

**CITY OF MASON  
COUNCIL MEETING  
June 13, 2005**

Mayor Beck called the meeting to order at 7:07 p.m. Father Harry Meyer opened the meeting with prayer. Those in attendance recited the pledge of allegiance. Due to his retirement, Vice Mayor Pelfrey thanked Father Harry for his years of service to the community and to the Chaplains Program.

**ATTENDANCE**

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

**APPROVAL OF MINUTES**

A motion to approve the minutes from the May 23, 2005 meeting was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

Vice Mayor Pelfrey recognized Mike Pitman, reporter from the Pulse Journal, who is being reassigned.

**RECOGNITION OF DARE ESSAY CONTEST WINNER**

Officer Van Wagner introduced Matt Winters and Siera Martinez who read their winning essays.

**RECOGNITION OF VISITORS** None

**ORDINANCE 2004-134 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SITE DESIGN GROUP, INC. FOR THE 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 stated staff is still gathering the requested information and asked for this legislation be tabled until the August 22, 2005 meeting. Vice Mayor Pelfrey moved to table. Councilmember Kidd seconded the motion. 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 Vice Mayor Pelfrey. VOTE: ALL YEAS

Richard Fair explained the property was rezoned last year from I-2, Industrial to Business PUD. The concept plan shows a single area of office/retail area towards the rear of the site. The proposed green space includes part of the current detention facility in the rear of the proposed building totaling 21.3% of the tract plus there is additional green space located towards the front of the property. He said access to this site as well as to the Suburban Oil facility is shown along the northern property line through an access easement. He also stated the plan shows the correct amount of right-of-way dedication according to the Thoroughfare Plan.

Richard said Planning Commission recommended approval of the Concept PUD plan with a vote of 5-0 with the following conditions:

1. The concept PUD shows an area of 5.064 acres including the green space towards the front and rear of the site. When the final plat comes through, the existing I-2 site would need to be combined with part of the PUD to maintain a minimum of 5 acres. An easement could be provided over this land to maintain the green space for the PUD.
2. The Planning Commission recommended that the parking be moved towards the rear of the site and the building towards the front. He said there is no known user at this time.

Mayor Beck opened the public hearing at 7:27 p.m. Tim King, representing the owners addressed Council and stated he is in favor of the rezoning. No one spoke in opposition of the proposal. Mayor Beck closed the meeting at 7:29 p.m.

A motion to adopt Ordinance 2005-54 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-70 CREATING THE MASON PORT AUTHORITY, AND PROVIDING FOR THE ORGANIZATION THEREOF**

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

Michele Blair addressed Council and stated the purpose of this legislation is to provide additional tools to the City to encourage economic development projects, offer incentives, and stimulate additional investment in the City's tax base. Michele also stated Mason City Officials have explored the potential powers and abilities that the State of Ohio authorizes for port authorities and have determined that this tool would be a valuable asset for aiding the aggressive economic development efforts and priorities of Mason. She said port authorities have long been associated with traditional water ports and have served to enhance transportation and trade needs. In Ohio, the use of port authorities has evolved as an additional economic development tool that also allows for ownership of property and the provision of financing for local development initiatives. Michele further explained, they typically serve as implementers by serving as a "conduit" providing, sometimes complex, financing options and opportunities once a project has been recruited. Port authorities can also play a role in the creation of public-private partnerships and coordination or oversight of very large development projects that expand beyond

jurisdictional boundaries. She stated while Mason does not have a current project on the table for the proposed port authority, the historical economic activity in Mason makes a secure case that this tool will be an asset.

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

Councilmember McCurley commented in favor of this legislation as an additional economic development tool such as Tax Increment Financing and Tax Abatements.

A motion to adopt Ordinance 2005-70 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2005-71 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ELECTRIC UTILITY RELOCATION AGREEMENT WITH THE CINCINNATI GAS AND ELECTRIC COMPANY AND THE WARREN COUNTY COMMISSIONERS**

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

Scot Lahrmer stated this legislation authorizes an agreement with CG&E and Warren County for the City to pay 50% of the cost of the relocation of the electric utility poles and power lines located within the Socialville-Fosters Road Improvement Project limits and within the City's public right-of-way. He explained the widening of Socialville-Fosters Road requires relocating existing electric utility poles and power lines located within the statutory right-of-way established in the early 1800s. In the late 1930s and early 1940s, CG&E obtained private easements across properties located along Socialville-Fosters Road that may overlap the right-of-way. Scot explained CG&E has filed suit in Warren County Common Pleas Court to require Warren County to compensate CG&E to relocate the poles and power lines located at the intersection of Socialville-Fosters Road and Snider Road that are within both right-of-way and CG&E easement. This agreement allows the parties to equally divide the disputed costs of relocating the utilities (our costs in the City only) and allows the relocation work to begin to enable staff to move forward with the Socialville Fosters Road improvement later this year. He said once a final judgment has been issued in the court case and all appeals have been exhausted, one of two scenarios will occur. Either the City will be required to pay the remaining 50% of the relocation cost to CG&E or CG&E will be required to reimburse the City's payment. The total estimated cost of the City's portion is \$446,363. Scot added similar cases have been filed by CG&E against Butler County Commissioners and Clermont County Commissioners. Both have had favorable rulings. In October 2004, Warren County Court of Common Pleas issued a Magistrate's Decision granting a motion for summary judgment and denying CG&E's summary judgment motion, requiring the costs to be assessed to CG&E. CG&E has appealed.

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

Scot said this job will go out for bid in late 2005. He added the poles will be moved this summer. Councilmember Kidd asked if we can require the poles be “plum” that are in the City right-of-way. Scot replied the utility does not have to request a permit for the installation of the poles. He also said our building code doesn’t address it but he would pass on the concern to the utility.

A motion to adopt Ordinance 2005-71 was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2005-72 ACCEPTING THE PUBLIC IMPROVEMENTS FOR MASON FIELDS**

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

Richard Fair explained to Council Mason Fields subdivision includes Spring Field Lane and Summer Field Drive. The Public Utilities, Public Works and Engineering Departments inspected the public improvements, with all items being completed. The streets, utilities and other public improvements will become the City’s responsibility upon acceptance.

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 2005-72 was made by Councilmember Grossmann, seconded by Councilmember McCurley. VOTE: ALL YEAS

**ORDINANCE 2005-73 AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATIONS FOR AN OHIO PUBLIC WORKS COMMISSION, DISTRICT 10 STATE ISSUE 2 GRANT FOR PROJECTS SUBMITTED FOR PROGRAM YEAR 22.**

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 as in the past, projects have been identified for the application of Issue 2 funds. He stated they are as follows:

- Kings Island Drive Safety Improvements from Western Row Road to the north corporation limit.
  - Improving 8,600 feet of the existing roadway with medians, bike path, overhead signage, landscaping, street lights, storm sewer, curb, and gutter.
- Bethany Road Widening from SR 741 to Mason-Montgomery Road.
  - Widening 5,400 feet of existing two lanes to five lanes with a bike path, sidewalk, curb, and gutter.
- US 42 Widening from Butler-Warren Road to Tylersville Road.
  - Widening 11,500 of existing two lanes to five lanes with a bike path, sidewalk, curb, and gutter. This will be used in conjunction with OKI CMAQ funding.

Eric added this application is for the Program Year 22 or 2008 funds.

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 2005-73 was made by Vice Mayor Pelfrey, seconded by Councilmember Grossmann. VOTE: ALL YEAS

**ORDINANCE 2005-74 APPROVAL OF THE FINAL PLAT FOR GREAT WOLF PUD**

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

Richard Fair explained to Council, Mr. Dave Sanholtz of Poggemeyer Design Group, representing the Great Wolf Lodge is requesting final plat approval for the Great Wolf Lodge PUD. He stated the site is located north of the Kings Island Park main parking facility and east of Kings Island Drive. The final plat creates two lots, lot 1 consisting of 41.5742 acres and Lot 2 consisting of 3.0419 acres. 1.8692 acres will be dedicated as right of way for Great Wolf Drive. Richard said Planning Commission recommends approval of the final plat contingent on the following:

1. Provide easement restriction for Sidewalk Easement.
2. Please provide a subdivider's contract and performance bond.

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 2005-74 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-75 APPROVAL OF THE FINAL PLAT FOR SNIDER CROSSING SECTION 1 PUD**

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

Richard Fair explained to Council Mr. Donald Follmer of Henkle Schueler, representing Everybody's Farm, Inc., is requesting final plat approval for an 11.12 acres, three lot development named Snider Crossing (formerly Everybody's Farm). The property is located at the southeast corner of Tylersville Road and Snider Road. Lot one will be a future Buffalo Wild Wings restaurant, while lots two and three are conceptually a bank and retail building. He stated Planning Commission recommends approval of the final plat contingent on the following:

1. Include the following:  
Covenants and Restrictions:

For Covenants and Restrictions see Declaration of Covenants and Restriction for Snider

Crossing Subdivision as recorded in Vol. \_\_\_\_\_, Pg. \_\_\_\_\_ of the Warren County Ohio Records.

2. The Snider Road Dedication Plat must be recorded prior to the recording of this plat.

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

Councilmember Osborne asked if the problem with the traffic flow through this property had been resolved. Richard replied the Planning Commission allowed it because it avoided additional curb cuts onto Tylersville Road. He said the problem exists on private property. Mayor Beck stated he has concerns over this development. He said this included the traffic access, the median required, the number of cars allowed for parking and the need for a right turn lane onto Tylersville road. Richard stated the details of the road will be on the dedication plat for Snider Road. Councilmember McCurley asked if the developer has dedicated the right-of-way. Richard replied not yet but it is one of the contingencies for approving this legislation.

A motion to adopt Ordinance 2005-75 was made by Councilmember McCurley, seconded by Councilmember Grossmann. VOTE: 6 YEAS, 1 NAY (Beck)

**ORDINANCE 2005-76 APPROVAL OF THE FINAL PLAT FOR SNIDER CROSSING SECTION 2**

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

Richard Fair explained to Council, Mr. Michael J. Lange of CDS Associates, is requesting approval of the final plat for Lot 4 of Snider Crossing Subdivision. The lot is located along the Snider Road extension, just south of the newly installed culvert. This plat will create the lot necessary for the proposed Allman's Garden Center. Richard added Planning Commission recommends approval of the final plat contingent on the following:

1. The dedication plat for the Snider Road extension must be recorded prior to the recording of this plat.

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

Mayor Beck stated a road should be shown on the Thoroughfare Plan connecting Snider Road to Fireside Drive. He requested staff proceed to adding it to the plan.

A motion to adopt Ordinance 2005-76 was made by Vice Mayor Pelfrey, seconded by Councilmember McCurley. VOTE: ALL YEAS

**ORDINANCE 2005-77 ADOPTING THE REVISION, CODIFICATION, RECODIFICATION, REARRANGEMENT AND PUBLICATION OF THE ORDINANCES AND RESOLUTIONS OF THE CITY OF MASON, IN BOOK FORM FOR THE CURRENT SUPPLEMENT**

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

Eric Hansen stated this would be a first reading for this legislation. It will be on the agenda for the June 27, 2005 meeting.

**ORDINANCE 2005-78 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FULLER, MOSSBARGER, SCOTT AND MAY ENGINEERS, INC. FOR THE DESIGN ENGINEERING OF THE IMPROVEMENTS ALONG THE MUDDY CREEK FROM MASON-MONTGOMERY ROAD TO KINGS-MILLS ROAD AND AT OVERLOOK DRIVE**

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 inspections revealed that a section of concrete encasement for the sanitary sewer crossing the creek is exposed, there is severe erosion around a sanitary manhole and that 6 sections (50 feet) of sanitary sewer main has been exposed and is suspended in the creek bank. He stated a second location is adjacent to Overlook Drive. Staff has monitored the erosion along this portion of the Muddy Creek for the past 2 years. Overlook Drive is about 25 feet higher than the flow line of the creek. Erosion experienced at the toe of the slope has affected the stability of the top of the hill. The city has been working with Mr. and Mrs. Sutphin to decide what should be done to protect the slope directly behind their house. Mr. and Mrs. Sutphin would like to partner with the City to get their slope stability issue resolved. Richard said the Sutphins will pay for any work needed to stabilize the top of the slope and the City will complete the restoration and bank stabilization in the creek. Richard also said the objectives of the design will reduce erosion and sedimentation; stabilize and protect the sanitary sewer and manholes; stabilize a meandering bend eroding into the terrace at Overlook Drive; and provide better aquatic habitat in these areas of the Muddy Creek. He explained the firm of Fuller, Mossbarger, Scott & May's (FMSM) proposal includes the preliminary design and concept plans, geotechnical investigation and report, meetings with property owners, permitting and construction administration and inspection. FMSM is very familiar with the project area and has met with staff several times to review these areas. Richard said staff recommends authorizing a contract with Fuller, Mossbarger, Scott & May for a not-to-exceed cost of \$84,918 to design the improvements along the Muddy Creek from Mason Montgomery Road to Kings Mills Road and along the Muddy Creek at Overlook Drive, plus construction administration and inspection, geotechnical services and permitting.

Ron Amlung 4930 Laurel Wood Court, addressed Council and stated he was told there would be a meeting with the residents before any decisions were made. He said that has not happened. He said he has been told action would take place out there three years ago to correct the problem and

nothing has occurred. He said the last time they said concrete was going to be poured and it wasn't done. He also said he has not been able to reach Kathy Dorman. He said his property is eroding rapidly. Richard Fair stated it is part of this legislation to contact the owners. Vice Mayor Pelfrey asked Scot Lahrmer to contact Mr. Amlung and discuss the matter fully so there is no lack of communication. Councilmember McCurley stated Sutphin's property is in a critical situation as it is threatening the foundation. He requested the City Engineer look into the matter.

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 2005-78 was made by Councilmember Kidd, seconded by Councilmember Grossmann. VOTE: ALL YEAS

### **CITY MANAGER'S REPORT**

Scot stated he will be out of the office on vacation from July 5 – 13 and will be away for the July 11 Council meeting. Vice Mayor Pelfrey moved to appoint Eric Hansen as acting City Manager in his absence. Councilmember McCurley seconded the motion. VOTE: ALL YEAS

The 2005 Concert Series will kick-off on Sunday, June 19 at Pine Hill Lakes Park at 7:00 p.m. when Robin Lacy & DeZydeco performs. The Series will continue with a concert every Sunday until August 7. The concerts are free and are a great opportunity to relax, enjoy the outdoors, and listen to great music with your family.

Snider Road, southeast of its intersection with U.S. 42, will close on Monday, June 13, for approximately 8 weeks. The detour for this closure is Tri-Way Drive and Hi-Tek Court. Snider Road will be closed for the realignment of this portion of Snider Road and a water main replacement, storm sewer installation, sanitary sewer repairs and new traffic signal. When complete, it will align with the new portion of Snider next to the U.S. Post Office. Construction of this project to improve traffic flow and safety is expected to be complete by August 8. This project is part of the \$1.3 million project City Council awarded in December 2004 for the realignment of Snider Road, bridge construction of Snider Road and construction of a regional stormwater basin.

Mason in Bloom has requested a total of \$4820 in funds for beautification projects which include the purchase of a gazebo and a pergola. Vice Mayor Pelfrey moved to approve the expenditure. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

### **COMMITTEE REPORTS**

Vice Mayor Pelfrey reported there will be no Park Board meeting in July.

Councilmember McCurley reported on the Southwest Warren County Transportation Task Force. He said no one could attend a meeting last week regarding the widening of Bethany Road. He said nothing will be done without the consent of Mason City Council. He is anticipating the City will participate in the discussion and funding of this road improvement. He



said they are also working with Liberty Township on a JEDD Agreement to assist with the funding of the road improvements in the area. He said a meeting will take place on June 24, 2005 at 1:30 p.m. in the Warren County Commissioners meeting room to discuss Bethany Road.

Councilmember Bradburn asked about the letter submitted from the Park Board regarding the Townships proposal for a joint park agreement. Vice Mayor Pelfrey provided back ground information on how the letter evolved. A general discussion took place among Council and it was decided to clarify the letter was coming from the Park Board and any agreement will come from Council. Councilmember McCurley commented the City of Mason has enough fields for Mason residents. He said any shortage is on Deerfield's side. He said we are trying to work with Deerfield to accommodate both communities.

Vice Mayor Pelfrey stated the Park Board Master Plan calls for the Biehle property to be the next phase in park land development. She said this will include 4 ball fields and soccer fields. She added it is moving forward.

Councilmember Grossmann reported on the Finance Committee meeting stating they are having discussions on the budget process. He said potential cuts have been identified of \$400,000-\$500,000. He stated the Committee requested a 10% cut. He added they are continuing to work on it. He also noted tax revenues are up this year.

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

Mayor Beck mentioned items he has been involved with recently that include the Mayor's Forum, Mason In Bloom's "Art in the Garden" and the Duathlon.

#### **RECOGNITION OF VISITORS** None

#### **EXECUTIVE SESSION**


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

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

#### **ADJOURN**

A motion to adjourn was made by Councilmember Osborne, seconded by Councilmember Grossmann. VOTE: ALL YEAS  
TIME: 9:35 P.M.

  
Clerk of Council

  
Mayor