

**CITY OF MASON
COUNCIL MEETING
June 27, 2005**

Mayor Beck called the meeting to order at 7:07 p.m. Those present recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes from the June 13, 2005 meeting was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

RECOGNITION OF WARREN COUNTY SOCCER CLUB

Mark Davis introduced Matt Kline, President of the Warren County Soccer Club. The players from the state championship teams were introduced by their coaches.

RECOGNITION OF VISITORS

Don Eberhard of 3988 S. US RT 42 addressed Council and stated the city has failed to put sewer in the area of Socialville Fosters Road on the south side. He said his mother annexed into the City and was promised city services at that time. He added the developer on the north side should have been required to extend the line to the road. He said the buildings on the north sides are served through the rear of the properties in White Blossom. Scot Lahrmer stated this area was not included on the City's Sewer Master Plan thus it was not included in the development of the north side of the road. He said Proctor and Gamble is served by the County. He also stated three options can be considered. They include serving this area from under the road, the corner property maybe able to include this when it is developed or include this area when the planned road improvement is done. Mayor Beck referred the matter to the Utility Committee.

Perry Schwartz of 6309 Tartan Fields Lane addressed Council and asked if signs were going to be placed on Fairway Drive for the tennis event. Scot Lahrmer replied the typical course of event is the Tennis for Charity organization requests signs be installed to direct traffic prior to opening date. Mr. Schwartz asked if the electric speed sign could be placed in this area for the tennis event. Scot said he would pass this request onto the Police Department as they control the use of the sign.

RESOLUTION 2005-10 PROCLAIMING JULY AS PARKS & RECREATION MONTH

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

Eric Hansen explained to Council, a National Parks & Recreation Month was created by the National Recreation and Parks Association as an opportunity for communities to bring the importance of parks and recreation services into public focus. He said Mason City Council has committed significant financial resources to improve and increase recreational facilities and programs for Mason residents. As a result, the City maintains 242 acres of parkland.

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 Resolution 2005-10 was made by Vice Mayor Pelfrey, seconded by Councilmember Osborne. VOTE: ALL YEAS

RESOLUTION 2005-11 1ST READING ADOPTING THE BUDGET FOR THE CITY OF MASON FOR JANUARY 1, 2006 THROUGH DECEMBER 31, 2006

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

Scot Lahrmer stated a public hearing will be held on this legislation on July 11, 2005.

ORDINANCE 2005-68 APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT AN ANIMAL HOSPITAL ON A 2.29 ACRE PARCEL LOCATED NORTH OF SNIDER ROAD ON THE WEST SIDE OF READING ROAD IN A B-3 ROAD SERVICE DISTRICT

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

Brian Lazor addressed Council and explained the Mason Animal Hospital is requesting site, landscape plan, and conditional use approval for a veterinary office located on 2.29 acre parcel north of Snider Road on the west side of Reading Road. The Zoning Code was amended recently to include veterinarian clinics and animal hospital as conditional uses in the B-3 Road service district. Brian stated the site is designed so as to allow for future expansion to the rear as the practice grows. The site plan shows 32 parking spaces with the main access point lining up with the one directly across the street. The plan shows future connections to neighboring property to the south that would allow for the possible elimination of curb cuts as Reading Road is widened in the future.

Brian also stated Planning Commission, at its May 3, meeting, voted 5 to 0 to recommend approving the Dr. Wolf Animal Hospital Conditional Use application to permit an animal hospital in a B-3 district, contingent on compliance with the reported engineering comments.

Mayor Beck opened the public hearing at 7:39 p.m. Michael Robson from Architect Plus, addressed Council and spoke in favor of the project . He stated he represents Dr. Wolf and they intend to comply with the contingencies mentioned in staff's report. He gave a brief description of the materials that will be used in the construction of the new building. Dr. Tim Wolf addressed Council and stated he is currently located downtown and needs a larger building. He said there will be no emergency service or boarding at the new site. He added his business hours will be 8-6:30 from Monday through Friday and 8-12 on Saturday. Pat Schroeder of 1412 Shawnee Drive, addressed Council and expressed concern over the water run off from the site and the placement of the building on the site. She said she owns Mason Bowl. She requested it be moved to a more central location rather than so close to her adjoining property line. She stated storm water has been an issue on the property and she is concerned this project will add to the problem. Kurt Seiler stated the swale on the detention pond can be made to catch the water. He said the Zoning Board of Appeals has stated the detention must be oversized. Councilmember Kidd noted Pat Schroeder's property may be much better off with the detention pond in place. Ken Schneider stated the owner of the site will have to take care of the water and if they fail to do so, the City can place an injunction on the project. Vice Mayor Pelfrey clarified that any expansion would not include an outdoor kennel. Councilmember Osborne noted the site should be monitored during construction. Dr. Fox Carr of 8317 Charleston Court addressed Council and stated her practice is located across the street from this site. She spoke against this project as it will harm her business. She said it is a similar business and has a similar address. She said five businesses at the ZBA meeting spoke in opposition of this business. She said a significant change is going from a 100-foot setback to a 25-foot setback. She said this is showing favoritism to this business. She said if this goes through she may be forced to relocate. She stated she is not afraid of competition but this unfairly elevates one business over another. Councilmember Grossmann asked why other businesses objected. She said the owner of her building voiced an objection citing safety issues. She said the plumber and the insurance agent also objected. Councilmember Grossmann clarified the City cannot object to a rezoning to prevent competition. Ken Schneider agreed. Dr. Wolf stated he researched this site prior to Dr. Carr opening her business. Mrs. Kathleen Sherman spoke in support of Dr. Carr's position. Mayor Beck closed the public hearing at 8:26 p.m.

Councilmember Osborne stated the City's hands are tied as they cannot refuse this rezoning due to confusion in a name or address or competition concerns. Mayor Beck stated he is uncomfortable with approving this without looking into the items mentioned such as the storm water concern. He said the detention pond should be reviewed more. He also mentioned the possibility of an indoor kennel in the future as a concern.

A motion to adopt Ordinance 2005-68 was made by Councilmember Grossmann, seconded by Councilmember Osborne. VOTE: 5 YEAS, 1 NAY (Beck)

ORDINANCE 2005-69 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 1.577 ACRES FROM R-1 RESIDENTIAL TO BUSINESS PUD, 1.544 ACRES FROM HT-1 TO BUSINESS PUD WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR WHITE BLOSSOM PUD EXPANSION (WALGREENS); AND TO PROVIDE FOR THE REZONING OF APPROXIMATELY 1.688 ACRES FROM R-1 RESIDENTIAL TO HT-1

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

Brian Lazor addressed Council and explained Mr. Nate Stark with Anchor Properties requests to rezone: (1) 1.577 acres of R-1 Residential District to Business PUD at the southeast corner of the Mason-Montgomery and Socialville-Fosters Road intersection; (2) 1.688 acres from R-1 Residential District to HT-1 High Tech Light Industrial District on the south side of Socialville-Fosters Road, east of the same intersection; and (3) 1.544 acres from HT-1 to Bus PUD located on the east side of Mason-Montgomery Road, south of the same intersection. Brian reported as an update from previous submittal the plans have changed from the original submission of this project last year, which was denied by Planning Commission and Council. He stated the 50-foot setbacks from the right-of-way have now been included in the project. Previously the parking was set back 25 feet from the right-of-way. The most significant change is the inclusion of common green space in the project. This area has been supplied along the Socialville-Foster road frontage. This area would work well with the green space located in front of the gas station and restaurant in the White Blossom PUD. Brian reported the Planning Commission recommended approval of the concept PUD plan and rezoning by a vote of 5-0 with following conditions:

1. The applicant has provided the required 20% green space, however adjustment of the proposed green space along the eastern property line towards Mason-Montgomery Road would be beneficial as it adds space to the proposed pocket park.
2. Extend the bike path to the southern property line.
3. Building exterior to resemble "Chicago Store" sample as submitted to the Planning Commission during the May 3, 2005 Meeting which includes a fountain.

Mayor Beck opened the public hearing at 8:38 p.m.

Steve Hemberger from Anchor Properties located at 30 W. Third Street, Cincinnati, Ohio addressed Council and spoke in favor of the project. He stated they have a long-standing relationship with Walgreens. He said Procter and Gamble has agreed to sell property for this project. Nate Stark, Project Manager, addressed Council and spoke in favor of the project. Bruce McGary of 423 Reading Road Mason, Ohio addressed Council and said he represents the owner of the property, Mrs. Couch's estate, who supports this project. Also speaking in favor of his project were Don Eberhard and George Eberhard. They stated they jointly own property in this area. Tim Morris of 4822 Bradford Chase spoke in opposition to the project sighting additional traffic and safety concerns. He also stated there was no need for additional retail in this area. He said this could be the beginning of this becoming another Colerain Avenue. Matt Kline asked if the Walgreens on US RT 42 would close. Nate Stark responded it would stay

open. Laura Fewell of 4659 White Blossom Blvd. addressed Council and stated she is a seven-year resident. She spoke in opposition of this project sighting traffic problems in getting out of her subdivision, White Blossom. She suggested they should move to the property located at the P & G entrance. Megan LaRue spoke in opposition over this rezoning. She said she is concerned about traffic. She also said there are 30 drug stores within a five mile radius of this location. Tom O'Connor of 4867 Bradford Chase addressed council and also stated a traffic concern. He asked about the status for the road improvements. Scot replied Socialville Fosters would be improved prior to Mason Montgomery Road. Mark Riley of 4670 White Blossom Blvd. spoke in opposition of the rezoning stating traffic concerns and stating it was settings a precedent for the property further down Socialville Fosters road. Rabbi Kalmanson of 4894 White Blossom Blvd. spoke in opposition to this rezoning stating the City is loosing its appeal with so much traffic. He said it is too hard to travel from place to place and it decreases the quality of life. Mayor Beck closed the public hearing at 9:36 p.m.

A general discussion followed among Council. Councilmember Kidd asked how many parking spaces are planned for this development. Kurt Seiler responded 62 spaces, which is 11 less than required. Councilmember Kidd stated that implies there could be 62 cars there at one time. He noted this is against the Comprehensive Plan and it would be nice to know the impact on the area before making a decision. Kurt Seiler stated we do not have a traffic study on how Walgreens will impact the area. Mayor Beck stated a traffic analysis must be borne by the developer. Councilmember Osborne said he could not support a project that deviates from the Comprehensive Plan.

A motion to adopt Ordinance 2005-69 was made by Councilmember Osborne, seconded by Councilmember Kidd.

A motion to table this legislation until the July 11, 2005 meeting was made by Councilmember Bradburn, seconded by Councilmember Grossmann. VOTE: 5 YEAS, 1 NAY (Osborne)

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 Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

Eric Hansen reported to Council as required in the City's charter, it is necessary to periodically have the City's ordinances codified. This accounts for new matter or revisions adopted by Council as well as revisions in other ordaining legislation such as the Ohio Revised Code. The codification was last updated in March 2004.

A motion to adopt Ordinance 2005-77 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-79 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LARRY SMITH CONTRACTORS, INC. FOR CONSTRUCTION OF SOUTH CENTRAL TRUNK SEWER IMPROVEMENT PHASE 2/ CONCORD CROSSING SANITARY SEWER IMPROVEMENTS/TYLER COURT PUMP STATION ELIMINATION SEWER

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 to construct sanitary sewer improvements required for reduction of sewer back-up conditions in the Villas Creek and Concord Crossing areas, and to eliminate the existing Tyler Court lift station. Scot provided a brief history of the problems that have lead to the creation of the contract included in this legislation. He said the improvements needed have been identified by LBJ and include the following:

1. In the Concord Crossing area, increase the size of the Concord Crossing Trunk Sewer by pipe bursting, from the first manhole west of Mason Road to a manhole upstream of Heritage Oak Park, and rehabilitate or replace existing manholes as necessary.
2. In the Villas Creek area, pipe-burst the existing South Central Trunk Sewer from a point downstream of Aspen Drive to the junction with the US 42 trunk sewer, and rehabilitate or replace existing manholes as necessary. Replacement will remove extraneous inflow/infiltration from this section of sewer.

In addition, it was decided to include in this contract the construction of a new sanitary sewer in the Tyler Court area, which will eliminate the existing Tyler Court pump station. Scot stated a construction contract to implement these improvements was advertised for bidding on April 28. A single bid for the work was opened on May 25 from Larry Smith Contractors, Inc. in the amount of \$1,099,312.20.

Councilmember Bradburn stated the Utility Committee has reviewed this proposal and recommends approval. Mayor Beck asked if any overruns were anticipated. Scot Lahrmer replied only if they discover surprises in the field when completing the job.

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 2005-79 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-80 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS NOS. 003 AND 004 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND ADAMS ROBINSON ENTERPIRSES FOR GENERAL CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT

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

Scot Lahrmer explained to Council Ordinances 2005-80 and 81 deal with contracts between the City of Mason and the five prime contractors for the City's new Water Reclamation Plant were executed on April 2, 2004. Construction has now been underway for approximately 13 months, with approximately 68% of the total construction completed. The project is on track for scheduled completion in 2006. Scot stated in the course of construction, the need has arisen for change orders to the construction contracts. Construction contract change orders in the total amount of \$139,149.00 were previously approved at the March 14, 2005 Council Meeting. Since that time, additional change orders have arisen, summarized as follows:

<u>Trade</u>	<u>Contractor</u>	<u>Ordinance</u>	<u>Amount</u>
Contract A (General)	Adams Robinson	2005-80	\$34,051
Contract E (Electrical)	ESI	2005-81	<u>77,505</u>
Total			\$111,556

These Change Orders for Adams Robinson (Contract A) involve changes in piping, code compliance, and correction of unsuitable soil conditions. The Change Orders for ESI (Contract E) involve increases in electrical conduit, wiring, and controls necessary to complete the project, and to accommodate Cinergy requirements.

Scot explained the total of all Change Orders previously approved and the Change Orders presented tonight represents approximately 0.86% of the total contract amount of \$29,247,620. The Construction Manager and the staff of the Public Utilities Department are carefully scrutinizing any potential changes in the field to make sure that they are necessary to the project and that the best possible price has been obtained for the City. In addition, before any changes are considered for approval, they are reviewed by a committee of City personnel representing the Administration, Finance, Engineering & Building, Parks & Recreation, and Public Utilities Departments. The committee meets with the Construction Manager at the jobsite every two weeks. This process has been very successful both in minimizing costs and in identifying opportunities for cost savings. As a result, it is anticipated that all changes through completion of the project will be approximately 3%, which is well within the normal industry standard of around 5% to 7% for this type and complexity of construction.

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

A motion to adopt Ordinance 2005-80 was made by Councilmember Osborne, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

ORDINANCE 2005-81 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS NOS. 004 AND 005 TO THE EXISTING CONTRACT BETWEEN

THE CITY OF MASON AND ESI, INC. FOR THE ELECTRICAL CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT

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

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

A motion to adopt Ordinance 2005-81 was made by Councilmember Kidd, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2005-82 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OCEAN SYSTEMS FOR THE PURCHASE OF AN AVID XPRESS VIDEO ENHANCEMENT/ANALYSIS SYSTEM FOR THE MASON POLICE DEPARTMENT AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council when the City of Mason Police Department is called upon to investigate many property, or even personal, crimes there is often video evidence available through private security camera systems. The investigating officers can retrieve the video produced by these cameras and, if the quality is adequate, use it to identify and prosecute offenders. As private security cameras have grown in usage and sophistication, the need for adequate tools to analyze such evidence has also grown. He said the current video enhancement system used by the Police Department is no longer sufficient for the technological advances that have evolved. The current system captures a compressed video signal, which means it gets only 80% of the video quality available, making photos and video unclear at times. The current system cannot capture video in a streamed format like watching a movie; it only captures individual frames from the video, which are sometimes very poor quality. The current system also cannot de-multiplex video and play each camera individually. This is essential as security cameras in banks and convenience stores have multiplex cameras and a system is needed to de-multiplex videos in investigation of robberies, thefts, or other crimes captured on the establishment's video systems. The current system also cannot capture audio, which means there is no preserved recording of what a suspect said or of any verbal exchange between suspects and victims. Eric stated the proposed system addresses these inadequacies. It is the same system in use by the Miami Valley Crime Lab, Cincinnati Police Department and numerous other departments in Ohio, as well as numerous agencies around the country. This type of video enhancement technology is needed so video evidence can be admissible in court. By having this technology available in-house it means video can be analyzed and suspects identified within hours. If the Police Department had to send the video to the crime lab there is typically a 6-8 week wait before the video can be analyzed. Eric concluded stating staff is recommending the purchase of the Avid Xpress Video Enhancement system at a cost of \$18,292. As part of the 2005 budget process, purchase of such a system was proposed and discussed by the Finance Committee.

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

A motion to adopt Ordinance 2005-82 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-83 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 96.92 ACRES LOCATED AT 3174 MASON-MONTGOMERY ROAD FROM R-1 TO R-2 (MASON BOARD OF EDUCATION)

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

Scot Lahrmer stated this is a first reading on this legislation and the public hearing will be held on July 25, 2005 at approximately 7:05 p.m.

ORDINANCE 2005-84 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 20.857 ACRES LOCATED IN THE 5800 BLOCK OF COLUMBIA ROAD NORTH OF PARAMOUNTS KINGS ISLAND FROM R-1 TO B-4 (PARAMOUNTS KINGS ISLAND PROPERTY)

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

Scot Lahrmer stated this is a first reading on this legislation and the public hearing will be held on July 25, 2005 at approximately 7:10 p.m.

CITY MANAGER'S REPORT

Scot Lahrmer reported on the following items:

- ◆The Farmers Market opens on Saturday, July 9 in the Mason Middle School parking lot and will continue every Saturday from 8 a.m. to 12 noon, except for Saturday, August 27 (Heritage Festival). The last Farmers Market will be held in October.
- ◆A new edition of Detour Times will be ready for distribution on June 30 in the Pulse-Journal.
- ◆A request for a liquor permit has been received for the property located at 202 W. Main Street. A motion to not require a hearing was made by Councilmember Bradburn, seconded by Councilmember Grossmann. VOTE: ALL YEAS

COMMITTEE REPORTS

Vice Mayor Pelfrey reported the Employee Relations Committee has met and are reviewing the possibility of hiring a grant writer. She also stated the Committee is ready to begin with surveys and will begin with the Engineering and Building Department. She concluded by stating the review of the City Manager will begin in August and be completed by October.

Vice Mayor Pelfrey reported on the Safety Committee meeting. She stated they are reviewing the sidewalk repair issue. She requested staff submit various options on handling this matter to the Committee. She also stated information on the train accident from staff.

Councilmember Osborne reported on the Finance Committee meeting stating they are still working on further cuts in the budget.

COUNCIL OLD AND NEW BUSINESS

Mayor Beck reminded everyone about the Volley Ball Tournament being held in Mason. He also mentioned the Historical Society Ice Cream Social and the Red Rhythm and Boom celebration held on July 3, 2005.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

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

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

ADJOURN

A motion to adjourn was made by Councilmember Grossmann, seconded by Councilmember Osborne. VOTE: ALL YEAS
TIME: 11:45 p.m.



Mayor



Clerk of Council