

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

Mayor Beck called the meeting to order at 7:07 p.m. Following the presentation of colors by the Color Guard, those in attendance recited the pledge of allegiance. Chaplain Tom Moll opened the meeting with a prayer.

ATTENDANCE

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Tom Grossmann, John McCurley, Charlene Pelfrey and Peter Beck.

APPROVAL OF MINUTES

A motion to approve the minutes of the November Council meeting was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: 5 YEAS, 2 ABSTAIN (Bradburn, Osborne)

A motion to approve the minutes of the December 1, 2003 Council meeting was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

RECOGNITION OF SERVICEMEN BY MAYOR BECK

Mayor Beck introduced the following servicemen Brian Pitman, Chris Carrelli and Jason Distasio. They explained what branch of service they served in and where they served.

RECOGNITION OF VISITORS

Mr. Joe Winton of 3891 Slazenger Court addressed Council and stated he is the President of the Homeowners Association for the Fairways of Crooked Tree Subdivision. His concern is the speeding problem on Fairway Drive. He stated there are many kids in the neighborhood and he says an accident is imminent unless they can reduce the speed. He asked Council to move forward with an action to deter the speeders in this area. Councilmember Grossmann suggested the matter be reviewed by the Safety Committee. Mr. Winton stated he would like to see another entrance to the subdivision required by Warren County. Mayor Beck referred the matter to Chair of the Safety Committee, Vice Mayor Pelfrey. She stated she will call him and let him know when the meeting will take place.

Mr. Tom Plummer of Mason Christian Village addressed Council and stated he is a veteran of World War II. He read a historic recollection of the attack on Pearl Harbor in honor of the 62nd anniversary.

Mrs. Ginny Sundin of 108 E. North Street addressed Council and asked if there would be any impact on the programs in the Parks and Recreation Department as a result of Ordinance 2003-162. This ordinance requests a charter amendment to giving a full income tax credit to those working outside the City of Mason. Mayor Beck stated this discussion will take place when the ordinance comes up on the agenda.

Mr. Steve Cannon of 3541 Crooked Tree Drive addressed Council and stated he has a problem with numerous cigarettes butts as a result of the construction workers in the area. He said he knows the development is in the township. Mayor Beck suggested he talk directly to the developer on site. Councilmember Osborne stated he has been in a similar situation and found it effective to talk to the developer and follow it up with a letter.

Mrs. Debbie Speed addressed Council and stated she is also concerned with the speeding in the Fairways of Crooked Tree. She said the Homeowners have taken steps over the last few years and have been in communication with Chief Ferrell but they still have the problem. Mayor Beck said the matter has been referred to Committee and they will look into the matter. Vice Mayor Pelfrey asked for clarification of which Safety Committee should look into the matter, Council's or Administration. Mayor Beck replied Council's Safety Committee will be reviewing the matter.

ORDINANCE 2003-138 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 88.7 ACRES FROM R-6, TO OFFICE/COMMERCIAL PUD AND APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR THE TENNIS FOR CHARITY PROPERTY.

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

Richard Fair addressed Council and stated Tennis for Charity Inc. owns 88.7 acres at 6140 Fairway Drive that borders I-71 that is zoned R-6 Multi-family residential. The property owners have completed a conceptual long-range plan for the property and are now requesting to rezone the 88.7 acres to an Office/Retail Planned Unit Development (PUD). He said although Tennis for Charity Inc. has no immediate plans to develop or change the existing use of the stadium or golf course, if in the future, Tennis for Charity Inc. does decide to develop the property, this PUD concept plan will act as a guide for future developments. He added the conceptual PUD plan shows the property divided into 6 parcels ranging in size from 4.2 acres to 53.4 acres. The use of the parcels includes the retention of the tennis stadium with future development including office buildings, restaurants, hotels, educational facilities, health clubs and hi-tech uses. The rezoning of the property to a PUD will also bring the tennis stadium into compliance with the Mason Zoning Code since the stadium is considered a non-conforming use within an R-6 Multi-family residential zone. Richard stated while not necessarily a consideration of Planning Commission, one of the requirements City Council required in our 2002 agreement to retain world-class tennis in Mason, was to rezone the property in accordance with the City's 2001 Comprehensive Plan. One of our greatest accomplishments with our

agreement was to eliminate the high-density multi-family zoning. He added this benefit is of particular interest to the City since it eliminates the potential development of nearly 500 condos. The tennis stadium and Bruin Golf Course have been zoned R-6 Multi-family for several years. The opportunity for the City to cooperatively change the zoning on the property presents numerous benefits such as reducing the multi-family residential demand on City services and significantly reducing the developmental impact on Kings Schools. Richard said ordinarily a developer has one year to begin construction based on the plan but they have asked for an indefinite extension, as they currently have no plans to develop this property. He also stated it would be noted this is approval of the preliminary draft of the covenants and restrictions. He stated the final item is the owners are aware of the requirement of the installation of a primary collector shown on the City's Thoroughfare Plan should the property be developed. He said this should be included in the covenants and restrictions.

Mayor Beck opened the public hearing at 7:40 p.m. Seeing no comments either opposed or in favor of the rezoning issue, Mayor Beck closed the public hearing at 7:41 p.m.

Councilmember Grossmann asked Ken Schneider if he should abstain and leave the room since his law firm represents the owners and the tennis tournament. Ken replied he should not take part in any discussion but he did not have to leave the room. Ed Adams, attorney representing Tennis for Charity, stated they are reserving their rights regarding the connector road which runs across the Grizzly Golf Course. He said the owners of the golf course are opposed to that at this time. Councilmember Osborne asked if it is acceptable to allow an indefinite extension for the construction. Ed Adams stated they would like to have the indefinite extension due to financing matters. Councilmember McCurley stated this is fine with him as he does not want to see this property developed. He said this plan is necessary in case the tournament leaves the City and development takes place.

A motion to adopt Ordinance 2003-138 was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: 6 YEAS, 1 ABSTAIN (Grossmann)

ORDINANCE 2003-139 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 18.66 ACRES FROM B-2 ROAD SERVICE DISTRICT AND B-1 CENTRAL BUSINESS DISTRICT, TO A BUSINESS PUD AND APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR TYLERSVILLE CROSSING

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

Richard Fair explained to Council the firm, Cincinnati United Contractors, is requesting approval of a rezoning and concept PUD plan for 18.66 acres located at the northwest corner of US-42 and Tylersville Road. The property is proposed to be rezoned from B-2 Shopping Center District and B-1 Central Business District to an Office/Commercial

Planned Unit Development (PUD). The proposed PUD is shown to have six parcels ranging in size from 1.25 acres to 5.95 acres. Proposed uses include two retail lots and a restaurant along the frontage and two office complexes to the rear of the site. The development is also proposed to have a 5.95 acre parcel of open space. Access to the site will be from two points off Tylersville Road; a full access with a new traffic signal and a right-in and right-out towards the center of the property. A public street is proposed to be looped through the site to provide internal access for the parcels. Tylersville Road improvements are proposed by the developer including deceleration lanes, left turn lanes and the installation of a center landscaped median.

Richard stated Planning Commission and staff recommend approval of the rezoning and concept PUD contingent on the applicant addressing the following items:

1. Please move the deceleration lane from the main access point to the right-in/right-out access point. Only a small deceleration lane is needed at the main access point.
2. The developer will address landscaping, lighting, dumpster location, screening from trucks at loading dock, saving of existing trees and security issues with the residents along Thornberry Court.
3. Please provide streetlights along the public street as required.

Richard also stated Planning Commission also granted the following requested variances as part of the PUD:

- a. Reduction of the setbacks along the internal public road from 25 feet to 20 feet; measured from the back of curb to the back of curb along the parking lot.
- b. Installation of a 5-foot sidewalk on only one side of the public road as opposed to both sides.
- c. Reduction of the distances between intersections and access points to the distances shown on the approved plan.
- d. Reduction of the distances between signaled intersections to the distance shown on the approved plan.

Mayor Beck opened the public hearing at 7:57 p.m. Mr. Rob Dolder of 457 Clubhouse Drive addressed Council and asked what is the distance between the traffic signals. Richard Fair replied 720 feet and the normal rule is 1000 feet. Mr. Chance of 216 E. Circle Drive addressed Council and asked what buffer is required for the Meadows Subdivision. Richard Fair stated they are leaving five acres of green space. Bill Meece of Cincinnati United Contractors addressed Council and described the meeting they had with the homeowners. He also described the restaurant that is proposed for this development. Councilmember Kidd stated he has a concern if a warehouse type of operation were to be built in this development the truck traffic could be excessive. Mr. Meece replied he does not anticipate this happening, as it does not fit into the development. Mr. Rick Hancock of 5719 Thornberry Court addressed Council and stated he had met with the developer and he was very cooperative. He said he feels it is a

positive development for the area. Ms. Patricia Kelley of 210 E. Circle Drive addressed Council and stated she was not in favor of this development as it would increase the traffic in the area. She said she currently has trouble crossing RT 42 with her children.

A motion to adopt Ordinance 2003-139 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: 6 YEAS, 1 NAY (Bradburn)

ORDINANCE 2003-155 AUTHORIZING THE RE-APPROPRIATION AND TRANSFER OF MONIES AND TRANSFERRING OTHER FUNDS AND APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF MASON: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2002-170 OF THE CITY OF MASON, OHIO, PASSED BY THE COUNCIL OF THE CITY OF MASON, OHIO ON DECEMBER 9, FOR THE YEAR 2003

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

Scot Lahrmer stated City Council approved the 2003 Budget with Ordinance 2002-170 on December 9, 2002. This appropriation ordinance is a plan and guide for City finances for the complete year. As the City's priorities change or are modified these plans are altered and as an annual housekeeping item, legislation reappropriating funds is appropriate.

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

A motion to adopt Ordinance 2003-155 was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: 6 YEAS (Pelfrey absent)

ORDINANCE 2003-156 AUTHORIZING THE SUPPLEMENTAL APPROPRIATIONS OF MONIES: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2002-170 OF THE CITY OF MASON, OHIO PASSED BY THE COUNCIL OF THE CITY OF MASON, ON DECEMBER 9, 2002 FOR THE YEAR 2003.

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

Scot Lahrmer stated City Council approved the 2003 Budget with Ordinance 2002-170 on December 9, 2002. He stated this appropriation ordinance is a plan and guide for City finances for the complete year. Plans are altered as priorities change or are modified. Throughout the year it may become necessary to appropriate additional funds for purchases and projects that were not included in the original annual appropriation ordinance. He stated Ordinance 2003-156 is a housekeeping item to adjust and correct various line items within the City's funds.

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

A motion to adopt Ordinance 2003-156 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: 5 YEAS, 2 ABSTAIN (Osborne, Pelfrey)

ORDINANCE 2003-157 ANNUAL APPROPRIATION ORDINANCE

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

Eric Hansen explained to Council the Finance Committee, chaired by Mayor Beck, has met to review the entire 2004 budget document. The Equipment Committee, also met to review vehicle/equipment requests prior to the Finance Committee's review. Department heads were provided an opportunity to present their requests to each Committee. He stated the budget continues to be based on very fiscally conservative practices. Increases in operating expenses are minimized in order to maximize funds available for investment in numerous infrastructure projects such as road improvements and park improvements. Eric also added the 2004 Budget is based on conservative estimates of future revenue (a 5% increase in earnings tax revenues is estimated for 2004). Additionally, individual budgets continue to end the year with positive balances as Department Heads and City staff closely monitor expenses throughout the year. Annual carryover balances continue to be healthy, and not being included in annual revenue estimates, provide Council the flexibility to address new or changing priorities the following year without negatively impacting the annual budget. Initial Department requests for equipment, personnel, and projects of over \$9 million were removed by the City Manager. Additional reductions of over \$900,000 were recommended by the Finance Committee. Eric said the result is a budget based on conservative revenue estimates, attention to controlling expenses, and ambitious investments in community infrastructure that provides the funding necessary for the City to deliver services effectively in the coming year 2003. He concluded by mentioning some specific items included in the budget that would occur this year.

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

Councilmember Osborne asked for comments from the Finance Committee. Mayor Beck replied much work has been done on this budget and the result is a conservative budget which allows a surplus, unlike the state and federal budgets. Councilmember Grossmann stated while items have been included in this budget, many will come before Council for final approval.

A motion to adopt Ordinance 2003-157 was made by Councilmember McCurley, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2003-158 AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATION AGREEMENT WITH THE WARREN COUNTY BOARD OF COMMISSIONERS FOR AN OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR HANDICAP ACCESSIBLE CURB RAMP REPLACEMENT ALONG U.S. 42 AND VARIOUS OTHER LOCATIONS THROUGHOUT MASON

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

Eric Hansen stated each year the City is entitled to grant monies for areas of Mason which will benefit low to moderate income (LMI) persons or eliminate immediate threats. Since 1990, nearly \$410,000 in CDBG funds has been used for the replacement of curb and gutters, sidewalks, driveway approaches, and street resurfacing in the Meadows Subdivision. He said the FY 2003 grant application authorized by Council in April 2003 is for replacement of handicap accessible curb ramps along U.S. 42 and various other locations throughout the city. U.S. 42 was selected for this initial replacement work, as ODOT is requiring all curb ramps to meet current ADA standards prior to their resurfacing U.S. 42 in 2006. This current standard requires an area of brick dimensional pavers with a truncated dome pattern for the first two feet of the curb ramp. Truncated domes alert visually impaired persons of the ramp's end so they do not accidentally walk into traffic. Eric further explained the brick pavers must be either charcoal gray or red in color to provide a contrast with the concrete, while at the same time giving the curb ramp a decorative appearance. Future CDBG projects will likely include additional curb ramp replacements throughout the city, as funding is available for this type of work each year and there are approximately 600 eligible curb ramps currently in the City. Eric explained the allocation for Mason in 2003 is approximately \$52,700.

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

A motion to adopt Ordinance 2003-158 was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

ORDINANCE 2003-159 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FULLER, MOSSBARGER, SCOTT, & MAY FOR THE ENGINEERING DESIGN SERVICES NECESSARY FOR THE FAIRWAY DRIVE WATERSHED DESIGN IMPROVEMENTS

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

Richard Fair explained to Council as a result of the July 17th rainfall event, many businesses and residents experienced varying degrees of flood damage throughout the City. He stated the Engineering Department assessed the problems and compiled a list of priority sites. One of these sites is the Van Buren Drive and Fairway Drive floodplain

area. The Fairway Drive Watershed lies between Kings Mills Road and Fairway Drive and includes the Oak Hill subdivision, The Golf Center at Kings Island, The Greenery, and parts of Putters Pointe and Mason Heights Subdivisions. Richard further explained in June 2002, City Council passed an ordinance to complete a study of the watershed, revise the FEMA floodplain and make recommendations to reduce flooding in the watershed. The recommendations printed in the report, dated April 2003, are based on surveys received from residents throughout the watershed and City staff as well as the completed hydrologic and hydraulic models for the Fairway Drive watershed. Richard said the report lists several design solutions to reduce or eliminate structural flooding within the watershed without adversely affecting downstream property owners. The solutions for this area are a concern to the property owners in the Greenery and the Golf Course. Both entities have reviewed the report and have agreed to partner with the City to finalize a solution that will reduce or eliminate structural flooding within the watershed without adversely affecting downstream property owners. The design solutions recommended to the City in the report focused on Van Buren Drive and Washington Way (channel realignment and a new detention basin) and Bunker Lane (enlarging the upstream basin.) Richard stated after reviewing the three proposals the City received, staff is recommending Fuller, Mossbarger, Scott & May (FMSM), as the lead engineer for a not to exceed cost of \$96,715. He said Fuller, Mossbarger, Scott & May (FMSM) completed the Fairway Drive watershed study and are very familiar with the area. FMSM also attended several work sessions with both the Greenery HOA and the Golf Course. Their proposal includes the preliminary design and concept plans, geotechnical investigation and report, three public education and informational meetings, final channel realignment and detention basin plans, final detention basin enlargement plans and utility coordination.

Mayor Beck asked what the timeline was for this project. Richard Fair replied it will begin when the property owners are brought on board. He said the first meeting went well. He said construction is expected to begin next winter.

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

A motion to adopt Ordinance 2003-159 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2003-160 APPROVING THE REVISED PRELIMINARY PLAT OF CARMELLE SUBDIVISION

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

Richard Fair explained to Council, David Reibold, representing the Robert C. Rhein Interests, Inc., is requesting approval of the revised preliminary plat for the Carmelle subdivision (Carter property). He stated this property, zoned R-3 Single family, is located on the east side of SR 741, approximately 0.4 miles south of U.S. 42. The revision to the subdivision involves the road layout located south and east of Stone Ridge Drive (the entry/collector road). Richard said this area, which consists of lots 8 through 36, has been reconfigured to accommodate larger lots and tree preservation. With this

revision, the overall number of lots will be reduced from 175 to 170. Richard added with the revised layout, it was determined by staff that the newly created cul-de-sac street (measuring approximately 1200') exceeded the 800' maximum provided by the City of Mason Zoning Code. Staff recommended that the cul-de-sac surrounding lots 22 – 26 or the cul-de-sac surround lots 29 – 42 be extend through and connect to Stone Ridge Drive. Otherwise, a variance would be necessary to allow the cul-de-sac street to be approved as designed. Richard also stated upon review, Planning Commission and staff recommend approval of the revised preliminary plat contingent on the following items:

1. Planning Commission recommended granting the variance to allow the cul-de-sac street to exceed the 800' maximum and be designed as submitted.
2. Section 939.05 A)2) of the City of Mason Landscape Code requires a 50 foot wide landscape buffer adjacent to collector streets. Please show the location and width of the landscape buffer adjacent to Stone Ridge Drive.
3. Please revise the Preservation Easement on the south side of the Stone Ridge Drive to 50 feet wide to conform with the City of Mason Landscape Code width requirement for landscape buffers adjacent to collector roads.

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

A motion to adopt Ordinance 2003-160 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

ORDINANCE 2003-161 ENACTING SECTION 501.14, ARREST OF PERSON VIOLATING PROBATION OF COMMUNITY CONTROL SANCTION, OF THE CODIFIED ORDINANCES OF THE CITY OF MASON, OHIO, EFFECTIVE JANUARY 1, 2004, AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council the Mason Municipal Court had sought changes to the City's code to create local legislation regarding probation violations, failure to appear in court, and non-compliance with a court order that would reflect newly amended Ohio Revised Code (O.R.C.) provisions. He stated currently the Court issues citations under existing O.R.C. provisions and any fines are distributed based upon a violation of state law. Enacting local legislation would allow Court to issue citations under City code and, consequently, increase the City's share of any funds collected from fines. Eric added Wood & Lamping researched the issue and concluded that the City of Mason does not have authority to enact local legislation regarding failure to appear or non-compliance with a court order, but can adopt local legislation regarding probation violations. Eric stated the proposed legislation would reflect a change in the state legislation that will go into effect January 1, 2004. Eric said in the absence of any local legislation, citations could only be issued under state statute and the City's share of any fine money would be reduced. City Council took similar action this past summer, to ensure that local DUI

legislation continued to reflect state statute, and that citations and fine collection under local code continued.

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

Eric Hansen stated the Court has requested an extension for Ordinance 2003-94, which allowed for additional compensation for the Chief Magistrate position for a limited period of time. The court is requesting an extension of the time period to be retroactive to September. Eric stated Wood and Lamping have reviewed the matter and recommend an extension to Ordinance 2003-94 rather than introducing new legislation.

A motion to allow for the extension of the time line in Ordinance 2003-94 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

Councilmember McCurley asked the number of hours per month this involves. Councilmember Grossmann stated he did not have prior knowledge of this until tonight but the rationale is the same as when Council granted prior approval. Councilmember McCurley stated he will agree to this but would like to know the hours involved. Mayor Beck asked for clarification on the retroactive clause.

A motion to adopt Ordinance 2003-161 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2003-162 SUBMITTING TO THE ELECTORS OF THE CITY OF MASON, OHIO, AMENDMENT TO CHARTER SECTION 10.04 REGARDING GIVING RESIDENTS OF THE CITY OF MASON CREDIT FOR ANY INCOME TAX PAID TO ANOTHER MUNICIPALITY AND DECLARING AN EMERGENCY

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

Scot Lahrmer explained to Council at the November 28 meeting, City Council passed a motion to place a charter amendment before Mason voters on March 2. The amendment would increase from the existing ½% credit to full credit given to Mason residents who work outside of Mason and pay earnings tax to another city. Scot stated for example, a Mason resident who works in Blue Ash currently pays 1% earnings tax to Blue Ash and ½ % to Mason. He added with the enactment of the charter amendment, a Mason resident who works in Blue Ash would continue paying 1% earnings tax to Blue Ash but would not pay any earnings tax to Mason. Scot explained since this is a charter amendment, only the residents can modify the charter. Ordinance 2003-162 places this charter amendment on the ballot.

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

A motion to adopt Ordinance 2003-162 was made by Councilmember Grossmann, seconded by Councilmember Kidd.

Councilmember Grossmann stated this is not deciding the matter tonight but allowing the residents to decide the matter by placing it on the ballot. He gave a brief history of how this tax was conceived. He stated 75% of other municipalities give full reciprocity. He also stated the reason most cities don't give full credit is because they are small and need the revenue this tax generates. He added Mason is not in that category as our revenues have increased over 55% in the last five years. He also said the question is, how much will this impact the City's revenue if passed, and we don't know the answer to that as the finance department does not keep track of that information. A rough analysis was done three years ago and it was estimated that it would reduce our revenue by approximately \$600,000. Councilmember Grossmann stated he strongly feels our residents should decide this. He feels the tax burden placed on our residents is excessive when all taxes are considered.

Ginny Sundin asked what impact this would have on the Parks Department programs. Councilmember Grossmann stated the City will do everything so that does not happen. He said currently one third of the City is undeveloped. He also said the Community Center rates will increase so that burden on our budget will be removed.

Don Mollman of 427 Arbor Court said he has been a resident since 1959 and is a former Councilmember. He said he worked to establish the income tax and it was created after much debate. He stated it was passed on the basis it provides the necessary tools for the anticipated growth. He also said the City would be in bad shape today without this tax. He said it is a fair tax because it gives credit to some and all residents receive benefits from the services provided.

Don Williams of 214 W. Church Street addressed Council and stated he is a former Councilmember when the tax was created. He asked Scot Lahrmer if this is passed would it mean some residents would live here and not pay an earnings tax. Scot replied yes. Mr. Williams also asked if the Finance Department has determined the decrease or loss of revenue this would mean if it passed. Scot replied three years ago it was speculated a reduction of approximately \$600,000- \$750,000. Mr. Williams then said that is not a firm number and suggested the software should be purchased to determine an exact number. He said at its creation it was considered a fair tax. He said it took three or four months of review when it was created. He said now it has been discussed 20 minutes at a previous meeting. He stated with requests for such things as a theatre space, bus service, road extensions, skate park, basketball courts and baseball fields, the city has many demands from the residents. He stated everyone should pay their fair share. He said all residents should know what cost reductions would have to be made. He also said future Councils will have to deal with this decision.

Lee Hamilton of 826 Indianwood addressed Council and stated people have moved into Mason with the rate in place. He said to change it now would benefit a few. He said it

should be given careful consideration. He also said the change in water rates increased everyone's rates 8% to favor a few. He said this was morally wrong. He said this is not fair and it should not be pursued.

Dick Yost of 3427 Mason Montgomery Road addressed Council and stated this is a fairness issue. He said we don't know the consequences. He asked if we really have that large of a surplus. He said he has four children and they all fall in the different categories for tax purposes. He said maybe we should look at property taxes. He said two groups of people have a difficult time living in Mason and that is retirees and young married couples. He said we should look at other options for retirees on fixed incomes.

Tom Lewis of 6554 Harvestwood Court addressed Council and stated he has been before Council before to request more baseball fields. He said he is impressed with older councilmembers who established this tax. He stated he was aware of the tax when he moved here and accepted it and appreciated the benefits it brings. He said it is an important decision and more information is needed.

Mayor Beck stated this was mentioned six years ago. He stated it would not be hard to come up with exact amount of reduced revenue and he would be in favor of delaying this until that is obtained.

Councilmember Grossmann stated all we are doing is allowing the voters to decide. He said this will happen at some time in the future because many residents want this to occur. He also said the change in water rates was really a change in sewer rates and it was very moral as it charges residents only for what they use. He stated a 55% increase in income tax revenue over 5 years is incredible and certainly warrants a reduction. He said he does not want to spend what we take in revenue, but look at our expenses and spend what we need.

Councilmember Osborne stated he believes we spend too much money in the City and he thinks tax reduction is good but we need more information to make this decision. He said a real number can be obtained. He asked Scot how much confidence he has in the estimate of \$600,00-\$750,000. Scot replied none. Councilmember Osborne stated this number can be obtained and it cannot be too difficult to obtain. He also stated the S Corp must be looked at as the tax revenue from that source is also going to change. He said he moved here because we have a great city and he suggested we review the matter thoroughly.

Mayor Beck stated a Tax Review Committee can review the matter. Councilmember Osborne suggested we take a holistic approach that is equitable for all residents. He also said he wants to look at the budget for capital improvements before he can make a decision. Councilmember Osborne moved to refer the matter to a Committee for further review. Ken Schneider stated Council has three choices, they can move to refer to Committee, move to table or vote on it tonight. Vice Mayor Pelfrey stated the rush was due to getting it on the March ballot because of the cost of a special election. She said she is not in favor of rushing this. Councilmember Osborne moved to refer to Committee.

Vice Mayor Pelfrey seconded the motion to refer the matter to Committee. VOTE: ALL YEAS Mayor Beck said the matter is referred to Finance Committee and will be discussed by full Council in a work session. Councilmember Grossmann stated he does not have strong opposition to this but would like to move when it comes up, it is effective for the 2004 tax year.

ORDINANCE 2003-163 ADOPTING A STATEMENT INDICATING SERVICES THE CITY OF MASON, OHIO, WILL PROVIDE TO THE 11.136 ACRE TERRITORY PROPOSED TO BE ANNEXED FROM DEERFIELD TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF MASON AS PROVIDED BY OHIO REVISED CODE SECTION 709.023 AND DECLARING AN EMERGENCY

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

Scot Lahrmer explained to Council the legislation previously adopted by Council regarding the annexation of the property on Western Row Road was in error. He said corrections needed to be made regarding this property as the acreage changed from 10.61 to 11.136 due to right-of-way additions.

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

A motion to adopt Ordinance 2003-163 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2003-164 ESTABLISHING THE BUFFER REQUIREMENTS FOR THE 11.136 ACRE TERRITORY PROPOSED TO BE ANNEXED FROM DEERFIELD TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF MASON UPON ANNEXATION TO THE CITY AND DECLARING AN EMERGENCY

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

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

A motion to adopt Ordinance 2003-164 was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

ORDINANCE 2003-165 ACCEPTING THE PUBLIC IMPROVEMENTS FOR BIRCHWOOD SOUTH, SECTIONS 2,3,4, AND 5 AND RELEASING THE PERFORMANCE BOND

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

Richard Fair explained to Council this legislation deals with Sections 2, 3, 4 and 5 of the Birchwood South subdivision include the following streets: Running Fox Lane, Shockton Court, Thornberry Court and Red Fox Court. 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 added Section 6 will be the only remaining section to be accepted. He stated this section includes Westfield Court and currently experiences flooding during moderate rain events. therefore Staff has concerns about the design of the storm sewers in this section. He stated they recommends acceptance of the public improvements, contingent on the developer increasing the performance bond amount for Birchwood South, section 6 to \$150,000 to cover any corrections necessary to the storm sewer system, and the submission of a one-year maintenance bond for each section.

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

A motion to adopt Ordinance 2003-165 was made by Councilmember Osborne, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Scot Lahrmer reported on the following items:

The annual Employee Christmas lunch will be held on Thursday, December 11 from 11:30 a.m. to 1:00 p.m. in the Community Room of the Municipal Center. All Council members are welcome to attend.

City offices will be closed on Thursday, December 25 for Christmas and Thursday, January 1 for New Year's Day. Rumpke trash collection normally scheduled for Thursday the week of Christmas and New Year's will be picked up on Friday of those weeks.

The City of Mason has received national recognition from the Government Finance Officers Association for "*Excellence in Financial Reporting*". Each year our Comprehensive Annual Financial Report is submitted to the GFOA for close review. This is the sixth consecutive year that the City has received this honor. Congratulations to the Finance Department for once again receiving such prestigious national financial recognition for its financial reporting practices.

In a partnering effort with *Warren County Convention & Visitors Bureau*, the City of Mason has recently been awarded two grants. A \$3,000 grant will go toward banners promoting the introduction of women's tennis to the 2004 *Western-Southern Financial Group's* tennis event. A \$5,000 grant will go toward Economic Development's *Plan*

Your Corporate Retreat in Mason initiative. This program will be an international effort to market the City of Mason as an ideal place for a family oriented corporate retreat.

COMMITTEE REPORTS None

COUNCIL OLD AND NEW BUSINESS

Councilmember McCurley stated he has received a request for additional benches in the walking area of the Community Center. He also stated he has received a request for the City not to have fire drills during the winter in the swimming pool area of the Community Center. He also asked about the status of the work being done on Kings Mills Road. Richard Fair replied the City is requesting a scratch coat over the road for the winter. Councilmember Bradburn asked if the scratch coat was dependent on the temperature. Richard Fair replied it did depend on temperature.

Mayor Beck stated the Council Committee assignments have been made and he looks forward to working with everyone on the various committees. He also mentioned the Christmas in Mason event and thanked the Chamber of Commerce.

Councilmember McCurley made a motion to replace Meg Hammeran with Dick Staten on the Planning Commission. Vice Mayor Pelfrey seconded the motion. VOTE: ALL YEAS Mayor Beck asked the City Manager to send a letter to Meg thanking her for her service on the Planning Commission. Scot Lahrmer stated a presentation will be made to her at a future meeting.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

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

A motion to reconvene into regular session was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Councilmember Grossmann, seconded by Councilmember Osborne. VOTE: ALL YEAS TIME: 11:40 p.m.



Clerk of Council



Mayor