

**CITY OF MASON
COUNCIL MEETING
February 11, 2002**

The meeting was called to order by Mayor McCurley at 7:07 p.m.

ATTENDANCE

The following members of Council were present: Jim Fox, Dick Staten, Victor Kidd, Tom Grossmann, Peter Beck, Charlene Pelfrey and John McCurley.

APPROVAL OF MINUTES

A motion to approve the minutes of the January 28, 2002 Council meeting was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

PROCLAMATION TO MASON SCHOOL BOARD

Mayor McCurley read a Proclamation commending the Mason School Board for the recognition they have received for obtaining an Excellent rating. The Proclamation was presented to Dr. Kevin Bright, Superintendent, Dr. Barbara Crest, Assistant Superintendent, and members of the School Board Dave Lennert, Eric Kanter and Marianne Culbertson.

RECOGNITION OF BOY SCOUTS SERVICE IN FRANK HOSEA WOODS PARK

Eric Hansen explained the Scouts worked with the Parks and Recreation Department to clear paths in the Frank Hosea Woods Park. Those present were Tyler Hoff, Sierya Medepalli, Daniel Roberts and Nick Tafuri. They stated they were working towards the rank of Eagle Scout. Mayor McCurley presented them with a plaque recognizing their efforts that will be displayed in the park.

RECOGNITION OF VISITORS

Harry Wagner of 202 Short Street addresses Council and said he was concerned about the plans to improve traffic in the downtown area. He said one of the plans would go right through his home. He stated he has raised his family in this home. He said they do not want to move. He also said it will affect the quality of life and he does not think a great deal of people would use the route. Mayor McCurley responded Council shares his concerns but they are faced with dealing with the growth issues. He said a public hearing will be held on the topic.

Phil Dubois of 4900 Laurel Wood Court addressed Council and stated he has an office at 315 W. Main Street. He feels Council is making it easier for traffic to move faster

through the City and it should be going slower. He said he has seen a new road appear on the Thoroughfare Plan that was not there originally. He said it goes through the Westerkamm Farm and this could affect his property. He questioned if Council can add new streets to the plan whenever they feel like it. He asked when the traffic study had been done. Scot Lahrmer stated it had been done during 2001 before the closing of Mason-Montgomery Road. Mr. Dubois suggested another study be done to see if the situation has been alleviated. Councilmember Grossmann stated Council would prefer not to have to do anything and it is certainly not Council's desire to disturb anyone's home. Councilmember Pelfrey stated Council is looking for answers on this matter and it is not always easy.

Jim Martin, a resident of Deerfield Township addressed Council and stated he owns property next to the old Reber site. He said a bank wants to invest \$600,000 in the site. Mayor McCurley stated the bank has not approached the City with these plans but the City would be willing to discuss the matter.

Walt Hamilton of 300 Second Avenue addressed Council and said he is concerned over the plans to improve traffic flow in the downtown area. He asked if truck traffic could be removed off of RT 42. Ken Schneider responded the City could not control traffic on a state highway. He asked the City Manger to contact him regarding the plans.

Ron Amlung of 4930 Laurel Court stated he is concerned over the erosion of his back yard. He stated it has increased since the bridge has been widened. He showed pictures to Council and the City Engineer. Richard Fair will review the situation and report back to Council.

It was reported the street sign at Laurel Woods Court needs to be replaced.

ORDINANCE 2002-05 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 22.5 ACRES FROM R-1 TO RESIDENTIAL PUD AND APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR THE ARAUJO PROPERTY

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

Councilmember Grossman excused himself due to illness.

Mayor McCurley opened the public hearing at 8:05 p.m. Dave Reibold spoke in favor of the project. He stated a neighborhood park has been included, more open space has been incorporated and the density is less than originally planned. Jim Hackler of 6544 Timbers Court asked if the stormwater would affect their property. Dave Reibold replied the situation will be improved with this development. Steve Araujo of 937 Stratford Place addressed Council and said his family owns the property being developed and they are

pleased with the plans. No one spoke in opposition of the project. Councilmember Beck asked if the private drives have been reviewed by the Fire Department. Richard Fair stated the plans have been submitted to the Fire Department and they have not relayed any concerns. He also said the street will be private but built to public specifications. He said sidewalks will be installed. Councilmember Beck also mentioned safety concerns over retention basins.

A motion to adopt Ordinance 2002-05 was made by Councilmember Staten, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2002-29 AMENDING ORDINANCE NO.2002-18 ESTABLISHING THE POSITIONS AND RATES OF COMPENSATION FOR EMPLOYEES OF THE MASON MUNICIPAL COURT AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council this legislation is requested by the Court to make changes to titles and compensation levels beyond those authorized in Ordinance 2002-18.

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

Councilmember Beck stated he is not in favor of this legislation. He stated as Chair of the Finance Committee, approval of this would not be a responsible act. Mayor McCurley asked the Law Director, Ken Schneider, to state the City's obligation. He responded, the City is obligated by the Ohio Revised code to fund certain expenses of the court. Vice Mayor Fox stated he is concerned as well and asked if Neal Huffman from the Court could explain the reason for this legislation. Neal addressed Council and stated due to a miscommunication from when the first Ordinance was introduced, corrections needed to be made on the Exhibit A. He stated the net cost to the City is approximately \$25,000. Ken Schneider said Council is obligated to meet any usual request. Vice Mayor Fox asked if these requests are in line with other courts our size. Neal responded courts in Bowling Green are very similar in size and have 3 or 4 more deputy clerks and 3 additional bailiffs. Mayor McCurley stated a court order could force the City to pay for these additions. Vice Mayor Fox asked why the County is not paying \$19,200 for the Chief Probation Officer. Neal responded this is a new position and they did not pay for it in the past.

A motion to adopt Ordinance 2002-29 was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: 5 YEAS, 1 NAY (Beck)

ORDINANCE 2002-30 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LBJ ENGINEERS FOR CONSTRUCTION ENGINEERING SERVICES TO PROVIDE CONSTRUCTION CONTRACT ADMINISTRATION FOR THE U.S. ROUTE 42 TRUNK SEWER IMPROVEMENT PROJECT, SOUTH

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

Scot Lahrmer stated the construction engineering services needed to administer construction for the improvements to the existing and new trunk sewer were originally planned to be done in house. Due to the current workload in the Utility Department, it is not feasible to expect this work to be accomplished in the time frame allotted. Staff is recommending this work be awarded to the firm of LBJ Engineers for the Construction Contract Administration in the amount not to exceed \$19,400. Scot stated the Utility Committee has reviewed this proposal and recommends its adoption.

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

A motion to adopt Ordinance 2002-30 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2002-31 AUTHORIZING THE CITY MANAGER TO ACQUIRE AN EASEMENT NECESSARY FOR THE CONSTRUCTION OF A PORTION OF THE U.S. ROUTE 42 SANITARY TRUNK SEWER PROJECT

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

Scot Lahrmer stated the City is beginning construction of the U.S. 42 Trunk Sewer Project, South. As part of this project, it is necessary to cross property owned by the State of Ohio. The City could not reach an agreement with the State to acquire the necessary easement so the plan was drawn showing the sewer locating in the public right-of-way. The Contractor on the job, Armel Byrnes Company, has agreed to pay the State \$5,000 for the necessary easement that will facilitate their construction of this project. The City has agreed to enter into an agreement with the State and allow Armel Byrnes Company to reimburse the City the \$5,000 fee.

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

A motion to adopt Ordinance 2002-31 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2002-32 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CDS ASSOCIATES, INC. FOR ENGINEERING DESIGN, BIDDING PHASE ASSISTANCE, AND LIMITED CONSTRUCTION SERVICES FOR THE HANOVER DRIVE WATER MAIN

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

Scot Lahrmer stated the purpose of this legislation is to provide for the design, bidding and limited construction engineering services associated with the design and construction of a water main on Hanover Drive. He stated the Utilities Department requested proposals from four firms and as a result CDS Associates, Inc. was selected to perform the work for a not to exceed fee of \$32,645. This includes the construction of a 2 million gallon water tower in Pine hill Park. This will replace the tower on Church Street. This also includes the construction of a 16-inch water main from U.S. 42 along Kings Mills road to feed the volume to the new tower. A 12-inch main will replace the existing 8 inch main on Kings Mill Road and adjoining area.

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

A motion to adopt Ordinance 2002-32 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-33 CREATING THE ADDITIONAL POSITION OF MAINTENANCE WORKER IN THE PARKS & RECREATION DEPARTMENT AND ESTABLISHING COMPENSATION

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

Eric Hansen explained to Council the workload has increased dramatically for the Parks and Recreation Department. He said the increase in area to be maintained and programs available to residents has greatly increased the overtime hours required by the current personnel. The last time an addition was made to the staff was six years ago. The position of an additional park maintenance worker was included in the 2002 Budget.

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

A motion to adopt Ordinance 2002-33 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2002-34 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TEXTRON GOLF, TURF & SPECIALTY PRODUCTS FOR THE PURCHASE OF ONE (1) JACOBSON HR-9016 TURBO 16'5" MOWER

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

Eric Hansen stated Ordinances 2002-34 and 35 are related in that they are authorizing purchases for the Parks and Recreation Department. He said due to the unreliability of the current mower, which has resulted in high repair bills, the selection of the Jacobson HR-9016 Turbo 16'5" mower has been made. He stated this mower has been tested by staff and they are recommending approval of this selection. Eric also stated there is a need for the addition of two new pick-up trucks for the Parks Department as they are currently stretched to transport personnel to various job sites as well as have a vehicle to respond to calls. He added both purchases have been reviewed by the Equipment and Finance Committees of Council and are recommended for approval.

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

A motion to adopt Ordinance 2002-34 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-35 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 32 FORD FOR THE PURCHASE OF TWO (2) 2002 FORD F-350 ONE-TON PICK-UP TRUCKS

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

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

A motion to adopt Ordinance 2002-35 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2002-36 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 32 FORD FOR THE PURCHASE OF ONE(1) 2002 FORD F-150 HALF-TON PICK-UP TRUCK

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

Eric Hansen explained to Council at the last meeting the position of Inspector in the Engineering and Building Department was approved. He stated as part of that requirement, it is necessary to purchase a new pick-up truck to provide for the necessary transportation. The 2002 Budget included \$17,500 for this purchase. Through the State bid process, the City was able to get a price of \$17,750. Both Finance and Equipment Committees of Council have reviewed this approval and recommend approval.

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

A motion to adopt Ordinance 2002-36 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2002-37 APPROVAL OF THE FINAL PLAT OF WEATHERSTONE SUBDIVISION, SECTION 3, BLOCK B (A.K.A. MARIVAL)

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

Richard Fair explained to Council this final plat is for Weatherstone, Section 3, Block B, zoned R-6. He added this section contains four multi-family lots on 3.060 acres and is located on SR 741 south of U.S. RT 42. Richard Fair explained at the December 10, 2001 Council meeting it was decided by Council no additional lots will be approved until the required work on SR 741 is complete. He reported Planning Commission recommends approving the final plat contingent on receiving a letter prior to this meeting agreeing to complete the improvements to SR 741 by May 15th and submit a subdivider's contract and performance bond. Richard stated the performance bond and subdivider's contract have not been submitted for this section or the section that was repealed due to substandard work being performed.

Tom Crier of Monogram Properties addressed Council and stated they are waiting for their subcontractors to submit those bonds, as they are the responsible party. Ken Schneider, Law Director, stated the developer is the responsible party to the City not a third party and therefore he recommends tabling this legislation. He stated the normal bonding process is for the developer to be the party posting the bond.

A motion to table this legislation was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

CITY MANGER'S REPORT

Property valuations for Warren County have been received and Mason's 2001 valuation is \$793,522,729. This represents an increase of 11.7% from 2000's valuation. Mason's is the highest of any other city in the county.

City offices will be closed on Presidents Day, February 18, 2002.

The ninth Citizens Police Academy will begin on Wednesday, February 13 at 7:30 p.m. at Cedar Village Retirement Center.

A Council Worksession is scheduled for March 18, 2002. The topic will be to discuss the traffic in the downtown area.

COMMITTEE REPORTS

Councilmember Beck stated the Veteran's Memorial Committee have been meeting and working on fund raising efforts. He said a meeting is being planned with the architect, Council Building Committee and the Veteran's Committee.

COUNCIL OLD AND NEW BUSINESS

Councilmember Pelfrey stated she had attended the second class on self-defense put on by the Mason Police Department and she said it was very beneficial and encouraged everyone to take it if possible.

Councilmember Kidd stated he attended the Warren County Planning Summit and reported by the year 2020, the population of the County is expected to be 300,000. The current population is approximately 150,000. He said growth issues were discussed.

Mayor McCurley stated a retirement party for Betty Davis is planned for March 1, 2002 at the Manor House. He invited any interested resident and said they should contact the City offices.

Ken Schneider, Law Director, stated a judgment had been rendered on the water tower case. He reported the judge found in favor of the City of Mason. He said Deerfield Township has the option of appealing the decision.

RECOGNITION OF VISITORS

None

EXECUTIVE SESSION

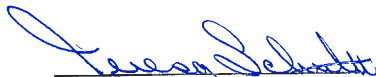
A motion to go into executive session for the purpose of discussing land acquisition was made by Councilmember Kidd, seconded by Councilmember Staten. VOTE: ALL YEAS

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


A motion to intervene in the pending rate case filed by Cinergy/Cincinnati Gas and Electric was made by Councilmember Staten, seconded by Councilmember Kidd.
VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS
TIME: 10:00 p.m.



Clerk of Council



Mayor