

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

The Mayor called the meeting to order at 7:07 p.m. A prayer was led by Chaplain Jerry Pelfrey.

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 February 25, 2002 council meeting was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: 6 YEAS, 1 ABSTAIN (Staten)

RECOGNITION OF VISITORS---none

ORDINANCE 2002-43 ACCEPTING ANNEXATION ON APPLICATION OF THE OWNER OF CERTAIN PROPERTY CONTAINING 78.2237 ACRES LOCATED IN DEERFIELD TOWNSHIP TO THE CITY OF MASON, OHIO

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

Scot Lahrmer stated the Warren County Commissioners have approved the annexation of the Mitchell property and the Mason City School property located on the north side of Mason Road, east of Colt Lane. This annexation contains a total of 78.2237 acres. He explained the next step is for the City to officially accept the annexation, which will then become effective in 30 days.

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 2002-43 was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2002-44 ACCEPTING ANNEXATION ON APPLICATION OF THE OWNER OF CERTAIN PROPERTY CONTAINING 4.663 ACRES LOCATED IN DEERFIELD TOWNSHIP TO THE CITY OF MASON, OHIO

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

Scot Lahrmer stated the Warren County Commissioners have approved the annexation of 4.663 acres owned by Greg and Deana Mullins. The property is located on the west side of Mason-Montgomery Road, north of Sentinel Oak Drive. He stated once City Council accepts the annexation, after 30 days it becomes effective and is certified to the County and the State of Ohio.

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 2002-44 was made by Councilmember Kidd, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-45 APPROVAL OF THE PLAT OF EASEMENT FOR WATERMAIN THROUGH THE BORDEN INCORPORATED SITE

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

Richard Fair explained to Council the Borden Chemical, Inc. is requesting approval of an easement dedication plat for the Borden Chemical site. This plat will dedicate a waterline easement for the 12-inch waterline that was installed through the site. He said Planning Commission has approved the proposal contingent upon adding the necessary signature blocks, easement restrictions, submit a one-year maintenance bond for the waterline and submit an as-built drawing for the project.

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 2002-45 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2002-46 ACCEPTING DEDICATION OF RIGHT-OF-WAY ON THE NORTH SIDE OF TYLERSVILLE ROAD, CONTAINING A TOTAL OF 0.15 ACRES

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

Richard Fair explained to Council the owner of the property is requesting approval of a dedication plat for the Shops of Greenbrier site located on Tylersville Road at Snider Road. He stated this plat will dedicate 25 feet of right-of-way, which is necessary for compliance with the Thoroughfare Plan and Bicycle and Pedestrian Way Master Plan. Planning Commission and staff recommend approval.

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 2002-46 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2002-47 APPROVAL OF THE FINAL PLAT OF COMMUNITY CAMPUS SUBDIVISION, SECTION 1

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

Richard Fair explained to Council Bayer and Becker Engineers, representing the City of Mason, is requesting approval of a final plat for section 1 of the Community Campus. He said this plat will consolidate the 11 single-family parcels along the east side of Mason-Montgomery Road into two lots, dedicate right-of-way and dedicate easements. He also said Lot 1 consists of residual property located on the north side of Foxfield Drive. Foxfield Drive, in the future, will continue around the High School/Community Center site, through the Mason City Schools property (Phalen) and intersect Tylersville Road at the existing Foxfield Drive. The 5.44 acres of right-of-way dedicated for Mason-Montgomery Road will bring the road into compliance with the Thoroughfare Plan. Planning Commission recommends approval.

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

A motion to adopt Ordinance 2002-47 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2002-48 AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH CAMP, DRESSER & MCKEE FOR AS-NEEDED ENGINEERING SERVICES

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

Scot Lahrmer explained to Council the City has previously entered into a contract with Camp Dresser & McKee for engineering review services. He stated with the current vacancy in the Subdivision Engineer position, it is necessary to extend the contract to include 40 hours per week for 24 weeks. This is for a not-to-exceed amount of \$71,820.

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

A motion to adopt Ordinance 2002-48 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-49 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BBC&M ENGINEERS FOR GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES, THE SERVICES WILL INCLUDE GEOTECHNICAL INVESTIGATION AND WETLAND DELINEATION FOR THE PROPOSED WATER RECLAMATION FACILITY TO BE LOCATED ON MASON-MORROW-MILGROVE ROAD IN MASON, OHIO

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

Scot Lahrmer stated the purpose of this legislation is to award a contract for engineering services to conduct a Geotechnical and Wetlands Investigation of the City of Mason's property located on Mason-Morrow-Millgrove Road. He said this information will verify existing soil conditions and allow Finkbeiner, Pettis & Strout to finalize all building and process equipment locations for the water reclamation facility. This legislation is approving a not-to-exceed cost of \$19,800.

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

A motion to adopt Ordinance 2002-49 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-50 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MSA FOR THE DESIGN, ENGINEERING AND PROJECT MANAGEMENT OF A RESTROOM FACILITY AND PICNIC PAVILION IN HERITAGE OAK PARK

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

Scot Lahrmer stated the Heritage Oak Park Master Plan indicates that a restroom facility and picnic pavilion should be located next to the new playground. The Parks and Recreation Department prepared a request for proposals for the design and engineering portion of this project and received two responses. Scot stated the 2002 budget included \$195,000. for this construction project. MSA is the firm staff is recommending for the design and engineering for the amount of \$16,500.

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 2002-50 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: 6 YEAS, 1 ABSTAIN (Grossmann)

ORDINANCE 2002-51 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ROZZI'S FAMOUS FIREWORKS TO PROVIDE A FIREWORKS DISPLAY DURING THE CITY OF MASON'S FOURTH OF JULY CELEBRATION

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

Scot Lahrmer stated this year as in years past, fireworks are planned for the City's July 4th celebration. He explained Rozzi's Famous Fireworks has been providing the City's fireworks since 1999. A twenty minutes display is provided for a cost of \$21,000. He added this year's celebration will be on July 3rd and include live entertainment, booths, food and a festival atmosphere. This years theme will be "Red, Rhythm & Boom". Another suggestion from Council was "Red, Wild & Boom."

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

A motion to adopt Ordinance 2002-51 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2002-52 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH UNICUSTOM INCORPORATED FOR THE INSTALLATION OF TRAFFIC SIGNALS AT THE INTERSECTIONS OF LUXOTTICA PLACE/TYLERVILLE ROAD AND LENSRAFTERS LANE/WESTERN ROW ROAD

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 the Lenscrafters' new headquarters building has a move in date of October. As part of the City's recruitment of the company, two traffic signals will be installed for access onto Western Row Road and Tylersville Road. The City has received three bids for this project with the lowest and best bid being from Unicustom, Inc. in the amount of \$208,847.96. Staff recommends 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 2002-52 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2002-53 APPROVING THE REPLAT OF KINGS ISLAND TECHNICAL CENTER, BLOCK "B", LOTS 7&8 AND ACCEPTING DEDICATION OF RIGHT-OF-WAY ON SOCIALVILLE-FOSTER ROAD

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

Richard Fair explained to Council the owner of the property is requesting approval of a dedication plat for the Intelligrated site, located at the northwest corner of Socialville-Foster Road and Innovation Way. He said this plat will dedicate part of lot 8 to right-of-way for compliance with the Thoroughfare Plan. In addition, the plat will consolidate the remainder of lot 8 and part of lot 7 into a single lot. Planning Commission and staff recommend approval contingent on compliance with the comments from the March 5, 2002 Planning Commission meeting.

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

A motion to adopt Ordinance 2002-53 was made by Councilmember Beck, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

CITY MANAGER'S REPORT

A special Council meeting has been scheduled for 6:00 p.m. on March 18, 2002 at the Mason High School commons to discuss the downtown traffic issue. The Public is invited to attend.

The second Council meeting in May falls on Memorial Day. Due to that conflict, the meeting will be cancelled.

Scot Lahrmer will be out of town on vacation on May 26 through June 8, 2002. A motion to appoint Eric Hansen as Acting City Manager during that time was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Beck stated the Veteran's Committee has met and provided an update of the status of the project. He stated another meeting will be held on March 19, 2002 at the Legion Hall from 5-6:00 p.m. He said they are planning a variety of fundraisers including one on April 23 and 24 at the Houston Restaurant. He announced all proceeds over the cost of the meals will be donated to the Veteran's Memorial. He also thanked Robert Rhein for donating \$15,000 to the memorial.

Councilmember Pelfrey announced the Firebird Theater group have decided not to do a spring performance but to spend their time and energy on interviewing any veteran located in the Mason School District, recording those interviews and compiling them into a book that hopefully will be available at the dedication.

Councilmember Pelfrey stated the Employee Relations Committee has been reviewing the request of the Prosecutor, Robert Peeler. She stated he has not received an increase in

10 years while the caseload has increased dramatically. She said 30% of the cases are from Mason and 70% of the cases are from Deerfield Township. She added there are 21,000 cases from Mason while the County has only 10,000 cases. She said the court has been running in the black until recently and now is running approximately \$300,000 in the red. She stated the Committee has met with the County Commissioners and have arrived at three suggestions: First a possible increase in Court fees to help cover the costs, second obtain direction from Council and third propose legislation to separate the court from the township. She added Mr. Peeler has agreed to postpone his request for a pay increase, an assistant prosecutor and a legal secretary until the matter can be resolved. A general discussion followed between members of Council and Judge Parker. He stated his staff has been very overworked and underpaid with the current number of cases. He stated the numbers presented were not accurate and a full report prepared by his staff will be presented to the City by March 31, 2002. It was stated by City Manager, Scot Lahrmer no funds are collected from the township for court costs. Ken Schneider, City Law Director, stated separate funds can be established for special projects such as computers. He also stated Home Rule Townships can contribute to court costs by adopting a resolution determining the amount of contributions. Judge Parker stated he will not attend a meeting in the future if the purpose is to discuss separating the court between the city and township. Mayor McCurley stated the taxpayers of Mason should not use their tax dollars to pay for court costs held in other jurisdictions. Councilmember Pelfrey stated the purpose of introducing this topic was to establish a place to begin discussing what steps could be taken to resolve these issues. She said the County requested the City and Court meet to discuss this matter. Councilmember Kidd stated he felt a different forum would be more productive in resolving this matter. He suggested a procedure be established for resolving court matters in the future. Councilmember Grossmann stated if the people who are committing the crimes are charged the appropriate amount to cover costs, the problem does not exist. The general discussion continued and it was decided the Court will contact the City administration to obtain the correct figures. Mayor McCurley stated the City of Mason taxpayers are paying for a new municipal center and if it is used by other jurisdictions, the taxpayers should be compensated for it. Judge Parker closed by saying it is required by law to have a soundproof jury room in the new building. Neal Huffman, Clerk of Courts, addressed Council and suggested a meeting between Court, the Core Committee and representatives from the Council Building Committee to resolve any building matters. Robert Peeler addressed Council and stated when the court was formed no one foresaw the growth that has occurred. He stated he does not feel Deerfield Township should be part of Mason's Court. He also stated he believes court costs should cover the expenses. He said 70% of the cases occur in the township.

COUNCIL OLD AND NEW BUSINESS

Mayor McCurley announced the annual Chamber of Commerce dinner is this Thursday at the Manor House.

Councilmember Pelfrey stated Bob Price with Warren County asked for a volunteer to serve on the Warren County Metropolitan Housing Authority. Any interested resident should contact the City Manager.

The Aeroserve open house will be held on March 22, 2002 from 11:00 to 3:00 p.m.

RECOGNITION OF VISITORS

Francis Gilbert of 210 W. Main Street addressed Council and announced a dinner this Friday night at the Mason Grange. She stated the dinner is free and serves as a thank you for everyone who has helped with the events. She said reservations are necessary and can be made by calling her at 398-3936.

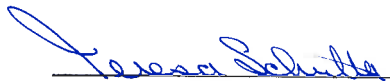
EXECUTIVE SESSION

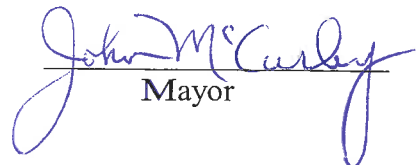
A motion to go into executive session for the purpose of discussing land acquisition was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

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

ADJOURN

A motion to adjourn was made by Councilmember Beck, seconded by Councilmember Pelfrey. VOTE: ALL YEAS
TIME: 10:02 p.m.


Clerk of Council


Mayor