

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

Mayor McCurley called the meeting to order at 7:10 p.m.

Following a prayer by Rabbi Kalmanson, those in attendance recited the pledge of allegiance.

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 June 23, 2003 Council meeting was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 ABSTAIN (Grossmann).

RECOGNITION OF CHILDREN'S THEATRE OF MASON

Councilmember Pelfrey introduced Robin Wilcox, who introduced 6 student actors participating in the Children's Theatre of Mason. She presented a brief background of their activities and stated their next performance will be Charlotte's Web.

Mayor McCurley introduced Police Chief Ron Ferrell and presented him with Theodore S. Jones Service Award. He explained Chief Ferrell was selected by the Executive Committee of the Ohio Association of Chiefs of Police.

RECOGNITION OF VISITORS

Father Harry Meyer of St. Susanna's Catholic Church, addressed Council and stated he was chosen to represent the congregation regarding the plans for the new church. He said they are requesting two curb cuts for two entrances to the new church and they feel one presents a dangerous situation. He added they serve 3000 families with approximately 1500 in the City limits. He stated if the City only allows one curb cut it may place the entire project in jeopardy as they must receive approval from the archdiocese. He invited Council to visit the site and review the plans. Councilmember Staten said the City has access management plans that must be applied to any development. He stated the City relies on professional input on these matters. He said access points must have 250-300 foot spacing or they create a hazard. He also stated the City cannot approve this without setting a precedent for other developments. Mayor McCurley stated the City is glad the church is expanding and recognizes this is an emotional issue for members of the congregation. He stated the Planning Commission will review the matter.

Mary Lou Shields of 119 W. Main Street addressed Council and presented a check for \$500 to the Veteran's Memorial Fund raised by the Ladies Auxiliary of the VFW.

Tom Stern from the Ravine Condos on Columbia Road addressed Council and stated he was representing the homeowners association. He said the association would like to receive Cincinnati Water, have a Mason mailing address, be included in the Mason School system and have curbs and gutters installed. Scot Lahrmer replied the school system and the mailing address are items the City has no control over. He stated the curbs and gutters can be added to the list of storm water projects. He explained how the projects are set by priority of property damage and loss of life. Vice Mayor Fox stated Warren County has water lines in their area and they serve others in the region. He stated they might not be able to allow us to serve their project.

RESOLUTION 2003-12 PROCLAIMING JULY AS NATIONAL PARKS & RECREATION MONTH

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

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 Resolution 2003-12 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

RESOLUTION 2003-13 SUPPORTING A REPLACEMENT 5-MILL FIRE LEVY FOR THE CITY OF MASON

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

Scot Lahrmer introduced Matt Kline of 5334 Chapel Lane who is leading the effort for the successful passage of this levy. Mr. Kline stated he hoped all voters would support Issue 2 on the ballot and it is a replacement levy.

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 Resolution 2003-13 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2003-70 AMENDING THE 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 Councilmember Staten. VOTE: ALL YEAS

Councilmember Grossmann stated the Clerk of Court has requested this legislation be withdrawn. He stated he does expect it to come before Council in the future but the Court would like a chance to explain the situation further. Scot Lahrmer stated this legislation has been before Council since June 9, 2003, therefore it is customary for Council to vote on the legislation and if they do not wish it to pass, they vote it down. He stated it can then be reintroduced in the future.

A motion to adopt Ordinance 2003-70 was made by Councilmember Grossmann, seconded by Councilmember Pelfrey. VOTE: ALL NAYS Ordinance failed.

ORDINANCE 2003-83 APPROVAL OF THE FINAL PLAT FOR THE OAKS OF CROOKED TREE, SECTION 6, BLOCK C.

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

Kurt Seiler explained to Council the Drees Company, is requesting approval of the final plat for The Oaks of Crooked Tree, Section 6, Block C, zoned R-4. He stated this section contains 20 single-family lots on 9.377 acres, an open space lot on 1.3969 acres and .8 acres of right-of-way. Section 6 is located north of Bethany Road and west of the Shaker Height Farms Subdivision. He added this plat will dedicate the right-of-way and necessary easements as well as create the individual lots.

Kurt Seiler said Planning Commission recommends approval of the final plat contingent on the following:

1. Please change "City Manager" to "City Engineer" on sheet 1.
2. Please revise the storm easements on lots 247, 248, 252 and 253 to Private Drainage Easements.
3. Please submit 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 Grossmann, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-83 was made by Councilmember Grossmann, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2003-84 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OGLESBY CONSTRUCTION, INC. FOR THE STRIPING OF VARIOUS STREETS IN THE CITY

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

Kurt Seiler explained to Council the 2003 Street Striping Program was bid on July 2 with three (3) bids received. The low bidder was Oglesby Construction of Norwalk, Ohio for the amount of \$89,595.50. Staff recommends approval.

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 2003-84 was made by Councilmember Grossmann, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2003-85 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE FROM JACK B. NIXON FOR THE ACQUISITION OF 1.56 ACRES, LOCATED ON THE EAST SIDE OF U.S. 42, ACROSS THE STREET, SOUTH OF OPPORTUNITY PLACE, AND DECLARING AN EMERGENCY

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 City has negotiated with Jack B. Nixon to purchase a vacant lot located on the east side of U.S. 42 located across the street, south of Opportunity Place. The City has tendered an offer to the owner in the amount of \$10,000 for the 1.56 acre parcel. The parcel is currently zoned B-3. Scot also stated within the City's Comprehensive Plan, the conservation of open space and development is a top priority. The purchase of the Nixon property will continue this emphasis giving the City an opportunity to promote floodplain and conservation of green space. The purchase will also allow the City to obtain 414.4 lineal feet right-of-way for future widening of U.S. 42 at a minimal cost. The parcel contains a total of 1.56 acres. The parcel currently contains an easement for the U.S. 42 Trunk Sewer and is mainly flood plain from the Muddy Creek drainage area.

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

A motion to adopt Ordinance 2003-85 was made by Vice Mayor Fox, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2003-86 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE STATE OF OHIO CAPITAL IMPROVEMENT PROJECT GRANT

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 purpose of this legislation is to enter into an agreement with the Ohio Department of Natural Resources (ODNR) to make improvements to the Pine Hill Lakes Dam and down stream culvert. He stated late last year, the City was notified that \$350,000 was appropriated by the 124th General Assembly through House Bill 675 for Pine Hills Lakes. Following the flooding experienced in July 2001, Pine Hill Lakes Dam experienced damage. Through City staff's efforts of working with Representative Raga's office, it was indicated funding would be made available through the State Capital Budget.

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 2003-86 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2003-87 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$85,000 TO INCREASE THE CONTRACT OF FINKBEINER, PETTIS & STROUT, INC. FOR DESIGN SERVICES NECESSARY FOR THE NEW WATER RECLAMATION FACILITY

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 as part of the City's plan to construct a new water reclamation plant on Mason-Morrow-Milgrove Road, a contract for design was awarded to FPS in July 2001 with Ordinance 2001-133. FPS's work progressed to the 60% level when staff recommended that a construction manager be brought on board for the pre-construction phase to enable the City to prepare for construction by performing value engineering. He said Council authorized Ordinance 2002-156 authorizing a contract with Jacobs Civil, Inc. for those pre-construction services in an attempt to reduce the cost of construction while achieving the City's requirements for the new water reclamation plant. Scot stated Ordinance 2003-87 authorizes an \$85,000 change order to Ordinance 2001-133, which authorized a contract with FPS for engineering services to design the first phase of the new water reclamation plant. The Utility Committee and staff recommend approval of the ordinance.

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 2003-87 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2003-88 DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN THE CITY OF MASON, OHIO TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40 OF THE OHIO REVISED CODE, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY, ESTABLISHING A TAX INCREMENT EQUIVALENT FUND

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

Michele Blair explained to Council in order to facilitate significant public improvement developments along the Interstate 71 Corridor and within the proposed Tax Increment Financing (“TIF”) District including the construction of a full interchange at Western Row Road, a TIF district is proposed as a financing method to fund the cost of these public improvements. A broad area known as the I-71 Corridor District, containing approximately 2,073 acres, has been defined for inclusion in the TIF District. She further stated the proposed I-71 Corridor District includes a wide band of corporate, industrial and high tech property along Interstate 71 and incorporates several of the major east-west arterials. These include Kings Mills Road to the north, and the eastern portions of Western Row and Socialville-Fosters Roads to the south. She also stated in order to support development of desired quality, these areas will require significant public improvements, defined in the Ordinance, but primarily related to generating revenue to contribute to the construction of a full interchange at Western Row Road, roadway extension/widening and utility extension. The breadth of the district will allow for the possible inclusion of a great number of future development opportunities.

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

A motion to adopt Ordinance 2003-88 was made by Councilmember Grossmann, seconded by Councilmember Beck. VOTE: ALL YEAS

CITY MANAGER’S REPORT

The July issue of “Mason Matters” will be delivered to residents this week.

The U.S. Census Bureau recently released July 2002 population estimates. The City of Mason has experienced a 124% increase in growth since 1990. A 16.5% increase has been realized in the past 2 years.

The Mason Police Department has been approved for reaccreditation.

COMMITTEE REPORTS

Councilmember Beck presented an update of the Veteran's Memorial Committee. He stated CEO meetings will resume in August. He also stated a meeting will be held on July 21 at the American Legion at 5:00 p.m.

Councilmember Staten reported on the meeting from Planning Commission. He also suggested we all adopt a tree and care for it through the summer. He stated many are located in the buffer areas and no one tends to them.

COUNCIL OLD AND NEW BUSINESS

Councilmember Staten requested the City's ordinance addressing the discharging of firearms in the City limits also address bows and arrows. He requested the ordinance be amended to reflect that change.

Vice Mayor Fox stated the Sunshine Concert Series will be held on July 20, 27 and August 10, 2003. He added they are free and held at Pine Hill Park.

Councilmember Pelfrey stated she has received an email regarding the extension of the bike path on Mason Montgomery Road to the Procter and Gamble property. She asked the staff to look into this and respond to the resident. She also asked where the picture of the USS Mason was that was given to the City. Scot Lahrmer stated it has been framed but not hung yet. Councilmember Pelfrey asked about the status of the railroad improvements on Church Street. Kurt Seiler responded the railroad has agreed to it and hopefully it will be done this month. She also asked about the status of the extension of the Snider Road project. Mayor McCurley replied that he and Councilmember Staten are negotiating with the property owner.

Councilmember Beck asked about banners recognizing small businesses located in the City. He also asked some questions regarding the Court budget. Councilmember Grossmann stated we need to ask ourselves if the Court should be a self-sustaining entity. Vice Mayor Fox said the water and sewer are required to pay for themselves so it is not unreasonable to expect the court to also be self-sustaining. Councilmember Grossmann asked about other departments such as the Police Department. Vice Mayor Fox replied we cannot control who the court hires but with the Police Department we can. Vice Mayor Fox said if there is a drop in case load, there should be a shift in employees to areas needed. Mayor McCurley stated it should be clarified who has control over the Police Department. He stated the charter says we do but the Court states the police department is at their disposal. Ken Schneider stated there are resources available to the City to mediate this situation. He mentioned the Judicial College, the Attorney General and the Supreme Court as options. Councilmember Staten stated he would like to hear the tape of the Judge's orders. He also stated we need clarification on exactly what ex-

officio bailiff means. Mayor McCurley stated the matter will be discussed after Council has an opportunity to hear the tape.

RECOGNITION OF VISITORS

Larry Garvey of 4244 Fieldsedge Drive addressed Council to ask about the former Stitt Road. He said the ditch is on both sides of the existing mound and both sides fill up with water. He requested the ditch remain only on the left side and the water be channeled into that ditch. Scot Lahrmer stated the Engineering Department will review this request.

EXECUTIVE SESSION

A motion to convene into Executive Session for the purpose of discussing personnel and potential litigation was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

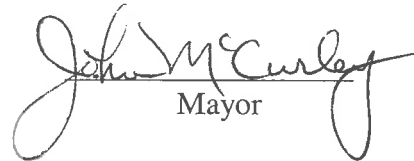
The motion to reconvene into regular session was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ADJOURN

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

TIME: 10:22 p.m.


Clerk of Council


Mayor