

**CITY OF MASON
COUNCIL MEETING
OCTOBER 9, 2000**

The October 9, 2000 the regular Council meeting was called to order by Mayor McCurley at 7:08 p.m.

ROLL CALL

The following members of Council were present: Jim Fox, Dick Staten, Tom Muennich, Peter Beck, Betty Davis, Charlene Pelfrey and John McCurley.

APPROVAL OF MINUTES

A motion to approve the minutes of the September 11, 2000 meeting was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS

A motion to approve the minutes of the September 25, 2000 meeting was made by Councilmember Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS

**PRESENTATION BY KETTERING POLICE CHIEF, JIM O'DELL,
REGARDING ACCREDITATION**

Chief O'Dell addressed Council and stated he was one of 21 Commissioners involved in the accreditation process. He stated he was pleased to again present the award to the Mason Police Department. Mayor McCurley and Chief Ferrell accepted the award on behalf of the City. Chief O'Dell recognized Sergeant Paul Lindenschmidt for his efforts to facilitate the accreditation process.

**PRESENTATION OF PROCLAMATION TO JENNIFER HENRY
RECOGNIZING NATIONAL BREAST CANCER AWARENESS MONTH**

A Proclamation recognizing Breast Cancer Awareness Month was read by Mayor McCurley and presented to Jennifer Henry.

RECOGNITION OF VISITORS

Mr. Len Stallo of 525 Mason-Montgomery Road addressed Council and stated he is concerned about the new entrance to the school/recreation center being located across the street from his home. He stated the lights from automobiles will shine in his bedroom windows and the increased traffic will decrease the property value of his home. He stated he has been in contact with the City Manager and City Engineer and they have been available to him however, he would like City Council to look into the matter.

**RESOLUTION 2000-19 PROCLAIMING OCTOBER 23-31, 2000 AS
NATIONAL RED RIBBON CELEBRATION WEEK**

Eric Hansen read the Resolution. He stated the purpose of this designation is to raise awareness in the community about the importance of prevention and education efforts relating to alcohol and drug abuse. Officer Downey addressed Council and stated the DARE program was in its seventh year. He stated October is Crime Prevention Month and the purpose is to make people more aware of what they can do to prevent crime.

A motion to suspend the rule was made by Councilmember Pelfrey, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Resolution 2000-19 was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2000-128 2ND READING: AMENDING THE ZONING CODE AND ZONING MAP TO PROVIDE FOR THE REZONING OF APPROXIMATELY 26.787 ACRES FROM R-6 TO R-4 LOCATED IN THE SOUTHEAST CORNER OF THE OAKS OF CROOKED TREE SUBDIVISION NORTH OF BETHANY ROAD AND WEST OF MASON-MONTGOMERY ROAD (DREES CORPORATION)

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

Richard Fair explained to Council this rezoning request is necessary to bring the development into compliance with the Mason Comprehensive Plan. He explained the property is located in the southeast corner of the Oaks of Crooked Tree subdivision, north of Bethany Road and contains 26.787 acres. He stated the developer has revised his original plans for this property from multi-family to R-4 single family thus reducing the density from over 100 units to 51 units. Planning Commission recommended the area be rezoned to match the current use of the property.

Mayor McCurley opened the public hearing at 7:30 p.m. There were no comments either for or against this rezoning. The public hearing was closed at 7:31 p.m.

A motion to adopt Ordinance 2000-128 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2000-129 2ND READING: AMENDING THE ZONING CODE AND ZONING MAP TO PROVIDE FOR THE REZONING OF APPROXIMATELY 28 ACRES FROM R-1 TO COMMERCIAL PUD LOCATED IN THE NORTHEAST CORNER OF THE INTERSECTION OF COLUMBIA ROAD AND CATALINA ISLE (HENRY W. SCHNEIDER)

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

Richard Fair addressed Council and stated the developer is requesting the approval of a concept PUD plan and rezoning of approximately 28 acres of land located at the northeast corner of Columbia Road and Catalina from R-1 Single Family to a Commercial PUD. Richard Fair further explained the proposed plan contains three outlots, two along Columbia Road and a third at the corner of Columbia Road and Catalina Isle. The uses for the outlots include a hotel, restaurant and service center. He stated access to the site will be from three points along Columbia Road and from one point along Catalina Isle. The concept plan also includes a walking path that connects the open space areas with the proposed uses. Richard Fair stated staff is recommending approval contingent on the Homeowners Association and Owner of the property agreeing on the following items:

1. The footpath not be adjacent to the property line
2. The screening be shown
3. The open area represents 30%
4. The lot on Catalina and Columbia not be a service center.

Mayor McCurley opened the public hearing at 7:40 p.m. Mr. Stein addressed Council and spoke representing the Homeowners Association. He referred to a letter sent to Council by their consultant, Tom Graham. He stated their concerns are who maintains the footpath and they do not want a service station at the corner of Catalina and Columbia Road. They feel it will devalue their property. He further stated they have been in contact with the owner and have reached agreement on most items. They can support a low-density retail development. Mark Caulk representing the owners stated they agree to the contingencies.

Mayor McCurley asked for any comments in opposition and there were none. The public hearing was closed at 7:45 p.m.

A general discussion followed with Council determining no footpath was needed if the terrain is not conducive to it being utilized and sidewalks will be installed for the residents in this area. It was stated excel and decel lanes will be installed on Columbia Road. Council also stated the curb cuts should be reviewed so they do not create a hazard.

A motion to adopt Ordinance 2000-129 contingent on a low density commercial development being located on the corner of Catalina and Columbia Road, removal of the footpath, and a requiring a review of the curb cuts was made by Councilmember Staten, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2000-147 APPROVAL OF THE FINAL PLAT OF OAKWOOD LAKES SUBDIVISION, SECTION TWO

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

Richard Fair explained to Council Bayer and Becker Engineers are requesting the approval of the final plat for Oakwood Lakes, Section 2, zoned R-6. This section

contains 16 multi-family lots and 2 open space lots on 13.06 acres. Lots 14 and 15 are also being replatted as part of this final plat.

A motion to suspend the rule was made by Councilmember Davis, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-147 was made by Councilmember Pelfrey, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2000-148 APPROVAL OF THE FINAL PLAT OF WEATHERSTONE SUBDIVISION, SECTION 3, BLOCK A (ALSO KNOWN AS MARIVAL)

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

Richard Fair explained to Council the owner is requesting the approval of the final plat for Weatherstone, Section 3, block A, zoned R-6. He also stated eight multi-family lots are included in this section. The plat does show the dedication of right-of-way for Stone Ridge Drive to US 42. The performance bond amount includes the bridge across the floodplain and roadway improvements. Planning Commission recommends approval contingent upon the submission of a floodplain maintenance agreement, a subdivider's contract and a performance bond. Councilmember Staten stated the zoning on this parcel has been in place for over 20 years. He stated Planning Commission has been diligent over concerns regarding the flood plain.

A motion to suspend the rule was made by Councilmember Pelfrey, seconded by Councilmember Staten. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-148 was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2000-149 ACCEPTING THE PUBLIC IMPROVEMENTS FOR SUNSET RIDGE, SECTION ONE, AND RELEASING THE PERFORMANCE BOND

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

Richard Fair stated the purpose of this legislation is to release the performance bond and accept the public improvements. He stated the Public Utilities, Public Works and Engineering Departments have inspected the public improvements and are recommending acceptance. Staff recommends acceptance contingent upon submission of a one-year maintenance bond for \$80,000.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-149 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2000-150 DECLARING CERTAIN EASEMENTS ACROSS REAL PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUIT CLAIM DEED FOR THE RELEASE OF SAID EASEMENT AND DECLARING AN EMERGENCY

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

Richard Fair explained to Council a site plan has been approved by the Planning Commission for a new CVS Pharmacy at the southwest corner of Parkside Drive and Kings Mills Road. At the time it was brought before Planning Commission, the owner was not aware of the sanitary sewer easement through the property. It was discovered upon the execution of a title search. In its current location, it prohibits building the project as originally planned. In exchange for the vacation of this easement, CVS Pharmacy has agreed to install 520 feet of 8-inch sanitary sewer, which will extend the sewer along Kings Mills Road to their south property line. Staff recommends approval.

A motion to suspend the rule was made by Councilmember Davis, seconded by Councilmember Muennich. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-150 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2000-151 APPROVING THE REPLAT OF EAGLE VIEW VILLAGE, SECTION TWO, PHASE 33, LOTS 213-216

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

Richard Fair stated the developer is requesting approval of a replat of Section 2, Lots 213-216, Phase 33. This is necessary to allow the developer to sell the individual condominium lots.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-151 was made by Councilmember Davis, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2000-152 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TEC ENGINEERING, INC. FOR TRAFFIC ENGINEERING SERVICES NECESSARY TO PERFORM A CITY-WIDE TRAFFIC ANALYSIS

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

Scot Lahrmer stated as a result of a request from City Council, this legislation will award a contract for performing a citywide traffic analysis. He stated recommendations will be made to improve traffic circulation within and through Mason. He also stated recommendations will be made on how to reduce congestion, delays, improve safety and reduce accidents. TEC Engineering will complete this analysis within a time frame of 6-8 months for a not to exceed cost of \$49,000.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-152 was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2000-153 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH COMMUNITY DEFENSE COUNSEL FOR REVIEW OF THE SEXUALLY ORIENTED BUSINESS REGULATIONS AND MAP

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

Scot Lahrmer stated in an effort to insure the residents of Mason are protected as much as possible on the location where adult oriented businesses may operate, it is recommended a contract be awarded to Community Defense Counsel. He explained this firm is an Arizona based, non-profit legal firm practicing exclusively in the area of adult business regulation. This contract is for a not to exceed amount of \$10,000.

Councilmember Pelfrey stated this firm currently represents over 1000 communities and they will work cooperatively with our legal counsel. Councilmember Davis stated the typical cost is less than \$5,000 therefore she moved to amend the Ordinance to read not-to-exceed \$7,500. Councilmember Pelfrey seconded the motion. VOTE: ALL YEAS

A motion to suspend the rule was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-153 as amended was made by Councilmember Davis, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2000-154 AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CONTRACT WITH CARGILL, INC. FOR THE PURCHASE OF ICE
AND SNOW REMOVAL SALT**

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

Eric Hansen stated it is again time for the City to prepare for the winter months. The contract to purchase rock salt for the 2000-01 season is \$29.16 per ton, which is 9% higher than last year's cost but still substantially lower than the amount paid by other jurisdictions. The City's participation in the Southwest Ohio Purchasers for Government has benefited the City is obtaining a lower than average rate for the salt this year. The State of Ohio's bid for salt was \$4.22 higher than the price the City has obtained. This Ordinance authorizes the purchase of more or less 3,500 tons. Staff recommends approval.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-154 was made by Councilmember Staten, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2000-155 AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CONTRACT WITH MALCOLM PIRNIE, INC. FOR THE
ENGINEERING DESIGN SERVICES AND BIDDING PHASE ASSISTANCE
FOR THE CONSTRUCTION OF TWO ELEVATED WATER STORAGE TANKS**

A motion to read by title only was made by Vice Mayor Fox Staten, seconded by Councilmember Muennich. VOTE: ALL YEAS

Scot Lahrmer stated the Water System Master Plan recommended improvements to the water system, which included a two million gallon tank for planning year 2001. He stated this tank will replace the tower at Pine Hill Lake Park. Currently the storage levels are under EPA recommended levels and this tank will eliminate that problem. He further stated the planning year 2005 recommends an elevated water tank for the south service area to be placed below Western Row Road and west of Snider Road. Designing both tanks at the same time will reduce the design cost for each one. The design engineering services for the tanks will include tank site selection assistance, site layout, and design of the tank. During design, Malcolm Pirnie will coordinate with the Ohio EPA and prepare an application for plan approval. They will also prepare a Federal Aviation Form 7460-1 for the City to submit for approval. This legislation authorizes the City Manager to enter into a not to exceed contract with Malcolm Pirnie, Inc. for \$167,200. The Utility Committee has reviewed this proposal and recommends adoption.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-155 was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2000-156 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WAGNER SMITH COMPANY FOR THE PURCHASE OF AN EARLY WARNING SIREN

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

Eric Hansen stated the purpose of this legislation is to continue to enhance the City's early warning system. He explained in 2000, the City budgeted for the purchase of an addition to this system for a total 9 sirens. The new siren will be placed in the vicinity of Cintas Boulevard and Western Row Road.

Council discussion followed. It was asked what replacement schedule does the City have for sirens. It was determined they are tested every month for performance. If a problem is detected then, they are repaired or replaced. They all are equipped with a battery backup in the event of a power outage.

A motion to suspend the rule was made by Councilmember Muennich, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-156 was made by Councilmember Muennich, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

CITY MANAGER'S REPORT

The City's United Way campaign is complete with a total of approximately \$6500 collected by City employees. Kendra Taylor from Engineering and Building is to be commended for the outstanding job she did as chairperson for this year's campaign.

The October issue of *Mason Matters* is scheduled to be delivered to residents the week of October 9, 2000.

The Southwest Ohio Snow Plow Rodeo was held in Dayton recently with two of our employees competing. Eric Lykins and Bruce Snell participated and received 17th and 30th place respectively out of a field of 70.

A joint Council and Chamber meeting is scheduled for Monday October 30 at 5:00 p.m. It will be held at the Chamber offices and a dinner will be served. A Council Worksession will be held immediately following.

COMMITTEE REPORTS

Councilmember Staten stated the Planning Commission met and was forced to turn down a request for Royalmount Academy due to their request to build in the center of an area zoned industrial. He stated all of Planning Commission liked this project very much and would like it to be in Mason however; it would be a mistake to allow it to be built in an industrial area.

Councilmember Beck reported the Economic Development Committee had met and will meet again later this month.

Councilmember Pelfrey stated the Safety Committee had met and is recommending the closure of US 42 during the Christmas in Mason event. A general discussion followed regarding additional lighting and location of parking for residents. At this time the Safety Committee is not aware of plans for additional lighting other than what the vendors etc. bring for their own purposes. It was suggested the road closing be handled as it is done for the Heritage Festival. Councilmember Pelfrey moved to close the road and Councilmember Staten seconded the motion. He suggested signs be posted giving residents ample notice when this was going to occur. VOTE: 6 YEAS, 1 NAY (Fox)

COUNCIL OLD AND NEW BUSINESS

Councilmember Beck stated he has additional information to present to the Park Board regarding the formation of a Community Foundation. He stated numerous communities have created one and it is advantageous for the City of Mason to do so also.

Councilmember Muennich stated he had received no information regarding the legal expenses Deerfield Township has spent fighting annexations.

Councilmember Pelfrey reminded residents the Halloween Festival is scheduled for October 20 and 21 at the Heritage Oak Park.

Mayor McCurley stated Planning Workshops will be held on October 19, 26 and November 2. The public is invited. He also mentioned hydrant flushing is to begin this month and leaf pick-up will start on October 16, 2000.

Mayor McCurley stated the Sierra Club has caused the City of Mason to receive bad press recently regarding poor examples of community sprawl. He pointed out the area they mentioned is actually Deerfield Township.

AUDIENCE COMMENTS

None

EXECUTIVE SESSION

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

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

A motion to add Ordinance 2000-157 to the agenda was made by Councilmember Staten, seconded by Councilmember Davis. VOTE: ALL YEAS

ORDINANCE 2000-157 AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT WITH CODDINGTON RESERVE DEVELOPMENT CORPORATION AND DECLARING AN EMERGENCY

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

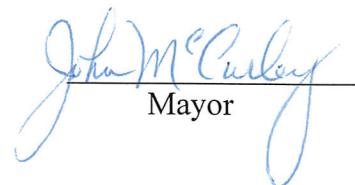
A motion to suspend the rule was made by Councilmember Staten, seconded by Councilmember Davis. VOTE: ALL YEAS

A motion to adopt Ordinance 2000-157 was made by Councilmember Davis, seconded by Councilmember Staten. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Councilmember Staten, seconded by Councilmember Staten. VOTE: ALL YEAS
TIME: 9:35 p.m.


Clerk of Council


Mayor