

**CITY OF MASON  
COUNCIL MEETING  
NOVEMBER 25, 2002**

Mayor McCurley called the meeting to order at 7:06 p.m. and led those present in the pledge of allegiance.

**ATTENDANCE**

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

**APPROVAL OF MINUTES**

A motion to approve the minutes from the November 11, 2002 Council meeting was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: 3 YEAS, 2 ABSTAIN (Kidd, Beck). Motion failed.

**RECOGNITION OF VISITORS**

Mr. Jack Clasen of 720 Eagleview Court addressed Council and stated he would like to introduce a program to the City of Mason called "America in Bloom". He explained his wife and he have served as judges this year for the program that currently exists in Canada, Europe and is just beginning in the United States. He distributed information to Council regarding the program, which he said is a recognition program for beautification conscience communities. He invited Mason to join in the competition for this award in the future. He added as judges, they could not serve on the committee. Mayor McCurley said the City would take it under consideration.

**ORDINANCE 2002-147 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TENNIS FOR CHARITY, INC. REGARDING ECONOMIC DEVELOPMENT OF THE REAL PROPERTY AT THE ATP STADIUM AND THE BRUIN GOLF COURSE**

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

Scot Lahrmer stated this legislation was presented to Council at the November 11, 2002 meeting. He stated the only change was moving a phrase from Section 1 to Section 4. He stated there was no change in the interpretation or the understanding. He stated the law director has reviewed the contract. Scot stated this obligates the City to pay \$125,000 annually through the year 2027.

A motion to amend the legislation as described by Scot Lahrmer was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

A motion to adopt Ordinance 2002-147 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2002-148 AUTHORIZING PAYMENT OF \$5,000 TO THE MASON HISTORICAL SOCIETY, A PRIVATE NON-PROFIT ORGANIZATION**

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

Scot Lahrmer explained to Council the Mason Historical Society has requested funding in the amount of \$5,000. He said the City has been partnering with the Historical Society since 1993. The amount has remained the same since 1997.

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 2002-148 was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS

Mrs. Alma Federle was present to accept the check that was presented by Mayor McCurley. Councilmember Pelfrey thanked the Historical Society for their assistance with the Community Challenge event sponsored by the Veteran's Memorial Committee.

**ORDINANCE 2002-149 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SUNESIS CONSTRUCTION COMPANY FOR CONSTRUCTION OF THE TYLERSVILLE ROAD BICYCLE & PEDESTRIAN WAY EXTENSION FROM US 42 TO SNIDER ROAD**

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

Richard Fair explained to Council this project consists of extending approximately 2,750 linear feet of 10-foot wide asphalt path from US 42 to Snider Road on the north side of Tylersville Road. He said this extension will connect the existing pedestrian path along Tylersville Road with an existing path along Snider Road. In addition, he stated the rusted chain link fence on the WLW property will be removed and replaced with a black ornamental steel fence. He stated the right of way needed for installation of the path along the WLW property, approximately 0.32 of an acre, will be dedicated to the City in exchange for the improvements along the Tylersville Road frontage. The cost for this project including the steel fence is \$295,042.00, which is the lowest and best bid, from Sunesis Construction Co. Four bids were received and it is anticipated construction will begin in 2003.

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

A motion to adopt Ordinance 2002-149 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2002-150 AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE DIVISION OF REAL ESTATE AND LAND MANAGEMENT'S CLEAN OHIO FUND**

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

Eric Hansen explained to Council the City is applying for a grant to install 0.9 miles of bike path along Kings Island Drive from Western Row Road to the drop-off facility at Paramount's Kings Island. This grant is requesting \$225,000, which is 75% of the total cost for this project. The funds are part of the Clean Ohio Trails Fund passed as Issue 1 in 2000.

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 2002-150 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2002-151 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 32 FORD FOR THE PURCHASE OF THREE (3) 2003 FORD CROWN VICTORIA POLICE VEHICLES**

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

Eric Hansen explained to Council the purpose of this legislation is to purchase three police cruisers to replace older cruisers. He stated the state purchasing schedule was utilized for this purchase and resulted in a total cost of \$65,683. Delivery of the vehicles will be in the spring of 2003. The Equipment Committee has reviewed this request and recommends approval.

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

A motion to adopt Ordinance 2002-151 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2002-152 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH ARMOUR AND CONSTANCE PUGH FOR DEDICATION OF PROPERTY, TEMPORARY CONSTRUCTION EASEMENT AND VACATION OF RIGHT OF WAY LOCATED AT 5501 COX-SMITH ROAD, MASON, OHIO**

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

Richard Fair explained to Council the City tendered an offer to purchase property at 5501 Cox-Smith Road for \$34,000. This will allow for the realignment of Cox-Smith Road and improve the traffic movement in the area. This plat dedicates .421 acres to the City of Mason while vacating .012 acres of right of way. Staff recommends approval.

Councilmember Grossmann joined the meeting at this time.

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 2002-152 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2002-153 APPROVAL OF THE EASEMENT DEDICATION & VACATION PLAT OF THE STORM SEWER ACROSS BETTY ANN BAYSORE'S PROPERTY AT 414 SOUTH WEST STREET**

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

Scot Lahrmer explained to Council the purpose of this legislation is to approve the easement dedication/vacation plat for relocating the storm sewer in accordance with the Third Avenue Storm Sewer Project. He stated the existing pipes are in need of replacement. He reported the property owners have agreed to exchange the original storm sewer for the new easement without cost. Five trees will be affected by this new easement and the property owners have requested payment for the trees at \$3,000. Staff recommends 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 2002-153 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2002-154 REJECTING ALL BIDS FOR THE CLEANING SERVICES OF THE MASON MUNICIPAL CENTER**

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 Ordinances 2002-154 and 155 deal with the same subject. He stated one company submitted an open bid which was not reviewed, and the second company did not provide a bond. Due to these discrepancies, staff could not make a recommendation for acceptance. Ordinance 2002-154 rejects these bids. A second bid opening was scheduled for October 31, 2002, following a mandatory pre-bid meeting and a tour of the facility. Six companies were present which resulted in four companies submitting bids. References were checked and it was determined the lowest and best bid was received from August Groh & Sons, Inc. for a total cost of \$336,000 over a three-year period. Ordinance 2002-155 awards the contract to the firm of August Groh & Sons, Inc.

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 2002-154 was made by Councilmember Kidd, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2002-155 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AUGUST GROH & SONS, INC. FOR THE MUNICIPAL CENTER JANITORIAL CLEANING SERVICES**

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

A motion to adopt Ordinance 2002-155 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2002-156 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JACOBS CIVIL INC. ENGINEERING COMPANY FOR THE PRE-CONSTRUCTION SERVICES NECESSARY FOR THE NEW WATER RECLAMATION PLANT**

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

A discussion among Councilmembers on the various options the City could review before proceeding with this plan took place. Councilmember Grossmann stated he would like to explore a regional effort and/or privatization before a final decision is made that cost the City 30 million dollars and perhaps does not utilize the existing plant to the fullest extent

possible. He stated the City of Franklin privatized this function in 1996 and has had successful results. Many Councilmembers agreed this legislation could receive a first reading and come before Council at the next meeting on December 9, 2002. Several expressed concern over establishing a regional effort with the County as they have-not shown cooperation in the past. Ernie Stickler stated the design work for the new plant is reaching a critical point and these decisions could impact it. Vice Mayor Fox also mentioned our current plant is at capacity and we do not have the luxury of a lot of time without placing the City in precarious position. Ernie Stickler added a recent report from Finkbeiner Petits and Strout stated the neighboring communities of Lebanon, Warren County and MSD all have capacity problems. He also stated the timeline for this plant to be in operation is the end of 2004. Mayor McCurley stated this would be a first reading on this legislation and suggested the Utility Committee review the matter prior to the next Council meeting.

**ORDINANCE 2002-157 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HENRY P. THOMPSON COMPANY FOR THE EQUIPMENT NECESSARY TO CONVERT THE SCADA SYSTEM FROM TELEPHONE LINE TO RADIO COMMUNICATION FOR THE WASTEWATER COLLECTION SYSTEM**

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

Vice Mayor Fox suggested since the previous Ordinance received a first reading tonight, this legislation should also receive a first reading as it may be implicated in the final decision on this project.

Mayor McCurley declared this a first reading for this legislation. It will be on the agenda for the next Council meeting on December 9, 2002.

**CITY MANAGER'S REPORT**

A joint meeting between the Mason Landen Chamber Kings Chamber of Commerce and the Mason City Council is scheduled for December 16, 2002 at 5:00 p.m.

A presentation from the Downtown Revitalization Committee will be given on December 16, 2002 at 7:00 p.m. following the meeting with the Chamber.

**COMMITTEE REPORTS**

Councilmember Beck stated the Veteran's Committee is hosting CEO Breakfast meetings on December 4 and 5 at 7:30 a.m.

Councilmember Beck reported the Finance Committee of Council is involved in the budget process and will make final recommendations to administration.

Councilmember Pelfrey reported she had met with the Mason Christian Village residents and discussed a book including stories by Veteran's. She stated was well received.

### **COUNCIL OLD AND NEW BUSINESS**

Councilmember Pelfrey asked about the status of the procedures for use of the Community Room. Scot Lahrmer stated the procedures have been distributed to Council and he would like concurrence on them so the room can begin to be utilized by the public. A general discussion took place among Council members with Councilmember Grossmann requesting the elimination the sections referring to political campaigns and religious ceremonies. He stated he did not want the City to be placed in a position of being judgmental. Law Director, Ken Schneider stated the concern that was considered when this was written were the problems the City of Cincinnati have experienced with regard to religious displays. Councilmember Kidd suggested we review the schools regulations for use of their facilities as they are faced with the same issues adding he has used the school facilities in the past for his church services. Mayor McCurley agreed with Councilmember Grossmann's suggestion. Eric Hansen stated this will be learning process for the City and adjustments can be made in the future if necessary.

A motion to approve the guidelines for the use of the Community Room with the agreed upon deletions was made by Councilmember Pelfrey, seconded by Councilmember Kidd.  
Vote: ALL YEAS

Mayor McCurley stated the Warren County Municipal League has corresponded to all of their members regarding a request from the County for financial participation to complete a regional land use plan. He stated the WCML suggested the County pay for the study as all municipalities have already funded their own individual studies. Councilmember Beck stated OKI has a land use plan and has been meeting for at least 4 years with local governmental entities. Mayor McCurley directed Administration to send a letter to the County stating we are in favor of the study and would like to see the County fund it totally. He added if other entities agree to pay a portion of the cost, the City would also participate. Councilmember Kidd suggested we agree if there is at least 60% participation, than we would also participate financially. Mayor McCurley noted they anticipate completing the plan in six months but the City's plan took two years to complete.

### **RECOGNITION OF VISITORS None**

### **EXECUTIVE SESSION**

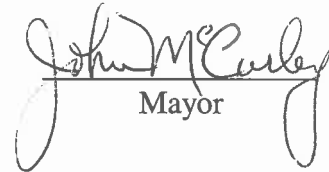
A motion to go into executive session for the purpose of discussing land acquisition and litigation was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

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

**ADJOURN**

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

  
Clerk of Council

  
Mayor