

**CITY OF MASON
COUNCIL MEETING
August 8, 2005**

Mayor Beck called the meeting to order at 7:05 p.m. Following a prayer by Pastor Rick Huff, those present recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the July 25, 2005 meeting was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

RECOGNITION OF VISITORS

Judy Kappen of 373 Walnut Lane addressed Council and stated in 2002 her condo burned down. She stated neither fire hydrant in the area next to her condo worked. She said it took almost an hour to get water on the fire. It turned into a three dwelling fire. She added the matter has been dragging on for three years and is in the hands of the attorneys. She said the City is stating they do not have responsibility. She quoted Mayor McCurley at the time stating residents should be safe.

Steve Moore of 3503 Crooked Tree addressed Council and stated he has concerns over the recent fire. He stated he wants the City to move forward on this matter. He Said Mason has many big homes on small lots and he wonders if the Fire Department can handle future situations.

Fire Chief Bill Kramer of Deerfield Township addressed Council and said even the best departments have things go wrong. He said "Any crew can have a bad day. It happens." He thanked Mason Council for doing a thorough analysis of the report. He said his department relies on Mason for support and they have done a good job.

COMMITTEE REPORTS

Vice Mayor Pelfrey requested to move Committee Reports up in the agenda, as her review of the fire report situation has to do with the recent comments. Mayor Beck agreed and moved Committee Reports to item 6A on the agenda.

Vice Mayor Pelfrey introduced the members of Council on the Safety Committee: Councilmember McCurley and Councilmember Bradburn. She said as Chair of this

Committee she has researched the timeline of the Crooked Tree Fire and it occurred as follows:

1. Crooked Tree Fire- May 19
2. Reports of water pressure/various issues from residents
3. Email from City Manager addressing no issues just informing Council the fire occurred.
4. Misleading reports from Fire Chief/City Manager refuting water pressure "quote", addressing no issues
5. More information received by Mr. Bradburn and myself concerning serious fire safety issues at Crooked Tree.
6. Safety Committee Meeting with Chief Fletcher, City Manager, John McCurley, myself, Police Chief Ferrell (City Safety Director). Chief Fletcher addressed Crooked Tree Fire. Said there were some problems but not serious....every fire has problems...no need for study. When questioned with certain specifics of the fire, admitted to problems that were addressed.
7. Recommendation by City Manager to do study because if there were issues, he would want to know about it. Safety Committee agreed to engage Mr. Larry Davis.

Vice Mayor Pelfrey stated "as Chair of Council Safety Committee, I depend on my City Manager, our Safety Director and Fire Chief to handle the details of providing safety service to our residents and enabling our employees to perform to their very best through training and hands on experience. When questions arise concerning specifics in the field of safety, I expect to get honest and complete answers. I did not receive either. I was not told that there were serious problems with the fire. When I began to investigate, I had to do the fact finding on my own and only when I discovered the issues did the City Manager and Fire Chief admit to them. When they did admit there were issues, I still have had to do the research to get to the core issues. She stated this entire embarrassing fiasco concerning Mason's Fire Dept. was unnecessary. The Larry Davis report was recommended by Safety Committee because we did not get straight and honest answers when we asked for them. We will not put blinders on when it comes to the safety of our residents or our employees, even if it is not popular or pleasant."

She also stated "the Fire/EMS Department are brave and honorable and certainly do not desire what has been dealt you." She expressed her gratitude for their service. She added "this Council not only admires and supports you but is committed to provide you with everything you need to do your job. Equipment, training and proper leadership. Your EMS service that you provide daily to our residents is without question the best in the region." Vice Mayor Pelfrey stated "the Crooked Tree Fire issues should have been addressed openly and honestly in-house but unfortunately it took an independent report to get to the bottom of questions we asked. Please bear with us as we continue this process."

Vice Mayor Pelfrey stated she has questions for City Manager. The following are the questions and replies on that topic:

1. What did the first response from Chief Fletcher to Council communicate?

Scot replied the email notifying Council was the first communication and the second was in reference to an article from the Enquirer that misquoted or misunderstood Chief Fletcher's comment regarding the water pressure. A correction in the Enquirer was run the following day.

2. In the Safety Committee meeting June , what did the Chief's initial conversation with me convey?

Scot stated he agreed to get an independent analysis. She stated the Chief said all in all things went pretty well, he saw no need for study. She stated no information was given to her that there were any problems. Not until she listed a few problems that she had heard from the neighbors did the Chief acknowledge there were issues. She asked Scot in that meeting, what comment did the Chief make about the firefighter who reattached the connection to the truck three times on one side of the truck then attached it to the incorrect valve on the other side of the truck? Scot replied there were questions about how could that happen. He said the Chief explained what had happened with the connection not being done so that it would stay. He said this resulted in water spraying out.

3. Vice Mayor Pelfrey stated had Chief Fletcher acknowledged the problems that day and agreed to address them, this report would not have been necessary. This miserable embarrassment to the Dept. would not have happened. Since the Chief did not appear at the fire until later, do you think he even had an understanding of the problems at the fire? Scot stated he was at the fire and did check in with the incident command and was told everything was under control. She then asked what documentation do we have from the department that problems occurred? She stated she has the report, it does not mention any problems. Scot stated the memo dated June 2, 2005 from the Chief to Scot and copied to the Safety Committee. He stated those issues mentioned fire ground operations did not occur without challenges. The crew was short by two men that day and the Deerfield Township 58 did not arrive until 20 minutes later due to lack of directions. Ladder truck # 57 from Deerfield Township required more time to get into operation. Engineer from Quint 51 did have trouble with the hook up to the water but did have water from their tank. Quint 52 was able to connect to their water source once they arrived. She referred to the Ohio Administrative Code section 4123.1 which requires a minimum four individuals must remain in voice or visual contact with those in the hazardous area. The code stated the only exception would be if there was a chance for a loss of life. She stated there was no individual inside the home on fire.
4. Did the Safety Committee direct you to engage Mr. Larry Davis to do an independent study of the Crooked Tree Fire? Scot replied yes. She then asked did the Safety Committee at the July meeting unanimously agree to engage the opinions of seven internationally known IAFC to review the report? Scot stated he did not recall that decision. Councilmember McCurley stated he had never seen the list. Councilmember Bradburn stated he recalls Larry Davis stating if others do further

review, it often reveals additional issues. He said he does not feel Councilmember McCurley was in favor of having additional reviews done. Scot said he never felt he was directed to send this report out to seven individuals. He was instructed by Councilmember Bradburn to contact an individual and send him the report, which he has done. Vice Mayor Pelfrey then asked Scot who authorized you to disregard the direction of the Safety Committee, and independently move in a different direction by calling the report biased and engaging the support of someone not approved by Safety Committee or Council? Scot stated no one authorized him to do that but due to his grave concerns regarding liability for the City, he felt that was the best interest of the City. Councilmember McCurley commended Mr. Lahrmer for his actions in looking out for the City. Councilmember McCurley asked if Larry Davis suggested these additional names. Vice Mayor Pelfrey stated they were from Mr. Davis. Councilmember McCurley stated he could not agree to hire anyone who is connected with Larry Davis, as his report was biased and unprofessional. Mayor Beck stated the matter has been referred by Council to the Safety Committee and it is under their direction that Mr. Lahrmer should have responded. He said if he was not directed to contact an individual, then he should not have done so. Vice Mayor Pelfrey gave a brief explanation on the credentials of the individuals they are contacting. Councilmember McCurley stated he has a problem with them reviewing a report that is so bias. Councilmember Kidd stated he thinks the goal of Council is to seek the truth. He said he views the report done by Mr. Davis is very unprofessional. He referred back to some of the comments in the report to illustrate how outrageous they are and he asked for an undisputed independent review. He said he feels this is turning into an inquisition of the City Manager and he wants no part of it. Mayor Beck stated the time line reveals the facts and does point out issues the City must address. Councilmember Kidd stated the facts are in a report that is so littered with unprofessional comments that because of the biased comments, the City cannot make decisions based on this report. He would like to see someone who is selected by Council for the independent report. Vice Mayor Pelfrey stated because the technicalities of fire fighting is a science that takes years of continual study and training, she knew that Mr. Davis's findings in his report would not easily be understood. She specifically requested him to state facts then add his opinion. In Mr. Davis's report, he states fact concerning the Crooked Tree Fire then identifies his opinion after each fact. Councilmember Bradburn suggested Mr. Wheitsel and Mr. Davis collaborate on the report. Councilmember McCurley stated he does not want to see them work together. He would like a truly independent report. Councilmember Bradburn stated it comes down to whether standard operating guidelines were followed. Scot Lahrmer stated he was surprised at the report because while he was here, Mr. Davis was complimentary of the Fire Department. Councilmember Kidd stated this report should be discarded and started fresh. He said he spoke with the IAFF International Association of Fire Fighters) today and they will come and review the report and will do it for free. Mayor Beck stated the report does reveal concerns that the City cannot ignore.

Vice Mayor Pelfrey stated she would like to call Mr. Davis as his reputation has been called into question. The majority of Council decided not to place that phone call at this

time. Mayor Beck suggested Mr. Davis meet with the Safety Committee.

Councilmember Osborne stated as a professional consultant, a report does get discredited when it contains unprofessional text. He said all of Council wants the truth and if problems are real they will surface. He noted as a governing body we couldn't use this report as a sole source.

Vice Mayor Pelfrey asked for specific directions for the Safety Committee. Mayor Beck stated all members of Council should submit suggestions for additional parties to review the fire report and one or two will be chosen. Councilmember Osborne requested the remainder of the Committee Reports be done as regularly planned after the City Manager's report.

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

Richard Fair explained to Council Cintas is requesting a rezoning of additional land that is to be included in the Cintas Commerce Park for future use according to HT-1 zoning standards rather than R-6 zoning standards. At the last meeting of Economic Development Committee, Richard stated this issue was discussed in further detail and EDC asked that the key points as they relate to the Economic Development Strategy of the City be articulated to Council and weighed against overall concerns. He explained the Grizzly Golf Course has always been considered both a favorable and prestigious use in the City and the City's Comprehensive Plan states this property is an appropriate location for business park development. The property however is currently zoned R-6 – Multi-family. If developed as currently zoned, the code would require a 30' setback from edge of property (*yellow dash line on map*) and allow up to 166 new residential, multi-family units. Richard added if the property is rezoned to the requested zone of HT-1 the code would require a 100' setback and speculatively could facilitate future development supporting up to 300,000 square feet of multi-story office and up to 1,200 jobs if the entire parcel were developed as office.

As presented to City Council at the meeting on July 11th, Cintas has purchased the considered property to allow for future planning purposes but has not identified any current intention of use or timeline for use other than the present need to occupy approximately 1 acre for parking of existing associates. Future expansion is a possibility that would be afforded Cintas with the zoning change, but there are no conceptual plans to share with Council at this time.

Richard stated given the consideration of the current facts, EDC supports the requested

rezoning for Cintas and recognizes their efforts to reach out to the adjacent homeowners association at Eagleview Village. EDC understands that Cintas has hosted multiple meetings with representatives of their Association. He also stated as this is a straight rezoning request, a concept plan is not enforceable. He said when a site plan is submitted, the code is very specific as to what is required. He stated if a PUD zoning is requested, a plan must be submitted but with straight rezoning, and a request for a plan is not enforceable.

Mayor Beck opened the public hearing at 8:37 p.m.

Sara Kousky, Director of Administration from Cintas, addressed Council and stated her address is 4064 Rose Hill Ave. in Cincinnati, Ohio. She stated her firm has reached out to the community and participated on numerous volunteer committees and boards. She spoke in favor of the project stating a parking lot is planned, which will provide 100 additional spaces. She said a walking bath will also be installed. She said no other structures are planned at this time. She also stated the requested zoning is more desirable than the current zoning of R-6. She said they are proud of being in the Mason community and providing jobs for the area.

John Harris, president of the Chamber of Northeast Cincinnati, addressed Council and spoke in favor of the rezoning Cintas is requesting. He said this company contributes significantly to the local economy. He stated their plan is in agreement with the City's Comprehensive Plan.

Gene Nell of 607 Bunker Lane addressed Council and questioned the possibility of a street being installed through to Kings Mill Road as a connector from Tylersville Road.

Larry Walker of 6534 Turtle Point and stated he is president of the Eagleview Community Association. He said they have met with Cintas several times. He said they have a problem with rezoning the entire parcel at this time. He said once it is rezoned, no public hearing will be required. He said under the current HT-1 zoning, they could build a building 90 feet high and no public hearing would be required. He said they are concerned about destroying their property values. He said a plan is not required but it is included in the City ordinances.

David Welsh of 6416 Eagleview, a board member from the same community. He said they do not want the condos that are possible with the current R-6 zoning. He said their relationship has been good with the Cintas. He added his concern is if the rezoning is allowed, if the property were ever to be sold, future owners may disregard this relationship.

Kevin Jones of 5808 Running Fox Lane addressed Council and asked about the water on the property. He said he is neutral on the rezoning however it is a good idea to rezone only the portion that is to be used for parking.

Norm Dageforde of 6416 Grand Cypress Way addressed Council and stated that the lake

protects them for flooding. He said his concern is water. He said the sump pump runs every time it rains. He asked if the lake can be moved. Richard Fair said the lake can be moved but the drainage must be contained or drained to another area.

Barb Ricitor of 3609 Pebble Creek in the Eagleview Community stated she is concerned over the rezoning. She said it has been her observation a rezoning opens up a can of worms.

Roger Neinaber of 6454 Grand Cypress Way addressed Council and said plans would be helpful to agree to this rezoning. He asked if there is a timeline for Cintas to produce a plan. He also asked if the public would have access to the walking path they are installing.

Sara Kousky stated the walking paths will not be open to the public. She said there are no plans for the development at this time. She said the opportunity came to the firm to purchase the property and they felt that was a wise move but this is a learning process for them as no plans have been drawn. She also said no fence is planned at this time.

Jim Wall of 6384 Inverness Way addressed Council and suggested the City require the right of way to Kings Mills Road. He said the road is planned to go over I-71 because Cintas doesn't want the road to go in front of their property. A connector road would greatly help the traffic congestion. He also said he is concerned over the water. Richard Fair said Council this year approved a plan that does include a road that crosses over Kings Island Drive. He also said Council is promoting a full interchange at Western Row Road.

Jenelle Williamson of 6522 Turtle Point Place stated she thinks it is interesting Cintas purchased the property for 100 parking places. She said if no plans truly exist than only a portion of the area should be rezoned.

Tom Hurst of 6411 Grand Cypress Way addressed Council and requested only the portion for the parking lot be rezoned. He said he has talked to large developer and they are not interested in this land for condos. He said they said the land is not conducive to that kind of development.

Dan O'Brien of 6394 Grand Cypress Way addressed Council and asked why rezone the entire parcel. Why does Cintas want to do this?

Mayor Beck closed the public hearing at 9:18 p.m.

Councilmember Osborne asked if we have to rezone to accommodate the parking lot expansion. Richard Fair said yes since it is for a high tech use. Richard Fair stated if a portion of the property is rezoned to HT-1, the remainder would be R-6. Councilmember McCurley asked if a 90-foot building would be possible on that property. Richard Fair said the requirement for High Tech is a sixty foot setback. He said the maximum in the code is 90 feet high. He said only Procter and Gamble fall, in that category.

A motion to adopt Ordinance 2005-85 was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

ORDINANCE 2005-93 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARETT PAVING MATERIALS, INC. FOR THE U.S. 42 AND HANOVER DRIVE INTERSECTION IMPROVEMENT PROJECT

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

Scot Lahrmer reported the purpose of his legislation is to award a contract to the lowest and best bidder for addition of a new traffic signal and construction of turn lanes at the intersection of US 42, Hanover Drive and at the entrance to Heritage Oak Park.

He said bids were opened on July 29 for the US 42 & Hanover Drive Intersection Improvement Project, with two (2) bids received. The best and lowest bidder was Barrett Paving Materials, Inc. for an amount of \$347,708.16

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

A motion to adopt Ordinance 2005-93 was made by Councilmember McCurley, seconded by Councilmember Osborne. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Due to his absence on September 23 through September 28, 2005, Scot Lahrmer requested a motion to appoint Richard Fair as acting City Manager during that time. Councilmember Kidd moved to approve that appointment. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

Councilmember Osborne moved to not require a hearing for a liquor permit requested for 7914 Mason Montgomery Road. Councilmember McCurley seconded the motion. VOTE: ALL YEAS

Councilmember Bradburn moved to not require a hearing for a liquor permit requested for 101 East Main Street. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

The School Board is asking City Council to reintroduce their re-zoning request of the former Batsche property, which was denied by City Council at the last meeting. The Board will bring the same request that was denied in order to by-pass the Planning Commission, because Planning Commission has already reviewed the request. At the City Council public hearing, the School Board will request that the acreage be reduced to the property being purchased by Great Traditions. The remaining property they are

retaining will remain as R-1. This will take a motion from City Council and will save the developer approximately 2 weeks over the normal process. Councilmember McCurley stated the School Board is reducing the acreage on the request and the reduction of the speed limit on Mason Montgomery Road is being pursued. The general consensus of Council was they were willing to review the matter again. Public notices will appear in the paper and registered letters will be mailed to the surrounding property owners. Scot stated it will come before Council on the September 12, 2005 meeting.

COMMITTEE REPORTS

Mayor Beck stated a Building Committee meeting is scheduled for Wednesday at 9:00 a.m. He also said a Downtown Mason Association Meeting is to take place at 9:00 a.m. on August 16, 2005.

Councilmember McCurley stated the SWWC Task Force met and discussed Bethany Road. He stated he reported no definite plan has been created. He said he supports 3 or 4 lanes. He reported the SR 63 bypass has now been removed and it originally had a top priority. He said it is important to support this as it will relieve traffic congestion in the future. He said he has contacted the City of Lebanon and they are interested in seeing this remain a top priority. He asked Council if they supported passing a resolution supporting the 63 bypass. Councilmember Bradburn moved to pass a resolution supporting making the 63 Bypass issue a high priority in road improvement projects for Warren County. Councilmember McCurley seconded the motion. VOTE: ALL YEAS

COUNCIL OLD AND NEW BUSINESS

Councilmember McCurley suggested invitation to schools be sent to encourage the use of the Veteran's Memorial as an educational tool. He stated they are not aware of the educational value it provides. He also asked about the status of the pledges that were made to finance the memorial. Mayor Beck reported they are still coming in and the Treasurer is currently updating the list. Pat Shay is overseeing all the contributions. Councilmember McCurley asked when a report would be available. Mayor Beck stated in a month or two.

Mayor Beck noted the Western Southern Tennis Series that will take place in Mason starting August 15, 2005.

RECOGNITION OF VISITORS

Eileen Pezzutti, a Crooked Tree resident addressed Council and thanked Council for reviewing the fire that happened in her subdivision in detail. She stated she is concerned over the safety of the fire fighters and residents. She added she observed the events that morning and thought to herself "when is the last time the fire fighters trained"? She added she saw a lack of urgency and organization. She said the length of time it took to get water onto the fire was too long. She said she want to see improvement for everyones sake.

Steve Moore of 3505 Crooked Tree addressed Council and said he would like to see the city move forward on this issue. He said he did open and close the back door. Vice Mayor Pelfrey stated the problem is they did not observe the two in two out rule. She asked Eileen Puzzuti if she saw two firemen enter the burning house. She said yes. Vice Mayor Pelfrey then asked if she saw two standing outside. Eileen replied no.

Jeff Reiniger of 3522 Crooked Tree addressed council and thanked all for their hard work. He said he has concern over the safety of the fire fighters.

Mr. Gene Nell of 607 Bunker Lane addressed Council and asked for clarifications on the funds approved for the legislative event at the last meeting. Terry Schulte explained the City is partnering with the Chamber to invite all members of the General Assembly to this area of the state.

EXECUTIVE SESSION

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

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

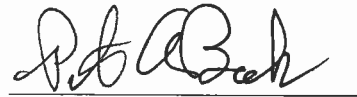
ADJOURN

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

TIME: 11:01 p.m.



Clerk of Council



Mayor