

**CITY OF MASON
COUNCIL MEETING
April 26, 2004**

Mayor Beck called the meeting to order at 7:02 p.m. Following the pledge of allegiance, Mayor Beck requested a moment of silence in recognition of the passing of former Mayor Lou Eves.

ATTENDANCE

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Tom Grossmann, John McCurley, Charlene Pelfrey and Peter Beck.

PRESENTATION BY HALF-PRICE BOOKS

A representative from Half- Price Books presented the Parks and Recreation Department with \$250 to be used for trees planted in the parks. Steve Gayfield and Mayor Beck accepted the donation.

RECOGNITION OF VISITORS None

RESOLUTION 2004-06 PROCLAIMING APRIL 26-30, 2004 AS SMALL BUSINESS WEEK

Ken Schneider read the Resolution.

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

A motion to adopt Resolution 2004-06 was made by Vice Mayor Pelfrey, seconded by Councilmember Grossmann. VOTE: ALL YEAS

John Harris, President of the Chamber addressed Council and commented on the importance of Small Business to the community. He mentioned how they are usually the ones that give back to the community. He introduced Don Williams who is a founding member of the Chamber and a member of the Downtown Mason Association. He introduced Bill Fioretti of the UC Small Business Development Center who announced the following businesses being recognized in the four categories:

Family:	Houston Restaurant
Professional/Service:	Western Row Chiropractic
Manufacturing:	Loveland Pet Products
Retail:	Baysore's Flower Shop

The awards were presented to the representatives from each of the businesses.

RESOLUTION 2004-07 PROCLAIMING MAY 11-17, 2004 AS NATIONAL LAW ENFORCEMENT MEMORIAL WEEK

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

Scot Lahrmer stated the purpose of this legislation is to generate public attention and show appreciation to employees of the City of Mason's Police Department. He stated by an act of Congress, the week of May 15th is set aside as National Law Enforcement Week and the day of May 15, as Peace Officers Memorial Day. He explained the City of Mason Police Department, an internationally accredited law enforcement agency, serves a vital function in our community. Scot said this year, the City will conduct a short memorial ceremony on Monday, May 10th at 9:00 a.m. at the outside parking lot entrance to the Municipal Center. Ms. Linda Pope will speak at the ceremony. He said Linda Pope's husband, Cincinnati Police Specialist Daniel Pope and his partner Police Specialist Ron Jeter, were killed in the line of duty in December 1997. He added light refreshments will be served and the public is invited to attend. In addition, on May 10th City of Mason flags will be flown at half-staff in honor of Police Memorial Day.

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 Resolution 2004-07 was made by Councilmember Grossmann, seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2004-57 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARRETT PAVING MATERIALS, INC. FOR THE 2004 STREET MAINTENANCE AND RESURFACING PROGRAM

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

Richard Fair explained to Council the purpose of this legislation is to award a contract to the lowest and best bidder for capital investments and repair to the City's streets. Major projects this year include resurfacing Innovation Way, Castanea Drive, and construction of a bike path from Mason-Montgomery Road to the entrance into the outdoor pool. Richard said this year's program also includes a storm sewer project on S.R. 741 and construction of several concrete pads for a gazebo, stage, and park benches in Pine Hill Park. He added bids were opened on April 21st for the 2004 Street Maintenance and Resurfacing Program, with three (3) bids received. The best and lowest bidder was Barrett Paving Materials, Inc. for \$1,116,692.02

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

Councilmember Bradburn noted how close the actual cost came to the Engineer's estimate. He asked when the work will begin. Richard Fair replied when school is out it will begin and progress throughout the summer.

A motion to adopt Ordinance 2004-57 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2004-58 AUTHORIZING THE CITY MANGER TO ENTER INTO A CONTRACT TO SELL THE CITY OF MASON'S FORMER MUNICIPAL BUILDING

PROPERTY AT 202 W. MAIN STREET, AND 109 N. EAST STREET TO HIFIVE DEVELOPMENT, INC. WITH BUYER'S REDEVELOPMENT COMMITMENTS

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

Paige Bryan explained to Council they have an opportunity to create a revitalization catalyst that will help guide the future success of the downtown. She said HiFive Development, Inc. has submitted a formal purchase offer and proposes rehabilitation, significant real estate investment, and recruitment of target restaurant and/or office users to the 202 West Main Street building. Council's approval to sell the building to HiFive will facilitate an immediate reinvestment of approximately \$1.4 million in renovation and architectural beautification dollars. Paige stated the Downtown Committee of Council has reviewed this offer, examined all proposal elements and has proposed that City Council support the purchase contract. She introduced the buyer, Mark Davis with HiFive. He explained his interests in art deco projects and relayed information on the appeal this project has received from the public. He stated he has already received inquiries about leasing space within the building.

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

Councilmember Grossmann asked how we arrived at a price for this project. Scot replied we had the property appraised and the appraisal came in higher than the contract price but the City is viewing this as an opportunity to move forward with the development of downtown in a way that will be a contribution to the community. He asked if the building had been listed with a broker. Scot replied no due to the fee involved of approximately \$50,000-\$70,000. It was believed the fee exceeded the value. Scot said a broker's interest would be to get the highest price and that was not necessarily the interest of the Downtown Committee. Councilmember Grossmann asked what would prevent the new owner from turning around, once the sale is complete, and selling it for a higher price. Councilmember Osborne stated he has the same concerns as Councilmember Grossmann. He stated the contract is too open ended. He said he knows the firm HiFive and feels they are a firm with integrity yet it benefits both parties to have the details spelled out in the contract. This is necessary for the protection of both parties. Ken Schneider asked for clarification from Council if they want the building back should the firm fail to fulfill the agreement. He suggested this be a first reading. Councilmember Grossmann stated he feels this contract needs to be more specific. Councilmembers Osborne and Kidd agreed. Councilmember Kidd stated he knows the people involved and feels we will have no problem with them but agrees the contract language should be more specific. Councilmember McCurley stated the Committee is satisfied. He said the City's interest to revitalize downtown makes this the best option and right now the only option. He also said looking at the numbers doesn't tell the whole story. Councilmember Grossmann stated he did not receive Exhibit A in his council packet for review. Mayor Beck stated that Exhibit A would clarify this issue. Councilmember Bradburn said Council needs to see Exhibit A before they approve this contract therefore this must be a first reading.

A motion to make this a first reading was made by Councilmember Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2004-59 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CHRIS CARTER FOR ACQUISITION OF PERMANENT AND

TEMPORARY EASEMENTS NECESSARY FOR CONSTRUCTION OF THE INFLUENT SEWER TO THE NEW WATER RECLAMATION PLANT AND DECLARING AN EMERGENCY

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

Scot Lahrmer explained to Council this legislation authorized the purchase of necessary permanent and temporary easements for construction of the Influent Sewer, which is an integral part of the new WRP project. He stated the construction of the Influent Sewer crosses property owned by Chris Carter. He also stated a connector sewer from the existing East Trunk Sewer to the new influent sewer is across property owned by Chris Carter. The Public Utilities Department has negotiated with the property owner and the future developer of the adjoining property, Rhein Interests. As a result of the negotiation, payment of \$30,000 is recommended to Chris Carter for the purpose of acquiring the necessary easements. Scot stated the Utility Committee has reviewed this proposal and recommends adoption.

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 2004-59 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

CITY MANAGER'S REPORT

A Council Work Session will be held on Monday, May 17 beginning at 6:00 p.m. in the Atrium Conference Room. Dinner will be provided.

Scot Lahrmer said he will be out of the office for vacation from Friday, May 28 through Wednesday, June 9 and City Council needs to appoint Eric Hansen as Acting City Manager from May 28 through June 9. A motion to make that appointment was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

The grant report Council received was prepared by Bruce Snell and illustrates the vigorous activity the City has taken to secure available grants.

COMMITTEE REPORTS

Vice Mayor Pelfrey reported on the Park Board. She stated there will be no regular meeting in May due to the public input meetings to be held on May 4, 25, and 27 from 7:00 to 9:00 at the City Building. She stated the public is invited and encouraged to submit their input on the design and needs of the parkland.

Councilmember McCurley reported he had attended the Southwest Warren County Transportation Study meeting and announced public input meetings are scheduled for Tuesday May 25 at 5-7:30 at 300 East Warren Street in Lebanon. He said another will be held in Mason on May 26 at 5-7:30 p.m. at the Mason Heights Elementary Cafeteria on 200 Northcrest.

COUNCIL OLD AND NEW BUSINESS

Councilmember Kidd spoke in favor of the proposal for the sale of the old city building. He said while he agrees the contract language should be tightened up, this project will show the City's interest in improving downtown and be a morale boost for the business owners in that area.

Vice Mayor Pelfrey stated she has learned a person connected with the Historical Society has the original lights that were used on the old city building. She offered to pass that information along to Mr. Davis. She also stated she represented the City at the Southwest Ohio Tree City USA awards program. She provided the following facts: The City planted 264 trees last year, pruned 300 trees and removed 31 dead trees. She said the event was well attended and reflected well on the City. Vice Mayor Pelfrey also stated she spoke at the Mason Historical Society on her trip to Israel.

Vice Mayor Pelfrey reported the railroad tracks on Church are now a safety hazard as the wood is all gone. She stated people are now traveling over metal spikes. She asked Richard Fair to expedite the repairs to be done by the railroad.

Mayor Beck announced the following meetings: Luncheon recognizing the volunteers for the Veteran's Memorial will be held on April 28 at 11:30 a.m. at Grace Baptist Church; the Chamber will hold its annual auction on May 5 at 5:00 p.m. at the Manor House.

Councilmember Kidd stated he has recently eaten at the Bistro at the Shops of Greenbrier and recommends it to others. He also stated the traffic light at Kings Mills Road and RT 42 is frustrating as cars back up on RT 42 waiting for it to change. Richard Fair stated that signal has been fixed but now the school bus drivers are complaining they don't have enough time to turn.

Councilmember McCurley announced there will be the annual Mayor's Prayer Breakfast on May 6 at 7:00 a.m. at the Drake Road Baptist Church in Lebanon. He also stated he attended the Earth Walk and suggested it needs to be promoted more in the future. He concluded by mentioning the numerous ways in which former Mayor Lou Eves helped this community.

RECOGNITION OF VISITORS

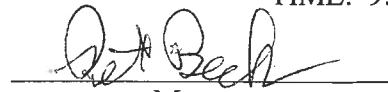
Mr. Jack Quackenbush of 975 Cherokee Drive addressed Council and asked about the status of the Snider Road and Western Row intersection improvement. Scot Lahrmer replied the bids will be opened this week and construction will begin in early June. He also said it took longer due to the necessary land acquisitions.

ADJOURN

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

TIME: 9:00 p.m.


Clerk of Council


Mayor