

**CITY OF MASON  
COUNCIL MEETING  
November 28, 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, Tony Bradburn, John McCurley, Charlene Pelfrey and Pete Beck. Steve Osborne and Tom Grossmann were absent.

**RESOLUTION 2005-19 COMMENDING PETER BECK FOR HIS OUTSTANDING DEDICATION AND SERVICE TO THE CITY OF MASON, OHIO**

Ken Schneider, Law Director, read the resolution.

Former Mayor, Dick Staten, presented the key to the City to Peter Beck.

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

A motion to adopt Resolution 2005-19 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

**RESOLUTION 2005-20 COMMENDING JOHN McCURLEY FOR HIS OUTSTANDING DEDICATION AND SERVICE TO THE CITY OF MASON, OHIO**

Ken Schneider, Law Director, read the resolution.

Former Mayor, Dick Staten, presented the key to the City to John McCurley.

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

A motion to adopt Resolution 2005-20 was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**RECOGNITION OF DARE CONTEST WINNERS**

Officer Van Wagner introduced the DARE Essay Contest winners: Cody Schrand, Katelyn Kang and Sarah Sohn. The students read their winning essay.

**RECOGNITION OF MASON COALITION FOR DRUG & ALCOHOL FREE YOUTH POSTER CONTEST WINNERS**

Vickie Haught addressed Council and provided background information regarding the purpose of this organization and the poster winners. She said their web site is [www.noemptyseats.org](http://www.noemptyseats.org)

### **RECOGNITION OF VISITORS**

Mary Lou Shields of Lakeview Drive addressed Council and stated a concern for the condition of the flag flying over the Veteran's Memorial. She said the VFW and the American Legion will supply a new flag but they need to be notified by the City when one is needed.

### **ORDINANCE 2005-119 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 7.8 ACRES LOCATED AT 3920 US 42 FROM R-1 TO I-1 AND APPROXIMATELY 1.68 ACRES LOCATED AT 3960 US 42 FROM B-3 TO I-1 (CITY OF MASON PROPERTY)**

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

Brian Lazor addressed Council and explained the City of Mason is requesting rezoning approval for approximately 7.84 acres located at 3920 US 42 from R-1, to I-1 and for approximately 1.68 acres located at 3960 US 42 from B-3, to I-1. This is the current location of the City of Mason Water Reclamation plant, which is to be abandoned when the new facility along Mason-Morrow-Millgrove Road comes on line. He stated the I-1 district permits light industrial uses such as manufacturing, warehousing and storage and has two-acre minimum lot size requirement. I-1 is a more favorable zoning for this site for future development and matches the zoning currently in place across US 42 and to the northeast of the site. Brian also stated the Planning Commission recommended approval of the rezoning based on the following findings:

1. Residential development is inappropriate for this site.
2. The requested zoning is compatible with the surrounding properties.

Brian said upon Staff's review of this request, it was determined the Future Land Use Map designates the plant property as "Low Density Residential" and the adjacent property as "Public." The proposed rezoning deviates from the comprehensive plan, but is consistent with the zoning and uses in this commercial/industrial corridor. These two properties are located between US 42 (a major arterial) and the Muddy Creek, which is not favorable for residential development. The residential uses to the south are buffered by the creek and a restrictive 100-foot setback that new industrial uses have when adjacent to residential uses.

Mayor Beck opened the public hearing at 7:53 p.m. Receiving no comments either for or against this legislation; the hearing was closed at 7:54 p.m.

Councilmember McCurley noted the Future Land Use Map was prepared when there was no plan for a sewer plant. He also said the residential area is separated by a creek and he can support the request.

A motion to adopt Ordinance 2005-119 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2005-134 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 24.5 ACRES FROM R-6 TO INDUSTRIAL PUD AND APPROXIMATELY 77.9 ACRES FROM I-1 TO INDUSTRIAL PUD WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED SOUTH OF WESTERN ROW ROAD AND EAST OF THE OAKWOOD LAKES SUBDIVISION (HEALTH ALLIANCE)**

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

Brian Lazor addressed Council and explained the Health Alliance of Greater Cincinnati is requesting Concept PUD Plan and rezoning approval for 102 acres of land located on Western Row Road to an Industrial PUD. The property is more particularly bounded by the Oakwood Lakes subdivision to the west, Western Row Road to the north, properties along Innovation Way to the east, and Deerfield Township to the South. Brian continued to explain, the concept plan is proposed to be completed in two phases. The first phase will be the creation of a behavioral health care campus. The Craig and Frances Lindner Center of HOPE (Helping Other People Excel) will encompass the southern 35 acres of the site. The healthcare center will include a 50,000 square foot main building and five 12,000 square foot bed units. Initially the facility will contain 48 beds and will grow to a projected 96 beds as demand increases. An existing home on the property will serve as a conference facility for the campus. Brian stated the second phase of development, which fronts along Western Row Road, is proposed to include approximately 65 acres of High Tech Light Industrial development.

Brian reported the Planning Commission recommended approval of the concept PUD plan and rezoning with following conditions:

1. Decorative fencing be installed around the perimeter of the health care facility.
2. The health care facility be restricted from accepting court-referred patients (i.e. sex offenders and pedophiles).
3. A future roadway connection should be added to the plan that shows a potential link of the development to Innovation Way.

Upon Staff reviewing this request, Brian reported the future land use map shows this area as both high density residential and business park. The Industrial PUD helps to accomplish a goal of reducing high density residential while creating areas that provide high-quality business development and job creation. The plan provides for approximately 30% green space which exceeds the code by 10%. Also, the plan conceptually shows formal gardens and plazas in the common areas along with pedestrian connections, and passive/active recreation areas. The minimum setbacks between industrial areas and residential areas is 75 feet. The Concept plan is showing an increased setback to help buffer and minimize the impacts of the development on the surrounding properties.

Brian stated phase 1 of the project will gain access from Western Row Road utilizing the existing driveway. Access for phase 2 of development will be from Western Row Road via the existing traffic signal located at the intersection of Lenscrafters Lane and Western Row Road. He also stated while this is a concept plan, the applicant has provided some extra detail in how the formal green spaces would be conceptually laid out and some extra specifics on the health care facility. If approved by both Planning Commission and City Council, the applicant will need to submit a Final Development plan to the Planning Commission that addresses items such as: road and building design; landscaping, buffering and mounding; traffic control; signage; security; lighting, open space amenities and covenants and restrictions.

Mayor Beck opened the public hearing at 7:59 p.m. Alan Miller, Vice President of Planning with Health Alliance addressed Council and spoke in favor of the project. He provided some background information on the Health Alliance organization, described the facility lay out and noted all building will be one story in height. Brian Owens explained the services that will be offered at this facility and said they have met with the neighboring community on September 14, 2005. He stated the facility will have controlled exits and entries and they will have on site security. He explained based on their calculations, they expect 13 calls to police in a five-year period. He said many mental patients don't add violence to society they are victims of it. Alan Miller also said they have done research on the property values around such a facility and found no negative impact.

Russell Clark of 7108 White Oak Court stated he is President of the Homeowners Associations and they had sent a letter on November 14 and 23 discussing conditions they were requesting compliance from the developer. He asked for comments on those matters. Richard Fair stated some of the requested items are appropriate and some are impossible. He said they will meet with the developer and Planning Commission to work out the details. Mayor Beck closed the hearing at 8:27 p.m.

Councilmember McCurley explained the benefits of a PUD and expressed Councils interest in protecting the residents. Vice Mayor Pelfrey reported as Chair of the Safety Committee, she has carefully reviewed the matter and can say the residents won't have a safety issue. Mayor Beck mentioned the conditions Planning Commission had included in their approval. Alan Miller said those issues would become a part of the covenants and restrictions.

A motion to adopt Ordinance 2005-134 was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

**ORDINANCE 2005-135 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 12.1 ACRES AND APPROXIMATELY 5.5 ACRES LOCATED ON THE SOUTH SIDE OF WESTERN ROW ROAD AT THE CINTAS BLVD AND WESTERN ROW ROAD INTERSECTION FROM I-1 TO HT-1 (DUKE/HBA PROPERTY)**

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

Brian Lazor addressed Council and stated the Home Builders Association of Greater Cincinnati are requesting rezoning approval for approximately 17.6 acres of land collectively. The HBA of Cincinnati recently purchased a 5.508 acre piece of land from Duke to construct their headquarters at the southeast corner of Western Row Road and Cintas Boulevard extension. The properties are currently zoned I-1, Light Industrial District. The applicants are requesting to rezone the properties to HT-1, High Tech Light Industrial District. The main difference between the I-1 and an HT-1 zoning district is the limitation of warehouse space in the HT-1 zone. The minimum square footage for an HT-1 lot is 40,000 square feet and the minimum district area is 10 acres. Brian stated the Planning Commission recommended approval of the rezoning based on the following findings:

1. The future land use map for the City of Mason designates these properties as Business Park, which is consistent with the HT-1 zoning.
2. The requested zoning is compatible with the surrounding properties.

Mayor Beck opened the public hearing at 8:35 p.m. David Wright representing Duke addressed Council and stated the reason for this request is there has not been the demand for industrial property in the area. Receiving no other comments, the public hearing was closed at 8:37 p.m.

A motion to adopt Ordinance 2005-135 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2005-136 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON TO AMEND INPART ZONING CODE CHAPTERS 1133 AND 1145 AND TO ESTABLISH AND INSERT ZONING CODE CHAPTER 1170 AND REPEAL ZONING CODE CHAPTER 1189**

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

Paige Rothstein said the purpose of this legislation is to preserve and enhance the character, charm and real estate value of Mason's Downtown by implementing this development tool. She explained McKenna Associates was hired in April 2005 to work with staff and an Overlay Steering Committee to create a Downtown Overlay Zoning District and a Design Guideline Handbook. The Downtown Overlay District, Chapter 1170 will repeal Chapter 1189 Historic Preservation District in the Zoning Code. She said the Handbook will be published as a separate document because the breadth of information within the book is generally not appropriate to include in one zoning district chapter. It will, however, have the equal weight of the City's zoning code law. Paige stated the Overlay District and Guidelines are an important component to reach the City's Downtown Revitalization goals because:

- Unique and historical assets of Downtown Mason are not adequately protected from undesirable, conventional development.

- Existing Zoning Code has a suburban bias that requires large setbacks and burdensome off-street parking requirements.
- Current regulations cannot stop the demolition of historic downtown buildings regardless of the proposed use of a site.
- There is a need for guidelines to ensure new development is compatible with existing downtown development pattern.
- Without the proposed Overlay District and Guidelines, neither the Planning Commission nor the Design Review Board has little authority to regulate design and architectural aesthetics.
- Classifying historical buildings will allow staff and the local Design Review Board to determine how building code requirements are implemented.

The Overlay District, if adopted as proposed, will:

- Create and establish the physical boundaries of the Overlay District. – see attachment C
- Define development standards for the Overlay District in excess of the base regulations.
- Establish review procedures for Certificate of Appropriateness for new construction, additions, demolitions, and modifications to Landmark structures.
- Integrate review procedures between the Design Review Board and Planning Commission.
- Clearly define the authority and responsibility of the Design Review Board.
- Expand permitted and prohibited uses to be consistent with traditional midwestern downtown development.

Mayor Beck opened the public hearing at 8:55 p.m. Bob Sloan of 414 Reading Road addressed Council and stated he is chairman of the DMA Committee. He said the executive board supports this legislation. Jerry Flynn of 600 Bunker Lane addressed Council and said he served on the design and review board and he supports this legislation. Mr. John Looker of 111 E. Main Street addressed Council and said he is opposed to the 100-foot right of way and requested it be changed. Scotty Cooper of 317 and 319 W. Main Street addressed Council and voiced support for the plan but has questions regarding repairs. Paige will address those concerns.

Vice Mayor Pelfrey provided background information on the efforts accomplished prior to the DMA Committee being formed. She voiced support for this legislation.

A motion to adopt Ordinance 2005-136 was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2005-150 CREATING TWO (2) ADDITIONAL POLICE OFFICER POSITIONS IN THE CITY OF MASON POLICE DEPARTMENT**

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

Eric Hansen explained to Council the Police service demands continue to increase as the City grows. The City has not added a patrol officer position since 2002, while calls for service from

2003 to 2004 alone grew 27%. The policing districts with the greatest growth in service calls are also those districts where further development is anticipated and subsequently, further growth in service calls. The continued growth in population, business, and traffic means that, based upon the current staffing allocation, a police officer's time is largely spent reacting to calls for service with little if any time remaining for proactive measures, preventive patrols, or directed traffic enforcement.

Eric explained the 2005 Budget included the addition of two Police officer positions as the only additional personnel requests. As part of an effort to reduce expenses for 2005, creation of these two positions was delayed. As the Finance Committee has begun work on the 2006 Budget and is reviewing the need for additional personnel to keep pace with area growth, it is now appropriate to take action creating these last items as included and recommended in the 2005 Budget.

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

A motion to adopt Ordinance 2005-150 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-151 CREATING NINE (9) ADDITIONAL FULL-TIME PARAMEDIC/FIREFIGHTER POSITIONS IN THE CITY OF MASON FIRE DEPARTMENT**

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

Eric Hansen explained the Safety Committee of Council has been reviewing the Ten Point Plan to move forward on the future of the City of Mason Fire Department. One of the Action Steps identified in the Plan is strengthening the consistency of Fire staffing by increasingly the reliance on full-time staff. This continues the direction Council has pursued for the last five years. In 2001, 6 full time positions were created and in 2003, 9 full time positions were created by City Council. The Committee identified the difficulty of filling open and unfilled shifts as one of the most pressing issues demanding attention. Staff and the Safety Committee have continued to spend considerable time discussing and refining proposals to improve the Department's coverage and service. The main issues addressed were the Department's ongoing difficulty in covering open shifts; not meeting the minimum staffing standards as set forth by NFPA 1710; and excessive costs of overtime coverage for both full-time and part-time coverage. The conclusion of these discussions was to continue the path towards increased full-time coverage while strengthening the remaining part-time component.

Eric said after reviewing the Ten Point Plan, the Safety Committee recommends the following steps:

- Converting 18 part-time shifts to 9 full-time Firefighter/Paramedic positions (3 per shift) at an estimated cost of \$18,000 per position or \$162,000 annually.

- Increasing daily staffing by two at an estimated cost of \$200,000 annually (this would add 1 additional employee each to Quint 51 and Quint 52 bringing total to 4 personnel and meeting NFPA 1710.)
- Continue utilizing part-time employees to fill open shifts.

The Safety Committee has discussed and recommended this strategy as the first priority of their work evaluating issues surrounding the Fire Department.

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

Councilmember Bradburn reported the Safety Committee approves of this step as it brings the City into compliance with the NFPA 1710 Standard. He said there is not intent to eliminate part time positions.

A motion to adopt Ordinance 2005-151 was made by Vice Mayor Pelfrey, seconded by Councilmember McCurley. VOTE: ALL YEAS

**ORDINANCE 2005-152 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH RONALD W. AND DONNA L. BARRETT FOR THE ACQUISITION OF PROPERTY LOCATED AT 207 KINGS MILLS ROAD, MASON, OHIO**

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 the City has negotiated with Ron and Donna Barrett to purchase their property located at 207 Kings Mills Road. Mr. and Mrs. Barrett's property is surrounded by Pine Hill Lakes Park and is located just west of the entrance to the Park. The property contains a single-family residential house that has the appearance of a rustic lodge and a detached heated garage. The City negotiated the purchase for \$170,000.

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

A motion to adopt Ordinance 2005-152 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-153 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE WARREN COUNTY COMMISSIONERS TO PURCHASE RIGHT-OF-WAY FOR THE FUTURE EXTENSION OF WILKENS BOULEVARD AND TO CONSTRUCT SAID EXTENSION AT COUNTY EXPENSE**

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



Scot Lahrmer explained to Council this legislation will approve the agreement between the Warren County Commissioners, the City of Mason and Cincinnati United Contractors for the purchase of right-of-way, utility easements, and temporary construction easements for the future extension of Wilkens Boulevard from Socialville-Fosters Road to the City's north corporation line. Scot said acquisition of the 1.33-acre parcel will provide the means for the extension of Wilkens Boulevard, which is vital as a north-south traffic volume relief to Mason-Montgomery Road. Ultimately Wilkens Boulevard extending from the south and Central Park Boulevard extending from the north will intersect to provide a parallel arterial road west of Mason-Montgomery Road. When fully constructed, this arterial will extend from Fields Ertel Road to Western Row Road giving City and township residents another means of traveling north and south parallel to Mason-Montgomery Road. Additionally this roadway will support the Central Parke and Fountains of Mason business park developments. Eventually having an alternate route to Mason-Montgomery Road is also anticipated to have a positive affect on Mason businesses located along the Mason-Montgomery Road Corridor. Scot concluded by stating adoption of Ordinance 2005-153 approving the Warren County, City and CUC agreement will allow Warren County to purchase the CUC owned property for a total amount of \$350,000 and require the City of Mason to split the cost 50% which is \$175,000.

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 2005-153 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-154 AMENDING ORDINANCE NO. 2004-135 TO ESTABLISH NEW RATES FOR THE LOU EVES MUNICIPAL SWIMMING POOL LOCATED AT CORWIN M. NIXON PARK**

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

Scot Lahrmer explained to Council the 2005 season was a fairly good one for the Lou Eves Municipal Pool and despite the growth of local neighborhood pools and the nearby water parks, the deficit for the pool was one of the lowest in the pool's history at \$15,512. He also stated the Lou Eves Municipal Pool has been experiencing a declining participation rate since 2000. This is likely due to the growth of local neighborhood pools, the nearby commercial water parks and the Mason Community Center. Another factor is that the pool amenities/water features have not changed since the pool opened ten years ago. Scot reported staff is looking at ways to increase pool attendance/revenues in the future, including the idea of packaging the pool with the Mason Community Center. Scot said the fees and financial statements were briefly discussed at the November 10<sup>th</sup> Parks & Recreation Board meeting. It was discussed that the rates for 2006 stay the same as 2005. The also said the following is recommended:

- The 2006 pool fees and daily admissions should remain at the current 2005 rates.
- Continue to offer a 20% discount on season passes for Community Center pass holders.
- The Guest Pass, which permits 10 daily admissions and is available only at the time of the season pass purchase, should continue at the 2005 rate of \$21.

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

A motion to adopt Ordinance 2005-154 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2005-155 AMENDING ORDINANCE NO. 2004-125 TO ESTABLISH NEW RATES FOR THE MASON COMMUNITY CENTER**

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 the Mason Community Center has been a successful intergovernmental cooperative venture since opening on March 1, 2003. Scot stated the original idea was that rates would increase each year to eventually reach the equilibrium where revenues covered expenses. Beginning this year the contractual infusion of inside millage ended and the calculation of "shared" expenses such as utilities, custodial and insurance began on a usage basis. This calculation, combined with growing utility expenses exerted additional pressure to increase rates in order to avoid subsidy of the Center. Scot explained in November of 2004, in order to penetrate a greater market share, the City initiated a monthly subscription rate for families. This subscription requires an initial sign-up fee and a monthly rate deducted from an account. This enables residents to include the Community Center in their monthly budgets instead of paying annually. The program has been very popular with currently over 800 participants. For 2006, staff is recommending basing rates on providing this service for all pass types, with an initial sign-up fee of \$50. This fee will apply to both "subscription" passes and any "prepaid" passes purchased for less than 12 months. The sign-up fee will be waived for anyone pre-paying for more than 12 months of membership. The three-month and annual pass rates no longer are necessary as residents can select a payment option that works best for them. These actions will enable the City to better market the Community Center and make the fees more affordable for users.

Scot stated explained over 70% of revenues for the Community Center come from the purchase of family passes, suggesting that this revenue source should be the primary focus when setting fees for the facility. At the work session on Monday, November 21, Council recommended increasing the family pass rate to \$49.90 a month. The current family monthly rate is \$44. Other pass rate categories would be increased a similar percentage. While this rate remains very competitive with rates of similar facilities in the area, it is anticipated that it will not generate enough revenue to cover all expenses. During 2006, staff will begin a thorough review of all operations of the facility to find ways of increasing revenues and reducing expenses to offset any anticipated subsidy. Additional recommendations on program fees, pass rates, and other revenue opportunities will be pursued. The intent is to have a fee structure that is affordable, places value on continued membership, and continues to provide exceptional recreation opportunities.

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

A motion to adopt Ordinance 2005-155 was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

**ORDINANCE 2005-156 AUTHORIZING THE RE-APPROPRIATION AND TRANSFER OF MONIES AND TRANSFERRING OTHER FUNDS AND APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF MASON: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2004-160 OF THE CITY OF MASON, OHIO, PASSED BY THE COUNCIL OF THE CITY OF MASON, OHIO ON DECEMBER 13, 2004 FOR THE YEAR 2005.**

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

Scot Lahrmer stated Council approved the 2005 Budget with Ordinance 2004-160 on December 13, 2004. This appropriation ordinance is a plan and guide for City finances for the complete year. As the City's priorities change or are modified these plans are altered and as an annual housekeeping item, legislation reappropriating funds is appropriate. He added although there are adjustments that will always occur throughout the year, it is customary for an annual reappropriation ordinance to be prepared at years end to close the City's accounts.

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

A motion to adopt Ordinance 2005-156 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-157 AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATIONS OF MONIES: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2004-160 OF THE CITY OF MASON, OHIO PASSED BY THE COUNCIL OF THE CITY OF MASON, ON DECEMBER 13, 2004 FOR THE YEAR 2005.**

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

Scot Lahrmer explained to Council the 2005 Budget was approved with Ordinance 2004-160 on December 13, 2004. This appropriation ordinance is a plan and guide for City finances for the complete year. Plans are altered as priorities change or are modified. Throughout the year it may become necessary to appropriate additional funds for purchases and projects that were not included in the original annual appropriation ordinance. Ordinance 2005-157 is a housekeeping item to adjust and correct various line items within the City's funds. Of the 20 supplemental appropriations 7 are needed to ensure budgetary compliance for financial reporting purposes and 7 are needed to close funds that are no longer needed

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

Councilmember Bradburn commented on the need for Section 18 as it is only for \$0.14.

A motion to adopt Ordinance 2005-157 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-158 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS NOS. 005, 006, 007 AND 008 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND ADAMS ROBINSON ENTERPRISES FOR GENERAL CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT**

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

Scot Lahrmer explained to Council contracts between the City of Mason and the five prime contractors at the indicated amounts were executed on April 2, 2004 for construction of the new treatment plant. Construction has now been underway for approximately 20 months, with approximately 89% of the total construction completed. The project is on track for scheduled completion in 2006. In the course of construction, the need has arisen for change orders to the construction contracts. He stated the next three ordinances deal with the change orders as it is now appropriate for them to be approved for a total of \$307,353. He said the change orders for Adams Robinson (Contract A) involve changes in piping, compliance with code and utility company requirements, correction of unsuitable soil conditions, and interior changes at the Administration Building total \$125,038. The change orders for Nelson Stark (Contract D) include piping changes for water system alarms and process pumps and totals \$23,643. The change orders for ESI (Contract E) involve increases in electrical ductbank, conduit, wiring, and controls necessary to complete the project, and modifications to the site security system and totals \$158,672.

Scot reported the total of all change orders previously approved and the change orders presented above is approximately 1.9% 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. 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 Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2005-158 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2005-159 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS NOS. 003 AND 004 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND THE NELSON STARK COMPANY FOR PLUMBING CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT**

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

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

A motion to adopt Ordinance 2005-159 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2005-160 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS NOS. 006, 007, AND 008 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND ESI, INC., FOR ELECTRICAL CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT**

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

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

A motion to adopt Ordinance 2005-160 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

◆ On Thursday, December 1, Council photos will be taken in the Community Room at 6:15 p.m. At 7:00 p.m., Council will meet to re-organize and choose a new Mayor and Vice Mayor, as well as appointments to committees. Immediately following the re-organization meeting, a reception will be held in the Community Room for guests.

◆ Christmas in Mason is Friday, December 2 from 6:00 to 9:00 p.m. with tree lighting on the library lawn by the Mayor at 6:20 to 6:30 p.m. Festivals of Mason, The Chamber of Northeast Cincinnati, and the City of Mason co-sponsor this event. This year, there will be entertainment on the stage, the arrival of Santa, a light show, carriage rides, magic elves and many other activities planned for kids of all ages. The following traffic and parking restrictions for Christmas in Mason will occur: U.S. 42 between Doc Erbeck Way and Mason-Montgomery Road will be closed between 5:00 and 11:00 p.m. Detours will be posted directing traffic over Mason-Montgomery and Tylersville Roads. Motorists can expect delays while traveling through the area, with the heaviest delays likely between 5:00 and 7:00 p.m. Parking will be prohibited on U.S. 42 between Fifth Avenue and Main Street, on the north side of Church Street between Mason-Montgomery Road and North Forest, and on North and South Forest during the hours of 4:00 to 10:00 p.m.

◆ Engineering prepared specifications and drawings for conduit installation as the first step in the widening of Socialville-Fosters Road. Having the conduit installed prior to the utility companies

relocating their poles will make the relocation quicker and smoother. Conduit installation is necessary for underground utilities placed under the road. Five bids were received with the lowest and best bid at \$14,129. The next lowest bidder submitted a proposal of \$37,026.05, saving the City a considerable amount of money. Since this bid is under the prevailing wage threshold and under \$15,000 it is not necessary to prepare legislation for this contract. The contractor, J. Daniel & Company, is the exclusive underground contractor for Cincinnati Bell and was highly recommended.

◆ Where was the liars' bench? Is the old hotel really haunted? When did youth football start in Mason? Find out in "Memories of Mason!" In 2002, employees of the City of Mason collected stories and photos of Mason and published them in "Memories of Mason." Copies of the 44-page booklet book are available for \$5, with profits going to the Mason Historical Society and the Mason Veterans' Memorial. A copy was placed in the time capsule for the Mason Municipal Center when it was completed in 2002. The stories and photos date back to the early 1900's, when horses were the major form of transportation, basketball was the sport of the day, and the liars' bench sat in front of the bus station. Booklets are on sale at Yost Pharmacy on Main Street in Mason, at the Mason Municipal Center during regular business hours, and at the Mason Historical Society.

**COMMITTEE REPORTS** None

**COUNCIL OLD AND NEW BUSINESS**

Councilmember Bradburn commented on the new salt storage facility. He said he has seen it and it is an excellent facility.

Councilmember McCurley thanked the staff and Department Heads in the City that have helped make Mason a positive community.

Mayor Beck thanked City staff for being forward thinking. He also mentioned the Beach Water Park Tree Lighting ceremony and a survey he has completed as a result of interviewing 125 local businesses. He said he will complete the report and give it to the next Council.

**RECOGNITION OF VISITORS** None

**ADJOURN**

A motion to adjourn the meeting was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

TIME: 9:58 p.m.

  
Clerk of Council

  
Mayor