

**CITY OF MASON
COUNCIL MEETING
MARCH 28, 2005**

Mayor Beck called the meeting to order at 7:05 p.m. Those present recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the March 14, 2005 Council meeting was made by Vice Mayor Pelfrey, seconded by Councilmember Grossmann. VOTE: ALL YEAS

A motion to approve the minutes of the March 23, 2005 Special Council meeting was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

RECOGNITION OF SLEEPCARE DIAGONSTICS

Mayor Beck stated a representative from the Company was not available to attend this meeting. He said this is National Sleep Care Awareness Week. He stated many activities are planned. He will be presenting a Proclamation to them and on April 2 they will be at the Community Center.

RECOGNITION OF VISITORS

Alex Clark addressed Council and stated he is a skate boarder and he has noticed the sport has grown. He suggested the City build a skate park to give them a place to go. He said it does not need more than one bowl because many kids do not use them. He said the downtown business owners would like the kids to have a specific place to go instead of using their parking lots.

ORDINANCE 2004-134 134 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 Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

Scot Lahrmer explained to Council this legislation was introduced on November 22, 2004. He said it has been tabled several times, most recently on February 28, 2005 with the request a contact be made to a firm that might donate the park. Scot stated he contacted the firm and they said they might be able to donate the concrete at cost but the design work would have to be completed first by the City. Scot said he contacted the City of Middletown regarding their skate

park and learned they provide the design work, the land and a shelter for their project. He said a portion of their park was donated. He said the Park Board is still in favor of this project and would like to see it move forward. This ordinance authorizes the payment not to exceed \$45,000 to Site Design Group for the design work.

Vice Mayor Pelfrey, the Park Board representative from Council, stated while she is in favor of this project, the absence of Michael Hecker or Steve Gayfield at this meeting leads her to suggest it be tabled until April 25, 2005.

A motion to table this legislation until April 25 was made by Vice Mayor Pelfrey, seconded by Councilmember Grossmann. VOTE: 4 YEAS, 1 NAY (Bradburn)

ORDINANCE 2005-30 AUTHORIZING A CONTRACT WITH THE OHIO DIRECTOR OF TRANSPORTATION FOR CONSTRUCTING THE RESURFACING OF STATE ROUTE 741 FROM BETHANY TO THE NORTH CORPORATION LIMIT

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

Scot Lahrmer explained to Council as part of the Ohio Department of Transportation Urban Paving Policy, SR 741 is scheduled for resurfacing in ODOT calendar year 2005. City Council approved Ordinance 2004-52 as preliminary legislation for the project on April 12, 2004 allowing the City to enter into a contact with ODOT to require the City to prepare construction drawings. He said ODOT is now asking City Council to approve the final ordinance, which will authorize a contract with the Ohio Director of Transportation for the actual paving of the road. Contract language requires the City to cooperate with ODOT to pay for the non-federal share of the construction costs; 100% of items not paid for by ODOT; and pay 100% to upgrade all handicap curb ramps. Scot added this program has an 80/20 funding split, with ODOT paying 80% and the City paying 20% of the construction costs, plus items not covered by the Urban Paving Policy. The City share was estimated by ODOT at \$126,912.

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 2005-30 was made by Councilmember Bradburn, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2005-31 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE FOR FARMING OF CITY ACREAGE

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 City owns the various farm properties for a total of 242 tillable acres. He said in the past, the City has leased this farmland out to three local farmers but at the suggestion of one of the tenants, the City rebid these leases in a manner that would enable

bidders to bid on all four properties as a package. The farmers were also given the option of bidding on each farm individually. The sum of the highest bids for each individual farm totaled \$25,890. The highest lease package bid was \$26,136, or \$108 per acre for the 242 acres. Fred Vonderhaar, submitted the highest package bid.

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

Vice Mayor Pelfrey noted her concern over leaving out the small farmer who might want to just farm one of the parcels. Eric Hansen stated the farmers had the choice of bidding on just one parcel if they chose to do so.

A motion to adopt Ordinance 2005-31 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-32 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GROUNDMASTERS, INC. FOR \$419,700.00 FOR LANDSCAPING AND IRRIGATION OF CITY OF MASON PROPERTY

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

Scot Lahrmer explained to Council this legislation is necessary to provide landscaping and irrigation maintenance, mowing, weed control, pruning, watering, etc. for the Tylersville Road and Mason-Montgomery Road corridors as well as Fire Station #51, Fire Station #52, Parkside Drive, Snider Road, Lakeside Drive, and the Water Reclamation Facility. Scot said this contract includes two alternate bids for additional work in the downtown area. The first includes the purchase, installation, watering, and regular maintenance of 20 hanging planters in the downtown along US 42. The second includes the design, installation, watering, and regular maintenance of two sets of annual planting beds located on the former Reber and Speedway lots owned by the City of Mason.

Scot added the contract project area has increased slightly from the 2003-2004 contract, adding four additional landscaped islands, and replacing additional salt damaged perennial plantings. Because of the changes, the contract cost has increased by 11%. Public Works staff will continue to perform some mowing not included in this mowing contract; specifically along Innovation Way and along the SR 741 between Parkside Drive and I-71. The 2003-2004 contract for landscaping and irrigation maintenance was \$358,276. Groundmasters, Inc. the apparent low bidder for the 2005-2006 seasons at \$419,700.

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 Bradburn suggested the City look into hiring college kids to perform some of this work. He said it saves the City money and it allows local youth to earn money. Councilmember Grossmann mentioned concerns over letting this age group perform some of the

duties. Scot Lahrmer stated they do hire several students for summer help. He said if the City were to take on these duties he stated more people and supervision would certainly be needed. Vice Mayor Pelfrey stated she has concerns over inexperienced people working on the landscaping. She noted the huge investment the City has made to achieve the current status. She expressed concern over the salt used in the winter killing the plants. Mr. Tom Brown with Groundmasters, addressed Council and stated salt does affect the variety of plants the City has been using. He said David Riggs is looking into other plant material that is more tolerant of the salt. He said the salt does build up. Councilmember Bradburn asked if the City could use salt brine instead of what we are using. David Riggs addressed Council and said they are reviewing that. He said they also have concerns about salt buildup on the median and the sides of the roads. He said in order to use the brine, some additional equipment would need to be purchased.

A motion to adopt Ordinance 2005-32 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-33 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH LAWRENCE E. AND MARY JANET KLASMEIER FOR THE ACQUISITION OF PROPERTY LOCATED ON SNIDER ROAD, PARCEL NO. 16-35-151-012, MASON, OHIO

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 in December 2004, City Council passed Ordinances 2004-147 and 2004-148 authorizing an agreement to acquire property, a drainage easement and a temporary construction easement from two of the five parcels needed to construct the Snider Road Re-alignment project. He stated since that time, staff and CDS Associates have been working to acquire the remaining three parcels. Ordinance 2005-33 authorizes an agreement to acquire property, a drainage easement and a temporary construction easement from Lawrence E. and Mary Janet Klasmeier, for \$1,200. The Klasmeier's are deeding a portion of their property to the City in exchange for attorney fees and paving a part of their driveway. Richard also stated Ordinance 2005-34 authorizes an agreement to acquire property and a temporary construction easement from David Family Limited Partnership for \$26,713. The David's, (Big Top Restaurant) are selling property to the City for the appraised value. Both the David's and Klasmeier's worked out an agreement to have one full movement driveway onto Snider Road instead of two separate right-in/right-out driveways. Richard said staff has also worked on finalizing an agreement with Beverly Barr, the owner of the last property needed on the west side of Snider Road to construct the realignment. Because Mrs. Barr has demanded that the City not enter her property along with the need for Sunesis, the City's contractor, to start work we reluctantly must take this first step in appropriating Mrs. Barr's property. Richard added staff will continue to work with Mrs. Barr to resolve her outstanding issues and to make a final offer in order to eliminate the need for final appropriation.

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

A motion to adopt Ordinance 2005-33 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-34 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH DAVID FAMILY LIMITED PARTNERSHIP FOR THE ACQUISITION OF PROPERTY LOCATED AT 800 READING ROAD, MASON, OHIO

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

A motion to adopt Ordinance 2005-34 was made by Councilmember Grossmann, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

RESOLUTION 2005-02 DECLARING THE INTENTION TO APPROPRIATE PROPERTY FOR THE SNIDER ROAD REALIGNMENT PROJECT AND DECLARING AN EMERGENCY

A motion to read by title only was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. 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 Resolution 2005-02 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-35 ACCEPTING THE PUBLIC IMPROVEMENTS FOR PEBBLE CREEK AT MASON, SECTION 2, AND RELEASING THE PERFORMANCE BOND

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 purpose of this legislation is to release the performance bond and accept the public improvements. He stated Section 2 of Pebble Creek at Mason is located north of the Weatherstone Subdivision and has access off of State Route 741. The streets, which are private, include parts of Spanish Bay Drive and Spyglass Hill. The Public Utilities, Public Works, Engineering Department and Greater Cincinnati Water Works have inspected the public improvements. Richard added the utilities and other improvements will become the city's responsibility upon acceptance. He said staff recommends accepting the public improvements, contingent on the submission of a one-year maintenance bond.

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

A motion to adopt Ordinance 2005-35 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-36 AUTHORIZING CONTINUED PARTICIPATION IN THE WARREN COUNTY DRUG TASK FORCE AND PAYMENT IN SUPPORT THEREOF

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

Eric Hansen explained to Council the purpose of this legislation is to authorize continued participation in the Warren County Drug Task Force. He stated the City has participated in the Warren County Drug Task Force since its inception. Chief Ferrell sits on the Policy Board as provided in the original by-laws of the Board. County Prosecutor Rachel Hutzel, serves as the coordinating official for the program and for the funding of the Task Force. He added local agencies collectively match State and Federal grants. For 7 years, the City of Mason contributed to that effort with an annual payment of \$5,000. In 2000, the Drug Task Force advisory board asked all municipalities to consider an increase in their membership fees based upon one dollar for each resident in the respective jurisdictions. In 2000 and 2001 the City of Mason contributed \$21,097 annually based on population figures from 1999. In 2003 the contribution was \$10,000 and in 2004 it was \$22,016.

This year the Task Force is again requesting membership fees based on population. According to the 2000 Warren County Census, the population of Mason is 22,106,

Ordinance 2005-36 reflects the increased level of funding contingent on substantial participation by other jurisdictions.

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 2005-36 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: 4 YEAS, 1 ABSTAIN (Beck)

CITY MANAGER'S REPORT

Scot Lahrmer stated starting March 21, Western Row Road, west of Snider, will be closed for about a month. Crews will remove the railroad crossing and install a storm sewer, then replace the railroad crossing. They will also widen Western Row Road between the railroad and Snider Road. When that leg is complete, Snider Road south of Western Row will be closed for approximately two months. The entire project should be complete by the end of July 2005. A new traffic signal will be installed in May or June.

Scot stated Phase 2 of the Kings Mills Road water main replacement project began March 21, starting at Cox-Smith Road to the S.R. 741 intersection. The project will also include replacement of some storm sewer piping and catch basins. The road will be down to one lane with flaggers during the daytime. The scheduled completion date is June 1 in order for the road to be repaved through the City's paving program. Rack Excavation is the contractor.

A work session has been scheduled for April 4, 2005 at 6:00 at the City Building.

COMMITTEE REPORTS None

COUNCIL OLD AND NEW BUSINESS

Vice Mayor Pelfrey noted some changes are anticipated for the interior of the Municipal Building. This includes a Mayor's Wall and titling of the current art work that exists today.

Mayor Beck noted the Mayor's Forum met on March 18, 2005. The next meeting is planned for May 20, 2005 hosted by the City of Hamilton. Mason is hosting a meeting on April 20, 2005 at 7:30 a.m. regarding the pooling of health care costs.

Mayor Beck stated there will be an executive session added to the agenda for the purpose of discussing land acquisition.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

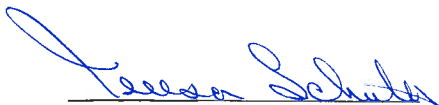
A motion to adjourn into executive session for the purpose of discussing land acquisition was made by Councilmember Bradburn, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS


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

ADJOURN

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

TIME: 8:15 P.M.


Clerk of Council


Mayor