

**CITY OF MASON
COUNCIL MEETING
JANUARY 26, 2004**

Mayor Beck called the meeting to order at 7:10 p.m. Those present recited the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Charlene Pelfrey and Peter Beck. Tom Grossmann was absent. John McCurley joined the meeting at 7:25 p.m.

APPROVAL OF MINUTES

A motion to approve the minutes for the January 12, 2004 Council meeting was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: 4 YEAS, 1 ABSTAIN (Pelfrey).

A motion to approve the minutes of the January 19, 2004 Council Worksession was made by Councilmember Kidd, seconded by Councilmember Pelfrey. VOTE: 4 YEAS, 1 ABSTAIN (Pelfrey)

RECOGNITION OF BILL STATEN OF MASON SAY SOCCER

Mayor Beck recognized Bill Staten of 2097 Winding Creek Lane, who addressed Council on the current status of the availability of soccer fields. He stated he is President of Mason SAY organization and he distributed a report to Council which described the current problem the organization is having due to the decision by the City to discontinue the maintenance of the fields at Heritage and Grace Baptist Churches. He stated the maintenance is basically the mowing which the group does not have funds to hire out for this year's season. He said they have received three bids and the lowest was \$5600 and did not include fertilizer and mowing was based on one time per week. Councilmember Kidd suggested a slight increase in their fees would cover this expense. Bill Staten replied they collect their fees when children sign up, which is in November. Councilmember Osborne asked for clarification as to why the decision was made by the City to discontinue the maintenance. Scot Lahrmer replied, the City resources have been stretched too thin and the decision was made to focus on the City owned parks. He stated the addition of the fields on church property just became too demanding for the current staffing. He also stated Deerfield Township has said they will be placing two fields on the Fleckenstein property which is north of the City on Mason Montgomery Road and fields on the Cottell Park on Snider Road. He added the City has purchased the Biehle property and the Castle property, which may be used for fields. He stated that will be determined when the design is completed for those properties. He said the concept plan is included in this year's budget. Mayor Beck said this topic will be discussed at the next worksession scheduled for February 17, 2004. Bill Staten concluded by stating there are constantly growing demands for fields. He cited the growing interest in lacrosse and field hockey. Vice Mayor Pelfrey asked how they heard about the City's

decision to not maintain the church fields. Bill Staten replied he read it in the paper. Vice Mayor Pelfrey said that is not acceptable and they should have been personally notified. She also stated in the future the City needs to be aware of how our decisions impact others and if possible implement changes when the impact is less.

RECOGNITION OF VISITORS

Susan Smith of 5190 Concord Crossing addressed Council and stated she is thankful for the City's response to her earlier report of sewage flooding into her basement. She stated City personnel have been to her home and reviewed the situation and even recommended temporary fixes to help the situation. She stated the fear of flooding looms large and added her basement is currently being tested, due to the recommendation of a representative from EPA for any signs of bacteria and mold. She stated she has been advised by attorneys not to sign a release form. She said her family has spent \$2000 for insurance deductibles and she asked the City for reimbursement of this expense. She stated another neighbor has spent \$1200. She said the sewer system is apparently outdated and that is what has caused her problem. She asked the City to do the right thing and reimburse the costs. Scot Lahrmer stated the matter is referred to Utility Committee and they meet next week. He added they will make a recommendation to full Council. Councilmember Kidd suggested another temporary fix if the situation requires it. Vice Mayor Pelfrey stated Councilmember Grossmann is the Chair of the Utility and she suggested Susan Smith give him a call.

RESOLUTION 2004-01 REQUESTING THE DIRECTOR OF TRANSPORTATION TO REVIEW THE ENGINEERING AND TRAFFIC INVESTIGATION AND DETERMINE AND DECLARE A SAFE AND REASONABLE SPEED LIMIT ON STATE ROUTE 741 BETWEEN US 42 NORTH TO APPROXIMATELY 1000 FEET NORTH OF BETHANY ROAD IN THE CITY OF MASON, OHIO

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

Richard Fair explained to Council the purpose of this legislation is to comply with the Ohio Revised Code requirements per Sections 4511.21. He stated the City is requesting the Ohio Department of Transportation (ODOT) to reduce the speed on SR 741 from US 42 north to approximately 1000 feet north of Bethany Road. This request will reduce the speed from 50 mph to 40 mph. He added changing the speed limit on SR 741 from US 42 north to approximately 1000 feet north of Bethany Road is the last step to complete the Bethany Road and SR 741 traffic signal and road improvement project. The speed reduction meets the requirements of the Ohio Revised Code, was discussed with the local ODOT traffic engineer, and should be approved by the Director of Transportation. Richard said this change was necessary to reduce the taper lengths so road improvements would not extend over the railroad tracks on Bethany Road. The railroad had demanded that the City improve the crossings and add gates if the tapers extended beyond the tracks. The cost for the work was over \$300,000. Reducing the speed limit from 50 mph to 40 mph in this section enabled the engineer to reduce the tapers so they did not extend over the railroad tracks.

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

Councilmember Kidd asked if this would become a speed trap. Richard Fair said the signs have been posted for two years so the public has had adequate notice.

A motion to adopt Resolution 2004-01 was made by Councilmember Osborne, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2004-09 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH ROYALMONT ACADEMY, INC. FOR THE ACQUISITION OF PROPERTY LOCATED AT 723 WESTERN ROW ROAD, MASON, OHIO

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

Scot Lahrmer explained to Council, as part of the Western Row Road and Snider Road Intersection Improvement Project, it is necessary to acquire a portion of the Western Row Road frontage owned by the Royalmont Academy, Inc. at 723 Western Row Road for right-of-way. He stated this right-of-way acquisition will cause Royalmont Academy to lose the row of parking along Western Row Road, which involves 15 parking spaces. The purchase price of \$10,801 includes compensation for the land, a utility easement, temporary easement and damages to the remainder.

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

Councilmember McCurley stated they are losing 15 parking places with this transaction and therefore he feels the cost is justified.

A motion to adopt Ordinance 2004-09 was made by Councilmember McCurley, seconded by Councilmember Osborne. VOTE: ALL YEAS

CITY MANAGER'S REPORT

The City has received a request for a liquor permit for the proposed restaurant Brazenhead to be located at 5650 Tylersville Road. A motion to not require a hearing was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS

COMMITTEE REPORTS None

COUNCIL OLD AND NEW BUSINESS

Vice Mayor Pelfrey asked about the status of the improvements planned for the intersection at Butler Warren Road and S R 42. Richard Fair stated only one corner of the intersection is in the City and the City has participated in the design costs. He said the job is controlled by the State

of Ohio and is scheduled to go out for bids this year. Vice Mayor Pelfrey also asked about the status of the Snider Road extension. Richard Fair stated it is on the agenda for the February 3, Planning Commission meeting. She stated the City should not let that be developed any other way than a through street. Councilmember McCurley stated the property is owned by a group of investors and he and Dick Staten have met with them several times. He said the bridge that is required is the issue and it may involve City participation. He said the bridge is expensive but does benefit the City. Scot Lahrmer explained the Tax Increment Financing area that was established for that area and he stated the funds are slated to be used on Tylersville Road.

Vice Mayor Pelfrey stated she has received a call from a resident that jogs in the area of S R 42 at Tylersville Road. He is concerned over the traffic today and how it will be increased following the development planned for the area.

Councilmember McCurley mentioned the viewing schedule for the Vietnam Traveling Wall. He stated he attended a meeting of the Warren County Southwest Ohio Transportation Task Force. He commented the issues are complex and will take time to work through.

Councilmember Osborne asked about the storm water issues the area of Pine Run are experiencing and asked what we can do about it. Richard Fair stated two engineering firms have been contacted but it is likely it will be costly. He said the RFP's are expected back by January 30, 2004. He said it is a difficult situation and does not see a solution before this summer. He added the golf course was to install a relief swale but it was never built. He also stated the issue is really between two property owners and the city cannot force either party to spend dollars. He said the golf course is looking for a permanent fix. Councilmember McCurley there has been no structural flooding. He asked about the use of property owned by a third party further downstream. Richard Fair stated the golf course will allow the City to install a regional detention basin on the north side of Stitt Road. Law Director, Ken Schneider stated the City cannot spend funds for the benefit of a private property owner. They can, however, assess to provide a benefit to the area.

Councilmember Beck said the State of the City Address is scheduled for February 5, 2004 at 7:00. He also mentioned the dedication for the City's Veteran' Memorial is also being televised on the same day as the Vietnam Wall telecast but at different times.

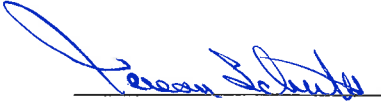
Councilmember Osborne mentioned the Court budget had been reported incorrectly and a clarification had been issued on the matter.

RECOGNITION OF VISITORS


Bret Thompson of 3763 Moss Willow Drive addressed Council and stated he has much experience in managing soccer fields and he offered his assistance to the City. He said the by – product of a successful soccer program can be holding tournaments and generating revenue for the community.

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS
TIME: 8:45 p.m.



Clerk of Council



Mayor