard Fair explained Scott Willis with Oak Tree Homes of Ohio, Inc. is requesting an encroachment easement for the house located at 4103 Ivy Grove Lane (Lot 68A) in the Arbor Creek Subdivision. He stated after completion of the house, the builder had the lot surveyed for the title company. The surveyor found that part of the southern portion of the house is within an adjacent storm sewer easement. Staff has reviewed the location of the house to the storm line and determined that this encroachment will not hinder the maintenance or replacement of the storm line, if ever required. This encroachment easement will allow the house to remain within the easement and will also hold the city harmless for any damages to the encroaching areas of the house, which may occur during repair, or replacement of the storm line.

Richard Fair said the survey of the lot revealed that the house is also within the twelve-foot side yard setback required by the City of Mason Zoning Code. The builder has submitted an application requesting a variance from this setback requirement. This issue will be addressed at the next Planning Commission meeting on July 1<sup>st</sup>, 2003.

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

A motion to adopt Ordinance 2003-75 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2003-76 ACCEPTING THE PUBLIC IMPROVEMENTS FOR  
LENSCRAFTERS SUBDIVISION 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 the legislation before them for the Lenscrafters Subdivision includes Lenscrafters Lane and Luxottica Place. He stated the Public Utilities, Public Works and Engineering Departments have inspected the public improvements. The utilities and other public improvements will become the City's responsibility upon acceptance. He stated staff recommends acceptance of the public improvements, contingent on the submission of a one-year maintenance bond.

Councilmember Beck asked for the timing to be checked on the signal at Tylersville Road. He stated he has seen people running the light because it lasts too long. Richard Fair stated the contractor is not finished on this job and will fix it.

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 2003-76 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2003-77 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$25,797.00 TO INCREASE THE CONTRACT OF CAMP, DRESSER AND MCKEE (CDM) FOR THE ENGINEERING DESIGN SERVICES FOR THE PRELIMINARY ENGINEERING DESIGN ON THE MUDDY CREEK**

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

Richard Fair stated Ordinance 2003-77 authorizes a change order for Camp Dresser & McKee (CDM) for the preliminary engineering design for the Muddy Creek regional detention basin. Ordinance 2003-78 authorizes a contract with Fuller, Mossbarger, Scott & May to revise the FEMA Floodplain for all of Davis Run and the Muddy Creek from Tylersville Road to Donna Jean Boulevard and to complete the design of a regional stormwater detention facility in the Muddy Creek watershed. He explained the cost for Ordinance 2003-77 is not to exceed \$25,797 and the cost for Ordinance 2003-78 is not to exceed \$148,170. Richard Fair said as a result of a recommendation from City Council's Utility Committee, CDM completed a preliminary analysis on the Muddy Creek to determine the approximate size for a basin needed to control the flooding in Davis Run. Preliminary results show that the new storm water detention basin, sized to detain up to a 100-year design storm, would have a surface area of approximately 12 acres. He then stated four firms were sent request for proposals for the Muddy Creek Floodplain Study with the most comprehensive, cost effective and detailed proposal being submitted by Fuller, Mossbarger, Scott & May Engineers. He added the design of this project was included in the 2003 budget with funds coming from the Storm Water Utility.

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

A motion to adopt Ordinance 2003-77 was made by Councilmember Staten, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2003-78 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FULLER, MOSSBARGER, SCOTT & MAY ENGINEERS, INC. FOR THE ENGINEERING DESIGN SERVICES NECESSARY FOR THE MUDDY CREEK FLOODPLAIN STUDY AND REGIONAL DETENTION FACILITY DESIGN**

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 Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-78 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2003-79 AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATIONS FOR AN OHIO PUBLIC WORKS COMMISSION, DISTRICT 10 STATE ISSUE 2 GRANT FOR PROJECTS SUBMITTED FOR PROGRAM YEAR 20**

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

Eric Hansen explained to Council the intent of the Issue 2 Grant program is to assist in financing public infrastructure capital improvements of local governments including roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities, storm water and sanitary collection, storage and treatment facilities. He stated the City has been very successful in pursuing these competitive State Issue 2 funds. This year the City intends to follow in this tradition by applying for Program Year 20 (2006) funds for the following projects:

- Bethany Road Widening from Mason-Montgomery Road, west to the corporation limit  
Widening 2,700 feet of the existing two lanes to five lanes with a bike path, sidewalk, curb and gutter.
- Mason Road Widening from West Main St., west to the corporation limit  
Widening 7,300 feet of the existing two lanes to three lanes with a bike path, sidewalk, curb and gutter
- SR 741 Widening from Parkside Drive, north to Bethany Road  
Widening 7,500 feet of the existing two lanes to five lanes with a bike path, sidewalk, curb and gutter
- Construction of East Trunk Sewer Improvements  
Correcting capacity constrictions in the gravity sewer running from the Western Row force main to Kings Mills Road.
- New Water Reclamation Plant - Low-Interest Loan funds  
Replacement of the existing WRP on US 42 with expanded 13 million gallon per day capacity facility on Mason-Morrow-Millgrove Road. Application will be for reduced interest loan or credit enhancement only.

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

A motion to adopt Ordinance 2003-79 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2003-80 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH McCLUSKEY CHEVROLET FOR THE PURCHASE OF ONE (1) 2004 CHEVROLET C8500 VEHICLE**

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

Eric Hansen stated the 1993 truck in the Public Works Department has relatively excessive mileage (over 65,000 miles), has exceeded the City's scheduled vehicle replacement date, and is incurring increasing maintenance costs and down time. He stated the actual state bid purchase price for a new truck, equipped to standard City specifications is \$77,365. However, McCluskey Chevrolet has submitted a competitive bid for this same vehicle, with an upgraded drive train(meeting standard City specifications), for a purchase price of \$76,028. He added both the Equipment Committee and the Finance Committees of Council previously discussed and recommended the replacement of this vehicle. The 2003 Budget included \$91,800 for the replacement of the 1993 vehicle.

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 2003-80 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2003-81 AMENDING SECTION 333.01 OF THE CODIFIED ORDINANCES OF THE CITY OF MASON, OHIO, EFFECTIVE JUNE 30, 2003, TO REFLECT THE STATE OF OHIO'S REDUCTION IN THE LEGAL ALCOHOL LIMIT FOR OPERATING A MOTOR VEHICLE, AND DECLARING AN EMERGENCY.**

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

Eric Hansen explained to Council, House Bill 87 recently passed and modified the Ohio Revised Code to reflect a new drunken driving standard of 0.08 blood-alcohol content, effective June 30, 2003. He stated Legal Counsel has reviewed the impact of House Bill 87 on the City and concluded that since the City of Mason's Driving under the Influence code (Section 333.01) has reflected State standards, it is appropriate to modify the section to match the new .08 limit. This will not only continue to mirror state law, but will allow City of Mason police officers to continue charging offenders under City Ordinance. Otherwise, after June 30th, state law will supersede city ordinance and police officers will be required to cite offenders using the new state law, rather than city ordinance. Citing under the Ohio Revised Code for DUI offenses means the City of Mason loses its right to funds collected by the courts as a result of DUI convictions. He added Council Safety Committee has reviewed this legislation and recommend approval.



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 2003-81 was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2003-82 AUTHORIZING THE CITY OF MASON TO SPONSOR A TABLE AT THE AUGUST 9, 2003 DINNER AND CONCERT CELEBRATING THE BICENTENNIAL OF WARREN COUNTY, OHIO**

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

Eric Hansen stated City Council had expressed an interest in sponsoring a table for the August 9<sup>th</sup> concert and dinner. He said this is a part of the Warren County Bicentennial celebration. Ordinance 2003-82 authorizes \$400 to the Warren County Convention & Visitors Bureau for sponsorship of a table at this event.

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 2003-82 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

The Sunshine Concert scheduled for last Sunday has been rescheduled for July 20.

The phone number 229-8502 is the City's hotline for information and will give updates on any cancellations.

City offices will be closed on July 4, 2003 in observance of the Holiday.

The City's "Red Rhythm and Boom" celebration will take place on July 3, 2003 at Pine Hill Park. It will begin at 6:00 p.m.

Three of the City's Public Utilities employees were near the top of their class in successfully passing exams to achieve their Wastewater Collection I licenses. The Ohio EPA administers the tests. The employees are Neal Chamberlain, Richard Mahiques and Michael Ledford.

**COMMITTEE REPORTS**

Councilmember Staten reported on the activities at the June Planning Commission.

Councilmember Beck reported on an OKI meeting stating a Land Use Committee has been formed and is working on a comprehensive plan for the entire region. He also stated the OKI offices have moved to a new location.

Councilmember Beck reported on the activities of the Veteran's Memorial Committee. He announced two fundraisers including the donation from Team Spirit store for any shirt purchase.

Mayor McCurley reported he had a meeting with Warren County Commissioner, Larry Crisenbery and Neil Tunison for the purpose of exploring what can be done to receive more federal dollars for roadway projects in our area. He stated Warren County is in the top 1% in the country in growth. He stated it will take a united effort and the Warren County Municipal League is supportive of this effort.

### **COUNCIL OLD AND NEW BUSINESS**

Councilmember Pelfrey moved to add an executive session for the purpose of discussing eminent litigation. The motion was seconded by Councilmember Kidd. VOTE: ALL YEAS

Councilmember Kidd shared a story involving two Mason High School graduates who found a wallet with \$800 dollars in it and were able to find its rightful owner. He stated with the negative press some seniors have received, it is heartwarming to also hear about the positive efforts of the seniors.

Councilmember Beck asked who is responsible for the maintenance of Butler Warren Road. Richard Fair replied north of Tylersville Road is the responsibility of Butler and Warren County. None of that section is in the City.

Councilmember Beck stated he has some questions regarding the Fire Department but will get with Councilmember Staten in the future. He also stated he has read the Financial Report of the City and commented we are doing a good job of adhering to the planned budget.

Mayor McCurley commented on the passing of Pat Long, previous Mayor of Carlisle. He also congratulated all the graduating seniors of 2003.

### **RECOGNITION OF VISITORS** None


### **EXECUTIVE SESSION**


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

A motion to reconvene into regular session was made by Councilmember Staten, 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: 9:25 p.m.

  
Clerk of Council

  
Mayor