

**CITY OF MASON  
COUNCIL MEETING  
August 23, 2004**

Mayor Beck opened the meeting at 7:10 p.m. Those in attendance recited the pledge of allegiance.

**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 August 9, 2004 Council meeting was made by Councilmember Bradburn, seconded by Councilmember Kidd. A motion to amend the minutes on Ordinance 2004-93 to include the comment "the property at 109 North East Street will be used as a parking lot" was made by Councilmember Kidd. Councilmember Grossmann asked the word "sometimes" be included in his comments regarding Ordinance 2004-108 and S corporations. A motion to approve the minutes as amended was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: 6 YEAS, 1 ABSTAIN (Pelfrey)

**RECOGNITION OF VISITORS**

Mr. Gary Burket of 5076 Birchwood Farms Drive addressed Council and asked about the status of the repeal on income tax that was discussed a few months ago. Councilmember Grossmann stated Council is not taking any action on this matter. Councilmember Osborne said no action was taken because the estimate of the impact on the City's revenue was significantly greater than expected. Mayor Beck stated Council is in the process of reviewing all revenue streams and creating a five-year plan for capital expenditures. Mr. Burket asked who drafted the language that will appear on the ballot in November regarding the S Corporations. Ken Schneider responded his firm drafted the language.

Mr. Frank Miller of 422 Walnut Lane addressed Council and asked about the proposed rezoning for the mall on SR 741. He said he has concerns over the traffic issues and wanted to know if they had been addressed. Scot Lahrmer responded the matter has been before Planning Commission and they make a recommendation to Council. He said the legislation will have a first reading tonight but the public hearing will be set for September 27, 2004. He suggested Mr. Miller look at the plans and attend the public hearing.

**RESOLUTION 2004-14 ADOPTING A CDGB GENERAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN ORDINANCE 2004-67**

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

Paige Bryan explained to Council one of the requirements of requesting Federal infrastructure grant monies under the Housing and Community Development Act of 1974 is the adoption of an Anti-Displacement Plan. She stated an anti-displacement plan ensures that low-to-moderate community households will not be displaced by projects being assisted with Federal funds. An anti-displacement and relocation plan is required by all grantees prior to funding, whether or not demolition activities are planned. She said the residential dwellings within the first phase of the City's project area are not expected to be removed or converted to any other use other than housing as a result of the City's revitalization project. Should the City decide to purchase property within the project area, the housing replacement guidelines would then apply. She also stated the Downtown Committee of Council has discussed and supports the adoption of the plan.

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 Resolution 2004-14 was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2004-109 AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE FY 04 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN REVITALIZATION PROGRAM AND ENTER INTO AN AGREEMENT WITH THE STATE, AND DECLARING AN EMERGENCY**

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

Paige Bryan explained. Ordinance 2004-109 authorizes the City Manager to file an application for financial assistance with the State of Ohio and commits that the City will provide all of the requested information to fulfill the grant, and make a local commitment of at least 10% to the revitalization project. She stated the reason for the emergency clause is the deadline for submittal is September 15, 2004.

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

A motion to adopt Ordinance 2004-109 was made by Councilmember Grossmann, seconded by Councilmember McCurley. VOTE: ALL YEAS

**ORDINANCE 2004-110 AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATIONS FOR THE OHIO PUBLIC WORKS COMMISSION, DISTRICT 10 STATE ISSUE 2 GRANT PROGRAM YEAR 19**

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

Eric Hansen explained to Council this legislation authorizes the City Manager to submit final applications to the Ohio Public Works Commission for the widening of Mason-Montgomery Road from Church Street to I&O Railroad Bridge, Widening of Western Row Road from Mason-Montgomery Road to Tylersville Road and the US 42/Hanover Drive Intersection Improvement.

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

A motion to adopt Ordinance 2004-110 was made by Councilmember Osborne, seconded by Councilmember Grossmann. VOTE: ALL YEAS

**ORDINANCE 2004-111 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH THE FALLS OF MASON, LLC, REGARDING ANNEXATION AND THE EXTENSION OF SEWER SERVICE**

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

Scot Lahrmer explained to Council a pre-annexation agreement has been submitted by The Falls of Mason, contract owner of property located at 2802 Mason-Morrow-Millgrove Road. He said the property is adjacent to the City's water reclamation plant on Mason-Morrow-Millgrove Road and straddles both sides of the roadway with the southern track abutting Cox Smith Road. The developer seeks to have the 116-acre parcel served by Mason's utilities. The City corporation limit is adjacent to their property to the west. Scot explained an annexation petition will be filed within the next few months on this property. The developer is seeking the commitment for sewer in order to close on the property. With the construction of the water reclamation plant to the west, the property can access our sewer services.

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

Councilmember McCurley stated this property is rural in nature and does not lend itself to a high-density development. Richard Fair stated when property is annexed into the City it comes in with an R-1 zoning.

A motion to adopt Ordinance 2004-111 was made by Councilmember Bradburn, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-112 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DENNIS R. DEAN, dba CONSTRUCTION MANAGEMENT SERVICES FOR CONSTRUCTION INSPECTION SERVICES NECESSARY FOR THE WESTERN ROW ROAD AND SNIDER ROAD IMPROVEMENT PROJECT**

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

Scot Lahrmer explained the construction inspector is responsible to provide project inspection and be on site when the contractors are working. With the help of a geo-technical engineer, they verify proper compaction of the road subgrade and ensure the quality of the backfill, asphalt and concrete materials. Additionally the full time inspector checks the quality of material used on-site, verifies quantities of materials installed on the project for pay applications. He will also, confirm that installation is done per the standards, report on daily output, inspect and proofroll the subgrade, verify pipe slopes, review traffic control, depth of asphalt, check for proper materials, and keep the staff engineer up to date on the contractor's progress. Scot stated this position will report to Kurt Seiler, Assistant City Engineer. The City has requested bids for this function and the responses ranged in price from \$42/hour to \$60/hour for a technician at 8 hours per day. Scot said the City has been utilizing Mr. Dean's services on this project on a temporary basis and are pleased with his knowledge, cost saving ideas and performance. Scot said staff recommends adoption of Ordinance 2004-112, for an amount not to exceed \$121,000 for the duration of the construction project.

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 2004-112 was made by Councilmember Grossmann, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-113 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY: 8.42 ACRES FROM R-1 TO BUSINESS PUD; 156.72 ACRES FROM B-3 TO BUSINESS PUD; AND 43.855 ACRES FROM HT-1 TO BUSINESS PUD AND APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR A MIXED USE OFFICE AND RETAIL DEVELOPMENT INCLUDING A LIFESTYLE CENTER (CITY PARK) AND SHOPPING CENTER (PARK CENTER)**

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

Scot Lahrmer stated the public hearing for this legislation will be held at the Council meeting scheduled on September 27, 2004 at approximately 7:05 p.m.

**ORDINANCE 2004-97 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 76.96 ACRES LOCATED ON THE WEST SIDE OF STATE ROUTE 741, NORTH OF BETHANY ROAD AND SOUTH OF BUNNELL ROAD FROM I-1 TO RESIDENTIAL PUD**

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

Ken Schneider explained to Council some corrections were required on the ordinance introduced at the last Council meeting. He stated those changes include the following: a "whereas clause

which stated Planning Commission's motion to approve the Concept Plan and the rezoning; add Section #1 which stated the developer's proposed Concept Plan is hereby approved and Sections #2,3,and 4 are therefore renumbered.

A motion to approve the amendments to the legislation was made by Councilmember Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

Mayor Beck noted the public hearing on this legislation has been continued to the September 13, 2004 Council meeting.

### **CITY MANAGER'S REPORT**

Heritage Festival is scheduled for Saturday, August 28 beginning at 10:00 a.m. with a parade starting at the Mason Municipal Center parking lot.

A joint meeting of City Council and the Northeast Cincinnati Chamber of Commerce is being scheduled for Monday, August 30 beginning at 5:00 p.m. in the Community Room. Dinner will be provided.

Immediately following the Council/Chamber meeting (at approximately 6:30 p.m.), we will hold a Council Work Session to discuss Capital Improvement Projects.

The City of Mason has completed its first online surplus auction(s). The 1994 Ford Crown Victoria sold on eSurplusauction.com for \$1,125 and a 1995 Ford Crown Victoria sold on eBay.com for \$1,425. The City will implement online surplus auctions whenever practical in the future.

### **COMMITTEE REPORTS**

Councilmember McCurley reported the Downtown Mason Committee met and both he and Vice Mayor Pelfrey attended. He said the design elements were discussed and they are in the process of determining what will exist in the future.

Councilmember Bradburn reported he had distributed information regarding the Mayor's Court in Dublin, Ohio. He asked Council to review the information and be prepared to discuss it in the future. He pointed out the revenue the court brings in and the number of full time personnel as well as the number of cases they hear. He also distributed info from the Supreme Court website regarding Sharonville, Springdale, Reading, Forest Park, Blue Ash and Dublin, Ohio Mayor's Court. Councilmember Grossmann suggested the Court Liaison Committee look at this information and report back to Council. The Mayor directed them to review and report back to Council.

Mayor Beck asked Ken provide an update on the Court matter with the Supreme Court. Ken Schneider stated they are in the process of gathering information. He said anyone with pertinent information can submit it to his office or the City offices by the end of the month. He also stated the media have requested copies of the information.

Councilmember Pelfrey reviewed the details for Council in regards to the Heritage Parade.

Councilmember Kidd noted an entrance fee was discussed and may be charged next year for political entries. He also mentioned a new restaurant opening soon called Pitrelli's Italian Kitchen.

**COUNCIL OLD AND NEW BUSINESS**

Mayor Beck stated a request has been received from Wood and Lamping for an increase in fees. He requested an ordinance be brought to the next Council meeting. Councilmember Bradburn moved to submit an ordinance to Council at the next meeting.

Scot Lahrmer stated a conflict has surfaced regarding the parking of high school students in the Community Center parking lot. He said the situation has been reviewed and it is apparent the simplest solution is to allow 48 spaces in the northeast section of the parking lot be used by the schools. He said these would only be used if the school's other parking permits are all sold. The City will share in the revenue from the parking places and the school will enforce the area and tow violators.

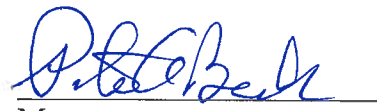
Councilmember McCurley told Mr. Miller some associations exist that are sharing his concerns over the traffic in the area if the mall is approved. He suggested he contact Richard Fair for the names of the people associated with the Trailside Acres Homeowners Association and Fairways of Pine Run Associations.

**RECOGNITION OF VISITORS** None

**ADJOURN**

A motion to adjourn was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS  
TIME: 10:01 p.m.

  
Clerk of Council

  
Mayor

**CITY OF MASON  
COUNCIL WORKSESSION  
August 30, 2004**

**ATTENDANCE**

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

**CAPITAL IMPROVEMENT PLAN**


Eric Hansen presented a slide presentation illustrating how the city has arrived at the current status in regards to the Capital Improvement Plan. He provided an historical review from 1997 to the present and discussed the actions that have had an impact on the situation. He distributed a comprehensive list of items for consideration of capital expenditures. He requested Council review this list and add to it if they see something missing. Eric stated the various departments have prioritized the items but that is not a final decision. He explained that events can occur that will dictate an item move up on the prioritized list. Jennifer Heft fielded questions from Council on debt limitations, actual capital available for new capital improvements and general accounting procedures. Councilmember Osborne requested a debt schedule from Jennifer Heft. Mayor Beck requested a revenue projection for the next five years from Jennifer Heft.

It was determined the next worksession to continue this discussion would be held on September 20, 2004. Scot Lahrmer stated it would be timely to discuss the park items as they are coming to Council soon to discuss the results of the "Plan your Parks" program. He said they could make a presentation to Council at that worksession.

**ADJOURN**

The meeting adjourned at 7:50 p.m.

  
Clerk of Council

  
Mayor