

**CITY OF MASON  
COUNCIL MEETING  
MARCH 22, 2004**

Mayor Beck 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, Tony Bradburn, Tom Grossmann, Charlene Pelfrey and Peter Beck. John McCurley and Steve Osborne were absent.

**APPROVAL OF MINUTES**

A motion to approve the minutes of the February 23, 2004 Council meeting was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

A motion to approve the minutes of the March 8, 2004 meeting was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. Vice Mayor Pelfrey requested clarification on the point she did not approach Superintendent Bright with the DMA proposal but was informed it had occurred. Clerk of Council, Terry Schulte, amended the minutes to reflect that change. VOTE: 4 YEAS, 1 ABSTAIN (Bradburn)

**RECOGNITION OF VISITORS**

John Harris, President of the Chamber introduced Tom Kaper who is the new volunteer that will head up this years Heritage Festival.

Matt Kline of 5334 Chapel Lane addressed Council and stated he was the Chairman of the Citizens for All of Mason in 1998 that worked to help the City inform the residents of the City's position on the Tylersville Road improvement. He stated Council at that time assured residents the Tylersville Road improvement would not become a truck route. He stated he is aware that point changed a lot of residents mind to support the matter. He said he wants the record to reflect he was the chair for this effort and in fact that was the City's position. He said if we route the trucks along Tylersville Road to Mason Montgomery Road we are taking them through the area of all the school students in our district from grades 4 through 12.

Scot Lahrmer stated the memo he included in the Council packets refers to the request from the Traffic Subcommittee of the Downtown Mason Association for alternate truck routes. He said one of the alternate routes would be Tylersville Road and Mason-Montgomery Road. He stated the purpose of the memo was to remind Council of the City's position at the time of the Tylersville Road improvement and the message from the community at that time. Scot said the Subcommittee wants the City to explore other routes and this will bring that route into play again. He said DMA and staff have requested this item be withdrawn from the April 12, 2004 meeting so they can have adequate time to review what options exist. Scot added this is extremely important as to the commitment City Council made in 1998. Councilmember

Grossmann asked for clarification on the commitment from the Mason Council at that time. Scot replied the City stated they were not doing the Tylersville Road project to create a truck route. Vice Mayor Pelfrey stated the truck traffic DMA is concerned about now is the traffic coming from West Chester to Lebanon, not necessarily from an interstate. She stated that was the concern in 1998. Councilmember Kidd stated in 1998 residents didn't want truck traffic on Tylersville Road. He said now the community is saying there is something they would like to accomplish and the trucks are in the way. He stated he did not feel the study, which said 20 trucks per hour that went through the downtown, was necessarily accurate. He said he feels another study needs to be done. Councilmember Grossmann stated he feels it is important to have public comment on the matter before any decision is made. Mayor Beck stated the matter is going to be looked into further and will be discussed in the future but not at the April 12<sup>th</sup> meeting.

**ORDINANCE 2004-24 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 3.869 ACRES LOCATED AT 4753 SOCIALVILLE-FOSTER ROAD FROM R-1 TO HT-1**

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

Richard Fair explained Rockwood Construction LLC is requesting approval to rezone 3.869 acres located at 4753 Socialville-Fosters Road, the former Eberhard property. He stated the property is located on the south side of Socialville-Fosters Road, east of Mason-Montgomery Road. It is currently zoned R-1 (Single Family Residential) and the applicant is requesting to rezone the area to HT-1 (High Tech Light Industrial). Richard stated the proposed HT-1 zoning is consistent with the Mason Comprehensive Plan, which calls for Business Park at the subject property, and is compatible with the existing surrounding land uses such as Procter and Gamble. The property can be developed under the current HT-1 District development standards. He added considering that the rezoning application is in compliance with the Mason Comprehensive Plan and compatible with the surrounding land uses, Planning Commission and staff recommend approval of the rezoning.

Mayor Beck opened the public hearing at 7:32 p.m. Seeing no comments either for or against this legislation, he closed the hearing at 7:33 p.m.

A motion to adopt Ordinance 2004-24 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

**COMMUNITY REINVESTMENT AREA #10**

Paige Bryan addressed Council and explained the Basco Shower Door Company has been a model business that Mason strives to support. She said in 1992, Basco opened its doors to a 70K sq. ft. manufacturing facility and company headquarters in the Mason Commerce Park. She

stated they have expanded once since the initial construction was complete and today employ double the anticipated employees. For a second time, Basco has recognized the need to expand by 50,000 sq. ft. to accommodate the company's growth. She stated they are seeking a CRA tax incentive to assist with this expansion and keep the growth of the company in the City of Mason. Paige further explained the investment that is being proposed is \$1.6M in real property and \$1.3M in personal property. Additionally, the company will add 35 new jobs with an average annual salary of \$30,000 by the end of 2006. She added the City has granted the company two previous CRA agreements to abate real property tax and both agreements have now expired. The company employs 180 individuals in our community and finds the value of investing and growing in a community that they are committed to. Paige reported the Economic Development Committee of Council has reviewed Basco's request and is recommending that a seven-year tax, 100% CRA tax incentive with full reimbursement to the schools be granted to ensure that Basco's investment remains within the City. She introduced Bob Diechman, Chief Financial Officer of Basco, who gave a brief presentation on the company's plans for expansion.

A motion to grant a seven-year tax, 100% CRA tax incentive was made by Councilmember Grossmann contingent upon full reimbursement being given to the schools. Vice Mayor Pelfrey seconded the motion. VOTE: ALL YEAS

#### **ORDINANCE 2004-33 APPROVAL OF THE REPLAT AND DEDICATION PLAT FOR THE OFFICES OF WHITE BLOSSOM**

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

Richard Fair explained to Council the owner is requesting approval of the replat for the Offices of White Blossom. He said this replat will consolidate Parcel I (1.1407 acres) and Parcel II (1.3758) into one lot consisting of 2.5165 acres. The purpose of the replat is to allow for the future expansion of the existing office/warehouse facility. Richard also stated at the March 9<sup>th</sup> meeting of Planning Commission, they recommended approval of the replat contingent on the following:

1. Dedicate 10'-0" of right-of-way along Socialville-Foster Road to comply with the Mason Thoroughfare Plan. The plan shows Socialville-Foster Road as a major arterial which requires a total of 50'-0" from centerline of roadway.
2. Modify the Dedication statement to include the dedication of the right-of-way.

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

A motion to adopt Ordinance 2004-33 as presented with contingencies, was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2004-34 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ADAMS ROBINSON ENTERPRISES FOR GENERAL CONSTRUCTION SERVICES (CONTRACT A) NECESSARY FOR THE NEW WATER RECLAMATION PLANT AND DECLARING AN EMERGENCY**

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

Scot Lahrmer explained he would be discussing Ordinances 2004-34, 35, 36, and 37 at one time as they all deal with the Water Reclamation Plant. He stated the City of Mason has provided centralized sewer treatment services since the mid 1960s. Growth and expansion have necessitated improvements to the treatment plant several times. Scot stated the last improvement project was completed in 1996 and raised the capacity of the plant to 4.95 Million Gallons per Day (MGD). By mid 1997, it was evident the Sewer Master Plan, completed in 1992, should be updated. Updates to the Plan were completed in June 1999 which specified necessary improvements to the collection system and the treatment plant. As projected, the flows continue to increase and the average daily flow to the plant in 2003 was 4.902 MGD. Scot said this year the plant will exceed its design capacity of 4.95 MGD and increase its average daily flow to 5.2 MGD. It is estimated that each year incoming flow is increasing by 300,000 gallons per day placing the City in jeopardy of violating stream quality and EPA discharge limits, which equates to potential fines and mandates from the EPA.

He explained the construction time frame for the new plant is 2 years making it imperative that the City moves forward immediately. There is an extensive history on the new water reclamation plant and the City's next step is to award the construction contracts for the new water reclamation plant. He added, this is the culmination of over 5-years of work by staff and Mason City Council to continue to comply with our effluent discharge limitations as stipulated in our National Pollution Discharge Elimination System (NPDES) Permit.

Scot explained the history since the 1999 Master Plan Update includes City Council requests in 2000 and 2001 for Finkbeiner, Pettis and Strout to perform a Feasibility Study of the City's options for handling increased waste water and meeting our treatment needs. Several alternatives were evaluated recognizing the current plant's ability to expand is limited without acquisition of additional property. Options explored included building and operating a second plant, trying to acquire property to expand the existing plant, sending effluent to another agency or relocating the entire plant. Detailed cost/benefit analyses were done and financial considerations were evaluated to ensure that the most effective and beneficial option was taken on this important project. The preferred alternative of City Council was to design and construct a new treatment plant on Mason-Morrow-Millgrove Road. The plant would have an intermediate design flow of 8.67 MGD and an ultimate design flow of 13 MGD. Major portions of the plant would be constructed at 13 MGD making the next phase expansion feasible and saving the City money at a later date. Council authorized the purchase of the Biehle property on Mason-Morrow-Millgrove Road in July 2001 in the amount of \$ 2.9 million. The Biehle property, 102 acres straddling Mason-Morrow-Millgrove Road, is 0.8 miles downstream of the existing Water Reclamation Facility and was ideally situated for the proposed relocation of the water reclamation plant. In addition to being an ideal

site for the water reclamation plant, it saves the City an estimated \$3 million in the future by removing the need to build a lift station to serve the northern study area.

Scot further explained, Council authorized design of the new plant in July 2001 with the award of a contract to FPS. This \$1.5 million contract began the design of the new plant on the Biehle property in conjunction with the staff. In November 2002 as the plant design was nearing completion, City Council approved a contract with Jacobs Civil, Inc. for construction management pre-construction services also known as value engineering. This process identified \$724,000 in potential savings on the project. In October 2003, the City began construction management with the hiring of Dugan & Meyers to be the Construction Manager at Risk (CMAR) for construction of the new WRP. Dugan & Meyers contracted with the City to maintain a Guaranteed Maximum Price (GMP) for the project. Dugan & Meyers guaranteed that construction costs would not exceed \$29,312,150.

On January 21, 2004 bids were opened for the five construction contracts required to build the new WRP. The apparent low bidders for these contracts are as follows:

Contract A (General)	Adams-Robinson Enterprises	\$23,557,000
Contract B (Pipeline Work)	Howell Contractors, Inc.	1,673,850
Contract C (HVAC)	Triton Services, Inc.	514,270
Contract D (Plumbing)	Nelson-Stark Co.	372,500
Contract E (Electrical)	ESI	<u>3,130,000</u>
TOTAL LOW BIDS		\$29,247,620

Scot stated both FPS, as the design engineer for the new WRP, and Dugan & Meyers, as CMAR on behalf of the City, have reviewed the bids and performed due diligence in analyzing the numbers, documents, and qualifications presented by the low bidders. Both firms have recommended award of Contracts A through E to these low bidders.

Scot also stated Council's Utility Committee has met twice to review the bids before presenting to Council. At our February 2 meeting, it was requested that staff perform a present worth cost analysis on the City's new water reclamation plant versus pumping some sewage to the City of Lebanon while operating our existing plant. At the February 18 meeting, the present worth cost analysis was reviewed by the Utility Committee.

He explained the above bids for this project were good for 60 days expiring on March 21, prior to Council's March 22 meeting. Dugan and Meyers expressed concern that there has been significant industry increases in material costs, particularly steel, since the bids were opened in January. The time frame for awarding contracts is crucial. Being sensitive to the timing of this issue and Utility Committee requests, staff believed it prudent to seek an extension of the bids for an additional 30 days. Dugan and Meyers approached bidders and fortunately were successful in obtaining a "no price increase extension" on 4 of the contracts, A through D. The 5<sup>th</sup> bid, contract E with ESI, would only grant a 30-day extension with an additional \$83,000 cost to the City. A shorter "no price time extension" was sought with the contractor and denied. Council was asked during the

March 8 meeting to save the City at least \$83,000 and award the electrical contract to ESI instead of going to the next bidder whose price was \$483,000 higher. The ordinance was approved by City Council on March 8 and contracts were signed on March 19.

Since even a 5% increase in the general contract could add \$1.5 million to the project, this action of extending the bids potentially saved the City significant dollars from rebidding, being subject to price increases and losing Dugan and Meyers guaranteed maximum price. To move the project forward without the cost risks of rebidding or expiring bids, Council action is necessary to award the construction contracts and take advantage of the competitive bids the City has secured for this project. Ordinances 2004-34 through 37 authorize the construction contracts with the low bidders for construction of the new Water Reclamation Plant, in the total amount of \$26,117,620, not including Contract E awarded to ESI on March 8 in the amount of \$3,130,000.

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

A motion to adopt Ordinance 2004-34 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-35 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HOWELL CONTRACTORS, INC. FOR CONSTRUCTION OF INFLUENT SEWER, WATER MAIN, AND RECLAIM WATER MAIN (CONTRACT B) NECESSARY FOR THE NEW WATER RECLAMATION PLANT AND DECLARING AN EMERGENCY**

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

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

A motion to adopt Ordinance 2004-35 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-36 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TRITON SERVICES, INC. FOR HEATING AND VENTILATING CONSTRUCTION (CONTRACT C) NECESSARY FOR THE NEW WATER RECLAMATION PLANT AND DECLARING AN EMERGENCY**

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

A motion to adopt Ordinance 2004-36 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2004-37 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NELSON STARK CO. FOR PLUMBING CONSTRUCTION (CONTRACT D) NECESSARY FOR THE NEW WATER RECLAMATION PLANT AND DECLARING AN EMERGENCY**

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 Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2004-37 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2004-38 PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$40,000,000 OF SEWER SYSTEM REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2004 OF THE CITY OF MASON, COUNTY OF WARREN STATE OF OHIO, UNDER ARTICLE XVIII OF THE OHIO CONSTITUTION FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING SEWER BONDS AND IMPROVING THE MUNICIPAL SEWER SYSTEM; AUTHORIZING A TRUST INDENTURE WITH A PLEDGE OF THE REVENUES OF SAID SYSTEM; AUTHORIZING AN ESCROW DEPOSIT AGREEMENT; AUTHORIZING AN OFFICIAL STATEMENT AND OTHER DOCUMENTS; AND DECLARING AN EMERGENCY**

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

Scot Lahrmer stated Ordinances 2004-38 and 39 are related as they both deal with the financing of the Water Reclamation Plant. He stated the purpose of the legislation is to provide for a variety of user fees to recover costs for various services provided by the City and the issuance of Revenue Bonds for the construction of the water reclamation facility. He said staff has reviewed the matter and recommends the City take advantage of extremely attractive interest rates by obtaining long term financing for the five prime construction contracts, which constitutes a majority of the total cost of the project. In addition, he said they are recommending refinancing the 1994 outstanding sewer revenue bonds in the amount of \$6,190,000 in order to do the following:

- Save approximately \$375,000 in interest expense
- Take advantage of lower interest rates
- Reduce the debt service coverage, which helped ensure rate increases were kept to a minimum
- Release the mortgage required by the 1994 bond indenture.

Scot stated prior to the actual issuance of the bonds, staff will evaluate current fund balances and utilize any excess cash balance to reduce the actual amount of bonds issued. In 2000, anticipating the construction of a new water reclamation plant, Council adopted a proactive approach for this project, by authorizing Ordinance 1999-58, which put into place incremental rate increases for the next six years (July 1, 1999 through 2004). That step has lessened the impact of future rate increases. A comprehensive financial study is a necessary requirement for the issuance of debt. Scot explained as a result of the financial study, the following rate increases were proposed: 5% for 2005 and 2006; 3% for 2007 through 2009. Rate increases for 2005 and 2006 are necessary for financing the construction of the new plant. The rates being proposed for years 2007-2009 are simply cost of living/inflationary increases to ensure the continued financial stability of the wastewater utility. Historically, sewer expansion fees have increased by the same percentages as the sewer usage fees. This ordinance will also provide for a rate increase to the residential sewer expansion fees by the same percentage increase as the sewer user fees.

Scot concluded by stating adoption of Ordinance 2004 – 38, issuing debt in an amount not to exceed \$40,000,000, and Ordinance 2004-39, implementing rate adjustments necessary to fund the waste water system is recommended.

Councilmember Grossmann asked for clarification on the amount of increase residents would see in 2005. Scot Lahrmer replied the only change is 5% increase.

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

A motion to adopt Ordinance 2004-38 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-39 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO, SECTION 941.03 (a) SEWER SYSTEM EXPANSION FEES, AND 941.08 (a)1. AND (b) 2. RATES FOR SEWER SERVICE**

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

A motion to adopt Ordinance 2004-39 was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2004-40 APPROVING THE REPLAT FOR LOT 1 OF THE TRAILSIDE ACRES SUBDIVISION**



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

Richard Fair stated Barry and Bonnie Day are requesting approval of the replat of Lot 1 in the Trailside Acres Subdivision, zoned R-2. He said this replat will split Lot 1, a 1.04-acre lot, into two lots, Lot 1A consisting of 0.54 acres and Lot 1B consisting of 0.5 acres. The replat satisfies the City of Mason Subdivision Regulations and Zoning Code requirements for R-2. Richard Fair stated at the March 9<sup>th</sup>, 2004 Planning Commission meeting, residents of the Trailside Acres Subdivision expressed their disapproval of the replat and indicated that it would be in violation of the Home Owners Association Covenants and Restrictions for that development. Planning Commission recommended denial of the replat. Ken Schneider, Law Director stated the City has no jurisdiction over Home Owners Association Covenants and Restrictions. The City can only judge as to whether the plans meet the City's subdivision requirements and zoning regulations. He said the Planning Commission did not have legal counsel present during their meeting. Richard said if City Council should decide to approve the replat, staff recommends the following contingency:

1. Please add an ingress/egress easement restriction to the plat and indicate the beneficiary of the easement.

Councilmember Kidd asked how this goes against the covenant and restrictions. Linda Verlay of 3139 Palomino Trail addressed Council and explained how it is clearly mentioned in the deed restrictions under general comments that a lot split violates the restrictions. Bonnie Day said they originally purchased the lot for privacy. She said they have discussed the matter with Mr. Paul Heiman the developer and he had no problems with it. Mr. Day said he felt they had gone about this by the book and feels blind sided by these objections. Councilmember Grossmann stated if it meets the City's requirements, it is not for the City to decide if it violates the covenants and restrictions and to do so may leave the City open to legal action. Councilmember Bradburn agreed the responsibility lies with the Homeowners Association.

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

A motion to adopt Ordinance 2004-40 was made by Councilmember Grossmann, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-41 AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR AN OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR REMOVAL AND REPLACEMENT OF HANDICAP ACCESSIBLE CURB RAMPS IN THE CONCORD CROSSING SUBDIVISION AND VARIOUS OTHER LOCATIONS THROUGHOUT THE CITY**

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

Eric Hansen stated each year the City is entitled to apply for grant monies for areas of Mason which will benefit low to moderate income (LMI) persons or eliminate immediate threats. Due to

recent policy changes by the state in the CDBG formula allocation program, Mason is no longer considered an "acquired" city as in the past. This means that Mason is no longer eligible for a guaranteed allocation, but is still able to apply to the county for CDBG monies each year. Warren County Commissioners will determine which projects get funding for non-acquired cities. A city must have a population of at least 25% low to middle income to be considered an acquired city. Per the 2000 census data, Mason has only a 23% low to middle income population. Since 1990, nearly \$460,000 in CDBG funds had been used for the replacement of curb and gutters, sidewalks, driveway approaches, and street resurfacing in the Meadows Subdivision. This year, as part of the FY 2003 grant, the City is replacing handicap accessible curb ramps along U.S. 42 and various other locations. The FY 2004 grant application is for replacement of handicap accessible curb ramps in the Concord Crossing subdivision and various other locations throughout the city. The existing curb ramps in these areas do not meet the new ADA standards. This current standard requires an area of brick dimensional pavers with a truncated dome pattern for the first two feet of the curb ramp. Truncated domes alert visually impaired persons of the ramp's end so they do not accidentally walk into traffic. The brick pavers must be either charcoal gray or red in color to provide a contrast with the concrete, while at the same time giving the curb ramp a decorative appearance. Eric stated future CDBG applications will likely include additional curb ramp replacements throughout the city, this type of work meets program requirements and there are approximately 450 eligible curb ramps currently in the City. He explained if the grant is successful, the project will be bid in January 2005 with construction completed by December 2005. The county will handle the bidding and contract administration. All inspections, plans and specifications will be handled by the Engineering Department. Costs for these services are not included in the estimate.

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

A motion to adopt Ordinance 2004-41 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2004-42 ADOPTING A STATEMENT INDICATING SERVICES THE CITY OF MASON, OHIO, WILL PROVIDE TO THE 74.523 ACRE TERRITORY PROPOSED TO BE ANNEXED FROM DEERFIELD TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF MASON AS PROVIDED BY OHIO REVISED CODE SECTION 709.023 AND DECLARING AN EMERGENCY.**

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

Scot Lahrmer explained an annexation petition is being filed to bring approximately 74.523 acres of land into the City of Mason. This is the second annexation to occur since the State of Ohio revised the laws concerning annexations. As a result of the new annexation law, petitions that are signed by 100% of the property owners are expedited and the County Commissioners approve it if the criteria for the 100% annexation have been met satisfactorily. Likewise, the

property stays in the original township after annexation. He added the property requesting annexation is the campground located directly north of Paramount's Kings Island, which contains approximately 62 acres. In addition, a 5 acre tract of land adjacent to the campground is included in the annexation along with a portion of Kings Island Drive that abuts the property and connects to the City's northern corporation limit on Kings Island Drive. It also includes a small portion of Columbia Road that abuts Paramount's Kings Islands property. He explained one of the requirements of the Ohio Revised Code is for the municipality to indicate the benefits it can provide. Ordinance 2004-42 is the benefits ordinance for the annexation and is required in order for the Warren County Commissioners to act upon the annexation request. An additional requirement of the new annexation law is for City Council to adopt an ordinance establishing buffer requirements for the annexation. If the City zoning permits uses in the annexed territory that the City determines are incompatible with the uses permitted under the applicable township zoning regulations, then the City will require a buffer separating the uses of the area. He stated Ordinance 2004-43 must be adopted to reflect this requirement.

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 2004-42 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2004-43 ESTABLISHING THE BUFFER REQUIREMENTS FOR THE 74.523 ACRE TERRITORY PROPOSED TO BE ANNEXED FROM DEERFIELD TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF MASON UPON ANNEXATION TO THE CITY AND DECLARING AN EMERGENCY**

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

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

A motion to adopt Ordinance 2004-43 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-44 DECLARING CERTAIN MOTOR VEHICLES AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO ADVERTISE, AUCTION AND TO ENTER INTO A CONTRACT FOR THE SALE OF SAID VEHICLES**

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

Eric Hansen explained the City of Mason utilizes a 10-year replacement program for most fleet vehicles. This type of program utilizes nearly all of the value of the vehicle. The result is surplus fleet that has little remaining use for the City, but some monetary value on the open

market. He stated the following vehicles have reached the end of their effective life and appropriately declared surplus:

- Public Works 1993 Chevy Topkick Class 8 Single Axle Dump Truck
- Public Works 1993 Ford F-350 Heavy Duty Truck
- Police 1994 Crown Vic Cruiser (Detectives Car)
- Police 1995 Crown Vic Cruiser (Student Resource Officer Car)
- Utilities 1987 Case Super E backhoe

In 2003 a 1990 Chevy S-10 truck was retained to assist with opening the Community Center. This vehicle is not currently being used and should now be declared surplus:

- Public Utilities 1990 Chevy S-10 Pickup Truck

Eric added staff successfully identified alternative uses for two other vehicles replaced in 2003. Former Fire Squad #54 will be made available to the Warren County SWAT team for periodic training exercises and hauling supplies to incidents. Engineering & Building Inspector's pickup truck will be utilized to begin the Fire Department's fire hydrant inspection program this year. The City's intent is to minimize fleet expenses by temporarily reusing these vehicles, in lieu of purchasing new vehicles for tasks requiring less than full-time use. Additionally, a Police vehicle is being cycled out of the surplus pool and retrofitted as a Police K-9 car. This vehicle will not be in the Police Cruiser rotation and will not be utilized as intensively as the typical City cruisers. The reuse of this older cruiser will reduce City costs by eliminating the need to purchase a new K-9 vehicle for the Police fleet.

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

A motion to adopt Ordinance 2004-44 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2004-45 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH UTILITY TRUCK EQUIPMENT, INC. FOR THE PURCHASE OF ONE (1) 2004 45-FOOT ARTICULATING AERIAL BUCKET TRUCK**

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

Vice Mayor Pelfrey asked what the average life of this vehicle was for the City. Eric Hansen replied approximately 15 years.

A motion to adopt Ordinance 2004-45 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: 4 YEAS, 1 ABSTAIN (Bradburn)

**ORDINANCE 2004-46 ACCEPTING ANNEXATION ON APPLICATION OF THE OWNERS OF 11.136 ACRES OF CERTAIN PROPERTY LOCATED SOUTHEAST OF THE INTERSECTION OF WESTERN ROW ROAD AND SNIDER ROAD, INCLUDING PORTIONS OF THOSE ROADS, TO THE CITY OF MASON, OHIO**

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

Scot Lahrmer stated on December 8, 2003, City Council approved Ordinance 2003-163 advising the County Commissioners of the benefits of annexing 11.136 acres on the east side of Snider Road, south of Western Row Road. The petition for annexation had been filed on December 8 and when the Warren County Commissioners met on January 13, they unanimously approved the annexation. The transcript of the annexation has been on file the required 60 days and it is now appropriate for Council to accept the annexation. He stated the property being annexed includes the following:

1. City of Mason owned parcel containing .385 acres at the southeast corner of Western Row and Snider Roads;
2. Mason City School parcel containing 5.109 acres on Snider Road south of Western Row Road;
3. Snider Road and right-of-way containing 5.642 acres from Western Row to just south of Cincinnati Fan.

Scot added, acceptance of this annexation will move the City forward with the \$5 million Snider/Western Row Road improvement. Currently only 3 legs of the intersection are located within the City of Mason. It was necessary to annex the south leg in order to fully improve the intersection. The City is currently designing the improvement and construction is anticipated to begin this summer including turn lanes, traffic signal, bridge replacement and improvement of Snider Road from Western Row to just south of Cincinnati Fan.

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

A motion to adopt Ordinance 2004-46 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

**RESOLUTION 2004-3 AFFIRMING THE CITY OF MASON'S CONTINUED PARTICIPATION IN THE OHIO POLICE & FIRE PENSION FUND**

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

Eric Hansen stated like other municipalities and as required by state statute, the City of Mason participates in the State of Ohio Police and Fire Pension Fund on behalf of qualified full-time

police and fire department employees. Contributions made by the City and employees to the fund finance retirement as well as disability programs operated by the State. The State recently adopted new rules to clarify and ensure proper IRS treatment of the tax-deferred contributions made to the Fund. These new rules require all municipalities to certify that their plans remain in place by adopting the attached model resolution. The attached legislation is a housekeeping item that does not change any current City practices, but affirms continued participation in the Ohio Police & Fire Pension Fund.

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

A motion to adopt Resolution 2004-3 was made by Councilmember Grossmann, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

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

Scot Lahrmer stated the second Council meeting in May has typically not been held due to the Memorial Day holiday. Although Memorial Day doesn't fall directly on our council meeting evening this year, all of the City's business can be conducted at the May 10 or June 14 meeting unless Council would prefer to meet on May 24. He said his recommendation is to not hold the second meeting of May unless necessary. Vice Mayor Pelfrey moved to not hold the second meeting in May. The motion was seconded by Councilmember Kidd. VOTE: ALL YEAS

Scot stated the annual Chamber Auction will be held on Wednesday, May 5 at 6:00 p.m. at the Manor House. For the last several years, City Council has authorized a few items to be included in the auction and this year the Chamber would appreciate the same contributions as last year, which included a family fishing pass and swimming pool pass. A motion should be made to provide these items. Vice Mayor Pelfrey moved to donate a family fishing pass and family swimming pool pass to the Chamber for their auction. The motion was seconded by Councilmember Bradburn. VOTE: ALL YEAS

### **COMMITTEE REPORTS**

Councilmember Bradburn stated the Public Works Committee met and has decided on the 2004 Street Maintenance schedule. Councilmember Bradburn moved to approve the schedule. The motion was seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

Vice Mayor Pelfrey stated the Park Board had met and voted in favor of supporting the "America in Bloom" program. She said the costs associated with this is the \$600 entry fee, transportation for visiting judges and the lodging expense for the judges. A motion to approve the expenses was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS Councilmember Kidd asked if this opens the City up to contributing to other organizations. Scot Lahrmer stated it does but this promotes the community and becomes a benefit to the city.

Vice Mayor Pelfrey stated the Park Board has decided to get RFP for a skate park as they feel it is necessary to gather more information. A general discussion followed among Councilmembers

asking if it was appropriate for the Park Board to seek RFBs. Scot Lahmmer replied it is not appropriate for the Park Board to seek RFPs. He stated they can request staff to do that. He said once they are received they are presented to Council and if Council desires, a contract can be awarded. Mayor Beck said it should be discussed with the township for a joint proposal. Scot stated this won't affect the master plan for the 3 undeveloped parks. He said the RFP for a design doesn't limit a partnership. Councilmember Grossmann and Kidd stated they would like to be given options on the various designs. Scot stated he believed that would be included with the RFP.

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

Councilmember Kidd mentioned a small business that he recently toured and was very impressed. The Kirkwood Inn, he stated, is not only a hotel but also has a conference center located at the rear of the property. He stated it is to be featured in *Country Living* magazine.

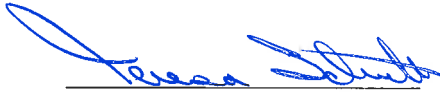
### **RECOGNITION OF VISITORS** None

### **ADJOURN**

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Kidd.

VOTE: ALL YEAS

TIME: 9:25 p.m.

  
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Clerk of Council

  
\_\_\_\_\_  
Mayor