

**CITY OF MASON
COUNCIL MEETING
MARCH 14, 2005**

Mayor Beck called the meeting to order at 7:08 p.m. Pastor Rick Huff opened the meeting with prayer which was followed by the pledge of allegiance.

ATTENDANCE:

The following members of Council were present: Steve Osborne, Tony Bradburn, Tom Grossmann, Charlene Pelfrey and Peter Beck. John McCurley was absent. Victor Kidd joined the meeting during the presentation of the DARE Essays.

APPROVAL OF MINUTES

Motion to approve minutes of February 28, 2005 meeting was made by Councilmember Osborne, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

PRESENTATION OF DARE ESSAY CONTEST WINNERS

Office Jamie Van Wagner introduced Peyton Ward, Rachel Giessel and Emily Schulte as winners of the DARE Essay Contest. The three girls read their winning essays.

RECOGNITION OF CHOKOLATE MOREL RESTAURANT

Paige Bryan introduced owners Dave Avalos and Pam Kennedy from the Chokolade Morel. Mayor Beck and Vice Mayor Pelfrey presented a plaque in recognition of the accomplishments of the Chokolade Morel.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION : IMMINENT LITIGATION

Motion to adjourn into executive session for the purpose of discussing imminent litigation was made by Vice Mayor Pelfrey, seconded by Councilmember Osborne. VOTE: ALL YEAS

A motion to reconvene into regular session was made by Councilmember Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2005-97 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

Motion to read by title only was made by Councilmember Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

Mayor Beck stated the public hearing on this legislation will be continued and opened it at 8:38 p.m. C. Francis Barrett located at 500 Fourth & Walnut Center introduced himself as the attorney representing the property owners. He addressed Council and gave a brief overview of the history and the current status of this rezoning request. He introduced owners Tom and Sara Davidson, Dan Neyer, Steve Wallace of River Tree LLC, Pat Knoll of Alt Witzig Engineers and Jeff Kearn a civil engineer. Mr. Dan Neyer, located at 10335 S. Medallion Drive, addressed Council and explained the feasibility study. He showed the area that was unusable due to poor unsuitable soil and set back requirements. He stated the project, as originally planned, is not economically feasible due to the restrictions. He stated it would result in a zero value for the land. He stated if Council approves this request for rezoning, they would be willing to donate 20 acres to the City for ball fields. Council asked if he would be willing to build a road that agrees with the City's Thoroughfare Plan located on the south side of the parcel. Dan replied he would consider it. Richard Fair explained the seven items Planning Commission noted. They are as follows:

1. Identify which residential zoning district is used to determine yard requirements
2. Flag lots are permitted in a concept plan; however they may not exceed 5% of the total lots in the subdivision
3. There shall be a minimum of 20 feet of frontage for a flag lot and an additional 10 feet of frontage for each additional adjacent flag lot.
4. Indicate minimum right of way of 50 feet along SR 741
5. Revise the plan to provide a future road connection to the south
6. Provide a stub street along the west boundary line
7. Provide a traffic impact study to determine the impact the development will have on the adjacent roadway system and to identify improvements other than required by the zoning code.

Mike Mumma addressed Council and spoke in favor of this plan as it provides additional ball fields. He stated he is responsible for scheduling the fields.

Councilmember Grossmann asked what their thoughts are regarding the seven items mentioned by Richard Fair. Dan Neyer responded they are good comments and he would review them. Councilmember Grossmann asked if they have flexibility regarding lot sizes and density. Steve Wallace stated they would like time to review them to see the impact. He said it may be an economic issue. Vice Mayor Pelfrey asked what the difference in costs was for building a residential street compared to a street in an industrial park. He replied residential roads have a lower standard that must be met. He said it is more difficult for industrial areas to absorb the cost. Mayor Beck asked about the utilities the City placed on the site. Richard Fair stated the City built a lift station and an 8-inch force main at a cost of \$3.8 million dollars. Dan Neyer suggested tap in fees as a way to recoup the investment. Councilmember Grossmann asked if the tap in fees would be greater if it were for industrial. Scot replied yes. He said the City embarked on

the utilities based on the planned use for the property. Councilmember Kidd stated if the City knew it was going to be developed residential, they never would have spent the funds for the utilities. Dan Neyer stated in a letter dated 1996 from Scot it stated the City would help financially to develop the site to make the property to the west more developable. He stated the system had to be built. It was a matter of necessity. Scot replied something needed to be done for the Crooked Tree property. He stated the City had other options and did not have to cross Dan Neyer's site. He said it was not out of necessity. Mayor Beck clarified there would be no financial contribution to creating the ball fields just the donation of the property. Dan Neyer replied that's correct. Ken Schneider advised it is best to resolve some of these issues before approving the project. He said you should have a plan that illustrates what is agreed upon. Dan Neyer concluded by referencing a letter from Richard Fair dated November 24, 1997 that stated the City needed to improve the sanitary sewer in the area.

Mayor Beck closed the public hearing at 9:35 p.m.

Vice Mayor Pelfrey moved to send this legislation back to Planning Commission for their opinion on the matter. Councilmember Kidd seconded the motion. A discussion continued among Council with Councilmember Grossmann stating he would like to suggest the motion be voted down so the matter can be tabled which would allow time for administration to deal with the issues and bring it back to Council. VOTE: 2 YEAS (Beck, Pelfrey), 4 NAYS.

Councilmember Grossmann moved to allow the developer to meet with administration and come back to Council at the April 11, 2005 meeting after they have had time to review the comments given tonight. VOTE: 5 YEAS, 1 NAY (Pelfrey)

ORDINANCE 2005-09 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 31.043 ACRES LOCATED AT 6030 MASON ROAD FROM R-1 TO R-2

Councilmember Kidd moved to read by title only which was seconded by Councilmember Bradburn. VOTE: ALL YEAS

Richard Fair explained to Council this project is located at 6030 Mason Road also known as the Mitchell Property, which contains 31.043 acres of land. The property is currently zoned R-1 Single Family Residential and is located adjacent to Sections 2 and 3 of Heritage Club. He said Planning Commission recommended approval of the rezoning based on the following findings:

1. The land use map for the City of Mason designates this property as Low-Density Residential, which is consistent with R-2 zoning.
2. The requested zoning is compatible with the surrounding properties.

Mayor Beck opened the public hearing at 10:00 p.m. Dave Reibold spoke in favor of the project. There were no other comments. Mayor Beck closed the public hearing at 10:02

p.m.

Councilmember Kidd moved to adopt Ordinance 2005-09. Councilmember Grossmann seconded the motion. VOTE: ALL YEAS

ORDINANCE 2005-16 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ROZZI'S FAMOUS FIREWORKS TO PROVIDE A FIREWORKS SHOW DURING THE CITY OF MASON'S "RED, RHYTHM & BOOM" FOURTH OF JULY CELEBRATION

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

Scot Lahrmer stated Rozzi's Famous Fireworks has been providing Mason's Fireworks since its inception in 1999. They have the ability to provide, first and foremost, a safe display and secondly, the best exhibit for the money. He said we are recommending a show of \$25,000, which is a slight update from the \$21,000 display in 2004. The 2004 display was only a shoot while the 2005 display will be a show produced by Rozzi's synchronized to patriotic music.

Councilmember Osborne moved to suspend the rule and allow for adoption after the first reading. Councilmember Kidd seconded the motion. VOTE: ALL YEAS.

Councilmember Osborne moved to adopt Ordinance 2005-16. Vice Mayor Pelfrey seconded the motion. VOTE: ALL YEAS

ORDINANCE 2005-17 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO IMPROVE THE RIGHT TURN LANES AND TRAFFIC SIGNAL AT THE INTERSECTION OF TYLERSVILLE ROAD AND US 42 AND DECLARING AN EMERGENCY

A motion to read Ordinance 2005-17 by title only was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

Scot Lahrmer explained to Council Ordinance 2005-17 and 18 are concerning the same project. He stated the purpose of the legislation is to authorize ODOT to improve the Tylersville Road and U.S. 42 intersection and to award a contract for engineering services to prepare construction drawings for the improvements to the intersection. He added at Council's encouragement, the City applied for a grant from the Ohio Department of Transportation to improve the intersection of Tylersville Road and U.S. 42. The City was successful in obtaining this grant in the amount of \$391,000; with a cost breakdown of 10% City or \$39,100 and 90% ODOT or \$351,900. Scot stated this intersection qualified for a grant because a significant number of rear-end collisions occurred on both approaches of U.S. 42. This appears to be due to congestion at the intersection caused by limited capacity on U.S. 42 and high traffic demand on all four

approaches of the intersection. ODOT has determined the City does not need to go through the qualified selection process for engineering services because TEC has already been retained by the City for other projects. Scot explained TEC Engineering assisted staff in obtaining this grant and they are very familiar with the City and the traffic signal system in this area. ODOT has established a multiple step process for submitting plans, which TEC must follow for proper approval of the plans. Steps include providing a red flag summary, an environmental analysis, preliminary engineering, and Stage 1, 2, and 3 detailed design plans. Therefore, we are recommending that TEC Engineering be awarded the design engineering contract for this project.

Scot concluded by stating ODOT will administer the contract and grant for the City and set the schedule for design and construction. Approval of Ordinance 2005-17 is to authorize ODOT preliminary legislation to consent to the Ohio Director of Transportation to complete the project and acceptance of the grant funding to improve the U.S. 42 and Tylersville Road intersection and to pay the 10% City's share of the grant. Ordinance 2005-18 grants approval to enter into a contract with TEC Engineering for the design of the intersection improvements at a not-to-exceed figure of \$45,000.

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 2005-17 was made by Councilmember Kidd, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2005-18 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TEC ENGINEERING FOR THE DESIGN ENGINEERING FOR THE IMPROVEMENTS TO THE TYLERSVILLE ROAD AND US 42 INTERSECTION

A motion to read Ordinance 2005-18 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 Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2005-18 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-19 APPROVAL OF THE SEWER AND WATERLINE EASEMENT PLAT FOR GRIZZLY GOLF CENTER, INC.

A motion to read Ordinance 2005-19 by title only was made by Councilmember Osborne, seconded by Councilmember Grossmann. VOTE: ALL YEAS

Richard Fair explained Ordinance 2005-19 and 2005-20 are before Council at the request of Carl D. Walker, with Savage Walker and Associates, representing the City of Mason.

He said they are requesting approval of a sanitary sewer and waterline easements located on the Grizzly Golf Center and Tennis for Charity properties located east of Eagle View Subdivision and north of Cintas Commerce Park. Richard stated these plats will dedicate a twenty-foot wide public sewer and waterline easement for the existing services. He added Planning Commission recommends approval of these easement plats

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 2005-19 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2005-20 APPROVAL OF THE SEWER AND WATERLINE EASEMENT PLAT FOR TENNIS FOR CHARITY.

A motion to read Ordinance 2005-20 by title only was made by Councilmember Osborne, seconded by Councilmember Bradburn. 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 Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2005-20 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2005-21 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS NO. 001, 002 AND 003 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND HOWELL CONTRACTORS, INC. FOR OFF-SITE PIPELINE CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT

A motion to read Ordinance 2005-21 by title only was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS

Scot Lahrmer explained to Council as a result of the 1999 Sewer Master Plan, the City began considering various options to handle increased sewage flow and treatment. After approximately 4 years of analyses, evaluation, design and value engineering, it was determined to move forward with the construction of a new treatment plant on Mason-Morrow-Millgrove Road. The plant would have an intermediate design flow of 8.67 MGD and an ultimate design flow of 13 MGD. Scot further explained contracts between the City of Mason and the five prime contractors were executed on April 2, 2004. Construction has now been underway for approximately 10 months, with approximately 45% of the total construction completed. The project is on track for scheduled completion in 2006. Scot said the next six ordinances deal with change orders that occur in the course of construction. He stated the change orders for Howell Contractors, Inc. (Contract B) for \$67,544 involve necessary changes in Influent Sewer manholes, additional concrete used in stream crossings, and an extension of the new 12-inch reclaim

water force main to tie into the existing force main. The change orders for Nelson Stark Co. (Contract D) for \$15,726 cover plumbing changes in several buildings resulting from requirements of the Warren County Plumbing Inspector, and minor plumbing improvements. The change orders for ESI (Contract E) for \$60,879 are for increases to date in electrical conduit, wiring, and controls necessary to complete the project. The increase in the Arcadis-FPS contract for Construction Phase Engineering for \$117,600 involves a substantial increase in shop drawing review and responses to contractor Requests For Information (RFIs), due to the complexity of the equipment needed for the new WRP. It also includes preparation of conformed documents and consultations on field problems. This increase has been developed as full compensation for all costs incurred so far by Arcadis-FPS, and anticipated through the end of the project. A portion of the Arcadis-FPS increase which is related to correction of contractor errors and equipment changes by the sludge dryer manufacturer (presently estimated to be around \$16,500) may be recoupable by the City from Contract A. Scot continued by stating the agreement with Cinergy for Gas Main Extension in the amount of \$56,633 will compensate Cinergy for construction of approximately 2,800 feet of 6-inch gas main in Mason-Morrow-Millgrove Road from US 42 to the service tap for the new WRP. The agreement is the result of lengthy negotiations between the City, the Construction Manager, and Cinergy, and represents a cost-effective means to provide for conveyance of the natural gas necessary to operate the WRP's sludge drying system. The water tap, meter, and valve fees totaling \$26,796.36 were calculated by GCWW under the terms of the Retail Water Service Agreement between the City of Mason and the City of Cincinnati.

Scot concluded by stating the total of all Change Orders and other expenses presented above is approximately 1.1% of the total initial project budget of \$32,410,000 (GMP {guaranteed maximum price} plus engineering). As a result, it is anticipated that all changes through completion of the project will be approximately 3%, which is well within the normal industry standard of around 5% for this type and complexity of construction. He noted the Utility Committee has met and reviewed the change orders as well as the need to move forward with extending the gas main to the plant and purchasing the water tap and fees.

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

A motion to adopt Ordinance 2005-21 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-22 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS NOS. 001 AND 002 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND THE NELSON STARK COMPANY FOR PLUMBING CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT

A motion to read Ordinance 2005-22 by title only was made by Vice Mayor Pelfrey,

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 Grossmann, seconded by Councilmember Osborne. VOTE: ALL YEAS

A motion to adopt Ordinance 2005-22 was made by Councilmember Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2005-23 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS NOS. 001, 002 AND 003 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND ESI, INC. FOR ELECTRICAL CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT

A motion to read Ordinance 2005-23 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 Bradburn. VOTE: ALL YEAS

A motion to adopt Ordinance 2005-23 was made by Councilmember Grossmann, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2005-24 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MASON AND ARCADIS-FPS FOR BIDDING AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE CITY'S NEW WATER RECLAMATION PLANT

A motion to read Ordinance 2005-24 by title only was made by Councilmember Bradburn 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 Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2005-24 was made by Councilmember Osborne, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2005-25 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE CINCINNATI GAS AND ELECTRIC COMPANY TO EXTEND A NEW GAS MAIN FROM AN EXISTING MAIN IN U.S. 42 NORTH TO THE CITY'S NEW WATER RECLAMATION PLANT

A motion to read Ordinance 2005-25 by title only was made by Councilmember Osborne, seconded by Councilmember Grossmann. 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 Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2005-25 was made by Councilmember Kidd, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2005-26 AUTHORIZING THE CITY MANAGER TO MAKE PAYMENT TO THE GREATER CINCINNATI WATER WORKS OF TAP, METER AND VALVE FEES FOR WATER SERVICE TO THE CITY'S NEW WATER RECLAMATION PLANT

A motion to read Ordinance 2005-26 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 Bradburn. VOTE: ALL YEAS

A motion to adopt Ordinance 2005-26 was made by Councilmember Kidd, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2005-27 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH SIDERITS FAMILY LIMITED PARTNERSHIP FOR THE ACQUISITION OF PROPERTY LOCATED AT 211 W. MAIN STREET, MASON, OHIO

A motion to read Ordinance 2005-27 by title only was made by Vice Mayor Pelfrey, seconded by Councilmember Grossmann. VOTE: ALL YEAS

Scot stated the purpose of this legislation is to authorize the purchase of property related to the construction of the storm sewer project from South Forest to the Muddy Creek. He said over the past year, the Engineering and Building Department has been working to finalize the design and acquire the right-of-way needed to construct a new storm sewer. The new storm sewer system begins at the intersection of First Avenue and South Forest, continues across the Library property to South East Street and discharges into the Muddy Creek. During the process, Otto Siderits, one of the property owners, was contacted about granting an easement across his property at 211 W. Main Street. Mr. Siderits stated that he was not willing to grant any easements but was interested in selling his property. Scot concluded by stating acquisition of the .5-acre parcel for \$150,000 will provide the means for the storm sewer and the balance of the land can then be considered for some use in the downtown area such as parking, green space or redevelopment.

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

A motion to adopt Ordinance 2005-27 was made by Councilmember Grossmann, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

ORDINANCE 2005-28 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,550,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING MASON-MONTGOMERY ROAD IN THE CITY.

A motion to read Ordinance 2005-28 by title only was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

Scot Lahrmer stated the purpose of this legislation is for the re-issuance of Bond Anticipation Notes for the improvements and widening of Mason Montgomery Road. He said bond anticipation notes were originally issued in 2001, in the amount of \$6 million for this project. In 2004, \$1 million dollars was paid toward principal on these notes. The new issue represents a principal payment in the amount of \$150,000, which was included in the 2005 Budget.

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 2005-28 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2005-29 ADOPTING CHAPTER 189 OF THE CODIFIED ORDINANCES OF THE CITY OF MASON RELATING TO MOTOR VEHICLE LICENSE TAX

A motion to read Ordinance 2005-29 by title only was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

Scot explained to Council the purpose of this legislation is to access license plate fee revenues for City of Mason roadway projects. He stated on February 1, Warren County Commissioners approved resolution 05-151 setting a public hearing to consider a resolution to levy a \$5 annual license tax. Once the County enacts this additional \$5 fee, municipalities within the County no longer have the ability to collect the fee themselves. ORC Section 4504.16 requires the County to hold two public hearings prior to the adoption of any resolution levying a county motor vehicle license tax. The first public hearing was held on March 8 and the second is scheduled for Tuesday, March 15. Scot stated Counties may enact three \$5 motor vehicle licenses fees. Currently, Warren County has enacted two. Ohio law also permits municipal corporations to enact four \$5 motor vehicle license fees if the County has not previously enacted one of theirs. Warren County has enacted the first two vehicle license fees; therefore, Mason doesn't have the opportunity to enact them. Resolution 05-151, sets a public hearing to consider the enactment of the third motor vehicle license fee. If the County Commissioners approve the third motor vehicle license fee, revenues collected from Mason residents, residents within unincorporated areas and other municipalities that have not enacted the fee, would go directly to the County, for improvements to County roads. If the City were to adopt

legislation enacting the third fee, revenues from residents of Mason would come directly to the City of Mason, for road improvements instead of going to Warren County. The County would continue to collect revenues from residents within unincorporated areas and cities that have not enacted the fee. In February, the Village of Waynesville approved an ordinance enacting the third motor vehicle license fee. The City of Lebanon enacted the third motor vehicle license fee on March 8.

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 2005-29 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Scot announced a work session will be held on Monday, April 4 at 6:00 p.m. at the Mason Municipal Center.

Scot explained the second Council meeting in May has typically not been held due to the Memorial Day holiday. He said although Memorial Day doesn't fall directly on our council meeting evening this year, all of the City's business can be conducted at the May 9 or June 13 meeting unless Council would prefer to meet on May 23. Scot also stated his recommendation is to not hold the second meeting of May unless necessary. Following a brief discussion among Councilmembers, it was decided to continue to hold the meeting as regularly scheduled on May 23, 2005.

COMMITTEE REPORTS None

COUNCIL OLD AND NEW BUSINESS

Councilmember Osborne stated he will not be able to attend the photo session scheduled for Council. Scot said it would be rescheduled.

Vice Mayor Pelfrey said she is looking for dates to hold the Council Retreat. She also thanked staff for the information regarding the intersection of US 42 at Main Street. She asked for Scot's recommendation on how to proceed with the engineering. Scot stated it would be his recommendation to have an engineer outside the streetscape plan review that intersection. It is anticipated the cost would be approximately \$8-10,000. Vice Mayor Pelfrey moved to hire an independent study be done for modifications or changes to be done at US 42 at Main Street. Councilmember Grossmann seconded the motion. VOTE: ALL YEAS

Mayor Beck announced there will be another meeting of the Mayor's Forum on March 18, 2005 hosted by the City of Hamilton. He also stated he participated in the Read Across America Day on March 2, 2005. He stated he has visited the Learning Place in

Mason and participated in Meet the Mayor at the Chamber of Commerce in which 18 businesses attended.

RECOGNITION OF VISITORS none

EXECUTIVE SESSION

Councilmember Bradburn moved to adjourn into executive session for the purpose of discussing land acquisition and potential litigation. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

Councilmember Bradburn moved to reconvene into regular session. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

ADJOURN

Councilmember Grossmann moved to adjourn, seconded by Councilmember Bradburn.
VOTE: ALL YEAS TIME: 11:05 p.m.



Clerk of Council



Mayor