

**CITY OF MASON  
COUNCIL MEETING  
September 24, 2007**

Mayor Pelfrey 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, Matt Kline, Todd Wurzbacher, Tom Grossmann and Charlene Pelfrey.

**APPROVAL OF MINUTES**

A motion to amend the minutes of the September 10, 2007 to include clarification of comments made by Vice Mayor Grossmann during the recognition of visitors regarding the full income tax credit was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS A motion to approve the minutes as amended was made by Councilmember Bradburn, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

A motion to amend the minutes of the September 13 Worksession to include clarification on the Mayor's absence was made by Councilmember Osborne, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS A motion to approve the minutes as amended was made by Councilmember Wurzbacher, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

**RECOGNITION OF THE FESTIVALS OF MASON COMMITTEE**

Tom Kaper addressed Council and introduced Roger Cupp, President of the Board of the Festivals of Mason. Roger Cupp presented the David Lyon Grand Prize to Hope Church for their participation in the parade. He then thanked all City departments the Chamber of Commerce and specifically Eric Hansen, Don Allen and Amanda Hisey for their support. Mayor Pelfrey noted every effort will be made to hold Christmas in Mason in the downtown area.

**RECOGNITION OF WINNERS OF ERROL D. BUTT LAW ENFORCEMENT AWARDS**

Police Chief Ron Ferrell introduced Rachael Hutzel, Warren County Prosecutor, and Larry Simms from the Warren County Sheriff's office who announced the winners of the Errol D. Butt Law Enforcement Award were Don Cope and Jeff Burson. Rachael provided some information on the history of the awards stating it is a countywide selection. She also stated the selection of the winners is really by their peers. She noted the case that brought their skills to the forefront was the Barnhill case. Chief Ferrell also thanked Warren County Tom Ariss for his 50 years of service. He stated he has recently announced is intention to retire and that Larry Simms has announced he will be running for that office.

## RECOGNITION OF VISITORS

Phil Sommers of 970 Locust Court addressed Council and stated he feels the issue before voters this fall granting a full credit on income tax for those working and paying in other jurisdictions, if passed results in creating a class of resident that receives services and pays nothing for them. He stated it would be a better idea and affect more residents to rollback the property tax. He said this way senior citizens would benefit. He added the income tax may be replaced with an admissions tax and that shifts the burden to our local businesses. If their revenue is down so is the City's revenue. He closed by stating people have chosen to live here and they knew the tax was in place and should pay their fair share.

Perry Schwartz of 6309 Tartan Fields Lane addressed Council and said there is a difference of opinion when to apply insecticide for the emerald ash borer (eab). He said the City should prepare to do this in the fall if they are going to act on it. Councilmember Bradburn said he's waiting to hear from David Riggs on this issue. Perry stated the State's web site is behind on the information. He said he has been researching several sites on the matter.

## COUNCIL OLD AND NEW BUSINESS

Vice Mayor Grossmann stated he appreciates residents coming to meetings and commenting on the tax issue. He suggested a formal debate with all views being aired be scheduled in the future. He said free transfer of labor was one of the main reasons a full credit is done in many jurisdictions. He said the City has decided not to have a tax sharing arrangement in Mason because we receive more income from the income tax we receive than we would from a reciprocity agreement. He noted senior citizens do not pay this tax because they are not taxed on their revenues from social security or pensions.

Councilmember Osborne stated at the worksession on September 13, he demonstrated a tool that he and staff have created for Council's use to determine the current and future cash flow of the City. He said the reason for this effort is, in recent years, the City has spent funds on infrastructure and land. He said in over 6-8 years we have accumulated almost \$100 million dollars in debt. He said this means we must plan carefully. He said the City has operating expenses and capital expenses. This financial tool will help us to look into the future to see where the City will be financially. He noted you affect cash flow by controlling spending and finding alternate revenue sources. He stated with the current "wish" list of capital expenditures and the time frame we would like to complete them, we will be spending more than we make by 2009-2010. He said in two weeks he will present a formal presentation at the next Council meeting. Mayor Pelfrey clarified this presentation will be non-biased and have no slant on the income tax credit issue. Vice Mayor Grossmann stated he would also like to make a presentation in two weeks regarding the recently created financial tool. Mayor Pelfrey suggested a debate may be a good idea in the future. Vice Mayor Grossmann stated it is misleading to simply say that Mason has \$100 million of debt. To understand Mason's debt and how it will be repaid, you must look at what the debt is for and what revenue sources exist for its repayment. He said, for example, almost one third of the debt is for the waste-water treatment plant. This debt is covered by bonds and repaid through sewer fees. No funds from our general fund are used to repay this debt. He added borrowing related to our fire equipment and fire stations are covered by a real

estate tax levy. No general fund money is used for this debt. He said the actual debt covered by general fund money is approximately \$50 million. Of that amount, over \$20 million is for the municipal building which was a decision by previous councils. This type of spending benefits Mason for decades as the building is used for many years and is a onetime expenditure for the period of the building's life. Vice Mayor Grossmann stated another \$15 million or so of debt paid from our general fund is on investment property that is appreciating. This property can be sold and can generate a return for Mason's investment whenever Mason chooses to sell it. He said the financial analysis that has been drafted does not to take this into consideration, but it should. Thus, he concluded, when we talk about Mason's debt, we need to be careful to identify the nature of the debt and how it is going to be repaid.

Councilmember Kline said the exact number of the City's debt should be agreed upon and he is in favor of seeing a debate on the issue.

Mayor Pelfrey announced it is time to reevaluate the positions for those serving on boards and commissions. She said she has a list of residents who are interested in serving the City in this way and will be addressing the matter in the near future. She noted she attended the Team Hoyt Event for the Park Foundation and said it was a huge success. She provided background information on Dick Hoyt and encouraged anyone who has an opportunity to hear him speak to take advantage of it. Mayor Pelfrey recognized Ginny Sundin for her 30 years of service to the City's parks. Mayor Pelfrey also note her participation in a live burn completed by the Fire Department.

Councilmember Wurzbacher stated he has talked with Deerfield Township Trustee, Chris Romano and will be meeting with him in the future to discuss the skate park. Mayor Pelfrey asked if possible to try to do this and report back to Council in October.

Mayor Pelfrey asked Councilmember Kline to take over the responsibility of representing the City on Christmas in Mason and Heritage Day events. Mayor Pelfrey noted a Veteran's Day Ceremony is being planned and she will have more information about that at the next meeting. Councilmember Wurzbacher will assist with the planning of this event.

### **COMMITTEE REPORTS**

Councilmember Bradburn reported the Safety Committee met and the Warren County Multi Hazard Mitigation Plan was discussed as well as the Junk Motor Vehicle language.

### **CITY MANAGER'S REPORT**

Eric Hansen reported on the following items:

► The Chamber is hosting their annual dinner on Thursday, October 4 at The Manor House beginning at 5:30 p.m. Dinner is at 6:30 p.m. followed by the awards presentation. A motion is in order if Council wishes to provide for City staff and Council members to attend this event. Cost is \$55 per person. Councilmember Wurzbacher moved to approve Council and Administration attendance. Councilmember Kline seconded the motion. VOTE: ALL YEAS

► The Parks & Recreation Department will host Autumnfest on Saturday, October 20 from 5 to 8 p.m. at Corwin Nixon Park. The event is free and open to all ages. There will be carnival games, food, inflatables and prizes for the winners of the costume contest. There will also be live music and free hayrides.

► The Public Works Department will be conducting its annual leaf pick-up program beginning October 8. Bright orange and black temporary signs will be posted at the entrances to each neighborhood in advance of the leaf collection.

► The October issue of *Mason Matters* will be delivered via the Pulse-Journal with the October 18 edition.

► The Engineering & Building Department has received numerous compliments the last several months for their responsiveness and customer service. The Department has made some operational adjustments and set an aggressive goal to reduce plan review time by 40%.

**RESOLUTION 2007-14 ADOPTING THE WARREN COUNTY, OHIO MULTI-HAZARD MITIGATION PLAN**

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

Eric Hansen explained to Council, Lt. Col. Steven Schuchart, from the Police Department, and Kathy Wade-Dorman, from Engineering, were selected to represent the City of Mason in a Core Group that preplanned, created and finalized the Warren County All Natural Hazards Mitigation Plan. He stated the Core Group met four separate times throughout 2006 and 2007 to examine the hazards that affect Warren County, the problems associated with these hazards, and potential mitigation alternatives to minimize the effect of these hazards. Eric said the Core Group focused attention on the following hazards based upon their impact on human health and property damage: winter storms (snow, ice and extreme cold), summer storms (thunderstorms, high winds, hail, lightning), flooding (100-year flooding and flash flooding), tornadoes, droughts, extreme heat and wild fires, dam failures, and earthquakes. After identification of the focus areas, a vulnerability assessment was completed for Warren County, to include the City of Mason. The assessment identified how vulnerable the community is to property damage, threats to public health and safety, and the adverse impact of a natural disaster on the local economy. He stated this Mitigation Plan meets the criteria as set forth by FEMA under the Act. It provides the City of Mason and Warren County with a comprehensive guide for future mitigation efforts as they relate to the natural hazards that affect the community. Eric added with the Mitigation Plan completed, adoption of the plan by the City of Mason will qualify the City of Mason for mitigation funding from the Department of Homeland Security's Federal Emergency Management Agency (FEMA), should the City of Mason suffer a natural disaster. He concluded by stating the Safety Committee met and has reviewed this legislation and recommends adoption.

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 Resolution 2007-14 was made by Councilmember Bradburn, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

**RESOLUTION 2007-15 ADOPTING A PUBLIC RECORDS POLICY FOR THE CITY OF MASON**

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

Jennifer Heft explained to Council, the purpose of this legislation is to adopt a public records policy and poster in compliance with the state public records law. She explained the State enacted House Bill 9, which takes effect September 29, 2007. HB9 creates additional rights and responsibilities for public offices pursuant to Ohio Revised Code §149.43 (Public Records Act). Jennifer noted in 2000, the City established an Employee Records Retention Committee to develop and maintain a records management system. HB 9 has very little impact for the City due to the efforts of the Employee Records Retention Committee over the past seven years. The Committee has been working on the following items necessary to bring the City into compliance with HB9:

- Revised current retention schedules to comply with HB9
- Formally adopt a Public Records Policy
- Development of a poster identifying the City's commitment to providing access to public records to be displayed in all City of Mason facilities – See attached
- Organized training for 43 employees on the impact of HB9. Robert Schultz, an attorney with Jonathan Downes provided the training. The City was concerned over the delay in the Attorney General's Office to offer certified training programs prior to the effective date for HB9 and therefore, took a proactive approach to obtain this training for employees through Robert Schultz. Members of the Committee are scheduled for the certified training program through the Ohio Attorney General's Office.

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

A motion to adopt Resolution 2007-15 was made by Councilmember Kline, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

**ORDINANCE 2007-124 AMENDING SECTIONS 303.09 AND 303.10 OF THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO REGARDING JUNK MOTOR VEHICLES**

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

Jennifer Heft explained to Council, this ordinance has come before Council in the past and it was recommended it be tabled for further review. She said since that time, Safety Committee had a

chance to review the issue and recommends Ordinance 2007-124 be defeated and a new Ordinance 2007-136 be introduced on this matter.

A motion to adopt Ordinance 2007 124 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL NAYS Ordinance Defeated

**ORDINANCE 2007-130 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 10.86 ACRES LOCATED ON THE EAST SIDE OF COLUMBIA ROAD, DIRECTLY ACROSS FROM MCCLELLAND AVENUE FROM B-4 TO R-1 (KINGS SCHOOL PROPERTY)**

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

Richard Fair explained this is a first reading for this legislation regarding the rezoning of property owned by Kings Schools. He stated Kings Local School District is requesting rezoning approval for approximately 10.86 acres of B-4, Commercial Recreation land located on the south side of the Kings School district complex on Columbia Road. The property is located on the east side of Columbia directly across the street from McClelland Avenue. The District is requesting to rezone the property to R-1, Single Family Residential. The uses allowed in a R-1, Single Family Residential zone include residential development and school use. He said the proposed use for the property is for school bus parking and maintenance.

Eric Hansen stated a public hearing will be held on this legislation on October 22, 2007.

**ORDINANCE 2007-131 APPROVAL OF THE PRELIMINARY PLAT FOR RESERVES OF PINE HILL SUBDIVISION**

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

Brain Lazor addressed Council and explained the purpose of this legislation is to approve the preliminary plat for the Reserves of Pine Hill Subdivision as recommended by Planning Commission at the September 4, 2007 Planning Commission meeting.

Brian stated Graham S. Parlin, representing HPA Development Group is requesting approval of the preliminary plat for the Reserves of Pine Hill Subdivision located on the south side of Kings Mills Road, east of Pine Hill Lakes Park. The site located at 221 Kings Mills Road which is zoned R-2, single family residential. The property contains an existing residential home, which the developer plans to integrate into the new development. Access to the property is from Kings Mills Road through an approximately 50-foot wide lot frontage. Brian added the development includes 9 single-family lots ranging in size from 20,114 square feet to 32,689 square feet containing the existing home. A detention facility is included on Lot 11, for storm water management, and it will be maintained by the HOA.

Brian further explained, Kings Mills Road is a primary collector street, which requires the dedication of 30 feet of right-of-way from the centerline to meet the 2005 City of Mason Thoroughfare Plan. Access Management Regulations also require a left turn lane to be installed on Kings Mills Road for the new subdivision.

He reported staff has received numerous letters and e-mails from the surrounding property owners. One of the primary concerns is the construction of the public road to this development and its impact on the property at 223 Kings Mills Road. Having a right-of-way adjacent to the homeowner's property line causes the property to have multiple non-conformities. The applicant has worked with staff to address this issue by requesting a reduction in the right-of-way width to 45 feet, allowing for the creation of a 5-foot open space parcel on the east side of the road and creating a space between the right-of-way and 223 Kings Mills, eliminating the change to the adjacent parcel. The development's Homeowners Association will maintain the open space parcel.

Brain stated upon review, Planning Commission and staff recommend approval of the preliminary plat contingent on the following items:

1. A variance from the Access Management Regulations regarding the requirement for the left turn lane.
2. Variance for the cul-de-sac of 876 feet where the code allows for an 800-foot length.
3. A variance for the reduction of the right of way width from the required 50 feet to 45 feet to create an open space between the right of way and 223 Kings Mills Road. With this variance, Planning Commission required buffering (fencing/landscaping) in the open space between the newly installed road and 223 Kings Mills Road. This is to be included on the Landscaping and Street tree plan to be reviewed by Planning Commission.
4. Show location and type of streetlights to be used on the street

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

Councilmember Bradburn moved to amend the ordinance to include, as directed by Ken Schneider, the following statement: "Council approval is conditioned upon the developer showing the proposed buffering upon a landscaping and street tree plan that is ultimately approved by Planning Commission upon the recommendation of staff". Councilmember Kidd seconded the motion. Vice Mayor Grossmann explained the action of Planning Commission has been changed by the recommendation of our legal counsel so the power for future decisions on the compliance of the contingencies rests with the Planning Commission. VOTE: ALL YEAS

Vice Mayor Grossmann stated the property is zoned R-2 and the owner of the property wants to subdivide the property in compliance with the zoning requirements. He said Planning Commission cannot restrict them from doing so. He added along with the plans presented to them, they requested a number of variances that Planning Commission. One of the variances deals with the length of the cul-de sac. He stated staff said the difference of the measurement is insignificant and the variance could be granted. Vice Mayor Grossmann said the second variance dealt with a left had turn lane. He said there currently are no turn lanes on Kings Mills

Road and there are several subdivisions with more lots than this plan indicates. He said staff recommended that it was not warranted or needed and could actually cause problems. He said the third variance deals with the property owner on 223 Kings Mills Road. This variance results in his lot not being classified as a corner lot and thus allows him to build an expansion in the future.

Mayor Pelfrey asked for public comment. Graham Parlin with the HPA Development Group located at 7800 Cooper Road addressed Council and spoke in favor of the development. He said this will be a high quality project with homes costing \$500,000 and up. He said they have agreed to changes to accommodate the current residents that are not ordinarily required.

David Batsche, an attorney representing Mr. and Mrs. Pallitt, addressed Council and said he has a copy of a petition with 63 signatures on it of residents requesting the denial of the turning lane variance. They want it. He referred to a letter from 2002 regarding the turn lane. He said other concerns include on street parking on the new street. Richard Fair said parking will only be allowed on one side of the street and the City can limit the area of parking abutting their property. Mr. Batsche also stated the relocation of the utility pole will impact his client. Richard Fair said that is the responsibility of the developer. Mr. Batsche also mentioned the safety concerns in the park. Councilmember Osborne asked about the number of cars traveling this area. Richard Fair said a traffic study has not been done for this area. Mr. Bob Boris addressed Council and said 223 will be altered to the extent the value of their property will be depreciated. He suggested the developer ask to purchase the property. Mr. Jim Wagner of 216 E. Furbee Drive asked where the access to Pine Hill Park is planned. Ms. Lisa Walsh of 227 Kings Mills Road asked where the water will go. She said the property floods when it rains now. Richard Fair stated this is a preliminary plat and the developer will submit plans to take care of it with a detention basin. John Del Vern, of Bayer and Becker Engineers, showed where the basin will be located. Mayor Pelfrey stated the Pallitts have submitted a list of items she would like to address with the developer. She said they would like a 12-foot privacy fence because they have safety concerns for their children. Graham Parlin replied that he would work with them on this with both a fence and landscaping solution. He agreed to do this for the side and back of their property. Richard said a 12-foot fence on a five-foot easement could be a problem because it would be top heavy. Mr. Pallitt said a 4-6 foot height would be acceptable plus the landscape buffer. Richard Fair said it should be a minimum of 6 foot high. Richard Fair stated the five-foot strip along the side of 223 Kings Mills Road will stop the property from being a corner lot. Greg and Sally Pallitt addressed Council and asked about the easement that is planned. Richard Fair stated it is not something the City requires, but that is something the utility requests. Greg Pallitt said requiring the developer to install the turn lane would be a cost savings to the city. Richard said the standard amount of traffic on a street that would require a turn lane is 100 trips per hour. This street will not fall into that category. Sally Pallitt said her home will be close to this road. They have children and safety is a concern. Her privacy is violated on all sides of her property. Councilmember Kline asked if, based on our rules and zoning, what could happen on this property without any City involvement. Richard Fair said the developer has a right to put in the road and subdivide the property, which would meet our code. Ken Schneider stated they have a right to develop their property and the only way they could stop it is to purchase it. Councilmember Osborne clarified if the city denies this and the developer takes us to court, there is very little the City can do. Vice Mayor Grossmann agreed we cannot deny this without



creating a lawsuit in which the City would lose. Councilmember Bradburn agreed with Vice Mayor Grossmann and said the City is not granting unreasonable variances. Councilmember Wurzbacher stated while individually Council members may be sympathetic to your situation, when you buy property you must look at the surrounding land and try to determine what it could be in the future.

A motion to adopt as amended Ordinance 2007-131 was made by Councilmember Wurzbacher, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2007-132 AUTHORIZING ACQUISITION OF AN EASEMENT FOR THE STORM SEWER ON THE ROSEANN AND DANIEL COSTELLO PROPERTY AT 108 S. EAST STREET, FOR \$5,200.00**

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

Richard Fair explained to Council, over the past several years, the Engineering and Building Department has been working to finalize the design and acquire the right-of-way needed to construct a new storm sewer. The new storm sewer system begins at the intersection of First Avenue and South Forest, continues across the Library property to South East Street and discharges into the Muddy Creek. He stated CDS Associates and Engineering staff has conducted a number of discussions with Mr. and Mrs. Costello over the last year in order to reach a working agreement on routing the storm sewer along the south side of their property located at 108 South East Street. The proposed agreement provides for acquisition of the necessary ten-foot permanent easement, thirty-foot of temporary easement and reimbursement for tree damages in the amount of \$5,200.

Richard said one additional easement is needed before the project can be let out for bid. This project was included in the 2007 Budget. However, staff plans to delay this project until next year and combine it with the Mason Road project, for a substantial cost savings.

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 2007-132 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-133 AUTHORIZING THE ACCEPTANCE OF A PERMANENT PUBLIC RECREATION EASEMENT FROM FIFTH THIRD BANK FOR THE CREATION OF A PARK AREA AS PART OF THE DOWNTOWN REVITALIZATION PROJECT**

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

Richard Fair explained to Council, the purpose of Ordinances 2007-133 and 134 are to authorize the acceptance of permanent public recreation easements from Fifth Third Bank and Jack Flaherty for the creation of a park area as part of the Downtown Streetscape Project.

Richard stated staff has been working over the past year with Fifth Third Bank located at 225 Main Street and Jack Flaherty, owner of the Floral Shop located at 104 Reading Road, regarding the conveyance of a permanent public easement in the area between the Floral Shop and Fifth Third Bank. He said the easements will allow for the City to incorporate a pocket park that directly compliments the new plaza currently under construction at Main Street and Reading Road. The design for this area is included in the Downtown Streetscape contract.

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

A motion to adopt Ordinance 2007-133 was made by Councilmember Bradburn, seconded by Councilmember Wurzbacher. VOTE: 6 YEAS, 1 ABSTAIN (Kline)

**ORDINANCE 2007-134 AUTHORIZING THE ACCEPTANCE OF A PERMANENT PUBLIC RECREATION EASEMENT FROM JACK FLAHERTY FOR THE CREATION OF A PARK AREA AS PART OF THE DOWNTOWN REVITALIZATION PROJECT.**

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

A motion to adopt Ordinance 2007-134 was made by Councilmember Wurzbacher, seconded by Councilmember Kline. VOTE: ALL YEAS

**ORDINANCE 2007-135 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE ACQUISITION OF PROPERTY LOCATED AT 216 MASON-MONTGOMERY ROAD, N. SECTION STREET AND E. MAIN STREET, WITH BOBBY JERRY GLASS, FOR AN AMOUNT NOT TO EXCEED \$339,100.00, AND DECLARING AN EMERGENCY**

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

Ricahrd Fair explained to Council, as part of the Mason-Montgomery Road Improvement Project, it is necessary to acquire property owned by Bobby Jerry Glass. This is the last property purchase necessary for the project. Mr. Glass owns the property just north of Tucker Drive on the east side of Mason-Montgomery Road. Richard said there are a total of three parcels totaling 1.97 acres and includes the home at 216 Mason-Montgomery Road. This ordinance will authorize the City Manager to enter into a purchase contract for the purchase of these parcels.

Mr. Glass has agreed to sell the property for the appraised amount of \$339,100 contingent upon him being able to stay in the house until June 30, 2008 without obligation of rent. He has agreed to leave \$30,000 in an escrow account at closing as a security deposit for the clean up of the site, which will be released after a final inspection.

Richard further explained, the purchase of this property will give the City all of the parcels along the east side of Mason-Montgomery Road from Main Street to E. North Street. The site is a prime area for downtown development. Engineering staff hired The Payne Firm to perform a Phase I and Limited Phase II Environmental Site Assessment on the property to identify any environmental hazards associated with the properties' use. On September 7, they performed several soil borings and collected soil and ground water samples. Laboratory testing results of all samples have come back clean or well within acceptable ranges for Diesel Range Organics (DROs), Polycyclic Aromatic Hydrocarbons (PAHs), Volatile Organic Compounds (VOCs) and heavy metals. Richard stated based on these findings, staff does not believe there will be any environmental issues with future development of the site.

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 2007-135 was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: ALL YEAS

Mayor Pelfrey added Ordinance 2007-136 to the agenda.

**ORDINANCE 2007-136 AMENDING SECTION 303.09 AND REPEALING SECTION 303.10 OF THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO REGARDING JUNK MOTOR VEHICLES**

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

Mayor Pelfrey stated this is a first reading on this legislation. The second reading will be at the next regular Council meeting.

**RECOGNITION OF VISITORS** None

**EXECUTIVE SESSION**

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

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

Mayor Pelfrey added Ordinance 2007-137 to the agenda.

**ORDINANCE 2007-137 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO SELL THE CITY OF MASON'S PROPERTY AT 500 DAVID LANE TO ROBERT AND SANDRA SPRINGER AND DECLARING AN EMERGENCY**

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

Eric Hansen explained to Council, Robert and Sandra Springer have offered to buy the property at 500 David Lane for \$220,000 without a contingency to sell their existing home and they would close on the property before October 6, 2007.

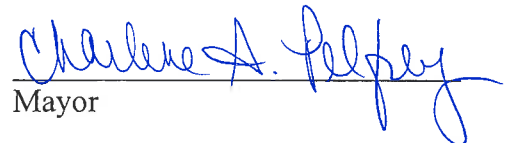
A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-137 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ADJOURN**

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS  
TIME: 10:31 p.m.

  
Clerk of Council

  
Mayor