

**CITY OF MASON  
COUNCIL MEETING  
December 13, 2004**

Mayor Beck called the meeting to order at 7:06 p.m. Pastor Jerry Pelfrey opened the meeting with a prayer followed by the presentation of colors by the VFW Color Guard. Those present 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 November 22, 2004 meeting was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

**DARE ESSAY CONTEST WINNERS**

Officer Van Wagner introduced Jake Allen and Emily Snyder who read their winning essays. She stated there were approximately 250 students participating in the DARE program.

**RECOGNITION OF DEERFIELD TOWNSHIP TRUSTEE, BARBARA WILKENS REED**

Barbara Wilkens Reed, Deerfield Township Trustee, addressed Council and stated she had read in the Cincinnati Enquirer Mason Council's concern over meeting the demand for ball fields. In the article, she stated it referred to the Township as being unconcerned over this problem and she said it affects them as well because many of their residents' children use the fields. She requested the City Council communicate to the Township Trustees these concerns and involve them in the process. She said she realizes Council has the authority to make their own decisions but they may have an effect on township residents. She added she understands a meeting is being planned between the two entities and she stated she looks forward to that occurring. Mayor Beck thanked her for coming and expressed a desire to work together in the future.

**CDBG PRESENTATION BY SUE MILLER**

Sue Miller representing the State of Ohio Department of Development presented a check in the amount of \$400,000 for a Community Downtown Block Grant the City received for the Downtown Revitalization Project. She will be assigned to this project for the next two years.

**RECOGNITION OF VISITORS**

Mr. Ron Olston of 8704 Charleston Woods Drive in Deerfield Township addressed Council and stated he represents several hundred residents of the township working on smarter growth for the township. He said they encourage a strong collaborative effort between the Township and the City. He stated their priorities include parkland acquisition, field development, and bike and pedestrian development. He said they would like to see the youth groups have adequate access to the fields. He concluded by stating they would like to see an overall integrated plan between the two communities.

**ORDINANCE 2004-132 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MCKENNA ASSOCIATES, INC. TO COMPLETE THE DOWNTOWN OVERLAY DISTRICT AND DESIGN GUIDELINES FOR THE DOWNTOWN PRESERVATION**

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

Scot Lahrmer reported staff is requesting this legislation be tabled until the February 14, 2005 meeting.

**ORDINANCE 2004-134 2<sup>nd</sup> Reading AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SITE DESIGN GROUP, INC., FOR PREDESIGN AND DESIGN SERVICES FOR THE MASON SKATE PARK**

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

Scot Lahrmer explained to Council at the last meeting, City Council gave a first reading to Ordinance 2004-134, authorizing a not-to-exceed \$45,000 contract to Site Design for the pre-design and design of a skate park. He stated it is on the agenda for a second reading. Scot said as recommended by the Finance Committee, staff provided a list of skate parks with pictures, costs and descriptions in Council packets. Scot further stated if City Council decides to approve Ordinance 2004-134, the next step would be for public workshops in winter-spring 2005, with design plans provided by this summer. Based on Council's direction, the design process could include various design options with a construction price not to exceed a certain amount. Scot said if Council is supportive of a skate park and wants to only commit a certain amount of money towards skate park construction, then a motion by Council is in order. An additional option is for various designs to be prepared at different price points. Scot stated the benchmarking, construction prices for concrete skate parks in our region range from \$200,000 to \$710,000. He added the budget number for the skate park that was presented, as part of the 2004 and 2005 Budgets was \$600,000. This number was not based on any design or preferences, merely a "ballpark" number of what a full skate park could cost as well as possible amenities such as lighting, parking, utilities, etc. Last year, the Finance Committee was not comfortable with the \$600,000 amount and did not include funds for skate park construction. For the 2005 Budget, skate park construction was not funded and the Finance Committee requested a comparison of skate parks be provided to City Council.

A general discussion among Council members revealed there are other firms that are willing to do the design work for free. Mayor Beck stated he had talked this matter over with a firm from Canada and they are very willing to help us with this project. They also stated a cost of \$600,000 exceeded what they have spent in the past for a skate park. It was clarified there is no money in the 2005 budget for a skate park. Michael Hecker stated based on the interest from the Park Board, the matter was researched and the firm of Site Design Group was selected as they have done over 200 park designs. Jim Fox addressed Council and stated this topic has been discussed for 3 years. He said it was vital to have a firm involved that would speak the language and they would present several options with varying costs. He also stated this is a growing sport with statistics showing more children participate in this than in baseball. Michael Hecker stated the area marked for the skate park is by the Lou Eves Pool. Scot clarified that funds are in the 2004 budget for design but not included in the 2005 budget. Vice Mayor Pelfrey stated when preparing the master plan, much interest was shown from residents for this park. She requested the money be carried over in the 2005 budget for design and the matter be referred back to the Park Board for further discussion and maybe looking at additional firms. Councilmember Bradburn stated it would be nice if we have the funds but he does not support borrowing money to provide a skate park. The matter was referred back to the Park Board.

A motion to table this legislation until the February 28, 2005 meeting was made by Councilmember Osborne, seconded by Councilmember McCurley. VOTE: 6 YEAS, 1 NAY (Bradburn)

**ORDINANCE 2004-140 APPROVAL OF THE FINAL PLAT FOR CARMELLE SUBDIVISION SECTION 1**

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

Richard Fair explained to Council, Allison Sears of Bayer Becker Engineering, representing Robert C. Rhein Interests, Inc. is requesting approval of the final plat for Section 1 of the Carmelle Subdivision. He stated Carmelle, zoned R-3, is located on the east side of SR 741, approximately 0.4 miles south of U.S. 42. Section 1 of the subdivision contains a total of seventy-one residential lots on 42.64 acres. This record plat dedicates the right of way, landscaping, utility, sanitary and storm sewer easements needed for this section of the subdivision. Richard said Planning Commission recommends approval of the final plat contingent on the developer providing a subdivider's contract and performance bond.

Councilmember McCurley asked about the status of realigning the road at the entrance. Ken Schneider replied there has been no action on that matter.

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

A motion to adopt Ordinance 2004-140 with contingencies was made by Vice Mayor Pelfrey, seconded by Councilmember McCurley. VOTE: ALL YEAS

**ORDINANCE 2004-141 APPROVAL OF THE REPLAT FOR LOTS 6 AND 7 OF THE CINTAS COMMERCE PARK**

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

Richard Fair stated Allison Sears of Bayer Becker Engineering representing Al Neyer Inc. is requesting approval of the replat for the Cintas Commerce Park. He said the replat takes 0.3 acres from Lot 7 and adds it to Lot 6. This replat was required as part of the approval of a parking lot expansion. Richard also stated Planning Commission recommended approval of the replat.

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

A motion to adopt Ordinance 2004-141 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-142 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH EVERYBODY'S FARM, INC., TO CONSTRUCT A NEW BRIDGE AND 400 FEET OF SNIDER ROAD OVER THE MUDDY CREEK AND DECLARING AN EMERGENCY**

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

Richard Fair stated he will be explained details of Ordinances 2004-142 through 149 as they are related. He explained Ordinance 2004-142 and 143 authorize the City Manager to enter into an agreement with Everybody's Farm and approving the dedication and easement plat necessary for the construction of the Park Access Lane and Snider Road Extension. He said Ordinances 2004 – 144 through 146 award contracts to various firms for the performance of work necessary in the construction, inspection and material testing of the Park Access Lane, Snider Road Extension and Snider Road Re-alignment Project and Ordinances 2004-147 through 149 authorize the City Manager to enter into contracts for the acquisition of property related to the construction of the Park Access Lane, Snider Road Extension and Snider Road Re-alignment Project. Richard explained over the past year, the Engineering and Building Department has been working to finalize the design and to combine three projects to construct a regional detention facility, access into the former State of Ohio Property, extension of Snider Road across the Muddy Creek and realignment of the south leg of Snider Road at US 42. He stated the task of combining three projects, finalizing agreements with property owners/developers and meeting the overall requirement of reducing flooding in the area of Davis Run and the Wood Creek subdivision was time consuming but worth the benefits the City will experience once these projects are constructed. He further explained the cost savings and benefits of this project are numerous. By taking advantage of the Snider Road bridge structure for detention, the City saved at least \$1 million in construction costs, reduced the impacts on the former State of Ohio property and allowed for additional useable park area. By constructing a regional detention basin with the

goal of setting the 100-year flood elevation at the top of the twin culverts running under Tylersville Road, the City will reduce flooding in the Wood Creek and Villas of Wood Creek Subdivisions. At the same time, the City's portion of Snider Road extension will be constructed. Finally, Richard said the City will complete the realignment of the skewed intersection at Snider and US 42 and eliminate a potential hazardous intersection.

Richard explained Ordinance 2004-142 and 2004-143 deals with Everybody's Farm Agreement and Dedication Plat. He said Engineering staff worked with Everybody's Farm to create an agreement between the parties that outlines the responsibility of both. Also, this will finalize the dedication plat and floodplain easement that dedicates the property necessary for the construction of the Snider Road Extension.

Richard stated Ordinance 2004-144 deals with the construction of detention basin, park access lane, the City's portion of Snider Road Extension and Snider Road Re-alignment at US 42. The bid opening for this project was held on December 3rd with five bids received with the lowest bid coming from Sunesis Construction Co. for \$1,312,071.95. Due to the time of the year and staff being able to combine the projects, Richard stated, Sunesis' bid was much lower than the Engineer's estimate.

He further explained Ordinance 2004-145 and 2004-146 deals with the construction testing and inspection contracts. Both the Park Access Lane and the Snider Road Extension structures will be acting as in-line detention facilities that reduce flood elevations downstream. Therefore, the installation of the bridge structures and embankment construction are very critical and must be completed under the supervision and certified by a registered professional engineer. Fuller Mossbarger, Scott & May (FMSM) meet these criteria. Ordinance 2004-145 authorizes the City Manager to enter into a contract with Fuller Mossbarger, Scott & May in a not-to-exceed amount of \$35,655 for the construction administration; embankment inspection and testing required during construction of the Park Access Road and Snider Road Extension structures. Their work includes shop drawing review as well as contract administration and all testing. Richard explained CDS completed the design of the Snider Road Re-alignment at US 42 and is working with Everybody's Farm to design the rest of the Snider Road extension. He said staff requested CDS to prepare a cost proposal for construction inspection and completion of record drawings for the Snider Road portion. He stated their past involvement with design and property owners and future involvement during construction will help ensure a good transition from the City's portion of the Snider Road extension to the future road improvements by the developer. Ordinance 2004-146 authorizes the City Manager to enter into a contract with CDS Associates, Inc. in a not-to-exceed amount of \$59,900 for their services with subgrade items like sidewalks, curbing and asphalt as well as record drawings required during construction of the Snider Road Re-alignment at US 42 and the Snider Road Extension.

Richard stated the final ordinances, Ordinance 2004-147 through 2004-149 deal with property acquisitions. He said Engineering staff worked with property owners to procure right-of way and easements necessary for the construction of these projects. Ordinance 2004-147 authorizes the purchase of property from McNk Properties, LLC for \$215,300. This 5.98-acre parcel is located just south of the State of Ohio Property on US 42 and is impacted by the construction of the detention basin and Park Access Lane. Ordinance 2004-148 authorizes an agreement to

acquire property, a drainage easement and a temporary construction easement from Mason Developmental Resources, Inc., (Terry's Lawn Care), for \$22,100. Ordinance 2004-149 authorizes an agreement to acquire property, a drainage easement and a temporary construction easement from Steven and Carol Ann Boymel for \$2,400.

Richard concluded by stating staff is currently working on finalizing the acquisitions of the additional property needed to construct the Snider Road Realignment at US 42.

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

Councilmember Bradburn asked for clarification of the flood plain. Richard Fair explained it is the criteria that the Ohio Department of Natural Resources and FEMA use as design guidelines. Mayor Beck asked what assurance we have the owners of Everybody's Farm will complete their portion of the road. Richard Fair stated they must post a performance bond.

A motion to adopt Ordinance 2004-142 was made by Vice Mayor Pelfrey, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2004-143 APPROVAL OF THE DEDICATION AND EASEMENT PLAT FOR EVERYBODY'S FARM**

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 Councilmember McCurley, seconded by Councilmember Osborne. VOTE: ALL YEAS

A motion to adopt Ordinance 2004-143 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2004-144 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SUNESIS CONSTRUCTION CO. FOR THE CONSTRUCTION OF THE PARK ACCESS LANE, SNIDER ROAD EXTENSION AND SNIDER ROAD REALIGNMENT PROJECTS**

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

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

A motion to adopt Ordinance 2004-144 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2004-145 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FULLER, MOSSBARGER, SCOTT & MAY ENGINEERS, INC., FOR CONTRACT ADMINISTRATION, EMBANKMENT INSPECTION AND MATERIAL TESTING SERVICES FOR THE CONSTRUCTION OF THE PARK ACCESS LANE AND SNIDER ROAD EXTENSION PROJECTS**

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

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

A motion to adopt Ordinance 2004-145 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2004-146 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CDS ASSOCIATES, INC., FOR INSPECTION SERVICES FOR THE CONSTRUCTION OF THE SNIDER ROAD EXTENSION AND REALIGNMENT PROJECTS**

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

A motion to adopt Ordinance 2004-146 was made by Councilmember McCurley, seconded by Councilmember Grossmann. VOTE: ALL YEAS

**ORDINANCE 2004-147 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH McNk PROPERTIES, LLC FOR THE ACQUISITION OF PROPERTY ADJACENT TO THE STATE OF OHIO PROPERTY LOCATED ON U.S. 42, MASON, OHIO**

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

A motion to adopt Ordinance 2004-147 was made by Councilmember Grossmann, seconded by Councilmember McCurley. VOTE: ALL YEAS

**ORDINANCE 2004-148 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH MASON DEVELOPMENTAL RESOURCES, INC., f/k/a CONNIE D., INC., FOR THE ACQUISITION OF PROPERTY LOCATED AT 740 SNIDER ROAD, MASON,**

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

A motion to adopt Ordinance 2004-148 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2004-149 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH STEVEN AND CAROL ANN BOYMEL FOR THE ACQUISITION OF PROPERTY LOCATED AT 780 SNIDER ROAD, MASON, OHIO**

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

A motion to adopt Ordinance 2004-149 was made by Councilmember McCurley, seconded by Councilmember Grossmann. VOTE: ALL YEAS

**ORDINANCE 2004-150 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,300,000 OF NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE STORMWATER SYSTEM IN THE CITY AND DECLARING AN EMERGENCY**

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

Scot Lahrmer explained to Council this legislation deals with the issuance of Bond Anticipation Notes for the storm water improvements in the Davis Run/Muddy Creek watersheds. Scot said the work to be performed under this project (Ordinances 2004-144, 2004-145 and 2004-147) includes the installation of two new roads over the Muddy Creek. The first, Park Access Lane, includes the installation of a Conspan structure and installation of approximately 665 lineal feet of drive. The second road, Snider Road Extension, includes the installation of a Conspan structure, installation of approximately 400 lineal feet of road with curb and gutter, storm sewer, sidewalk, bike path and approximately 422 lineal feet of sanitary sewer. Scot stated the notes will be issued for the storm water portion of these projects only and monies being borrowed will be repaid by the Storm Water Fund. The General Fund is responsible for the balance of the



roadway improvements. For the storm water portion, staff has estimated that approximately \$600,000 will be needed for the Park Access Lane project and \$700,000 for the Snider Road Extension project for a total borrowing of \$1.3 million.

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

A motion to adopt Ordinance 2004-150 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2004-151 REJECTING ALL BIDS FOR THE CONSTRUCTION OF THE FAIRWAY DRIVE DRAINAGE IMPROVEMENT PROJECT**

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

Richard Fair stated after carefully reviewing all the bids, conditions, and specifications it is recommended that the plans be modified and that the project be re-bid in October 2005 to give the contractor enough time to complete the project. He stated the bids received were much higher than anticipated due mostly to additional hauling. He added delaying the second bid opening will allow the contractors more time for construction, reduce impacts to the Golf Center and show a significant savings to the City. He said this project cannot be done this year due to the limited time frame and the cost.

Councilmember Osborne and Mayor Beck both expressed concern over a delay that might impact the property owners in the area. Vice Mayor Pelfrey agreed and expressed concern over the delay. Councilmember Kidd asked if it would be helpful to ask City staff to assist in the hauling of excess soil to a city owned site. Ken Schneider stated if that happened, the City might be considered in violation with prevailing wage.

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 2004-151 was made by Councilmember McCurley, seconded by Councilmember Bradburn. VOTE: 6 YEAS, 1 NAY (Osborne)

**ORDINANCE 2004-152 APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MASON AND MASON PROFESSIONAL FIRE FIGHTERS, IAFF, LOCAL 4049, AUTHORIZING THE CITY TO EXECUTE THE AGREEMENT, AND DECLARING AN EMERGENCY**

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

Eric Hansen explained to Council adoption of Ordinance 2004-152, authorizes a 3 year collective bargaining agreement with the IAFF. He stated over the last several months, staff have been

meeting with representatives from the IAFF to bargain the City's second collective bargaining contract. The previous two-year contract expired on October 1, 2004. Eric stated while a large number of changes and increases were sought by the IAFF, the major agreed upon changes are: revision of the wage and step schedules and the ability to deny a step increase based on poor performance, a management initiative to replace all Holiday and personal time benefits with 6 shifts of paid time off to be scheduled like vacation; a memorandum of understanding to implement academic incentive pay in 2006 consisting of a 1% bonus for an associate's degree and a 2% bonus for a bachelor's degree; and a second memorandum agreeing to establish internal procedures for overtime equalization, "light duty" and a promotional system. Eric said while it was not possible to maintain consistency with non-union pay increases, the City's negotiating team feels the negotiations were successful in protecting the City's interests and avoiding the bulk of the additional payroll costs originally sought.

Councilmember Bradburn asked how this contract restricts the City if they would wish to introduce new job titles and job functions. Eric Hansen stated new positions could be added however, the compensation would have to be negotiated with the union. Eric stated job functions are explicitly management rights. Mayor Beck asked if these recommendations will have any affect on our assessment. Eric responded no.

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

A motion to adopt Ordinance 2004-152 was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2004-153 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH CAROLYN K. HUFF FOR THE ACQUISITION OF PROPERTY LOCATED AT 644 LINDEMANN LANE, MASON, OHIO, AND DECLARING AN EMERGENCY**

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

Scot Lahrmer stated the City has negotiated with Carolyn Huff to purchase her late father's property located at 644 Lindemann Lane. Mrs. Huff owns residential property at the end of Lindemann Lane, on the north side, directly across the street from Meadows Park. The northern boundary of the Huff property abuts the Gould property. Scot explained the City's interest in this property stems from connecting Meadows Park to Gould Park via a bike and pedestrian path. This connection was conceptually shown on the concept plan for the Gould property in the recently adopted Mason Park Master Plan & New Park Design. The plan recommends a pedestrian link from Hosea Woods Park through Gould and Meadows to Tylersville/US 42. This would also follow the recommendations in the City 2001 Bicycle Plan to connect all of the City parks through a bicycle path network. Scot explained the Huff property became available recently and the City has determined the best connection for our two properties is the Huff property. The property appraised at \$105,000 and this purchase price was offered to Mrs. Huff. If Council approves the purchase, the property would transfer to the City by the end of the year

and possession of the property would be delayed until May.

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 2004-153 was made by Councilmember Osborne, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-154 REPEALING CHAPTER 181 OF THE CODIFIED ORDINANCES OF THE CITY OF MASON, OHIO, AND ADOPTING A NEW CHAPTER 181 TO REFLECT THE CHANGES IN THE LAW OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY.**

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

Scot Lahrmer explained to Council Ordinance 2004-154, repealing and replacing Chapter 181 of the City's Codified Ordinances is necessary to comply with various changes in State law. He stated the City of Mason's Income Tax Ordinance was adopted in 1970. In recent years the Ohio legislature has made significant changes to municipal income taxes requiring revisions to the City's Tax Ordinance. House Bills 477 and 95 led to most of the needed changes. Beginning in 2000, as state legislation was being introduced and adopted, the City of Mason Finance Department began working with legal counsel at Wood & Lamping as well as other consultants to review the City's tax ordinance, clarify existing language, and ensure that it conformed to pending changes in state law. He said this has been a three year process for the Department to ensure that the City Tax Ordinance contained the most recent modifications while the state legislature continued to debate municipal income tax laws. The last of these changes becomes effective in 2004.

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

A motion to adopt Ordinance 2004-154 was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2004-155 1<sup>st</sup> reading AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MASON TO AMEND IN PART ZONING CODE CHAPTERS 1135, 1137, 1141, 1157, 1159, 1161, 1162, 1163, 1165, 1172, 1175, 1187**

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

Scot Lahrmer stated a public hearing will be held on this legislation on January 10, 2005.

**ORDINANCE 2004-156 1<sup>st</sup> reading ADOPTING THE 2005 THOROUGHFARE PLAN**

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

Scot Lahrmer stated a public hearing will be held on this legislation on January 10, 2005 at approximately 7:10 p.m.

**ORDINANCE 2004-157 1<sup>st</sup> reading AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF MASON, OHIO, TO INCLUDE AREAS ADJACENT TO THE CITY LIMITS**

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

Scot Lahrmer stated a public hearing on this legislation will take place at the January 10, 2005 Council meeting at approximately 7:15 p.m.

**ORDINANCE 2004-158 AUTHORIZING THE RE-APPROPRIATION AND TRANSFER OF MONIES AND TRANSFERRING OTHER FUNDS AND APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF MASON: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2003-157 OF THE CITY OF MASON, OHIO, PASSED BY THE COUNCIL OF THE CITY OF MASON, OHIO ON DECEMBER 8, 2003 FOR THE YEAR 2004.**

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

Scot Lahrmer explained City Council approved the 2004 Budget with Ordinance 2003-157 on December 8, 2003. This appropriation ordinance is a plan and guide for City finances for the complete year. As the City's priorities change or are modified these plans are altered and as an annual housekeeping item, legislation reappropriating funds is appropriate. Scot said Department heads are responsible for reviewing appropriation accounts and maintaining positive balances in all line items. As priorities change, they can request to transfer, within their respective department, appropriation amounts among all line items except those that fall outside the legal level of control. The legal level of control is the level at which Council passed the original annual appropriation ordinance. Transfers outside these levels of control require Council approval. Although department heads may transfer among the various appropriation accounts within their legal level of control, they must maintain the same total appropriated amount for their department. Scot further explained the reappropriation ordinance is for those appropriation transfers, which fall outside the department heads legal level of control. In a fast paced, high growth environment it is important that the budget provide enough discretion and flexibility that it can accommodate new and shifting priorities. From over 1,000 total appropriation accounts only 77 of the accounts require Council's reappropriation approval. He concluded although there are adjustments that will always occur throughout the year, it is customary for an annual reappropriation ordinance.

Councilmember Osborne stated there are several places on this document that reveal accounting

practices that concern him. He pointed out dollars listed in operation and capital expenditures. He also stated he did not see the connection of moving funds from one account to another unrelated account. He stated the Finance Committee will be reviewing this and making some changes. He said he will support this tonight but would like to see a document that reflects a more tightly managed accounting practice. Mayor Beck agreed and stated maybe it should be reviewed on a semiannual basis.

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 2004-158 was made by Vice Mayor Pelfrey, seconded by Councilmember Grossmann. VOTE: ALL YEAS

**ORDINANCE 2004-159 AUTHORIZING THE SUPPLEMENTAL APPROPRIATIONS OF MONIES: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2003-157 OF THE CITY OF MASON, OHIO PASSED BY THE COUNCIL OF THE CITY OF MASON, ON DECEMBER 8, 2003 FOR THE YEAR 2004.**

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

Scot Lahrmer stated the purpose of this legislation is to approve additional appropriations amounts. He said City Council approved the 2004 Budget with Ordinance 2003-157 on December 8, 2003. This appropriation ordinance is a plan and guide for City finances for the complete year. Plans are altered as priorities change or are modified. Throughout the year it may become necessary to appropriate additional funds for purchases and projects that were not included in the original annual appropriation ordinance. Ordinance 2004-159 is a housekeeping item to adjust and correct various line items within the City's funds.

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

A motion to adopt Ordinance 2004-159 was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2004-160 ANNUAL APPROPRIATION ORDINANCE**

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

Eric Hansen explained to Council, the Finance Committee has met to review the entire 2005 budget document. The Equipment Committee also met to review vehicle requests. Departments were provided an opportunity to present their requests to the Committees. Eric stated the budget continues to be based on very conservative practices. Revenue growth is conservatively projected at 4% over 2003 actual. Additionally, individual budgets continue to end the year with positive balances as Department Heads and City staff closely monitor expenses throughout the year. Annual carryover balances continue to be healthy, and without being included in annual

revenue estimates, provide Council the flexibility to address new or changing priorities the following year without negatively impacting the annual budget. Initial Department requests for equipment, personnel, and projects of over \$19 million were removed by the City Manager. The Finance Committee recommended additional reductions of over \$1.6 million. The result is a budget based on conservative revenue estimates, attention to controlling expenses, and ambitious investments in community infrastructure that provides the funding necessary for the City to deliver services effectively in the coming year 2005. Eric added the 2005 Budget includes some fundamental changes from past years. A primary goal of this year's budget was to better integrate it with the capital improvement planning that Council revisited earlier this year. Establishing a separate capital fund was a significant step forward and the 2005 Budget will be the first to account for capital investment in a separate fund. As a result, many of the budget materials attached are either new or significantly revised from previous budget presentations. Eric also said next year will be a transition as Council and staff continue to pursue the Capital Improvement Plan, incorporate it into the annual budget process, and introduce additional changes and adjustments. As part of this transition and to make more capital funding available, staff froze, with few exceptions, all non-personnel operating line items at 2004 budget levels. Despite concern from Department Heads with this blanket step and the possible impact on their ability to deliver services, this was considered an important step to separately evaluate operating and capital budgets.

Councilmember Grossmann stated the Finance Committee removed 1.6 million dollars from the budget that was submitted by the City Manager. He stated this is a very conservative budget. Councilmember Osborne stated the separation of the capital budget from the operational budget is something new for the City. He stated this deals with two separate methods of spending. He said the old method overstated the City's revenue. He said while it complied with the reporting requirements of the State of Ohio, it was not a true accurate picture of the City's finances. He pointed out the revenue reported from notes, is actually debt and this old method of reporting overstated the City's revenue. He went on to say the City has incurred debt but that is not a bad thing. He said with the City's growth, our expenditures on capital projects are warranted. He said it is something we need to keep an eye on it. Steve continued by stating in the future new procedures will be reviewed to more clearly report the City's financial picture. There will be a zero percent net budget increase, other than salaries, unless it has its own revenue stream. He said we want to run a tighter budget and make decisions consciously on capital expenditures. Councilmember Bradburn stated it is his desire to not leave a legacy of debt for the City while he is on Council. Mayor Beck questioned why the salary category is being increased so much when we are not adding employees. He specifically noted the Community Center. He said we need to continue to improve this process. Vice Mayor Pelfrey said there is a lot of turnover at the Community Center and feels some deficiencies do exist and should be reviewed.

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

A motion to adopt Ordinance 2004-160 was made by Councilmember Bradburn, seconded by Councilmember Grossmann. VOTE: ALL YEAS

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

Scot Lahrmer stated the intersection of Western Row Road and Snider Road is open to traffic in all directions for the winter months. We will need to close the south and west legs again in the spring when construction continues. The entire project should be done by the end of July 2005 with the signal being installed in May or June.

All of the Council action necessary to close the year has been placed on this agenda. There will not be a second Council meeting in December.

### **COMMITTEE REPORTS**

Councilmember McCurley reported the Planning Commission denied two items. One was for a childcare center that had issues regarding the traffic flow and adequate parking. The second item, he said involved Weatherstone Condos and there was a concern over the location of the flood plain.

Vice Mayor Pelfrey reported on Christmas in Mason stating many vendors participated this year. She stated the Festival of Mason finished the year in the black.

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

Vice Mayor Pelfrey stated she and Councilmember Osborne have met with another Warren County Mayor and as a result have some new ideas, which they will be reporting on in a few weeks.

Councilmember Kidd reported the Supreme Court offers a review of court systems, which includes a comparison to other courts at no cost to the City. He stated they also list the options available. He stated he has just become aware this is available and feels it will be very helpful. He stated they will receive a letter from the Court Liaison Committee requesting this review.

Mayor Beck thanked the VFW Color Guard. He also stated another Mayor's Forum will be held on January 14, 2005 in Sharonville.

Councilmember Kidd also asked if the Council packets could be sent earlier to Councilmembers instead of the Friday before a meeting. This would allow them more time to review the material.

### **RECOGNITION OF VISITORS** None

Councilmember Bradburn moved to add an executive session be added to the agenda for the purpose of discussing land acquisition. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

### **EXECUTIVE SESSION**

A motion to adjourn into executive session for the purpose of discussing land acquisition was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS

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

**ADJOURN**

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

TIME: 11:03 p.m.

  
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**Clerk of Council**

  
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**Mayor**