

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

Mayor Beck called the meeting to order at 7:04 p.m. Those in attendance recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the July 11, 2005 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

FATHER DAN SCHUH SWORN IN AS POLICE AND FIRE CHAPLAIN

Pastor Perkins introduced Father Dan Schuh who replaced retiring Father Harry from St. Susanna's. Mayor Beck swore in Pastor Perkins to the Chaplains program.

RECOGNITION OF VISITORS

Mayor Beck stated for those in attendance regarding the recent reports on the Fire Department, Council has not had a chance to review the information and discuss it at this time. He stated Council regards this as a serious matter and will be reviewing the matter in detail. At that time, he stated a formal statement will be made regarding the findings and any actions Council finds necessary to take. Vice Mayor Pelfrey also echoed the Mayor's concerns on the matter and stated Safety Committee will be examining the matter and making a recommendation to Council. She thanked the City's Fire Fighters for their service and dedication to the job. She said Council will work quickly and thoroughly to resolve these issues to enhance and support the department.

Mr. David Manning, President of the Firefighters Union 4049 addressed Council and requested Council not take any action until they have had a chance to review the report for accuracy. He requested a meeting with the Safety Committee in 7-10 days. He said they will continue to provide professional service to the residents of Mason.

Donna Lakeman of Avalon Trail addressed Council and asked for assistance in dealing with the developer on a maintenance issue on two lakes in the Avalon Farms Subdivision. She stated one of the lakes has excessive algae growth, low water depth, the drainage pipe is a third full with silt, it is unattractive and has an odor. She stated it will affect the resale value of their property. She asked if the lakes meet the City's design standards and function properly. She requested a response in writing. Councilmember Grossmann

asked for clarification on who has jurisdiction over this matter. Richard Fair stated once the City has released this development from the performance bond, it becomes the problem of the Homeowners Association. David Lakeman stated the Association has not received the property yet and wants this problem fixed while the developer is involved. He said he has been told it will cost \$30-40,000 to fix the lake. Richard Fair stated the City still holds the performance bond on this development. He said he feels the lake was constructed properly but it is sitting over a gravel bed and water drains out of it. He said the Law Director may have to get involved as the developer is requesting the bond be released. He also said the Health Department has been contacted to determine if it is a health risk. Councilmember Osborne suggested the bond be retained until the matter is resolved. Councilmember McCurley asked if this should have been a detention basin instead of a retention basin. Richard Fair stated the pipe from the street should be submerged. He said the water level is too low and should have been a detention basin.

Lynda Roemer addressed Council and showed how much algae there is around the pond. She stated by the City's code it should be 8 feet deep and it is not. She said it should have been lined with clay so it would hold the water and that did not happen. She said she bought her home as it was advertised it was on a "lake". She said it was not stated it was a retention or detention pond. She requested the City look into the matter as it has been going on for two years. Vice Mayor Pelfrey requested any documentation go through the City Engineer's office.

Meredith Raffle of 5253 Farmridge Way addressed Council and explained her efforts to start an Art Council in Mason. She explained a three-year grant titled "Art for Life" has been implemented through the Cincinnati Art Museum and Mason was chosen as one of the communities to participate. She stated an Art Board would act as a liaison between the Art Council and City Council. She added this is a not for profit venture and she asked for Council's support. Mayor Beck stated he and Vice Mayor Pelfrey have had discussions with Meredith and feels the City is interested in bringing this to our residents.

Billy Tatum addressed Council and stated he is a retired fire inspector and has been involved in training for 40 years. He said he has read the report on the last fire. He said some of it is true but all Fire Departments have some problems. He added Mason has a good Fire Department and Council should allow them to grow.

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

Richard Fair explained to Council the Mason Board of Education is requesting rezoning approval for 96.92 acres located at 3174 Mason-Montgomery Road formerly known as the Batsche Farm. The stated the property is located east of Mason-Montgomery Road and north of Bethany Road. The property is currently zoned R-1 Single Family Residential and is located adjacent to the Chestnut Hills Subdivision in Deerfield Twp. The minimum lot size requirements for R-1 zoning is 40,000 square feet while the R-2 zoning permits 20,000 square foot lots.

Richard stated the Planning Commission recommended approval of the rezoning based on the following findings:

1. The land use map for the City of Mason designates this property as Low-Density Residential, which is consistent with R-2 zoning.
2. The requested zoning is compatible with the surrounding properties.

Mayor Beck opened the public hearing at 7:59 p.m. Mike Brandon, Superintendent of the Mason City Schools addressed Council and spoke in favor of the rezoning. He said it is the School's objective to get the most for the taxpayer dollars by selling of a portion of this property and retaining a portion for a school if needed in the future. He said the property is worth more if it is zoned R-2. If it was determined no school was needed at this site, it could all be developed as R-2.

Mark Schappacher of 3326 Mason Montgomery Road addressed Council and stated increased traffic will be a safety risk. Richard Fair said the average calculation for this situation is 10 trips per day for a single-family residence. Mr. Schappacher stated the road will be unsafe with this increase in traffic. Meg Hammeran of 3051 Mason Montgomery Road addressed Council and voiced a concern over the safety of the road. She said there are currently numerous accidents on this road and the speed traveled exceeds the limit set for this area. She said the infrastructure should be in place before the development. Richard Fair stated on the Thoroughfare Plan, Mason Montgomery Road is a minor arterial which is 4 lanes. He said excel and decel lanes will be installed by the developer. Joe Herman of 3170 Mason Montgomery Road stated going from R-1 to R-2 doubles the density. He requested the rezoning not be granted. He said it is Council's responsibility to do what is best for the residents of Mason, not the School Board. He said it is a business decision for the School Board. Mr. Herman also said if the rezoning is granted it should only be on the portion that is going to be developed and not on the entire acreage. Jim Sullivan, Vice President of Great Traditions located in Blue Ash addressed Council and said 60 acres will be developed into 77 lots.

A general discussion took place among Council and it was noted the County has jurisdiction over the speed limit on that road. Councilmember McCurley stated the City asked the property to be annexed into the City when school bought it because the Township was allowing the area to be developed at R-4, a much higher density. He said it was never intended to remain at R-1. He also stated he feels the road improvements should be the City's responsibility. Councilmember Kidd stated he would support it if the road was adequate. He stated traffic problems are the number one problem for the City and he cannot support this rezoning, as the infrastructure is not in place. Councilmember Osborne stated it is unusual for the Schools to be requesting an increase

in residential zoning as they are usually against it as it impacts the schools with a higher enrollment. Councilmember Grossmann stated he would support it. He said the City can deal with changing the speed. Mayor Beck stated he was under the impression a school would definitely be built on this property when it came before Planning Commission.

A motion to adopt Ordinance 2005-83 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: 2 YEAS (McCurley, Grossmann), 5 NAYS

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 Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

Richard Fair explained to Council the purpose of this legislation is to rezone 20.857 acres from R-1 to B-4 which matches the zoning of the surrounding park. He said the tract of land, which contains 20.857 acres, is located in the 5800 block of Columbia Road, which is north of Paramount's Kings Island and east of the proposed Great Wolf Lodge. This property and the Great Wolf property were annexed into the City of Mason and therefore automatically zoned R-1, single family residential. One of the conditions of the Great Wolf approval was to rezone this property to B-4, Commercial Recreation District.

Richard stated Planning Commission recommended approval of the rezoning based on the following findings:

1. The future land use map for the City of Mason designates this property as Commercial Recreation, which is consistent with B-4 zoning.
2. The requested zoning is compatible with the surrounding properties.

Mayor Beck opened the public hearing at 9:05. Mr. Tom Muennich of 206 Short Street addressed Council and stated he does not agree with Council's action on the previous legislation. He said that rezoning would have benefited the Mason taxpayer. He said he supports this rezoning because it is also good for the community. Hearing no other comments, Mayor Beck closed the public hearing at 9:09 p.m.

Councilmember Bradburn moved to adopt Ordinance 2005-84. Vice Mayor Pelfrey seconded the motion. VOTE: ALL YEAS

ORDINANCE 2005-88 APPROVAL OF THE EASEMENT PLAT FOR THE LANDING OF OAKWOOD LAKES, SECTION 2, PHASE "A" AND "B"

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

Richard Fair explained to Council Fischer Homes is requesting approval of access, utility and waterline easements located in section 2A and 2B of the Landing of Oakwood Lakes Subdivision. He stated this section is located west of the Western Row Golf Course and north of Waters Edge Subdivision (located in the township). This plat will dedicate the necessary easements for the installation of the utilities and waterline for this development along with the waterline connection to the Western Row Property. Greater Cincinnati Water Works has reviewed and approved the location of the waterline easements.

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 Ordinance 2005-88 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-89 APPROVAL OF THE OFFSITE WATERLINE EASEMENT PLAT FOR THE LANDING OF OAKWOOD LAKES

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

Richard Fair explained to Council Fischer Homes is requesting approval of a waterline easement located on the Western Row Golf Course property to the east of the Landing of Oakwood Lakes and north of White Blossom Subdivision. He said this plat will dedicate a twenty-foot wide waterline easement from the northern section of Cedar Village Drive to The Landing of Oakwood Lakes Subdivision. The purpose of this easement is to provide a secondary source of water for the The Landing of Oakwood Lakes Subdivision.

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

A motion to adopt Ordinance 2005-89 was made by Councilmember Osborne, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

ORDINANCE 2005-90 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LBJ INC., FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR SOUTH CENTRAL TRUNK SEWER IMPROVEMENT PHASE 2/CONCORD CROSSING SANITARY SEWER IMPROVEMENTS/TYLERS COURT PUMP STATION ELIMINATION SEWER

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

Scot Lahrmer explained to Council the purpose of this legislation is to provide engineering oversight for construction of 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.

He stated City Council awarded a construction contract to implement various sanitary sewer improvements on June 27 to Larry Smith Contractors, Inc. in the amount of \$1,099,312 with the adoption of Ordinance 2005-79. These improvements were the result of sanitary sewer surcharging which occurred after significant rainfall events in 2003 and 2004 and affected residents in Villas Creek and Concord Crossing. The various improvements were designed after LJB Engineers was retained to perform the necessary fieldwork and analysis of the wet-weather sanitary sewer problems in the two areas, and to design recommended improvements. Scot stated LJB Inc., the design engineer for this project, has proposed to provide Construction Phase Engineering Services necessary for oversight of the construction for a not-to-exceed amount of \$30,000. This amount is approximately 2.7% of the construction contract, which staff considers to be reasonable for such engineering services.

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 Ordinance 2005-90 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2005-91 AUTHORIZING A CONTRACT WITH EMH&T, INC. FOR THE DESIGN ENGINEERING OF THE IMPROVEMENTS TO MASON-MONTGOMERY ROAD FROM CHURCH STREET TO THE I&O RAILROAD BRIDGE

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

Richard Fair explained to Council the purpose of this legislation is to award a contract for engineering services to prepare construction drawings for the improvements to Mason-Montgomery Road, appraise the value of needed right-of-way, negotiate with property owners to purchase right-of-way, and provide construction inspection. He stated the project consists of the widening of 1,200 feet of Mason-Montgomery Road from just north of Main Street to the I&O Railroad Bridge and improving the drainage system. The roadway design includes widening the roadway to three lanes with curb and gutter, sidewalks, bike path, storm sewers and streetlights to match those on Mason-Montgomery Road. He added the project will also extend the second southbound lane on Mason-Montgomery Road to Church Street. The extension of this lane should greatly reduce the daily backups that occur traveling southbound on Mason-Montgomery Road. The design may involve removing structures, but the consultant has been instructed to make every effort to avoid removing any structures. The project should be ready for construction by April 2006, along with property appraisals and negotiations being complete. Richard added some of the required right-of-way has been acquired with the purchase of the Ashland house and the recent right-of-way acquired at the northwest corner of Church Street and Mason-Montgomery Road. The City will still need to acquire much of the right-of-way and easements needed for the project from an estimated 14 parcels. The

proposed contract includes the cost for platting, calculating acreage, valuing and negotiating the necessary easements and permanent right-of-way takes for this project. He said the Engineering Department received proposals from four engineering firms for the design and right-of-way acquisition for the improvements. After reviewing the proposals, staff is recommending EMH&T as the lead engineer for a cost not to exceed \$193,424. EMH&T's proposal includes the preliminary design and concept plans, geotechnical investigation and report, roadway design, maintenance of traffic, pavement markings, right-of-way plans, property appraisals, property negotiations, utility coordination and construction inspection.

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 Ordinance 2005-91 was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2005-92 APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A HOME SALON ON A .475 ACRE PARCEL LOCATED AT 330 ACOMA DRIVE IN AN R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

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

Scot Lahrmer set the public hearing for this legislation for August 22, 2005 at approximately 7:05 p.m.

CITY MANAGER'S REPORT

Scot Lahrmer reported on the following items:

On Tuesday, August 2 from 7 to 10 p.m., the City of Mason Police Department is hosting this year's **National Night Out** in the Windemere subdivision, off Bethany Road west of SR 741. Residents are invited to attend to learn more about crime prevention and Neighborhood Watch, and to build stronger police-community partnerships. There will be informational material regarding home security, identity theft, and vacation safety for parents. There will also be lots of activities for the children, including a rock climbing wall, Titanic slide, and "Care Flight", a medical helicopter from Miami Valley Hospital. Children will also be able to visit Zicco, the City of Mason's police K-9.

A request has been made for \$1,750 for the City's purchase of gifts for the Men's Tennis Tournament participation in the Ohio Legislative Event. Vice Mayor Pelfrey moved to approve this cost. Councilmember McCurley seconded the motion. Vote: 6 YEAS, 1 NAY (Bradburn)

A council work session has been scheduled for Monday, August 1 at 6:00 p.m. at the Mason Municipal Center. Dinner will be provided.

A "Kids Safety Fest" will be held on July 30 from 1-5 at Station 52 on Cedar Village Drive. The event is sponsored by the Fire Department.

COMMITTEE REPORTS

Councilmember McCurley reported he met with the County Commissioner Pat South and Dave Gulley to discuss Wilkens Boulevard extension to Cedar Village Drive. He stated it appears everyone agrees with the proposal.

Councilmember McCurley reported he attended the Transportation Task Force and the Bethany Road widening was discussed. He said he explained at that meeting that road has been on our Thoroughfare Plan for many years as a major arterial. He said right of way is being required of the developers. He said he hopes it will eventually be a high quality of road improvement like Tylersville Road.

Councilmember Osborne noted the Finance Committee has not had a chance to meet but requested the minutes of the last meeting be changed to reflect the 10% cut was being requested from the entire Committee.

Vice Mayor Pelfrey reported on the Festivals of Mason. She stated a fee is being charged this year because in the past the parade has lasted up to three hours. She said the fee is waived for not for profit organizations, entertainers and volunteers. She said it does apply to any commercial purpose or individual political promotion.

COUNCIL OLD AND NEW BUSINESS

Councilmember Osborne stated the Farmers Market is great and encouraged everyone to attend on Saturday mornings.

Mayor Beck said the Winterfest Celebration at Kings Island is returning this year. He also said the AVP promoters are already planning to return next year. He also said he is participating in the reading program at the library which includes over 3000 children.

RECOGNITION OF VISITORS

Patricia Elliot of Ashley Court addressed Council and asked for a Design and Review Board to be created with the authority to review new commercial projects. She suggested their decisions be binding and meetings will be public. She also recommended the Planning Commission meetings be televised. Councilmember McCurley also suggested to Council the meetings of the Planning Commission be televised.

Mr. Gene Nell of 607 Bunker Lane addressed Council and asked for clarification of the conditional use zoning.

EXECUTIVE SESSION

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

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

ADJOURN

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

TIME: 11:35 P.M.



Clerk of Council



Mayor