

**CITY OF MASON
COUNCIL MEETING
July 11, 2005**

Mayor Beck called the meeting to order at 7:10 p.m. Following a prayer by Rabbi Kalmanson, those in attendance recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes from the June 27, 2005 meeting was made by Vice Mayor Pelfrey, seconded by Councilmember Osborne. Councilmember Kidd asked they be amended to reflect his question regarding the number of parking spaces for the proposed Walgreens was asked because it implies there could be that many vehicles there at one time.

VOTE: ALL YEAS

RECOGNITION OF VISITORS

Barbara Rojas of 6560 Rosewood Lane in the Arbor Creek subdivision stated she was upset Bethany Road is being planned as an east/west connector. She invited Council to attend the meeting of the Southwest Warren County Transportation Task Force to be held at the end of July. She stated there is a lack of understanding as to why there is a need for a 4-lane road versus a 3 lane road. She said the concern exists that there will be an increase of truck traffic and result will have a negative impact on property values.

Pat Elliot of 6646 Ashley Court addressed Council and requested work be halted on the funeral home at Tylersville Road and Fireside Drive. She stated the property owners were not notified about the recent changes to the plan. She expressed great disappointment in the City and the Planning Commission to allow this to happen without abutting property owners being notified. She said the berm has been eliminated and the traffic circulation pattern on the site has been changed resulting in an increase next to the residential property. She added they have increased the parking by 30% and the residents are concerned about privacy, safety of children and noise. She added they were not notified of the changes and she requested the City stop work on this project until this can be reviewed. Richard Fair stated this property received a conditional use approval in 2004. He said since that time they hired a new architect. This resulted in additional variances being requested from the Zoning Board of Appeals. He said registered letters were sent to the abutting property owners. He said some were returned as unable to deliver. She said the three board members did not receive the letters although their

names appear on the list. Councilmember Osborne stated if they were sent as a registered letter there will be documentation to see if they were delivered. He also said he would have a big problem if the berm was removed. Richard Fair stated the revised plan would not come back to Council. He said the Planning Commission and Zoning Board of Appeals would review it. Councilmember McCurley stated the Zoning Board of Appeals independently make decisions of the Planning Commission. He said they do not have to come to Council or Planning Commission. He said their only recourse is to go to the Court of Appeals. She stated the City Planner told her there was no berm. Mayor Beck asked Richard Fair to review the plans and meet with the homeowners and report back to Council. Pat Elliot also stated she is concerned about the possible increase in lighting. Richard Fair said he will check the list of those contacted. He said everyone within 300 feet should have been notified. Councilmember Osborne requested a letter be sent to homeowners on the current status once that is determined.

Donna Suppelt of 6491 Rosewood Lane in the Arbor Creek subdivision addressed Council and stated she is one of several in attendance tonight concerned about the Bethany Road plans. It is a highly residential area and are opposed to using it as a connector. She said it is her understanding the City brought the idea to the Task Force to widen Bethany Road as a connector. She asked why City Council would approve this as it would have a negative impact on the Mason residents on Bethany Road. She added there are 43 curb cuts on Bethany Road between Butler Warren Road and US RT 42. She said they see no benefit to making this a connector. Richard Fair stated Bethany Road widening has been on the City's Thoroughfare Plan since 1985 as a collector road. In 2000, he said Council upgraded it to a major arterial road similar to Tylersville Road with a bike path and median. Richard also said the traffic count in 2003 showed a 6% increase over 2001. It is anticipated by 2030 the traffic count will be 20,000. Donna replied many times projections are wrong. She stated she was told by ODOT there would be no funds for this road widening unless it was classified a major arterial. She said she was also told a two lane road can handle up to 20,000 cars. Richard Fair said projections are often too low. Mayor Beck said the City must address the safety issues. She said there is a meeting on July 25 and July 26 to discuss this with the task force and the residents. She asked if Council would attend. It was noted there is a Council meeting on July 25 but Councilmember McCurley said he would attend the meeting on July 26. Councilmember McCurley stated he has never supported widening Bethany Road to six lanes. He also said the northern area of the City is the least developed and will see more growth. He said we must deal with more traffic and consider safety. He added currently there is no funding for this road improvement. Councilmember Osborne said there are no exit or entrance ramps planned for this area. He said it is not designed as a by pass from I-75 to I-71. He agreed most of the growth will occur in the northern area and Bethany Road is dangerous the way it exists. Donna said they agree but it should only be widened to three lanes. Cynthia Herman of 6464 Willow Lane addressed Council and stated this reminds her of the arguments residents had with the widening of Tylersville Road. She said she is very pleased with Tylersville Road. She said it has not had an adverse affect on property values. She added small roads don't mean traffic won't come. She said roads must be safe. Larry Mahan of 5147 Bethany Road addressed Council and stated road improvements should not be driven by business but by the residents of the

community. Bill Eifert of 5131 Bethany Road addressed Council and stated there was no one from Mason at the last Task Force meeting on this topic. He said it should only be widened to three lanes. He said Mason has catered to business in the past and now it is time to listen to residents. He implied the past Mayors and Councilmembers received some compensation from the businesses for their cooperation. Mayor Beck stated no favors are shown to businesses. He said safety is the concern. Councilmember Bradburn requested any accusation be put in writing for Council to address. He said he lives in the northern area of the City and Bethany Road does need to be improved. Jim Defife addressed Council for the Homeowners Association of Parkside and stated Mason Council has been fair in the past. He said the current road is unsafe and the speed is too high at 50 mph. He encouraged collaboration with others such as Butler County and Deerfield Township to improve the area in a unified fashion. Mayor Beck stated the City has done this in the past with the improvements to US RT 42 at Butler Warren and at Mason-Montgomery Road and Socialville Fosters Road. Don Eberhard of 3988 US RT 42 addressed Council and said Council represents all citizens, not just the residents on Bethany Road and they must make decisions that benefit all the residents. Dowell Howard of 5600 Bethany Road said he has been in the City since 1992. He has discussed this with OKI and Neil Tunison the Warren County Engineer. He said as you increase the road size traffic will come. He requested the City look at the difference in the traffic count in the summer with Kings Island open as compared to the rest of the year. He added doing something now does not exclude completing another improvement in the future. Councilmember Kidd stated nothing has been decided and all the information will be carefully reviewed. Each Councilmember individually had a opportunity to refute the implication made by Mr. Eifert. Residents in attendance that also refuted his comments were Don Eberhard and Don Williams. Junie Germain of 6474 Rosewood Lane addressed Council and stated they choose to live in Mason in 1998. He said they moved out of Mason once and after researching the choices, decided to move back into Mason. He said the reason they made this decision is Council will listen to the residents. He asked Council to continue to listen to the residents and collaborate with other entities.

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 Vice Mayor Pelfrey. VOTE: ALL YEAS

Eric Hansen stated the applicant for the rezoning request has stated they will have a traffic impact study completed by the August 22, 2005 meeting. They request this legislation be tabled until then.

A motion to table Ordinance 2005-69 was made by Councilmember Osborne, seconded by Councilmember Bradburn. VOTE: ALL YEAS

RESOLUTION 2005-11 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 McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

Eric stated as required by the State of Ohio, a budget to justify receipt of local government monies is required to be adopted prior to July 20 of each year. The tax budget must show the City's need for funding of next year's projects. This legislation was introduced on June 27, 2005 and the public hearing set for tonight.

Mayor Beck opened the public hearing at 8:55 p.m. Hearing no comments either for or against this legislation, the public hearing was closed at 8:56 p.m.

A motion to adopt Ordinance 2005-11 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

RESOLUTION 2005-12 AUTHORIZING THE CITY MANAGER TO FILE A DRUG ABUSE RESISTANCE EDUCATION (DARE) GRANTS PROGRAM APPLICATION AND TO ENTER INTO AN AGREEMENT WITH THE OHIO ATTORNEY GENERAL, JIM PETRO, TO CONTINUE A DARE PROGRAM

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

Eric Hansen stated the purpose of this legislation is to support the Police Department in filing a grant application with the State of Ohio Attorney General's office to obtain funds to support the DARE program. He added surveys have shown the program to be very popular among students as well as their parents. The DARE program is a valuable tool in building and maintaining relationships between the police and students. The continuation of the DARE program, along with the School Resource Officer position, will give us a continuing link to the students as they move through the school system. Eric said since the program's inception, the City has been successful in securing a total of over \$180,000 to support this program.

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

Vice Mayor Pelfrey stated the Safety Committee has reviewed this proposal and recommends approval.

A motion to adopt Resolution 2005-11 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-85 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 27.8197 ACRES LOCATED NORTH AND EAST OF THE EXISTING CINTAS FACILITIES AT 6800 CINTAS BOULEVARD FROM R-6 TO HT-1 (CINTAS PROPERTY)

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

Eric Hansen stated the public hearing for this legislation will be on August 8, 2005.

ORDINANCE 2005-86 AUTHORIZING THE CITY LAW DIRECTOR TO FILE A PETITION FOR APPROPRIATION OF PROPERTY NECESSARY FOR THE SNIDER ROAD REALIGNMENT PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (MASON DEVELOPMENTAL RESOURCES, INC.)

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

Eric Hansen explained to Council, in December 2004, Council passed Ordinance 2004-148 authorizing an agreement with Mason Developmental Resources, Inc. to acquire property, a drainage easement and a temporary construction easement, needed to construct the Snider Road re-alignment project. During the title search, Wood & Lamping discovered an outstanding undivided 1/9th interest vested in William J. Hargis, who was divorced from one of the Grantor's in the title. The divorce decree provided that Mr. Hargis quit claims his interest in this property to Mrs. Hargis, but no deed was ever recorded. Since that time, staff, Wood & Lamping and the current property owners have been working to resolve this issue. The current property owners have contact with friends of the Hargis' but have not been able to locate either Mr. or Mrs. Hargis. Eric stated based on recommendations from Wood & Lamping, the City closed on 8/9th of the property and adopted Resolution 2005-5, declaring the necessity and intention to appropriate the final 1/9th interest. The required legal notices have been advertised; therefore, the next step is passage of this ordinance. Wood & Lamping will file a petition for the appropriation and deposit the determined fair market value of \$1,402.22 in the Warren County Court of Common Pleas, which is the last step in the process. The current owners of Mason Developmental Resources understand the need for the action the City is taking to acquire the final interest in this property.

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

A motion to adopt Ordinance 2005-86 was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

ORDINANCE 2005-87 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KNEISEL CONTRACTING CORPORATION FOR THE STRIPING OF VARIOUS STREETS IN THE CITY

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

Eric Hansen stated the purpose of this legislation is to award a contract to the low and best bidder to properly paint the City's public streets for continued traffic control and safety. He stated only one bid was received from Kneisel Contracting Corp. for \$127,892.50

Eric said they have been awarded the City's street striping contract in the past and have done an excellent job. The bid submitted by Kneisel was approximately 4% over the engineer's estimate because the cost of transverse line painting was higher than expected. Since transverse line painting is a significant quantity, the \$0.24 per foot increase affected the bid price. The unit cost, though higher, was still under the average ODOT unit cost price for this item on state projects.

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 2005-87 was made by Councilmember McCurley, seconded by Councilmember Bradburn. VOTE: 5 YEAS, 1 ABSTAIN (Beck)

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

◆The July issue of Mason Matters should be delivered via the Pulse-Journal on Thursday, July 15.

◆The Fire Department will be hosting a kids' safety festival on Saturday July 30th from 1-5 pm at Station 52. The Police Department will be participating along with Children's Hospital, State Fire Marshal, and Warren County Emergency Services. There will be a Fire Safety Magician performing and a local radio station will be broadcasting from the site.

◆Two new population estimates have been released. The US Census Bureau has released July 2004 population estimates indicating the City grew 27% between the 2000 census and July 2004 to an estimated 27,958 residents. Mason continues to be one of the fastest growing municipalities in the area. Warren County's entire population as a whole grew by 19.5% over the same time period. Additionally, marketing and demographic data gathered by the Claritas Corporation indicates a 2005 population estimate for the City of Mason of 29,379. Mason has experienced a 144% increase in population growth since the 1990 Census.

◆Red, Rhythm & Boom, which was held on July 3 at Corwin Nixon Park, was a major success. The festivities concluded with fireworks. Staff has received a great deal of positive feedback from those that attended this event.

◆The City has received two requests for liquor permits. The first is for 1081 Reading Road. Councilmember Bradburn moved to not require a hearing. Councilmember McCurley seconded the motion. VOTE: ALL YEAS

The second request is for 7944 Mason Montgomery Road. Councilmember Osborne moved to not require a hearing. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Osborne stated the Finance Committee have to date accomplished a 3.5% budget reduction and will continue to look for another 1.5%. He thanked Administration for their cooperation and hard work.

Councilmember McCurley reported on the WCML meeting and the discussion on economic development in the Dayton area.

Councilmember Kidd reported on the review by the Ohio Supreme Court of the Mason Municipal Court. He said the 4-5 month process is about to conclude and he thanked the Court for their cooperation. He also reported on the Downtown Design Review Board. He said they met with consultants for the creation of the overlay district. He encouraged any one interested to contact Paige Bryan or Bob Sloan for more information. Councilmember Osborne said they need to be cautious and only designate truly historic structures that are significant. Councilmember McCurley agreed stating the National Historic Register is very restrictive.

COUNCIL OLD AND NEW BUSINESS

Mayor Beck reported the Local Government Fund has been retained for the next two years in the state budget. He also mentioned the July 3 celebration, the AVP Volleyball event in Mason and the Tennis Masters Series. He announced the next Mayor's Forum will be on July 19, 2005.

Vice Mayor Pelfrey stated a meeting will be held on July 14 for the Skate Board Committee. She urged Council to be ready to take action on this issue. She suggested a worksession be scheduled to discuss it. She also announced the Mason Community Band will hold a concert on July 24, 2005 at 7:00 in Pine Hill Park.

RECOGNITION OF VISITORS

Pat Elliot said she wished to clarify her earlier statements because a letter was received about the increased parking on March 29, 2005.

Gene Nell of 607 Bunker Lane addressed Council and stated he was surprised at the lack of interest from residents on the tax budget passed this evening. He encouraged Council to install continuous right turns wherever possible.

Don Williams of Church Street addressed Council and reported buildings in the downtown area that are landmark buildings total only about 10 or 11 structures. He said he is a former Councilmember and while he was in office the income tax was implemented. He also stated he knows of no one who did anything dishonest.

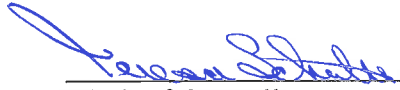
EXECUTIVE SESSION

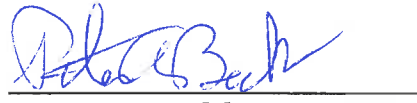
A motion to adjourn into executive session for the purpose of discussing land acquisition was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

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

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS TIME: 10:30 p.m.


Clerk of Council


Mayor