

**CITY OF MASON  
COUNCIL MEETING  
APRIL 25, 2005**

Mayor Beck called the meeting to order at 7:05 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 Pete Beck.

**APPROVAL OF MINUTES**

A motion to approve the minutes for the April 11, 2005 Council Meeting was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 ABSTAIN (Osborne)

A motion to approve the minutes from the April 18, 2005 Council Worksession was made by Councilmember McCurley, seconded by Councilmember Osborne. VOTE: ALL YEAS

**PRESENTATION BY MASON TREE COMMITTEE**

Kevin Jones, Chair of the Tree Committee, addressed Council and presented the sixth Tree City USA award to Council. He introduced the members of the committee in attendance. He also announced the City was one of only two in this area to receive the Growth Award. The other recipient was the City of Cincinnati. Kevin shared the winning poster from the third grade class participating in the recognition of Arbor Day.

**RECOGNITION OF KEVIN WISE MASON CITY SCHOOLS**

Kevin Wise of 5312 Larkspur Lane, President of the Mason City School Board, addressed Council and encouraged residents to vote for the levy on May 3, 2005. He said the district ranks 7<sup>th</sup> in the state academically. He also said the district paid \$10 less than the average cost when constructing the new high school. He added a rally will be held at the Mason Middle School on May 1 from 5-6:00 p.m. Councilmember McCurley spoke in favor of the proposed levy and the schools performance. Councilmember Osborne also spoke in favor of the levy and commended the schools for the independent review they requested from local business leaders. Councilmember Grossmann stated he will also support the levy. Vice Mayor Pelfrey stated she also will vote for it but has concerns for the senior citizens on fixed incomes.

**RECOGNITION OF VISITORS**

Donna Ryan of 1012 Seneca Drive addressed Council and stated she is a long time Mason resident and thinks Scot Lahrmer is doing an excellent job as City Manager. She asked who ultimately decides his employment agreement. Mayor Beck explained Council as a whole

decides and he explained the process of providing a performance evaluation to Scot. On another matter, she stated there is a ditch in front of her house that is getting bigger and will attract mosquitoes. She requested the City to look into the matter. Richard Fair said he would look into it.

Wendy Sheets of 5736 Running Fox Lane addressed Council and provided an update of the Mason in Bloom Committee. This years activities include an "Art in the Garden" event on June 11, 2005. She also stated they have planted many bulbs and other landscaping efforts at the Mason Historical Society on Church Street. They are now working with the downtown area. She stated the watering for the planters they are going to place in the downtown area needs to be included in the contract for the hanging planters, the Reber site and the Speedway site. Mayor Beck stated all watering should be included in the contract. Scot Lahrmer reported the large planters along the street were not in the initial bid. Mayor Beck asked for a change order to include the planters. Scot stated they would contact Groundmasters. Vice Mayor Pelfrey suggested some of the property owner's help with the watering. She also suggested the number of planters be reduced to a manageable number.

Matt Kline of 5334 Chapel Lane addressed Council and stated the City is doing a disservice by the handling of the employment of the City Manager. He stated this decision is taking too long and is simply wrong.

Heather Scott of 1484 Bay Meadows Drive addressed Council and explained how her family had moved to Mason a year ago and have recently tried to join the Community Center. She explained how her family consists of three children and her significant other is another female. She stated when they tried to join the Community Center as a family they were asked how they file their federal income tax determines if the City treats their membership in a family category. She stated she thought this was not fair and felt unwelcome in the City. She stated to comply with the City's rules, their pass to the Community Center would be too expensive. She added the Liberty Township YMCA does not use that standard but goes by who has the same residential address. Heather added she had discussed the matter with Michael Hecker and he never did anything about it. She said if the Community Center is funded through tax dollars, she felt the tax payers should be able to join as a family if they reside together. She asked to be treated fairly, not receive special treatment. Ken Schneider responded Heather and her family can become a member but they would have to pay for the extra adult. He stated the City is aligned with the Ohio Constitution, as they do not recognize same sex marriages. Heather stated that was just passed last year and the Community Center has been open since 2003. She added what is being defined by the City is "family" not "marriage". Heather further added Council can determine how to define a "family". Councilmember Grossmann asked if the City has received any other complaints on this matter. Scot replied not to his knowledge. Councilmember Kidd stated he sympathizes with their situation but we do have what we have determined to be a fair policy in place. He added the Community Center is running at a deficit. He said it is a business decision on how it is run and shouldn't be directed at an individual situation. Vice Mayor Pelfrey stated she had no prior knowledge of this problem. She asked Heather why they did not come to any member of Council with this problem. Heather stated they have decided to return to the Lakota YMCA where they recognize them as a family. Councilmember Kidd stated he

would like to see them as a member and offered to pay the increase for the additional person. Heather replied "What about the other families?"

Kevin Jones addressed Council and said people who make life decisions need to take responsibility for those decisions. He also stated contract regarding the City Manager's contract, negotiations are a standard part of life. Councilmember Osborne stated the reason this review process has taken a while is a formal process had to be created. He also stated his travel schedule has impacted how frequently meetings can take place. Councilmember McCurley asked when the current contract expires. Ken Schneider replied on June 30, 2005. Councilmember McCurley requested a new contract be brought to the next meeting. He added if that fails to happen, he will bring in the old contract for approval.

**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 Kidd, seconded by Councilmember Grossmann. VOTE: ALL YEAS

Scot Lahrmer explained to Council this contract has been reviewed by the Park Board and the subcommittee formed for the purpose of researching the skate park. He stated the cost associated with this design request is not to exceed \$45,000.

Councilmember Grossmann asked what are we attempting to do, design a \$200,000 park or a \$600,000 park.? He also asked if Deerfield Township participated with us on this project. Vice Mayor Pelfrey stated it is her opinion, working with the township may relocate the park from the area previously designated next to the swimming pool. She stated this serves us well as it is close to the schools where children could walk. She also stated the police and emergency response team would be next door. Councilmember Grossmann asked if the township has been approached. Vice Mayor Pelfrey stated they have presented their version of a joint agreement in which it stated, the skate park must be located within 5 miles of any part of the township. She added this agreement is being reviewed by the Park Board. She also stated she does not feel this skate park has to be the grandest of all skate parks. She stated we do not need to build a park that people travel from all over to use. Councilmember Grossmann asked if they would follow up with the township to clarify their interest. Mayor Beck stated this should be discussed at the Council retreat. Vice Mayor Pelfrey stated the Skate Park Committee has been working on this for two years and should be involved in this decision. Councilmember Bradburn asked where would the funding come for this project. Vice Mayor Pelfrey stated the design cost was in a previous budget and at the time the matter was tabled she was told the money would be carried over to cover the design cost in the future. Councilmember Osborne clarified the money was not actually carried over but it was decided it would be funded from the general fund if Council so desired. Michael Hecker addressed Council and stated the \$600,000 figure was derived from information obtained from various parks built throughout Ohio and Kentucky. Vice Mayor Pelfrey stated a skate park is mentioned 3 times in the Parks Master Plan which was completed last year. Councilmember Bradburn stated he is not in favor of spending money on the design if we are not going to build it. Councilmember McCurley stated he would be in favor of building a

skate park for about \$200,000-\$250,000. He stated the \$45,000 cost for design does not equate to that final cost. He said he would be in favor of a description and design that works towards a completed cost of \$200,000-\$250,000. Todd Warenger addressed Council and stated as a skate boarder, he can clearly say a skate park is needed. He said they would not get into trouble if they had a place to go. Councilmember Osborne stated Baker Concrete will partner with us on the cost of the concrete. He suggested a meeting with Baker Concrete to discuss the matter. Councilmember Kidd stated it makes no sense to award a design contract when we have no clarified what we want. Vice Mayor Pelfrey stated the Skate Park Committee should be involved.

A motion to table this legislation until the June 13, 2005 meeting was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

Councilmember McCurley stated it is obvious Council intends to do this, but we need some additional information to come up with the financial obligation.

**ORDINANCE 2005-48 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KZF DESIGN TO COMPLETE THE DOWNTOWN STREETScape PLAN FOR EIGHT BLOCKS OF THE CENTRAL BUSINESS DISTRICT FROM MASON ROAD TO KINGS MILLS ROAD ALONG MAIN STREET AND FROM MAIN STREET TO THIRD AVENUE ALONG U.S. 42/READING ROAD**

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

Paige Bryan addressed Council and stated KZF Design has put together a multidisciplinary team of community planners, engineers, landscape architects and graphic designers to develop a Downtown Mason Streetscape Plan. Together with Vivian Llambi Associates and Kolar Design, the City of Mason will receive a streetscape design that will include the elements found in Attachment A of the request for proposal. She stated they had five firms submit proposals. Paige further explained KZF Design's experience was a critical measure that drew the evaluation team to select them. KZF is responsible for signature streetscape designs such as Hyde Park Square, Corryville University Village, Obryonville and Reading. KZF Design's proposal to complete the 15-point project, and administer the bidding, construction and inspection process for the Downtown Streetscape amounts to \$127,500. Paige reported the Downtown Committee of Council has reviewed this proposal and heard the evaluation team's comments and recommends approval of Ordinance 2005-48 to enter into a contract with KZF Design to complete the Downtown Streetscape Plan, engineering drawings and construction administration in an amount not-to-exceed \$127,500.

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

Vice Mayor Pelfrey asked if the project will extend to Gould Park. Paige replied with the passage of the Mason Road project, it will extend to incorporate that entryway. Councilmember McCurley asked what will be completed by October 2005. Paige responded the design and engineering drawing should be done so over the winter they can award the contracts.

Councilmember Bradburn reported his past experience with KZF has been good and he feels the City will work well with them.

A motion to adopt Ordinance 2005-48 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 NAY (Osborne)

Councilmember Osborne stated he voted no because he feels we don't have great direction for the downtown area. He said strategically he did not feel this was the right thing to do.

**ORDINANCE 2005-49 APPROVAL OF THE FINAL PLAT FOR HICKORY WOODS SECTION 3B**

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

Richard Fair explained to Council this legislation grants approval of a final plat for Section 3, Block B of the Hickory Woods subdivision. Section 3, Block B is located to the north of Hickory Woods Section 3A, west of Ashley Place Subdivision and south of Parkside Subdivision. This section of the subdivision consists of 27 buildable lots and 3 open space lots on a total of 19.2 acres. Richard stated this plat will dedicate the necessary right-of-way and easements for this subdivision. He added Planning Commission recommends approval of the final plat contingent on complying with some minor items and submitting a performance bond and subdivider's contract

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 2005-49 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-50 APPROVAL OF THE FINAL PLAT FOR THE SWORD DEAF BAPTIST CHURCH PUD**

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

Richard Fair explained to Council this development currently includes a church and a future dormitory and single-family residence. With an ingress/egress easement along the southern property line and future expansion of Mason Road, Planning Commission requested that the access drive be relocated to line up with Concord Crossing. This will result in a shared drive with the residential house to the south. This plat is to include the dedication of right of way along Mason Road to satisfy the requirements of the City of Mason Thoroughfare Plan. Richard added Planning Commission recommends approval Vice Mayor Pelfrey stated her name should be removed on the property next to this development. She stated this belongs to her mother.

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 2005-50 was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

**ORDINANCE 2005-51 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GREATER CINCINNATI WATER WORKS REGARDING THE INSTALLATION OF STORM SEWER FOR KINGS MILLS ROAD AND DECLARING AN EMERGENCY**

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

Scot Lahrmer explained to Council the purpose of this legislation is to reimburse Greater Cincinnati Water Works for storm sewer improvements along Kings Mills Road between Cox-Smith Road and State Route 741. He stated Greater Cincinnati Water Works is in the process of installing a 12" water main along Kings Mills Road between Cox-Smith Road and State Route 741. The project was publicly bid and Paul Rack Excavating and Paving Co. was the low bidder. Upon reviewing the storm system in this area, it was determined that the City would also benefit by replacing several sections of deteriorated pipe, most of it galvanized metal, and catch basins which are in need of repair. The City has an opportunity under GCWW's contract to replace approximately 260 feet of storm piping and eleven (11) catch basins. With the paving of Kings Mills Road to be performed under this year's paving program, replacing the storm piping will reduce the odds of having to cut into the road in the near future. A price of \$36,232 for the replacement of the storm piping and catch basins has been obtained. Scot stated Greater Cincinnati Water Works will execute the storm sewer change order as part of their contract and the City will reimburse them for the cost. This amount is comparable in pricing with the storm piping and catch basin pricing for the Western Row/Snyder project and is less than what it would cost under the 2005 Paving Program. Staff is satisfied the City received an excellent price for this work from a reputable contractor. Traffic maintenance, project inspection, and contract administration are also included in this price. Miscellaneous pipe replacements are budgeted in the 2005 Storm Sewer Utility Fund.

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

A motion to adopt Ordinance 2005-51 was made by Councilmember McCurley, seconded by Councilmember Grossmann. VOTE: ALL YEAS

**ORDINANCE 2005-52 AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR AN OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR REMOVAL AND REPLACEMENT OF HANDICAP ACCESSIBLE CURB RAMPS IN THE OLYMPIA FILEDS AND BOARDVIEW FARMS SUBDIVISIONS**

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

Eric Hansen explained each year the City is entitled to apply for grant monies for areas of Mason which will benefit low to moderate income (LMI) persons or eliminate immediate threats. Due to recent policy changes by the state of Ohio in the CDBG formula allocation program, Mason is no longer considered an "acquired" city as in the past. This means that Mason is no longer eligible for a guaranteed allocation, but is still able to apply to the county for CDBG monies each year. Eric further explained Warren County Commissioners will determine which projects get funding for non-acquired cities. Mason's application for FY2004 was not approved for funding due to the status change and lack of funds for cities that are not considered "acquired". A city must have a population of at least 25% low to middle income to be considered an acquired city. Per the 2000 census data, Mason has only a 23% low to middle income population. Since 1990, nearly \$460,000 in CDBG funds had been used for the replacement of curb and gutters, sidewalks, driveway approaches, and street resurfacing in the Meadows Subdivision. Eric stated in 2003, Mason received its largest CDBG allocation ever, \$52,700, which was used to replace handicap accessible curb ramps along U.S. 42 and various other locations. The FY 2005 grant application is for replacement of handicap accessible curb ramps in the Olympia Fields and Broadview Farms subdivisions. The existing curb ramps in these areas do not meet the new ADA standards.

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 2005-52 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**RESOLUTION 2005-05 DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE SNIDER ROAD REALIGNMENT PROJECT AND DECLARING AN EMERGENCY (MASON DEVELOPMENTAL RESOURCES, INC.)**

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

Richard Fair explained to Council this project has been complicated due to a deed that was never recorded. He stated the City is making every attempt to reach the owner. He said the Law Director has advised the City close on the remainder of the property and conclude the parcel at a time in the near future when the deed matter has been resolved.

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 Resolution 2005-05 was made by Councilmember Kidd, seconded by Councilmember Grossmann. VOTE: 6 YEAS, 1 ABSTAIN (Beck)

**CITY MANAGER'S REPORT**

The final two DARE graduations for this school year are in May. St. Susanna will be graduating on Tuesday, May 3 at 10 a.m. in the "old church" and the last group of Mason students will graduate on Tuesday, May 10 at 7 p.m. in the Middle School Auditorium. All City Council members are invited to attend.

The Southwest Warren County Transportation Study Task Force has set 2 public meetings to seek input on their latest recommendations. The two meetings will be held at the County Commissioners Meeting Room in Lebanon on Tuesday, May 3 and Wednesday, May 4 from 5 to 7:30 p.m. The recommendations will affect Bethany Road, Mason-Montgomery Road, Snider Road and S.R. 741.

Western Row Road at Snider westbound will be open this week. The section southbound will be closed for approximately two months.

**COMMITTEE REPORTS**

Councilmember Grossmann reported the Court Liaison Committee has met and he reported they are making progress on the items they are discussing. He stated they included discussion on surveillance cameras. His impression is we are making progress.

Councilmember McCurley reported the Southwest Warren County Transportation meeting. He encouraged those interested to attend the meeting as mentioned by the City Manager. He cautioned this is a recommending board only and have no funding available to them. He also mentioned a letter he received regarding a gazebo be placed on the old Speedway site. He added it is a good idea but there are no plans for the site yet.

**COUNCIL OLD AND NEW BUSINESS**

Vice Mayor Pelfrey stated she was handling the Joint Agreement submitted to the City from Deerfield Township. She said the Park Board is currently reviewing it and will offer comments. She also shared the new logo for the Festivals of Mason with the other Council members. She added the National Day of Prayer will be held on May 5, 2005. She said the City will be participating at 12:00 p.m. at the Veteran's Memorial unless rain dictates it be held indoors. She stated this will be lead by the Chaplains and will last approximately 20 minutes.

Councilmember McCurley stated he has received numerous letters in support of the City Manager.

Mayor Beck stated he is recommending the opening on the Library Board be filled with Miriam Williams. He stated the term will span from May 31, 2005 through May 31, 2008. Mayor Beck also announced the Mayor's Forum held a meeting in April and will hold another in May in which the guest speaker will be Lieutenant Governor Bruce Johnson. Mayor Beck added he will have the results of the survey he has conducted from local businesses by the Council retreat. He asked if other Councilmembers would submit their ideas for the days event. He stated he would be conducting his first wedding ceremony on April 29, 2005. It will be held at the Veteran's Memorial at 4:00 p.m.



Mayor Beck added personnel as a second purpose for the executive session.

**RECOGNITION OF VISITORS** None

**EXECUTIVE SESSION: LAND ACQUISITION AND PERSONNEL**


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

Councilmember Bradburn moved to reconvene into regular session. The motion was seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ADJOURN**

A motion to adjourn was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS TIME: 11:57 p.m.

  
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Clerk of Council

  
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Mayor