

**CITY OF MASON  
COUNCIL MEETING  
MAY 9, 2005**

Mayor Beck called the meeting to order at 7:03 p.m. Following a prayer by Pastor Tom Moll, all present 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 from the April 25, 2005 Council Meeting was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALLYEAS

**SWEARING IN OF POLICE OFFICER MARK DENNER**

Chief Ferrell introduced Officer Mark Denner. Mayor Beck presided over administering the oath of office.

**RECOGNITION OF VISITORS**

Mr. Matt Kline of 5334 Chapel Lane addressed Council and asked about the status of the contract with the City Manager. Mayor Beck stated the City is in the process of doing the performance evaluations and negotiating a new contract.

Mr. Earl Holland of 5693 Fairway Drive addressed Council and stated he has had difficulty selling his home due to the traffic concerns. He stated he has only been offered an amount much less than the actual value. He requested Council review the matter and take steps to alleviate the traffic volume and speed. Councilmember Osborne responded Council is aware of this problem and is concerned about this matter. He stated they are looking for another route that would remove some of the traffic from this street. He said the solutions that have been discussed are long term and require the cooperation from others. Richard Fair stated the owners of the proposed mall have promised to do a traffic study of this area. He said it has not been completed yet. He added if speeding is a problem, the police can assist with that matter. Mr. Holland requested the residents and the Homeowners Association be kept informed of the City's efforts.

Mr. Joe Ball of 2091 Winding Creek Lane addressed Council and stated his concern over the illegal aliens in the area. He said he has observed many of Spanish decent working for the firms the City hires to do landscaping in the medians. He asked if they have been checked to see if they are legal. Scot Lahrmer stated the City bids out this project and is required to award the job to the lowest and best bid. He said they do not have

responsibility for checking the status of the workers. He stated they will mention it to the firm that received the bid but the City is not the enforcing agency. Councilmember Grossmann added the federal government sets the immigration laws. The City has no jurisdiction. Mr. Ball then stated he has lived in the City for 32 years. He said he has received the same services during that time. He said Procter and Gamble is not paying for school taxes and he is paying them. He asked the City to annex the entire school district.

### **EXECUTIVE SESSION**

A motion to adjourn into executive session for the purpose of discussing personnel and potential litigation was made by Vice Mayor Pelfrey, seconded by Councilmember Grossmann. VOTE: ALL YEAS

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

### **RESOLUTION 2005-06 PROCLAIMING MAY 8-14, 2005 AS INTERNATIONAL BUILDING SAFETY WEEK**

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

Eric Hansen introduced the City's Chief Building Official, Greg Nicholls. Greg explained to Council by an act of Congress, the week of May 8th is set aside as International Building Safety Week. After experiencing unprecedented natural disasters in the past few years, it is more important than ever to increase public awareness of building safety. He stated building departments, including Mason, support International Building Safety Week (IBSW) in a collective effort to remind and inform residents of our commitment to every citizen's health, welfare, and safety. The expectation that buildings in Mason are safe places to live and work is just one of the many areas of public trust upheld by the professional offices of the City, but one of the most significant. This summer, Greg stated he will be using this experience locally with downtown building code application studies and educational presentations for the Downtown Mason Association, downtown property owners and the Chamber of Commerce to help resident and local businesses succeed in their projects by ensuring that building safety needs are understood and met.

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 Resolution 2005-06 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

### **RESOLUTION 2005-07 PROCLAIMING MAY 8-14, 2005 AS PUBLIC SERVICE RECOGNITION WEEK**

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

Eric Hansen stated Public Service Recognition Week will be celebrated May 8-14, 2005. This week is to give recognition and thanks to all public service employees. He added the employees of the City of Mason will be recognized on Thursday, May 12, 2005 for their dedication and service to the City. The City will host an awards program at The Manor House from 11:30 a.m. to 1:00 p.m. During the program, service anniversary pins will be awarded to those employees celebrating from 1 to 20 years of service with the City of Mason in 2004. In addition, the 2004 Employee Excellence Award winners will be announced. The recipients of this award are selected by their co-workers for demonstrating a positive attitude, outstanding effort and high productivity.

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 Resolution 2005-07 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**RESOLUTION 2005-08 PROCLAIMING MAY 15-21, 2005 AS NATIONAL LAW ENFORCEMENT MEMORIAL WEEK AND MAY 15 AS PEACE OFFICERS' MEMORIAL DAY**

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

Eric Hansen introduced Chief Ferrell who stated this year the City will conduct a short memorial ceremony on Monday, May 16<sup>th</sup> at 10:00 a.m. at the outside parking lot entrance to the Municipal Center. He said Mr. Kenneth Morckel will speak at the ceremony. Mr. Morckel is the director of the State of Ohio Department of Public Safety. In this role, he advises the Governor on issues related to homeland security, highway safety, alcohol enforcement, emergency medical services and disaster recovery, among other issues. He invited everyone to attend.

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

A motion to adopt Resolution 2005-08 was made by Councilmember Grossmann, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**RESOLUTION 2005-09 PROCLAIMING THE WEEK OF MAY 15-21, 2005 AS EMERGENCY MEDICAL SERVICES WEEK**

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

Eric Hansen introduced Chief Fletcher who stated National Emergency Medical Services Week will be celebrated May 15-21, 2005. He said Emergency Medical Services Week is an opportunity to recognize the contribution emergency medical services agencies make to the quality of life. Hospital emergency personnel, emergency physicians, nurses and educators, along with community emergency service providers together contribute to an emergency medical system that protects the lives, health, and safety of Mason residents.

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

A motion to adopt Resolution 2005-09 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

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

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

Councilmember McCurley stated this legislation has been before Council several times and he said he feels it is misleading to continue. He said he does not support the rezoning request and asked Council vote on it tonight. He also said the current zoning matched the comprehensive plan and the City owns property in the area with industrial zoning. He also noted land east of this site is currently being developed with the same zoning. Councilmember Grossmann said he agreed we should vote on this tonight. He added he supports protecting personal property rights and zoning can be restrictive. He also said they have presented compelling evidence, this project as zoned, is economically unfeasible with the current zoning. He added unless Council has significant evidence their position is wrong, he supports the passage of this legislation. Mayor Beck also stated he would like to vote on this tonight. He said he favors adhering to the City's Comprehensive Plan. Councilmember Kidd stated his preference is to adhere to the Comprehensive Plan. He also said while they have presented a good case for this rezoning, the City has made a major investment in this property anticipating a certain return and therefore he will not support rezoning it. Councilmember Grossmann asked for clarification on the investment the City made. Scot Lahrmer stated the City built a lift station and a force main based on the development of that property being industrial. Councilmember Grossmann asked if we can require a developer to pay for a lift station if the zoning is changed by a court order. Ken Schneider responded he was not certain but if possible he would make every attempt to recover the City's cost.

A motion to adopt Ordinance 2005-97 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: 1 YEAS (Grossmann), 6 NAYS

Ordinance defeated.

**ORDINANCE 2004-156 APPROVAL OF THE 2005 THOROUGHFARE PLAN**

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

Richard Fair explained to Council this is a continuation of a public hearing. He said the plan is vital for future traffic plans for the City and obtaining future right of way for road improvements. He noted the changes as follows:

1. With the increased traffic from the proposed mall on Kings Mills/741 a parallel connector road to I-71 is proposed. The road is proposed to be a Major Arterial with 100 feet of right-of-way that connects Courseview Drive south through the Golf Center and then crosses I-71 to connect with Kings Island Drive.
2. The southern part of Foxfield Drive is proposed to connect into the loop road around the municipal/high school complex with a new local road north of Tylersville Road. This new road is proposed to have a 50-foot right-of-way.
3. A Primary Collector road with a right-of-way width of 60 feet is proposed to connect Kings Island Drive with Columbia Road to open up access behind the buildings located along Kings Mill Road.
4. A Primary Collector road with right-of-way width of 60 feet is proposed to extend Beach Boulevard to the north to connect into Mason-Morrow-Millgrove Road. This will allow for future access and development of this northern area. This road is outside the city but the Warren County Engineer is in favor of this addition.
5. A full interchange of I-71 along the Mason-Morrow-Millgrove Road and Columbia Road area. This will enhance the area for residential, commercial, and industrial development.
6. The plan calls for the realignment of the east/west Primary Collector located north of Bethany Road between SR 741 and Mason-Montgomery Road. The proposal is to move the road north to connect to Avalon Trail at the entrance to the Avalon Farms subdivision. This also includes a local street with a right-of-way of 50 feet that connects into the current Chestnut Hills subdivision in Deerfield Township.
7. A new local street with a 50-foot right-of-way is proposed to connect Crooked Tree Drive south to Bethany Road. This also includes the extension of Top Flite Lane west into the new local street and the western extension of Crooked Tree Drive into the north/south Primary Collector road between Brewer Road and Bethany Road. This is outside the City.
8. The realignment of the north end of Fairway Drive with Kings Mills Road.

Two items requested by Mayor Beck were discussed but not included in the final approved plan. They include the desire to build an access road from Beach Boulevard to Cox Smith Road and to extend Fireside Drive through to Snider Road. Richard also clarified that ODOT has agreed not to pursue item #5 so it can be removed from the list. Richard Fair stated the City is responsible for the Major Arterial Streets while the other streets are built as development occurs. Councilmember McCurley noted there is no time line for this plan to be implemented. He said several items are not in the corporation limits. Richard Fair stated the County has been contacted and will receive a copy of the approved plan that they can implement into their plans. Councilmember Osborne asked about the road that runs parallel to I-71. Richard Fair stated the plan would be to go over I-71. He said the chances are slim this will ever get built. Councilmember Osborne stated Cintas has been contacted to place a road from Kings Mills road to Tylersville Road. He said there is no room to build it. Richard Fair said if the idea doesn't appear on the plan it will certainly never get built. Councilmember Osborne discussed helping the residents on Fairway by pursuing a road near Pine Hill Park. He also suggested we need to review speed humps to reduce the speed and discourage traffic through the area. Vice Mayor Pelfrey asked if we will see a full interchange at Western Row Road. Richard responded we have a good chance. He said it will receive top priority in the Southwest Ohio Transportation Study. He added ODOT feels it is key to improving traffic flow in this area. He added City Council has budgeted money for the IMS study for this year. Vice Mayor Pelfrey asked if Deerfield Township has been contacted on this matter. She suggested a memo be sent to them to keep them informed. Richard Fair stated he has not contacted anyone other than the County and ODOT on this matter. Mayor Beck said the Township has requested copies of our agenda so they know it is being discussed tonight. Councilmember Grossmann asked about a two lane road built parallel to I-71. He asked if Cintas opposes that road to be built. Councilmember McCurley stated there is a two lane access road for the tennis tournament. He asked if it met City standards. Richard Fair stated the road does not and it enters Western Row Road at the overpass and presents a dangerous situation. He said that is why a police officer is there during the tournaments.

Mr. Paul Heiman of 4376 Cox Smith Road addressed Council and requested the road be removed that goes through his property and connects to Cox Smith Road. He also suggested the zigzag be taken out of Cox Smith Road. Mr. Sam Money of Cox Smith Road stated he is concerned over the amount of traffic. He requested the road shown going from Beach Blvd. to Cox Smith Road be removed stating it is unnecessary. Mr. Charlie Maxim of 3281 Palomino Trail addressed Council and requested the road from the Beach Blvd to Cox Smith be removed stating it was totally inappropriate. Councilmember Grossmann asked for staff's opinion of the suggestions made by the residents. Richard Fair stated the road proposed going through Mr. Heiman's property will not be built until the property is developed. It is outside the City. He also stated the proposed road connecting Beach Blvd. to Cox Smith Road behind the future mall is a good idea. Vice Mayor Pelfrey asked if there would be an access road behind the development. Richard responded yes it was shown on the plan in Phase 2. Mayor Beck stated that road is scheduled to be closed part of the time. Richard added it is private road not maintained by the City.

A motion to amend by deleting item number five from the engineering comments was made by Vice Mayor Pelfrey, seconded by Councilmember Osborne. VOTE: ALL YEAS

A motion to adopt Ordinance 2004-156 was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2005-37 APPROVAL OF A CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR THE EVERYBODY'S FARM PROPERTY LOCATED AT THE SOUTHEAST CORNER OF TYLERSVILLE ROAD AND SNIDER ROAD**

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

Mayor Beck opened the public hearing at 9:50 p.m. Richard Fair explained to Council this is a concept plan that has been approved by Planning Commission. He said Mr. Donald Follmer of Henkle Schueler, representing Everybody's Farm, Inc., is requesting approval of a concept PUD for 11.5 acres of land located at the southeast corner of Tylersville Road and Snider Road. The area was rezoned to Business PUD in August 2004, but the concept plan submitted at that time was denied. Richard stated unlike the previous concept plan, this plan shows three buildings, including a restaurant (7000 sf), financial institution (3500 sf), and retail center (7475 sf) as opposed to the 57,500 sf retail/office building. Access to the site remains relatively the same with a full access drive off Snider Road with a right-in/right-out proposed along Tylersville Road. Both access points have been shifted further away from the Tylersville Road/Snider Road intersection. The full access drive has been shifted 70 feet further south and the right-in/right-out is 250 feet further east than the previous plan. The proposed future access easement to the eastern properties along Tylersville Road is still shown. He explained the following points as contingencies for approval by the Planning commission:

1. Show bearings and distances for all proposed boundary lines.
2. Show any existing vegetations, structures, permanent facilities, and utilities.
3. Dedicate minimum right-of-way of 50 feet from centerline along Tylersville Road, and revise plan (e.g. setbacks) to accommodate for change. On the plan, the right-of-way is labeled in the wrong place.
4. Reduce the right-in/right-out access aisle to 24 feet, remove the concrete median and install a 12 foot landscaped median in the center of Tylersville Road spanning at least from the start of the deceleration lane to the end of the acceleration lane. However, final design will be worked out with Engineering Department staff. Otherwise, this access point will need to be removed.
5. Show that the minimum 20% open space requirement from Chapter 1161.6 of the Zoning Code and Subdivision Regulations has been met by labeling open space and area measurements. The floodway may be acceptable for common

open space provided it does not comprise more than fifty percent (50%) of the minimum open space total.

6. Clear up acreage discrepancy between rezoning acreage of 11.12 and concept PUD acreage of 11.5.
7. The applicant has requested to provide a fee in lieu of providing a detention/retention basin for this site. Staff is currently reviewing this request. If denied, the applicant will need to incorporate the basin into their design. It should be noted that the site appears to be severely over parked for the proposed restaurant use. By reducing parking and eliminating the proposed future parking, area should be available for the basin, if necessary.
8. The Planning Commission is limiting the number of parking spaces for the restaurant to 150 as opposed to the 185 shown. They have requested removal of the southern row of parking and the proposed future parking area.

Richard said the legislation could be approved by Council and allow staff and Planning Commission to continue work with the owner on the number of parking spaces.

Mr. Scott Snow owner of Buffalo Wild Wings addressed Council and stated he has been in the City for 10 years on Reading Road. He said that location has parking problems. He said he does \$2.3 million in sales a year. His current location holds 286 people. He said that is not adequate. The current location has 128 parking spaces. He said he cannot justify a new building in Mason with only 150 parking spaces. He stated he will look to locate elsewhere. He said last year the police wrote approximately \$31,000 in parking violations for customers of his. Councilmember Osborne and McCurley stated they felt the problems could be resolved through Planning Commission. Chris Rolf addressed Council and stated he was representing WLW Radio and asked for clarification on the proposed median. He said he is concerned over the amount of right-of-way that may be required. He said he cannot afford to loose anymore land. Mayor Beck asked for clarification on the comparison with the West Chester location. Mr. Snow stated his will be larger with 7000 square feet. He added the West Chester location has many problems and is not the prototype. Mayor Beck closed the public hearing at 10:15 p.m.

A motion to amend Ordinance 2005-37 to allow the number of parking spaces to be determined by further discussions between the City and Planning Commission was made by Councilmember Grossmann. Councilmember McCurley seconded the motion. VOTE: ALL YEAS

A motion to adopt Ordinance 2005-37 was made by Councilmember Osborne, seconded by Vice Mayor Pelfrey. VOTE: 6 YEAS, 1 NAY (Beck)

**ORDINANCE 2005-53 AMENDING SECTION 1301.01 OF THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO AND ADOPTING THE OHIO BUILDING OFFICIALS ASSOCIATION RESIDENTIAL CODE OF OHIO FOR ONE, TWO AND THREE FAMILY DWELLINGS, 2004 EDITION (RCO) WITH LOCAL AMENDMENTS**



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

Greg Nichols explained to Council the State of Ohio regulates the Building Code for all commercial buildings and multifamily residential beginning with 4-Unit Buildings. Local jurisdictions are responsible for adopting building regulations for residential structures of one, two or three dwelling units. With Ordinance 2005-53, the City of Mason would be updating their building code in keeping with that responsibility. He added since 1988, the State of Ohio Board of Building Standards has attempted to support uniformity in technical provisions of these local codes by specifically recommending an edition. The current code recommended is the Residential Code of Ohio, which is based on the 2003 edition of the International Residential Code (IRC). This code is an updated version of the one currently adopted by the City of Mason. The IRC is promulgated in open hearings by the same model code development process as for the commercial code. The Residential Code of Ohio is modified again through an open hearing process facilitated by the Ohio Building Officials Association, and includes the Ohio Home Builders Association. The resulting document has been adopted by most jurisdictions in this area, including Hamilton County, City of Cincinnati, Warren County and Butler County.

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

A motion to adopt Ordinance 2005-53 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2005-54 APPROVAL OF CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR THE SUBURBAN OIL PROPERTY LOCATED AT 4291 STATE ROUTE 741**

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

Scot Lahrmer stated the public hearing for this legislation would take place on June 13, 2005 at approximately 7:05 p.m.

**ORDINANCE 2005-55 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 32 FORD FOR THE PURCHASE OF ONE (1) 2005 FORD F-150 HALF-TON PICK-UP TRUCK**

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

Eric Hansen explained to Council as part of its fleet, the Engineering & Building Department currently utilizes a 1995 Ford F-150 half-ton pickup for City inspections. The 1995 pickup has accumulated 116,000 miles, has exceeded the City's scheduled

vehicle replacement cycle, and is incurring increasing maintenance costs. Replacement will provide a more reliable and versatile vehicle for daily use on construction sites throughout the City. Eric also stated considering Ford's factory warranty, the City's history of using Ford vehicles in the fleet, and the favorable discount pricing through the State Bid Program, staff recommends this purchase. The State Bid price for this vehicle is \$21,893. Upon replacement, the 1995 F-150 would be declared surplus and auctioned. Eric added as part of the budget process, both the Equipment Committee and the Finance Committee discussed and recommended the replacement of this vehicle. The 2005 Budget included \$25,000 for the purchase of this replacement vehicle.

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

A motion to adopt Ordinance 2005-55 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: 6 YEAS, 1 ABSTAIN (Bradburn)

**ORDINANCE 2005-56 AUTHORIZING THE CITY MANAGE TO ENTER INTO A CONTRACT WITH 32 FORD FOR THE PURCHASE OF ONE (1) 2005 FORD F-350 ONE TON PICK-UP TRUCK**

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

Eric Hansen explained to Council as part of its fleet, the Public Works Department utilizes a 1995 Ford F-350 four-wheel-drive pickup truck for street maintenance, sign installation, guardrail repair, dead animal disposal, plowing snow in cul-de-sacs, litter control, and other miscellaneous maintenance operations. This pickup has accumulated 122,000 miles, which exceeds the City's scheduled vehicle replacement cycle, and is bringing diminishing returns by incurring increasing maintenance costs as wear and tear increases. Eric stated the State Bid price for this vehicle is \$34,589. Plow equipment will be acquired separately as needed. Upon replacement, the existing truck would be declared surplus and auctioned. As part of the budget process, both the Equipment Committee and the Finance Committee discussed and recommended the replacement of this vehicle. The 2005 Budget included \$38,000 for the purchase of this replacement vehicle.

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

A motion to adopt Ordinance 2005-56 was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: 6 YEAS, 1 ABSTAIN (Bradburn)

**ORDINANCE 2005-57 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,850,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING WESTERN ROW ROAD IN THE CITY.**

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

Scot Lahrmer explained to Council this legislation approves the re-issuance of Bond Anticipation Notes for the improvements, widening, intersection and traffic signal of Western Row Road and Snider Road. In 2004, bonds in the amount of \$5 million dollars were issued to finance the construction of this project. Scot stated the new issue represents a principal payment in the amount of \$150,000, which was included in the 2005 Capital Budget.

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

A motion to adopt Ordinance 2005-57 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

Councilmember Osborne moved to add Ordinance 2005-58 to the agenda. Councilmember McCurley seconded the motion.

**ORDINANCE 2005-58 AUTHORIZING AN EMPLOYMENT AGREEMENT WITH SCOT F. LAHRMER AS CITY MANAGER TO BE EXECUTED BY THE MAYOR ON BEHALF OF THE CITY OF MASON AND DECLARING AN EMERGENCY**

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

Councilmember Osborne stated as Chair of the Employee Relations Committee, he would like to report an agreement has been reached with Scot Lahrmer for a new contract for employment as City Manager. He stated an ongoing review and personnel development process is now in place.

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 2005-58 was made by Councilmember Osborne, seconded by Councilmember McCurley. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

The Chokolade Morel restaurant will be sponsoring their first Morel Mushroom Festival on Sunday, May 15 from 11:00 a.m. to 6:00 pm. in the parking lot of 101 E. Main Street. There will be contests, recipes and cooked treats as well as live music and games at this event.

Council will meet on Saturday, May 21 for a work session. The details have not yet been finalized but will be announced soon.

A request for a transfer of liquor license has been received for the Mason Drive Thru at 117 Reading Road. A motion not to request a hearing was made by Councilmember McCurley, seconded by Councilmember Bradburn. VOTE: ALL YEAS

### **COMMITTEE REPORTS**

Councilmember Osborne reported he is working with the City Manager regarding future budget cuts. He stated he will be able to discuss it more in the future.

Councilmember McCurley stated he would like to state publicly he does not support widening Bethany Lane to six lanes. He said it has been planned to be widened to four lanes for some time.

Vice Mayor Pelfrey reported the Safety Committee has recommended the purchase of new equipment that will be before Council in the near future. She also suggested a review of the City's Sexually Oriented Business Zoning Code. She stated it is necessary to keep it up to date and protect our residents. She moved we approved the previously used expert be retained again for a fee of approximately \$1800. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

### **COUNCIL OLD AND NEW BUSINESS**

Vice Mayor Pelfrey presented an update on the significance of the art work in the lobby of the Municipal Center. A plaque will be placed on the table in front of the art work.

Mayor Beck recognized Eagle Scout Timothy Loesch. He also discussed a race, "Run for a Child". He said those interested can contact Rodney Roeser at 549-1703.

He thanked Enquirer reporter Ericka Solvig who is taking another job on the west coast. Mayor Beck presented her with a photo.

Mayor Beck also mentioned the Mayor's Forum will present the Lt. Governor, Bruce Johnson as the guest speaker on May 20, 2005.

### **RECOGNITION OF VISITOR** None

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

### **EXECUTIVE SESSION**


Councilmember Bradburn moved they adjourn into executive session for the purpose of discussing land acquisition. Councilmember Kidd seconded the motion. VOTE: 6 YEAS, 1 NAY (Osborne)

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

**ADJOURN**

Councilmember Osborne moved to adjourn. Councilmember Kidd seconded the motion.  
VOTE: ALL YEAS TIME: 11:02 p.m.

  
Clerk of Council

  
Mayor