

**CITY OF MASON  
COUNCIL MEETING  
JULY 24, 2006**

Mayor Pelfrey called the meeting to order at 7:10 p.m. Those present recited the pledge of allegiance.

**ATTENDANCE**

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Matt Kline, Todd Wurzbacher, and Char Pelfrey. Tom Grossmann joined the meeting at 7:20p.m.

**APPROVAL OF MINUTES**

Councilmember Kline noted a correction was needed in the spelling for Mr. Blumberg. Councilmember Osborne moved to approve the minutes as amended. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

**RECOGNITION OF VISITORS**

Mr. Dom Dominic of 3706 Woodburne addressed Council and asked about the status of the review of retention basins. Richard Fair said they have met with Drees and requested they clean the silt out of the basin. They have agreed and will send a letter within two weeks stating this agreement. Richard said Drees has documentation they turned the basin over to the Homeowners Association (HOA) in June of 2004. Mayor Pelfrey asked if they have done any maintenance on it. Councilmember Bradburn stated the HOA did maintenance on it but it was not turned over to them as designed. Mr. Dominic requested a meeting with the Utility Committee.

**ORDINANCE 2006-75 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 0.72 ACRES LOCATED AT 201, 203, 205 AND 207 EAST MAIN STREET FROM R-4 TO R-4 AND DOWNTOWN OVERLAY DISTRICT AND TO AMEND CHAPTER 1170 OF THE ZONING CODE AND DESIGN GUIDELINES HANDBOOK TO ADD THE PROPERTIES TO THE DOWNTOWN OVERLAY DISTRICT (YOST PROPERTY)**

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

Brian Lazor explained to Council, that Dick and Jane Yost are requesting approval to add 201, 203, 205 and 207 East Main Street to the Downtown Overlay District. The properties are zoned R-4, Single Family Residential and encompass approximately 0.72 acres of land. They are the first four lots on the east side of Main Street north of Kings Mills Road. One lot is vacant and the other three contain houses. Brian explained the Downtown Overlay District was created in

November of 2005 and includes the parcels fronting Main Street from Mason Road to Kings Mills Road and the parcels fronting Reading Road from 4<sup>th</sup> Avenue to Main Street. Currently the district ends at Kings Mills Road and Cowan Drive. The Zoning Ordinance, Downtown Design Guidelines Handbook and the Design Review Board help to shape development in the Downtown Overlay District. The Handbook provides guidance for renovation and redevelopment of properties to help create a quality and economically successful downtown.

Brian further explained the property's current zoning allows residential, agricultural, and institutional uses. The Overlay District allows what is permitted in the underlying zoning to continue to exist and adds the permitted uses in the B-1, Central Business District which consist of retail, commercial, office and institutional uses. In addition to the uses permitted in the B-1 district, the Downtown Overlay District allows parks, outdoor seating, public parking along with financial institutions, drug stores, cafes and coffee shops with drive through facilities.

**ORDINANCE 2006-80 CONSENTING TO DELETION OF A PORTION OF THE PROPOSED LIBERTY TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT I TERRITORY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE WRITTEN CONSENT, AND DECLARING AN EMERGENCY.**

Brian reported 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 "Downtown" which is consistent with the proposed district.
  2. The Downtown Overlay District will help to facilitate redevelopment with goals of architectural compatibility and integrity.
- The Planning Commission and Design Review Board both recommended that these properties be added to the Downtown Design Guidelines Handbook as background structures.
- Mayor Pelfrey opened the public hearing at 7:24 p.m. Richard Yost of Mason Montgomery Road addressed Council stating he owned the property and it is his intent to improve the area and he felt the property is not marketable as residential. Councilmember Osborne asked Mr. Yost if he is aware of the restrictions this rezoning request places on the property. Mr. Yost answered yes, he was aware of the restrictions. Mayor Pelfrey closed the public hearing at 7:26 p.m.

Councilmember Kidd moved to adopt Ordinance 2006-75. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

Councilmember Kidd. VOTE: ALL YEAS

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

Michele Blair introduced Dina Minnici, Liberty Township Administrator, who provided background information on how the current JEDD area has been decided. She described the steps Liberty Township has taken to reach 51% of the property owners and keep 77% of the acreage. She said the excluded areas include new and constantly changing retail businesses where approvals cannot be obtained within the needed timeline. She added estimated revenue

analysis change is not expected to be significant. Michele Blair stated a conservative number would be 28% less revenue would be realized.

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

A motion to adopt Ordinance 2006-80 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2006-81 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MASON TO AMEND IN PART ZONING CHAPTERS 1133, 1157, 1159 AND TO ESTABLISH AND INSERT CHAPTER 1174 (LARGE RETAIL ESTABLISHMENTS)**

Councilmember Kidd moved to read by title only, seconded by Councilmember Osborne. VOTE: ALL YEAS

Eric Hansen stated a public hearing will be held on this legislation on August 28, 2006.

**ORDINANCE 2006-82 APPROVAL OF THE COLUMBIA COMMONS PUD REPLAT.**

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

Richard Fair explained to Council, Mr. John Duffy with Duffy and Associates is requesting approval for the replat of Columbia Commons PUD. Planning Commission approved a site and landscape plan for a three-story storage facility to be constructed at the rear of Lot 6, next to the existing storage units. He said this required the expansion of Lot 6 into the designated open space. To compensate for this lost open space, the applicant is converting the majority Lot 1 from buildable area to open space. With this replat, Lot 2 increases by .37 acres, Lot 6 increases by .63 acres, and the open space increases by 1.43 acres.

Richard added Planning Commission recommends approval of the replat contingent on the following:

1. Rename Lots 8, and 9 to Lots 2A and 6A.
2. Label "Open Space" as Lot 1A.
3. Change title to "Columbia Commons PUD Replat"
4. Include information on the recorded Covenant and Restrictions for the PUD.

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

A motion to adopt Ordinance 2006-82 was made by Vice Mayor Grossmann, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2006-83 APPROVAL OF THE WATER MAIN VACATION PLAT FOR FALLING BROOK SUBDIVISION.**

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

Richard Fair explained to Council, the owner is requesting approval of the water main vacation plat for Falling Brook Subdivision. He said the subdivision, zoned R-6, is located between Fairway Drive and the Grizzly Golf Center. With this project, a new water main was installed and the old main was removed. This plat will remove the water main easement for the old main. He added Planning Commission recommends approval of the vacation plat.

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

A motion to adopt Ordinance 2006-83 was made by Councilmember Osborne, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

**ORDINANCE 2006-84 ELIMINATING THE POSITIONS OF TWO ECONOMIC DEVELOPMENT COORDINATORS AND CREATING THE TWO POSITIONS OF ECONOMIC DEVELOPMENT DIRECTOR AND ECONOMIC DEVELOPMENT MANAGER AND ESTABLISHING COMPENSATION**

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

Eric Hansen explained to Council, the Economic Development Office has two positions technically classified as Economic Development Coordinators: the current Economic Development Director and Economic Development Manager. The present classification presents sizable limitations for competitive hiring of development professionals commensurate with surrounding cities or reflecting the high standards that have set Mason's Economic Development program apart from regional competitors. He stated adoption of this legislation would allow for reclassifying the Economic Development Coordinator hiring classification to reflect the positions of Economic Development Director and Economic Development Manager. Reclassifying the Economic Development positions to reflect the current structure and inclusion of a full-time position of Resource Technician in the 2007 Budget will strengthen the City's long-term competitiveness in economic development.

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

A motion to adopt Ordinance 2006-84 was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Richard Fair explained to Council the bid opening for this project was held on July 20 with four (4) bids received from construction firms. He said the lowest and best bid was received from Trend Construction for \$483,801.60.

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

**ORDINANCE 2006-86 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TREND CONSTRUCTION FOR CONSTRUCTION OF THE DOWNTOWN MASON WATER MAIN PROJECT**

A motion to adopt Ordinance 2006-85 was made by Councilmember Braburn, seconded by Councilmember Osborne. 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 Braburn. VOTE: ALL YEAS

Eric Hansen explained to Council the City of Mason's eight lift stations in the outlying sewer system are controlled by a software program called SCADA (System Control and Data Acquisition). SCADA monitors voltage, amps, high and low levels in wet wells, rain gauges, seal failures, pump failures, and many other functions taking place at the lift stations. If a problem arises, the monitoring system is programmed to call the maintenance department allowing them to respond to correct the problem. Eric said the system has worked flawlessly over the past five years. However, power surges have caused the pumps to trip out. The MultiTrove SCADA saw the problem but, due to a failure of the dialing software, maintenance staff was not called in to address the issue. As a result, staff are scheduled to make weekend inspections of the lift stations to ensure that they are functioning. Eric further explained this purchase will both upgrade the SCADA software that controls the City's lift stations and replace the call-in software to eliminate incompatibility issues. The opening of the new plant is an appropriate time to install the new software, while moving and setting up the lift station SCADA at the new plant. The new software, reprogramming, on-site setup, and training on the new software will cost a total of \$24,485. With completion of this project, the SCADA system will be back on line and fully functional. Additional overtime for maintenance will then be reduced by about \$10,000 per year by reducing scheduled weekend inspection of the lift stations.

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

**ORDINANCE 2006-85 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MULTITRODE FOR THE PURCHASE AND INSTALLATION OF SCADA SOFTWARE FOR LIFT STATIONS**

Richard Fair explained to Council the bid opening for this project was held on July 20 with four (4) bids received from construction firms. He said the lowest and best bid was received from Trend Construction for \$483,801.60.

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

**ORDINANCE 2006-88 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE URBAN PAVING PROJECT TO PAVE AND RESURFACE PORTIONS OF U.S. 42 THROUGH THE CITY OF MASON AND DECLARING AN EMERGENCY**

A motion to adopt Ordinance 2006-87 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

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

The 2006 Budget included \$100,000 for this program. Richard Fair explained to Council the purpose of this legislation is to award a contract to the lowest and best bidder to properly paint the City's public streets for continued traffic control and safety. He stated three bids were received with the lowest and best bid coming from A&A Safety for \$99,929.25. He said although A&A Safety has never been awarded a contract with the city, they performed striping and maintenance of traffic as a subcontractor on several projects within the city. They also have performed numerous projects with ODOT and other local governments.

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

**ORDINANCE 2006-87 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH A&A SAFETY, INC. FOR THE STRIPING OF VARIOUS STREETS IN THE CITY**

A motion to adopt Ordinance 2006-86 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to amend the ordinance to Trend Construction for \$483,801.60 was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

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

Westbound traffic on Main Street will be closed to all through traffic for about three weeks to allow for the installation. GCWW is responsible for the construction costs and will be forwarding the necessary funds to the City. Richard explained the original best and lowest bid was from Larry Smith Contractors, Inc. but they have requested their bid be withdrawn because of an error in their calculations. Richard clarified the options Council has in this situation, one being enforcing the contractual language with the Larry Smith firm or accepting the Trend Construction bid. Council elected to amend the ordinance to award Trend Construction the contract.

Richard Fair explained to Council as part of the Ohio Department of Transportation Urban Paving Policy, U.S. 42 is scheduled for resurfacing in ODOT calendar year 2007, which begins July 2006. The first step in the process, according to ODOT guidelines, was for the City to prepare resurfacing drawings, which are under review by ODOT. He said ODOT now requires the City to approve preliminary legislation authorizing the City Manager to enter into a contract with ODOT. Via the contract the City agrees to cooperate with ODOT by paying to prepare the drawings; acquire right-of-way (which is not needed for this project); pay for the non-federal share of the construction costs and for 100% of items not paid for by ODOT; and 100% to upgrade all handicap curb ramps. Richard explained this program has an 80/20 funding split, with ODOT paying 80% and the City paying 20% of the construction costs, plus items not covered by the Urban Paving Policy. At this time it is not possible to accurately estimate how much the City's share is until final quantities are approved by ODOT. However, the City's share should be under \$150,000, which will be budgeted for in 2007. Currently ODOT plans to bid the project June 1, 2007

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

A motion to adopt Ordinance 2006-88 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

Eric Hansen reported on the following issues:

The Mason Arts Council is planning an event on September 24, 2006 in which they have requested 12 items they wish the city to assist them with. Council discussed this list and decided to approve the following items and discuss the others with the Art Council:

- ◆ Asked that all vehicles be removed from the South and Main parking lots.
- ◆ Requested the closing of Lakeside Drive immediately after the entrance to the high school parking lot.
- ◆ Requested using the grounds directly in front of the Community Center entrance.
- ◆ Requested placement of a 3' x 10' banner on the Municipal Center grounds, 5 days prior to the event.
- ◆ Inquired about pole banners to be hung in roadway medians.
- ◆ Inquired about a street banner on Main Street.

Councilmember Osborne moved to approve the City's assistance with these requests, seconded by Councilmember Braburn. VOTE: ALL YEAS

Council expressed concern over assisting one group and not being able to repeat that assistance for the next group. It was noted by Councilmember Braburn these are public funds. Councilmember Osborne and Wurzbacher agreed the City should have a list of what we will do for events. Their concern was setting a precedent in this case. Eric Hansen stated items 1-6 would be setting a precedent. He said they include items typically paid for by the sponsoring group.

**COMMITTEE REPORTS**

Mayor Peltrey stated in the future during her term as Mayor, she will ask each Committee Chair to report at the Council meetings. She noted there may be times when there is nothing to report but each Chair will be given that opportunity.

Councilmember Osborne reported the Employee Relations Committee has met and is moving forward with the search for a new city manager. He said the Mercer Firm is currently conducting interviews with each Councilmember.

Councilmember Osborne reported the Ad Hoc Committee reviewing the operations of the Community Center has some preliminary numbers and they are encouraging. He said they appear to be going in the right direction. He stated a final report should be done by mid to late August.

**COUNCIL OLD AND NEW BUSINESS**

Councilmember Bradburn stated Mr. Claus of Summerfield Drive has contacted him regarding the algae problem and he will forward it to the Utility Committee. He also stated Ms. Sherman has questions on the cost of repairing sidewalks. He said in Springdale the City paid it for because it was deemed part of the public area. The City's current policy is it is the property owners responsibility. Councilmember Kline said he brought this up in 1999 and suggested matching funds be established for sidewalk repairs. Mayor Peltrey referred the matter to the Safety Committee.

Councilmember Bradburn reported Matrix will report to Council within a couple of weeks on their review of the Fire Department.

Councilmember Kidd stated he has concerns over the Downtown renovations harming some of the businesses in that area that are holding on by a thread. He suggested assisting with marketing to encourage residents to utilize the services and products. Mayor Peltrey requested Paige Rothstein attend the next Downtown meeting and describe what is being done to support the local business. Councilmember Kidd offered to assist with a plan if it is not a conflict of interest. Ken Schneider said he did not see a conflict.

Councilmember Bradburn asked about the status of the Glimcher project. Richard Fair stated they have nothing from them recently.

Mayor Peltrey reported on a notice from Representative Tom Raga regarding the Library's right to appoint a Deerfield Township resident to the Board. She said the Township Trustees will be making that appointment.

**RECOGNITION OF VISITORS**



Kathleen Sherman of Church Street addressed Council and thanked the City for looking into the sidewalk issue. She asked to be notified when the Safety Committee meets to discuss the matter. Councilmember Kline noted it is his experience from a previous community that worked with matching funds, that it received a favorable response from insurance companies.

Barbie Champ of 205 W. Church addressed Council and asked when the new water line in the downtown area will get started. Richard Fair said the second or third week of August.

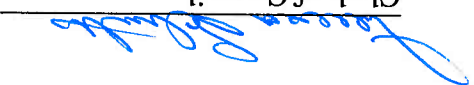
**EXECUTIVE SESSION**

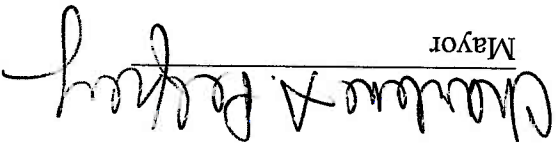
A motion to adjourn into executive session for the purpose of discussing personnel and land acquisition was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

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

**ADJOURN**

A motion to adjourn was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS  
TIME: 10:01 p.m.

  
Clerk of Council

  
Mayor