

**CITY OF MASON  
COUNCIL MEETING  
JUNE 28, 2004**

Mayor Beck opened the meeting at 7:08 p.m. Those in attendance recited the Pledge of Allegiance.

**ATTENDANCE**

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

**APPROVAL OF MINUTES**

A motion to approve the minutes of the June 14, 2004 Council meeting was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to approve the minutes of the June 21, 2004 Council work session was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: 6 YEAS, 1 ABSTAIN (Beck).

**INTRODUCTION OF POLICE K-9 ZICCO**

Officer Hayes introduced Zicco a 2-year-old male German Shepard. He said he has been sent from Germany and has already been useful in one investigation. Mayor Beck stated in the past we have had to utilize a dog from West Chester.

**RECOGNITION OF VISITORS**

Jack Clasen of 720 Eagle View Court addressed Council and gave an update of the *Mason in Bloom* program. He stated the judges arrive in Mason on July 23.

Maureen Cooper of 5312 Joseph Lane addressed Council and stated her concerns over the lack of priority for the improvements on Mason Road. She said the increase in traffic volume has been significant and with a new school planned for that area it will substantially increase. She said 48 buses will be traveling to that school. She also stated the new park planned for the Gould property will also impact the traffic in the area. She stated there should be a sense of urgency for this road improvement and requested Council expedite it. Mayor Beck said there is a worksession planned for July that will address this as well as other capital expenditures.

Richard Cox of 657 Reading Road addressed Council and stated a chipper was being used on the development at Tylersville Road and US 42. He stated it created such a fog when it was in operation; he had to allow employees to go home early as they could not be outside. He suggested limits be placed on this type of equipment within the city limits in areas of high population.

**ORDINANCE 2004-70 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON TO ADD ZONING CODE CHAPTER 11899 ENACTING DESIGN REVIEW REGULATIONS FOR THE DOWNTOWN PRESERVATION DISTRICT AND ADJOINING DOWNTOWN AREAS**

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

Paige Bryan addressed Council and stated this was presented to Council at a previous meeting and they deferred the matter until tonight to make certain the property owners were informed on the exact consequences this legislation could have on their property. The following property owners spoke in favor of this legislation. Gary Burket of 5076 Birchwood Farms Drive, Kathy Moe of 6108 Fairway Drive, Bob Sloan of 414 Reading Road, Christine DeBaltzo of 203 S. Forest, Don Williams of 214 W. Church Street, Mike Dupree of 109 S. East Street, Phil Dubois of 4900 Laurel Wood Court, Brian Zilch of 209 S. West Street, Sally Nally of 319 Kings Mills Road, John Harris of the Chamber of Commerce, Dick Yost of 120 W. Main Street and Jack Flaherty of 104 and 317 Reading Road. Their comments included encouraging the downtown revitalization, need for guidelines when remodeling, encourage business both existing and new. John Looker addressed Council and stated while he is not opposed to this legislation, he is concerned over the increase in cost he may see when he remodels the exterior of his home. He said he does object to someone telling him what he can do. He also said he is concerned over the 100 foot easement that is still on the books. He stated he would like to see that changed. A general discussion took place among Council in which all stated support for this legislation. They collectively thanked the DMA for all their work and expressed a desire for a vital downtown. Councilmember Grossmann stated while he does not feel this language is very descriptive he is willing to support it if that is what the stakeholders want. He asked Paige if she is confident all the property owners have been notified. She responded she is 100% confident they have been contacted. Paige also stated the guidelines are meant to be general at this point and become more defined in the next year or two.

A motion to adopt Ordinance 2004-70 was made by Councilmember Osborne, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**RESOLUTION 2004-10 ADOPTING THE BUDGET OF THE CITY OF MASON FOR THE YEAR JANUARY 1, 2005 THROUGH DECEMBER 31, 2005**

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

Eric Hansen explained as required by the State of Ohio, a budget to justify receipt of local government monies is required to be adopted prior to July 20 of each year. He stated the tax budget must show the City's need for funding of next year's projects.

Mayor Beck opened the public hearing at 9:23 p.m. Seeing no comments either for or against the legislation, Mayor Beck closed the public hearing at 9:24 p.m.

A motion to adopt Resolution 2004-10 was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

**RESOLUTION 2004-11 AUTHORIZING THE CITY MANAGER TO FILE A DRUG ABUSE RESISTANCE EDUCATION (DARE) GRANTS PROGRAM APPLICATION AND TO ENTER INTO AN AGREEMENT WITH THE OHIO ATTORNEY GENERAL, JIM PETRO, TO CONTINUE A DARE PROGRAM**

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

Eric Hansen stated the purpose of this legislation is to support the Police Department in filing a grant application with the State of Ohio Attorney General's office to obtain funds to support the DARE program. He stated since the program's inception, the City has been successful in securing a total of over \$163,000 to support this program and over 5,600 students have successfully completed the program.

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 Resolution 2004-11 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2004-79 AUTHORIZING THE CITY MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH THE WARREN COUNTY COMMISSIONERS FOR THE REPLACEMENT OF WARREN COUNTY'S BRIDGE ON WESTERN ROW ROAD**

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

Richard Fair explained to Council widening Western Row Road required replacing the existing 74-year old bridge maintained by Warren County. He stated the Warren County Engineer has agreed to pay for 50% of the costs to widen and replace the bridge. The existing bridge is 30 feet in length with 15 feet of span across the Davis Run. The new bridge will be 104 feet in length to accommodate the five lanes, a bike path and a sidewalk and spans 24 feet across Davis Run. In order to get reimbursed for replacing Warren County's bridge, the City is required to enter into a reimbursement agreement with the Warren County Commissioners.

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

A motion to adopt Ordinance 2004-79 was made by Councilmember Grossmann, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2004-80 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO ACQUIRE A PORTION OF THE PROPERTY LOCATED AT 6004 WESTERN ROW ROAD FROM A. J. ENTERPRISES FOR RIGHT-OF-WAY**

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

Richard Fair stated as part of the Western Row Road and Snider Road Improvement Project, it is necessary for the City to acquire a portion of the Snider Road frontage owned by A. J. Enterprises at 6004 Western Row Road for right-of-way. He stated this acquisition includes utility, drainage and temporary construction easements as well as 2,221 square feet (0.051 acres) of additional right-of-way. The property owner, Calvin Johnson, has agreed to give the necessary easements and right-of-

way without compensation. Richard said this is a generous gesture from Mr. Johnson and notified Council additional right-of-way purchases for this project will be forthcoming.

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 Ordinance 2004-80 was made by Councilmember Grossmann, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2004-81 ACCEPTING ANNEXATION ON APPLICATION OF THE PARAMOUNT'S KINGS ISLAND, OWNERS OF 74.523 ACRES OF CERTAIN PROPERTY LOCATED IN DEERFIELD TOWNSHIP TO THE CITY OF MASON, OHIO, AND DECLARING AN EMERGENCY**

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

Scot Lahrmer stated on March 22, City Council approved Ordinance 2004-42 advising the County Commissioners of the benefits of annexing 74.523 acres on the east side of Kings Island Drive, south of Wilson Avenue. The petition for annexation had been filed on March 22 and when the Warren County Commissioners met on April 22, 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. Scot explained as a result of the new State annexation law, petitions that are signed by 100% of the property owners are expedited and while annexed, also remain in their original township instead of being brought into Mason Township. He also said the property being annexed includes 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 Island property.

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

A motion to adopt Ordinance 2004-81 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2004-82 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WARREN COUNTY TO PROVIDE FOR AN EMERGENCY INTERCONNECTION TO THE CITY'S SEWER SYSTEM FOR ROSEMONT SUBDIVISION 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 the Rosemont Subdivision is situated in Deerfield Township just west of the City of Mason's corporation limit. Utility service for water and sewer is provided through Warren County. A sewer lift station on Rosemont Lane pumps the sewage to the Butler County Sewer System for treatment however; the lift station does not have emergency backup power to cover power

failures. This has led to basement flooding of homes in that section of Rosemont located in Deerfield Township near the lift station. Scot explained to Council the City of Mason has a gravity sewer main just behind the lift station that was installed to serve developing property to the south of the Rosemont Subdivision. Warren County has requested an emergency interconnection to this main to allow them response time to respond to problems at their lift station. A gravity main would be constructed at the critical elevation relative to neighboring basements to allow the sewage to flow to the City system should the station fail. A flow meter would be installed in the interconnection to meter flows exiting the County system and entering the City system. All costs for the design, construction and maintenance for the interconnection, including the flow meter and its specified calibration, would be borne by the County. The main has sufficient capacity to allow for expected development and the emergency interconnection. The County will be billed for the metered flow at a rate of \$2.857 per 1000 gallons. As rates increase for Mason customers, the increased rates would apply to the interconnection Agreement with the County. Public Utility Staff has examined the feasibility of the interconnection, the Agreement has been reviewed by Wood and Lamping and recommended by the Utility Committee.

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

Councilmember McCurley stated Rosemont should have been developed in the City. He said it is surrounded on three sides by the City of Mason. He said he does not support the City being used as a primary sewer service, which this could evolve into. Scot stated the intent is for emergency service only. Councilmember Grossmann also stated this is not an ideal situation and asked if we were charging them a fee. Scot replied we are charging them the rates established within the City. Councilmember Bradburn said the township made promises to them so they would not annex. He asked why we would bail them out now. He said he could not support this legislation. Councilmember McCurley suggested the matter be referred back to the Utility Committee.

A motion to table Ordinance 2004-82 and refer it back to the Utility Committee was made by Councilmember McCurley, seconded by Councilmember Grossmann. VOTE: ALL YEAS

**ORDINANCE 2004-83 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LBJ INC. FOR ENGINEERING SERVICES TO DESIGN SANITARY SEWER IMPROVEMENTS IN THE VILLAS CREEK AND CONCORD CROSSING AREA**

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

Scot Lahrmer explained to Council from August 29 to September 2, 2003 the City received about 6.35 inches of rain over a 5-day period. September 2 had a 45-minute event that delivered 1.75 inches of rainfall. As a result, the City was contacted by homeowners in the Villas Creek area regarding sanitary sewer backups into their homes. During the same event, sanitary sewer backups affected two homeowners in the Concord Crossing Subdivision as well. Scot said Council awarded a contract to LJB on November 24, 2003 for a not-to-exceed cost of \$22,900 for a study to identify and analyze problems in the two areas, and to recommend specific construction projects to address these problems. That is complete and Ordinance 2004-83 authorizes a not-to-exceed \$33,000 contract to LJB, Inc. for engineering services to design sanitary sewer improvements in the Villas Creek and Concord Crossing areas, and to prepare bidding documents.

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

A motion to adopt Ordinance 2004-83 was made by Councilmember Grossmann, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

Councilmember Grossmann asked if the Cinergy matter could be discussed now, as he had to leave to attend another meeting. Scot Lahrmer explained to Council a variance from Cinergy has been received and reviewed by the Legal department. Scot stated they are requesting an overhead line extension over Bethany Road. He said as a result of the legal review, it has been determined the City cannot refuse the request do to the hot wire act. A motion to grant the variance was made by Councilmember Grossmann, seconded by Councilmember McCurley. VOTE: ALL YEAS

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

Red, Rhythm & Boom will be celebrated on Saturday, July 3 beginning at 6:00 p.m. at Pine Hill Lakes Park. The group, Hot Wax, will start the evening on stage at 6:30 p.m. with lively, great-sounding oldies music. There will also be face painting, wall climbing, and many other free activities from 6:00 to dark. If you're hungry, there will be plenty of food available for purchase. At 8:30 p.m., singer-songwriter Don McLean is the headline performer, known for his hit, *American Pie*. The fun concludes with fireworks over the lake at 10:00 p.m. Parking will be available at Pine Hill Lakes Park, Heritage Oak Park, Corwin M. Nixon Park, Mason Intermediate School, and Mason Middle School.

The Farmers Market will be held again this year in the Mason Middle School parking lot each Saturday morning beginning July 11 from 8 a.m. to 12 noon.

### **COMMITTEE REPORTS**

Councilmember McCurley stated he attended a meeting of the Warren County Municipal League and the guest speakers were attorneys representing Mason, Springboro and Franklin. He also stated he met with the Economic Development Committee and was encouraged by the future projects. He said the Great Wolf Lodge was discussed.

Councilmember Osborne stated the Employee Relation Committee continues to meet and hope to complete the review project of compensation levels by the budget time.

Vice Mayor Pelfrey stated the Festival Committee of Mason has met and are continuing to work out the details for the festival. She stated they are requesting a fifth trustee be assigned to the group. Councilmember Kidd volunteered to serve on that committee.

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

Councilmember McCurley thanked Mrs. Moe from Greenville for attending and said she mentioned the Farmers Market. He stated he would like to see Mason's relocated to downtown.

Mayor Beck said he has completed the assignments to the various boards and commissions and asked Council for a motion to approve. Vice Mayor Pelfrey moved to approve the list. Councilmember Kidd seconded this motion. VOTE: ALL YEAS

Mayor Beck thanked all those involved in bringing the Olympic Trials in archery to the City. He also stated he wants to closely review the Community Center Report for 2003 to try to bring it in line so it does not present a drain on the general fund.

Councilmember Bradburn requested a copy of the original agreement on the initial general contract for basic building services and associated expenses. Mayor Beck asked for all of Council to receive that agreement.

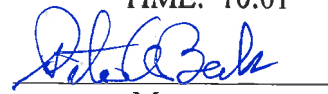
**RECOGNITION OF VISITORS** None

**ADJOURN**

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

TIME: 10:01

  
Clerk of Council

  
Mayor