

**CITY OF MASON
COUNCIL MEETING
SEPTEMBER 8, 2003**

The meeting was called to order by Mayor McCurley at 7:07 p.m. Following a prayer lead by Chaplain Rick Huff, those in attendance recited the pledge of allegiance.

ATTENDANCE

The following Councilmembers were present: Jim Fox, Dick Staten, Victor Kidd, Tom Grossmann, Pete Beck, Charlene Pelfrey and John McCurley.

APPROVAL OF MINUTES

A motion to approve the minutes of the August 25,2003 Council meeting was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

PRESENTATION OF DAVID LYON FLOAT AWARD

Vickie Larcomb introduced the committee chairs and presented the David Lyon Float Award to the Mason United Methodist Church for their float in the Heritage Festival parade. Jim Allison accepted the award.

SWEARING IN OF NEW POLICE OFFICERS

Mayor McCurley preformed the swearing in ceremony for the new police officers Aaron Yeary and Scott Miller.

RECOGNITION OF VISITORS None

ORDINANCE 2003-99 ADOPTING THE 2003 REVISED SIGN CODE OF THE CITY OF MASON, OHIO

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

Mayor McCurley opened the public hearing at 7:15 p.m. Following comments from Allyn Kuennen and a general discussion among Councilmembers, Mayor McCurley closed the public hearing at 7:40 p.m. Tim Garry, with Wood and Lamping, suggested removing the reference to political signs and changing the maximum size on real estate signs in a business/industrial area to 32 feet and the same for promotional and information signs. Councilmember Staten stated Planning Commission has reviewed this legislation and recommends approval.

A motion to amend the Ordinance to reflect these changes was made by Councilmember Grossmann, seconded by Councilmember Staten. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-99 as amended was made by Councilmember Grossmann, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 203-101 APPROVAL OF THE REPLAT FOR LOTS 244 AND 245 IN THE MASON HEIGHTS SUBDIVISION

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 lots referred to in this legislation are located at the intersection of Cloverwood Drive and David Lane. He said the purpose of this replat is to revise the location of the property line located between the two lots. This replat will increase lot 244 by .1387 acres to .6534 acres and decrease lot 245 to .6004 acres.

He stated the Planning Commission recommends approval of the replat contingent on the following:

1. Please add addition Certificate of Notary Public for the Leinholders.
2. Since there are no water and sewer easements on the record plat, please remove the restriction.
3. Please rename Lot 481 to Lot 244A and Lot 487 to Lot 245A.
4. Please revise the square footage of Lot 245 to the correct amount (32,194 sf).
5. On the square footage chart, please label Senour as Lot 245 and Marquart as Lot 244.

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 2003-101 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2003-102 APPROVAL OF THE DEDICATION AND TEMPORARY EASEMENT PLAT FOR 207 KINGS MILLS ROAD

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

Richard Fair addressed Council requesting the approval of the dedication plat of right-of-way along Kings Mills Road for the Ronald and Donna Barrett property. He stated this plat will dedicate .102 acres of right of way along Kings Mills Road to the City of Mason and establish a Temporary Construction Easement. He added the Temporary Easement will remain in place until the proposed bike path along Kings Mills Road is installed.

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 2003-102 was made by Vice Mayor Fox, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2003-103 APPROVAL OF THE DEDICATION PLAT FOR BEARCAT DEVELOPMENT

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, this legislation requests the approval of the dedication plat of right-of-way along Bethany Road for the Bearcat Development Corporation, Inc. and Bearcat Properties of Mason, Inc. He said this plat will dedicate 50'-0" of right of way along Bethany to the City of Mason. He added the plat is consistent with the requests made by Zoning Board of Appeals on February 25th, 2003 and the City of Mason Thoroughfare Plan.

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 2003-103 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDIANNCE 2003-104 APPROVAL OF THE DEDICATION PLAT FOR K.P. PROPERTIES

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

Richard Fair addressed Council and stated this legislation is requesting the approval of the dedication plat of right-of-way for the KP Properties site. He stated the site is located on the east side of 741, approximately 350 feet north of the Bethany Road/ S.R. 741 intersection. He added this plat will dedicate 50'-0" of right of way along 741 to the City of Mason. The plat is consistent with the requests made by Planning Commission on August 5th, 2003 and the City of Mason Thoroughfare Plan.

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 2003-104 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2003-105 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 22.685 ACRES FROM B-3 TO B-3 PLANNED UNIT DEVELOPMENT PLAN FOR THE WALL 2 WALL SPORTS PROPERTY

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

Scot Lahrmer stated this will be a first reading for this legislation. A public hearing on this ordinance will be held on October 13, 2003 at approximately 7:05 p.m.

ORDINANCE 2003-106 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$36,914.73 TO INCREASE THE CONTRACT WITH SUNESIS CONSTRUCTION COMPANY FOR THE MASON-MONTGOMERY ROAD IMPROVEMENT PROJECT

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 the purpose of this legislation is to approve a change order in the amount of \$36,914.73 to the Sunesis Construction Company. Scot stated the reason for the increased cost was due the design changes and additional work requested of Sunesis. He stated these changes consisted of items such as demolition of 11 additional structures, adding the fourth leg to the signal at the Foxfield/Cemetery entrance, replacing the sanitary backfill with sand to try eliminate the chance of settlement occurring in the roadway, removing the buried tanks and contaminated soil at the Reber site and pipe bursting a portion of the sanitary sewer re-alignment. He also stated staff elected not to perform sanitary sewer work in this area at this time as the cost was estimated at \$550,000.

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 2003-106 was made by Councilmember Kidd, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2003-107 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH KEVIN A. LAPHORN AND JANET L. LAPHORN FOR THE ACQUISITION OF PROPERTY LOCATED AT 100 W. CHURCH STREET, MASON, OHIO

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 the City has negotiated with Kevin and Janet Laphorn to purchase their property located at 100 West North Street. He said Mr. and Mrs. Laphorn own residential property at the northwest corner of Church Street and Mason-Montgomery Road. Scot said the City will need additional right-of-way along Mason-Montgomery Road when the improvement between Church Street and the I&O Railroad bridge is completed. He added acquiring the entire property, since it was for sale by owner, had several advantages to the City. After acquisition, the City will replat

the lot for the necessary right-of-way along Mason-Montgomery Road then re-sell the house. Scot stated the agreed upon price is \$149,000.

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

A motion to adopt Ordinance 2003-107 was made by Councilmember Kidd, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2003-108 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SANDERSON CMI FOR COMPUTERS EQUIPMENT AND SERVICES IN 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

Eric Hansen explained to Council the Municipal Court has submitted a purchase order for computer equipment and services exceeding \$15,000 and, therefore, requiring legislation by City Council. He stated the request is for \$43,752 for web connection hardware and installation. He also stated according to the purchase order, the purchase is to be made from the Municipal Court Computerization Fund and will therefore, not require General Fund dollars.

Councilmember Staten stated he is concerned over the social security number being accessible to the public. He noted Butler County recently halted their public access on the web due to that concern. He stated because of identity theft, it should be protected. Councilmember Grossmann stated the Court Liaison Committee can request the Court look into this matter. Tim Garry stated the social security can be removed as they aren't considered public record.

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 2003-108 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

CITY MANAGER'S REPORT

A reception will be held to recognize the reaccreditation of the Mason Police Department and Chief Ron Ferrell's award by the Ohio Association of Chiefs of Police on Thursday September 18, 2003 at 5:00 at the Mason Municipal Center.

COMMITTEE REPORTS

Councilmember Beck reported on the status of the Veteran's Memorial. He stated there will be a meeting every Monday at 5:00 p.m. at the American Legion and every Thursday to discuss the dedication ceremony and the opening and closing ceremonies for the Vietnam Veteran's Wall. He stated volunteers are needed. He also stated fund raising is continuing and he is working on two grant requests.

Councilmember Staten reported on the activities at the last Planning Commission. He said there were two items tabled due to the number of questions still unanswered on each.

COUNCIL OLD AND NEW BUSINESS

Councilmember Staten asked who is responsible for the maintenance of the detention basin located on the CVS Pharmacy site on Kings Mills Road. He stated it is now in need of attention and asked staff to review who is responsible.


Councilmember Beck asked staff if we are on the time line previously set for the 2004 Budget Process. Eric Hansen replied yes.

RECOGNITION OF VISITORS None

ADJOURN

A motion to adjourn was made by Councilmember Beck, seconded by Councilmember Staten. VOTE: ALL YEAS
TIME: 8:30 p.m.


Clerk of Council


Mayor