

**CITY OF MASON
COUNCIL MEETING
November 22 2004**

Mayor Beck opened the meeting at 7:08 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 November 8, 2004 Council meeting was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

PRESENTATION OF PROCLAMATION TO THE ECONOMIC DEVELOPMENT DEPARTMENT FROM THE GOVERNOR'S OFFICE

Michele Blair introduced Chris Smith, Regional Representative from the Governor's office who presented a Proclamation recognizing the City of Mason's Economic Development Department's efforts. He stated the City has a "pro business attitude".

RECOGNITION OF VISITORS None

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 Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

Mayor Beck stated this is a continuation of the public hearing and reopened it at 7:15 p.m. Richard Fair explained to Council they received a response from the developer and his representatives on November 17, 2004. He stated this was a response to 18 questions. Staff as well as legal, have not had time to review their answers. He also stated it may be possible to hire a professional real estate appraiser to research and determine if land can be used as it is currently zoned. He stated staff is recommending this legislation be denied. Mr. Barrett, attorney for the owner, addressed Council and introduced the property owner and the developer. He said his client is willing to allow staff whatever time they need to review the responses to the 18 questions. A general discussion took place among Council on the rezoning of this property. Councilmember McCurley supplied the history of how this property obtained its current zoning.

He said the Comprehensive Plan has been updated twice for the purpose of maintaining a balanced community. That was done with the current zoning in place on this property. Councilmember Grossmann said the original zoning on this property was residential and he feels if the property owner has not been able to market this property with the current zoning in nine years than perhaps the City should seriously consider this request. Mayor Beck stated it is not unusual to hold property for some time waiting for it to be developed. Councilmember Kidd stated he would support the feasibility study suggested by Richard Fair. Vice Mayor Pelfrey asked what precedent would this be setting. Scot Lahrmer said if we deviate from the Comprehensive Plan, it does set a precedent for the adjoining property owners. He said you could expect to see more requests for rezoning. He also said the City purchased property along SR 741 to ensure industrial zoning. He added the City has already installed sewer in the area to make it more attractive to the industrial user. Vice Mayor Pelfrey also asked if the soil was still a concern in supporting industrial use. Mr. Barrett stated the area on the south side, it has now been determined would support light industrial. He also stated if that were a feasible solution for this property, his client would do it because that would be the highest and best result for them. He said it has not been able to be developed as zoned. Mr. Dan Neyer addressed Council and provided an overview of the development in this area from 1996. He said the purpose of providing this picture is to illustrate the reason they rezoned to industrial initially was to adhere to the area plan for industrial uses. He said now you can see the difference of how the area has developed. He sited the Hemmer property on Mason Montgomery Road that was industrial and has been developed residential. He said the way the property in this area has developed, lends it to residential. It does not have the access industrial users like. Mayor Beck noted part of this area he is mentioning is not in the City but in the townships and out of the City's control. Councilmember Grossmann asked Mr. Neyer if it was in the developer's best interest to rezone to residential as it attracts a higher price per acre. Mr. Neyer stated the effective usable cost per acre for industrial does not make financial sense. He sited the cost of installing the road and the amount of usable acreage doesn't make it economically feasible. Richard Fair asked Mr. Neyer to put in writing the cost of installing the road. He said it could cost a million dollars but they have not supplied any documentation to the City that can reviewed. He also requested the cost to install roads for a residential project be submitted. Ken Schneider stated the feasibility study would determine if it is economically feasible to develop the property as zoned. Councilmember Grossmann asked if the study is going to be performed. Richard Fair replied it is and the City can proceed with that without coming back to Council for approval of the cost. Mr. Barrett stated he feels this is the best course of action. He said the property owner is entitled to a reasonable rate of return, not necessarily the highest rate of return.

A motion to table this legislation until the February 14, 2005 meeting was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

ORDINANCE 2004-121 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 46.7 ACRES FROM R-1 RESIDENTIAL TO B-4 PUD AND APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR PROPERTY REFERRED TO AS THE GREAT WOLF LODGE RESORT AND CONFERENCE CENTER PROPERTY

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

Scot Lahrmer stated the applicant has requested this legislation be tabled until January 10, 2005.

Councilmember Osborne moved to table this ordinance until January 10, 2005. Vice Mayor Pelfrey seconded the motion. VOTE: ALL YEAS

ORDINANCE 2004-129 ACCEPTING THE PUBLIC IMPROVEMENTS FOR OAKS OF CROOKED TREE, SECTIONS 6A, 6B, 6C AND 7, AND RELEASING THE PERFORMANCE BOND

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

Richard Fair explained to Council this legislation was tabled from the last meeting to allow work to be completed by the developer. He stated the work has been done but some of it is not acceptable. Richard recommends Council approve this legislation and allow staff to work with the developer.

A motion to adopt Ordinance 2004-129 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

ORDINANCE 2004-132 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MCKENNA ASSOCIATES, INC. TO COMPLETE THE DOWNTOWN OVERLAY DISTRICT AND DESIGN GUIDELINES FOR THE DOWNTOWN PRESERVATION

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

Scot Lahrmer reported this legislation will be tabled until December 13, 2004.

Vice Mayor Pelfrey, seconded by Councilmember Osborne, made a motion to table Ordinance 2004-132. VOTE: ALL YEAS

ORDINANCE 2004-133 ADOPTING THE MASON PARK MASTER PLAN AND NEW PARK DESIGN OF THE CITY OF MASON, OHIO

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

Scot Lahrmer explained during the past four years, the City of Mason Parks & Recreation Department has acquired seven new park properties adding 261 acres to the current park system of 242 acres. Portions along the Muddy Creek Greenway corridor have also been acquired to provide a greenway connection between the current and future parks. The need for a parks master plan become evident with the recent acquisitions to provide a plan that will assess the

strengths and needs of the existing park system and identify the opportunities associated with each new property in the context of the whole system. An individual master plan, as shown in the parks master plan document, exists for each of the following new properties:

Muddy Creek Greenway Corridor
Old Stitt Road Property
Crooked Tree Property
Kathleen Bevan Castle Park
Biehle Property
Mason-Montgomery Road Property
State Property
Gould Park

Scot further explained in May 2004, City Council authorized a contract with Woolpert L.L.P. to develop a Park Plan with the assistance of a steering committee consisting of the Parks & Recreation Advisory Board and City staff. He stated this is the first time that a Parks Master Plan has been developed for the City of Mason. It is one of the most important planning tools for guiding future park development in Mason emphasizing a balance of natural resource protection and passive activity with active use of each of the larger parks. It includes not only individual park plans, but cost opinions and a phasing matrix to assist with the development of the City's Capital Improvement Plan to commit the appropriation of capital funds and operations costs. Scot also stated throughout the past six months Woolpert, staff and the steering committee held three community-wide park planning workshops and then public meetings later in the summer to review plan alternatives. The workshops called "Plan Your Parks" received a strong public turnout and involvement to gain public input in creation of the Park Plan. Most of the youth athletic organizations had representatives and coaches at the workshops. The Mason Park Master Plan & New Park Design is therefore, a compilation of the community's, steering committee's and staff's thoughts, ideas and goals for future park development in Mason. This collaborative process has resulted in a park plan that more directly reflects the desires and values of the majority of the citizens of Mason. The Parks & Recreation Advisory Board approved the Plan at the September 21, 2004 Park Board Meeting and recommends along with staff adoption of Ordinance 2004-133.

Councilmember McCurley stated he must take issue with the ball fields and soccer fields that we may not need to serve our residents. He said because our fields are being used by others living outside our limits, we are feeling a large demand to build more of them. He said approximately 30% of the kids who use our fields live outside the City boundaries. He said he agrees we need to work together to allow our children to play sports however when it reaches the point the City must spend large sums of money to build more fields he cannot support it without further explanation. He asked how many fields does the township supply. Scot Lahrmer said a meeting has been set for January with the township to discuss the matter. Councilmember Grossmann asked if we adopt this legislation are we giving a firm commitment to expenditures. Scot replied passage of the legislation does not obligate the City to spend money. He said it is a guide. He also stated there is a budget item coming before Council regarding the Biehle property. Councilmember McCurley stated he can support the plan but not expenditures for future fields. Councilmember Osborne asked if there will be enough fields for next season. Michael Hecker stated he will not know that until he receives the requests.

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

A motion to adopt Ordinance 2004-133 was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2004-134 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SITE DESIGN GROUP, INC., FOR PREDESIGN AND DESIGN SERVICES FOR THE MASON SKATE PARK

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

Scot Lahrmer stated the Mason Parks & Recreation Department has frequently been approached by residents requesting the City explore the option of constructing a skate park in a City park. In January 2004, a petition with 1,400 names, largely of middle and high school students, was presented to City Council requesting the construction of a skate park. At the January 12 Council meeting, Council inquired regarding the cost of the project, need for a design, and opportunities for collaboration.

The Parks Department formed an exploratory committee comprised of park board members, school district representatives; and a local skate shop owner to look into potential options. During the past year, the committee recommended that the most logical location for a skate park would be in Corwin Nixon Park next to the pool shelter. While this location provides the best accessibility and visibility, it is also next to Mason High School and, depending on what design is proposed, staff believe this site could be the catalyst for a joint project with another jurisdiction. Scot explained the City solicited proposals from a pre-qualified list of skate park design consultants. Two proposals were submitted and, after reviewing both, it was determined that an Arizona firm, Site Design, is most qualified for the work. Last week, Park Board recommended that City Council approve a contract with Site Design, Inc. in an amount not-to-exceed \$45,000 for the pre-design and design of a skate park based on the strengths of their proposal. The City's insurance provider, MVRMA, already has addressed liability issues with skate parks with other municipalities in the insurance pool, including Miamisburg, Wyoming and Kettering. By following MVRMA guidelines in developing usage policies, signage requirements, and other recommendations liability concerns should be limited. Scot concluded by stating staff is recommending City Council approve a not-to-exceed price of \$45,000. Once City Council approves this ordinance, public workshops will begin in January or February, with design plans provided by late spring. The final version will then be presented to Park Board and City Council at which time a recommendation for construction management will be requested. Scot concluded by stating tonight be considered a first reading on this legislation.

Vice Mayor Pelfrey explained there are some inaccuracies in the write up before Council tonight. Therefore, she said a first reading has been requested.

ORDINANCE 2004-135 AMENDING ORDINANCE NO. 2003-146 TO ESTABLISH NEW RATES FOR THE LOU EVES MUNICIPAL SWIMMING POOL LOCATED AT CORWIN M. NIXON PARK

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

Scot Lahrmer explained to Council the 2004 season, despite the cool rainy summer, was a decent successful year for City operations of the Lou Eves Municipal Pool. This was the second consecutive year that the City operated the pool in-house. He stated despite an average temperature for July and August of 70 degrees or less and the continued impact of the Community Center on pool pass sales and attendance, the City was able to keep expenses down and the total deficit at a minimum. The 2004 deficit was \$27,122, which includes minor capital improvements to the facility. Scot further explained the outdoor pool is experiencing a trend toward lower attendance, which to what other neighboring communities have experienced as their pools age. He also said it has been observed by offering an incentive, such as a discount to residents that are members of the Community Center, we can expect an increase in attendance/revenues. Therefore, staff and Park Board are recommending the City continue the 20% discount on pool season passes for Mason Community Center pass holders. The discounted fees continue to make the cost comparable to the fees charged in 1997. It is hoped through marketing efforts with the outdoor pool (and hot weather), that attendance levels will increase.

Scot stated at the November 11th Parks & Recreation Board meeting, the 2005 pool fees and categories were discussed and, based on staff recommendations, the Board unanimously recommended the following pool rates and categories for 2005:

- ◆ The 2005 pool fees and daily admissions should remain at the current 2004 rates.
- ◆ Continue to offer a 20% discount on season passes for Community Center pass holders.
- ◆ The Guest Pass, which permits 10 daily admissions and is available only at the time of the season pass purchase, should continue at the 2004 rate of \$21.
- ◆ The Pool fee categories should match the Community Center fee structure categories for consistency and ease.

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

A motion to adopt Ordinance 2004-135 was made by Vice Mayor Pelfrey, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2004-136 AUTHORIZING PAYMENT OF \$7,500 TO THE MASON HISTORICAL SOCIETY, A PRIVATE NON-PROFIT ORGANIZATION

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

Scot Lahrmer stated the Mason Historical Society has approached the City for a donation of

\$7500. He explained the City began partnering with the Mason Historical Society in 1993 when the City contributed \$5,000 to the Mason Historical Society, \$2,500 in 1994 and 1995; and \$5,000 beginning in 1997 through 2002. Last year, the Mason Historical Society received \$7,500.

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

A motion to adopt Ordinance 2004-136 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2004-137 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$111,894.99 TO INCREASE THE CONTRACT OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE TYLERSVILLE ROAD EXTENSION AND WIDENING PROJECT

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

Scot Lahmer explained City Council adopted final legislation, January 24, 2000, entering into a contract with ODOT for the construction of the widening of Tylersville Road from US 42 to Kings Island Drive. Construction started in May 2000 and was completed at the end of 2001. The original contract estimated the City's share of the project at \$1,901,204. Scot stated the Engineering Department received the final bill from ODOT this year. The ODOT invoice was for \$567,586.06; however, after reviewing change orders and working with the ODOT Finance Department the final change order comes to \$111,894.99. The final invoice was reduced by payments already made by the City in the amount of \$261,009.67 and by \$194,681.40 left from the original contract which left a final total of \$111,894.99. This project was under the control of ODOT and ODOT staff managed all change orders.

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

A motion to adopt Ordinance 2004-137 was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2004-138 ESTABLISHING THE SALARY ADMINISTRATION PLAN, PROVIDING FOR CONSIDERATION OF INCREASES IN COMPENSATION ON AN ANNUAL BASIS, AND GRANTING A COST-OF-LIVING INCREASE

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

Eric Hansen explained to Council in the past, Council has considered legislation each summer authorizing merit increases for non-contractual employees. This year, he said, Council's Employee Relations Committee reviewed the compensation system and recommended several

changes. The Committee identified six goals to guide this effort that included maintaining control over the system and being sensitive to comparable benefits enjoyed by contractual employees; minimizing cost of frequent employee turnover; maintain a merit system that rewards high performance; improve recruiting effectiveness; maintain conservative financial management by unbundling inflationary pressures, merit incentives and system maintenance; and providing an administratively consistent structure. Eric further stated, the Committee identified a series of steps that fit into a larger transition plan to revise City compensation system. Key in these steps was the Committee's intent to review compensation and hiring ranges during the budget process and recommend inflationary adjustments to take effect January 1 of each calendar year. Eric said Ordinance 2004-138 provides a 3% inflationary adjustment to current non-union City employee compensation effective the first pay period following January 1, 2005. Ordinance 2004-139 updates the City's Hiring Range schedule for non-union, full-time employees with a 3% increase.

Councilmember Osborne stated a review has been done to make sure the City is competitive with other municipalities and as well as other employment markets for pay scales and ranges.

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

A motion to adopt Ordinance 2004-138 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 Absent (Pelfrey)

ORDINANCE 2004-139 REPEALING ORDINANCE NO. 2004-107 OF THE CITY OF MASON, OHIO, AND ESTABLISHING THE POSITIONS AND RATES OF COMPENSATION FOR EMPLOYEES OF THE CITY OF MASON, OHIO

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

A motion to adopt Ordinance 2004-139 was made by Councilmember McCurley, seconded by Councilmember Osborne. VOTE: 6 YEAS, 1 Absent (Pelfrey)

CITY MANAGER'S REPORT

The City has received a liquor permit request from two businesses: LaRosa's Pizzeria at 6674 Tri Way Drive and Corkys Pizzeria at 5546 SR 741 S.

Councilmember McCurley moved to not request a hearing for LaRosa's. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

Councilmember Bradburn moved to not request a hearing for Corkys Pizzeria. Councilmember McCurley seconded the motion. VOTE: 6 YEAS, 1 ABSTAIN (Beck)

COMMITTEE REPORTS

Councilmember McCurley reported on the Warren County Municipal League and stated they would be encouraging communities to support maintaining the Local government Fund. He also reported the Community Improvement Committee met to appoint officers.

Councilmember Kidd stated the bylaws of the Festivals of Mason state Council must appoint trustees to serve on the board. He said the proposals are: Roger Cupp, Ryan McCurley, John Harris, Charlene Pelfrey, Victor Kidd, Don Davis and Jack Flaherty. Councilmember McCurley moved to make those appointments. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

Councilmember Kidd also mentioned the Design and Review Board met and agreed to take the business friendly approach and allow flexibility in the design for business owners as opposed to a rigid approach.

Councilmember Bradburn reported on the last meeting of the Court Liaison Committee. He said it was evident the City would benefit financially if they changed to a Mayors Court. Councilmember Grossmann stated this would have to happen by action from the State legislature. He agreed financially the cost would be less. He described some of the details that would have to be resolved before this could proceed. He suggested the Courts may be restructured entirely for the County. Councilmember Bradburn and Kidd agreed looking at the financial picture, a Mayor's Court is the only rational decision. Councilmember Kidd reported how the Mayor's Court in Sharonville it is a revenue source for the City. He also stated he has contacted the one County Commissioner and the County Prosecutor and they are not opposed to the idea. It was even mentioned they might want to lease Mason's space for Court responsibilities. Councilmember Bradburn moved to contact our State Legislators and ask them to proceed with legislation to allow for a Mayor's Court. Vice Mayor Pelfrey asked if it is typical for a court to run in the black. Scot Lahrmer replied some run in the red and some in the black. She then asked what services would residents lose if this proceeds. Ken Schneider stated they will lose some convenience by having to travel for court cases unless the space is leased out to the county. Councilmember Grossmann stated it is premature to proceed by contacting legislators until there has been more discussion and all options have been reviewed. He said this is a political decision as well as a financial decision. Councilmember Kidd stated this has nothing to do with the current staff in the court. He said since 1991, a deficit has occurred involving the court for \$900,000. Councilmember Grossmann stated discussion should take place with those that will be affected by this decision. Councilmember Osborne stated this has nothing to do with the current staff in our court system. Vice Mayor Pelfrey stated she feels to change a system that has been in place for many years requires more review. Councilmember Bradburn withdrew his motion. Mayor Beck asked the Court Liaison Committee to report on this at the next Council meeting.

COUNCIL OLD AND NEW BUSINESS

Vice Mayor Pelfrey asked about the status of the Snider Road extension. Scot replied legislation at the December 13th meeting will deal with this road extension and if Council adopts the legislation, the job will proceed. Vice Mayor Pelfrey asked about any change in status of the US RT 42 /Main

Street intersection. Scot reported no essential change has been made as we are waiting to close on the property. She requested a left turn lane onto Main Street and a right turn lane onto RT 42 be looked into.

Mayor Beck asked Ken Schneider about the status of the Supreme Court review of Judge Parker. Ken replied the investigators will be here this week contacting his office and various other parties.

Mayor Beck reported on the following events: Mayor's Forum, Veteran's Day, Historical Society, and Christmas in Mason.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

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

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

ADJOURN

A motion to adjourn was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey.
VOTE: ALL YEAS
TIME: 11:03 p.m.


Clerk of Council


Mayor