

**CITY OF MASON  
COUNCIL MEETING  
August 27, 2007**

Mayor Pelfrey called the meeting to order at 7:07 p.m. Those present recited the pledge of allegiance.

**ATTENDANCE**

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Matt Kline, Todd Wurzbacher, Tom Grossmann and Charlene Pelfrey.

**APPROVAL OF MINUTES**

Mayor Pelfrey noted there was a typographic error on page seven that should say \$100,000,000 not as it appears which is \$100,000. A motion to amend the minutes of the August 13, 2007 meeting was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to approve the minutes as amended was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 ABSTAIN (Osborne)

**RECOGNITION OF THE YOUNG PERFORMERS COMMUNITY THEATRE OF MASON**

Dan Sheeran, Producer for the Young Performers Community Theatre of Mason, addressed Council and stated the next performance for this group is September 21, 22, and 23 at the Mason High School Theatre. He said they have won over 30 awards and been nominated for over 70. He stated this is done entirely by volunteers. The children performed the theme song from their new production, "Thoroughly Modern Millie".

**RECOGNITION OF RACHEL KOPFLER OF MASON PARK FOUNDATION**

Rachael Kopfler, President of the Mason Park Foundation, addressed Council and provided some background information on her family explaining how this foundation was created. She stated they are having a fundraiser on September 13 at the Great Wolf Lodge. It begins at 6:00 p.m. and tickets can be purchased at [www.masonparksfoundation.org](http://www.masonparksfoundation.org). She stated the price is \$100 and is tax deductible.

**RECOGNITION OF 2008 CALENDAR PHOTO WINNERS**

Jennifer Heft announced the following winners of the 2008 Photo Contest: Rosemary Wells, Maria Krueger, Mike Greenstone, Kinsey Bryant-Lees, Helen Fox, Jacky Burgjohann, Jack Klumpe, Justin Sodano and Brooke Morris. She explained their winning photos are included in the City's 2008 calendar. Those winners present received a gift from the City for their participation.

**RECOGNITION OF CHIEF FLETCHER, GRAND MARSHALL OF HERITAGE DAY PARADE**

Mayor Pelfrey recognized Fire Chief Fletcher who was selected as Grand Marshall of the Heritage Day parade.

### **RECOGNITION OF FIRE AUXILIARY**

Mayor Pelfrey introduced Jim Spaeth, President of the Mason Deerfield Fire Auxiliary. He explained this organization works closely with the fire departments and provides water and supplies for the firefighters and EMS personnel while they are called to duty. He stated they support themselves by holding the annual fish fry and participating in various festivals. Rick Easterly addressed Council and provided details on the restored fire truck they have purchased. He said anyone interested in joining the fire auxiliary should contact the personnel at Station 52.

Jim Spaeth stated, as the Clerk of Warren County, he would also like to announce the new title office located at 773 Reading Road can now handle all watercraft registrations and licensing and as of September will be able to handle passports.

### **RECOGNITION OF DEERFIELD TOWNSHIP TRUSTEE, DAN COREY**

Deerfield Township Trustee, Dan Corey was introduced and recognized for his participation in a putting contest with Mayor Pelfrey at the Heritage Festival. He noted she has agreed to participate in Deerfield Days on September 15, 2007. He said Graeters has agreed to participate with a Scoop Contest in which he and the Mayor will compete.

### **ORDINANCE 2007-120 ESTABLISHING AND NAMING BERCAW WAY**

Paige Rothstein read the ordinance.

Eric Hansen explained the naming of an alley in the City of Mason is a rare event. He said criteria has been established to dictate when this would be appropriate. He noted the Downtown Committee of Council has reviewed this request and recommends it be adopted.

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

Mayor Pelfrey stated individuals eligible for recognition are ones that have made a significant contribution to the culture, economy, or quality of life in the City. She also noted the honoree should be deceased. She thanked the Bercaw family for their patience in this review process as it was being done simultaneously with establishing the qualification criteria.

A motion to adopt Ordinance 2007-120 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

Mayor Pelfrey presented a street sign to the family members present.

### **RECOGNITION OF VISITORS**

John Harris of 316 W. Main Street and, President of the Northeast Cincinnati Chamber of Commerce, addressed Council and said the Team Captain concept for the Downtown Mason project is a good idea and he would like to suggest it be continued. He said he is addressing Council representing the Chamber of Commerce and would like to state they are totally committed to advocating for business. He stated the Chamber is becoming very active in public policy and view

tax abatements as a necessary tool for economic development. He spoke in favor of continuing the current policy and said it was an asset to the community. He added only 6% of businesses today have abatements. He concluded by stating the Chamber will vigorously oppose any attempt to eliminate this tool.

Don Eberhard, former Council member, addressed Council and stated the bridge across the Muddy Creek is part of the city's heritage and should be restored. He objected to the idea of replacing it with a new modern structure. He noted the cost for replacement is too high and he has a history with the steel industry and knows restoration would not be that expensive. He concluded he would like to see it saved. Mayor Pelfrey stated she did not know it had any historical value and is not opposed into looking at alternatives. Eric Hansen said the Public Works Committee of Council has met and the Historical Society has been contacted regarding this matter. He stated restoration is being considered however, the Committee has decided to wait and see what the bids look like before making any decision. He added one problem is lead paint is in the current structure. Eric said the Warren County Engineer's office inspected the bridge and determined it was unsafe. He said LJB Engineers inspected it and estimated it to cost \$90,000 to replace. Eric said it is not in the budget. Don Eberhard stated the City should get bids for repair and restoring it not just replacing it.

Opal Ashburn of 217 Short Street addressed Council and agreed it is a historical bridge. She added she knows children play on it everyday and it is unsafe. She urged Council to take additional steps to insure no one gets hurt. Eric said it is blocked and posted that it is closed. Mayor Pelfrey asked him to try to make certain children can't get to the bridge. She also asked about the light planned for the area. Eric said it is part of the bridge replacement project.

Marilyn Johnston of 316 S. West Street addressed Council and said she saw the bridge being used by residents on Heritage Day. She asked if it could be fixed on a temporary basis. Eric replied the city does not want a quick fix that provides a false sense of security. Mayor Pelfrey said the Public Works Committee meetings are public and the residents are welcome to attend. She asked if Marilyn Johnston would be the point person that would contact others if notified about the next meeting. Marilyn agreed. Mayor Pelfrey asked Eric to handle notifying her of the next meeting.

Rick Inskeep of Butler Warren Road addressed Council and noted he did not see an item on the agenda that he had requested regarding placing the tax abatement issue on the ballot. He showed the letter the City received from the ACLU. He referred to an issue on executive session in 1989 and an issue in 1994 that he was involved with regarding ballot issues. He stated he is fed up with fighting Council and taking them to court. Mayor Pelfrey requested if he is referring to specific issues and has documentation regarding his comments a copy of such documents be given to Ken Schneider. Rick Inskeep agreed to comply with that request. He said his request for an item to be placed on the November ballot has not received the same treatment Council has given their own issue. He said the only way it could be placed on the ballot now is by court order. He said he knows someone from Council that stated, "the City is king and rules all". Mayor Pelfrey stated she does not believe that and asked every Councilmember if they have ever made that statement. They all replied no. He left the meeting.

Ken Schneider, Law Director, said in an effort to correct some of Rick's comments, if he had presented Council with signed petitions with the required number of signatures, Council would have placed an issue on the ballot. He stated the only other way it can be done is by action of Council. In this case, he would have to convince five members of Council to adopt this idea resulting in passage of an ordinance placing it on the ballot. He has done neither of these two things. Vice Mayor

Grossmann said he has read all the past minutes on the issues Mr. Inskeep mentioned. He said the issue he wants placed on the ballot now is concerning a tax abatement issue. He said he had this placed on the ballot in 1994 and it was defeated by a huge margin. He added he is sorry Mr. Inskeep will not stick around and answer any questions on these matters. He asked if any Councilmember wants to place the tax abatement issue on the ballot. No one stated they were in favor of this idea.

Tom Muennich, former Councilmember, addressed Council and said he knows the bridge was here in 1947. He agreed the heritage is important and ought to be maintained. He also said the issue of granting a full credit on the city's income tax is not a good idea and it is alienating residents from certain Councilmembers. Councilmember Osborne commented he did not vote to place it on the ballot.

Greg Pollitt of 223 Kings Mills Road addressed Council and stated the surrounding residents of the development proposed for that area have several concerns. He said they are going to be at the next Planning Commission meeting to request variances and the elimination of installing a turn lane. He requested Council not overlook the requirements and grant any variances. He said the residents have concerns on safety and the reduction of their property values.

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

Councilmember Kline stated he has been asked by several residents if he is going to organize an effort to oppose the recently passed charter amendment that will appear on the November ballot. He said, as a Councilmember, he does not feel that is appropriate and he should let the residents decide. He stated at sometime prior to the election he may submit his opinion on the matter to the local press.

Vice Mayor Grossmann stated he has always advocated citizens would have the right to vote on it. He said he asks only for a civil debate and not create ill will. He added he honors the right for residents to disagree. He added he would continue to submit signed petitions so they may be on file to show the support for the issue.

Councilmember Osborne stated at the Heritage Festival he was approached by several residents that expressed disappointment in his decision to not seek reelection. He said he was very touched by this and has enjoyed serving the city. He explained his business demands had increased and he does not have the time required to do justice to the job.

Mayor Pelfrey stated she has recently met with the Sinclair Community College leaders and she continues to be impressed with their commitment to education in this area. She noted they have a large interest in assisting with the needed workforce development needs in the region.

### **COMMUNITY REINVESTMENT AREA #4—STRESS ENGINEERING**

Paige Rothstein explained to Council, the City has the opportunity to retain an existing company that has been part of the business community since 1996. She said Stress Engineering located at 5380 Courseview Drive is looking to expand and one of the possible sites is in Mason. She added they intend to build a 31,000 square foot building to accommodate their growth demands. They anticipate increasing their employees from 31 to 42 by 2010. Paige stated the Kings Local School District will receive a total of \$406,744 for the period of the abatement. She noted the amount of earnings tax is \$34,000 not \$20,890. She introduced Clint Haines, Vice President of Stress Engineering who explained they are interested in remaining in Mason but said they are also looking at a site in

Lebanon. He explained how their business has grown within the last few years resulting in the need for this expansion. Vice Mayor Grossmann asked if Council agrees to this abatement tonight, will it make a difference in their decision. Mr. Haines replied yes. Paige stated the Economic Development Committee of Council has reviewed this request and recommends granting abatement under the Community Reinvestment Area Program of 100% of real property improvements for 10 years on the value of the new building investment. This recommendation is made with the contingency the company make an annual compensation payment to the Kings Local School District for the term of the abatement period. Councilmember Kidd moved to adopt that recommendation. Vice Mayor Grossmann seconded the motion. VOTE: ALL YEAS

#### **COMMITTEE REPORTS** None

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

Eric Hansen reported on the following items:

The AVP Cincinnati Open will be held at the Lindner Family Tennis Center beginning Friday, August 31 and ending on Sunday, September 2. Mayor Pelfrey has been asked to present a proclamation and a key to the City to retiring professional Karch Kiraly, with Mason being his last stop on the tour before retirement. The presentation is scheduled for Saturday, September 1 at 7:00 p.m.

Labor Day is Monday, September 3 and city offices will be closed. Trash collection will continue as regularly scheduled

The City of Mason will host the 2007 Komen Greater Cincinnati Race for the Cure on Sunday September 9 from 7:00 – 11:00 am. Set up will take place on Saturday, September 8, 10:00am - 5:00pm with a volunteer orientation on Friday evening at 7:30pm. This is the second year the City has hosted this even which is expected to draw 15,000 participants and viewers to raise funds to help find a cure for breast cancer.

MYO donated benches and cement pads to all of the nine ball fields at Heritage Oak Park, saving the City about \$6,000. Parks and maintenance assisted with the installation. Volunteers installed a portion of the new park shelter roof at Corwin Nixon Park and mulched nearly a mile of nature trails as a community service project.

Residents have reported Tree Removal Companies approaching them and saying they are with the City and they are attempting to remove the ash trees in light of the emerald ash borer quarantine. He said this is not the case and residents should look out for this.

A worksession of Council is being planned for later this week. If all of Council cannot make it, then it will have to be scheduled in two weeks to accommodate Council's individual schedules.

The City has received a request for a liquor permit for 6391 Reading Road. Eric Hansen explained it was a transfer from Lykins Stores to BAB INC. Councilmember Kline moved to not require a hearing. Councilmember Wurzbacher seconded the motion. VOTE: ALL YEAS

**ORDINANCE 2007-25 SUBMITTING TO THE ELECTORS OF THE CITY OF MASON, OHIO, AN AMENDMENT TO CHARTER SECTION 10.04 REGARDING INCOME TAX CREDIT AND DECLARING AN EMERGENCY**

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

Eric Hansen explained to Council this is a housekeeping item. With the passage of ordinance 2007-117 at the last meeting, it is necessary to defeat this ordinance that was previously tabled.

A motion to adopt Ordinance 2007-25 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL NAYS Ordinance is defeated.

**ORDINANCE 2007-119 ACCEPTING PUBLIC IMPROVEMENTS FOR HERITAGE CLUB SECTION 11 AND RELEASING THE PERFORMANCE BOND**

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

Richard Fair explained to Council, Section 11 of the Heritage Club Subdivision is a cul-de-sac street and only includes Braid Lane. He stated the Public Utilities, Public Works, Engineering Department and Greater Cincinnati Water Works have inspected the public improvements. The utilities and other improvements will become the City's responsibility upon acceptance. Richard said staff recommends accepting the public improvements, contingent on the submission of a one-year maintenance bond.

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

A motion to adopt Ordinance 2007-119 was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2007-121 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO IMPROVE THE RIGHT TURN LANES AND SIGNAL AT THE INTERSECTION OF IR 71 RAMPS WITH WESTERN ROW ROAD AND KINGS ISLAND DRIVE**

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

Richard Fair explained to Council, at their request, the City applied for a grant from the Ohio Department of Transportation for "Hot Spots Funding" to improve the intersection at Kings Island Drive and Western Row Road, including the I-71 exit ramps. He stated ODOT identifies traffic hot spot intersections around the state based on congestion and accidents. Rear-end collisions were the most prevalent accident at this intersection from 2001 to 2003. These accidents represent 72% of the total number of accidents. A significant portion of these rear-end accidents occurred at the intersection as motorists making right turns hesitate to merge with through traffic, particularly in both directions on Western Row Road to I-71 and Kings Island Drive. City Council, on September 27, 2004, approved Ordinance 2004-123 as preliminary legislation for the project. Ordinance 2004-123

authorized the City Manager to enter into a contact with ODOT. ODOT is now requesting Council approve a final ordinance authorizing a contract with the Ohio Department of Transportation for the project. The City was successful in obtaining a grant for this project and is responsible for 10% of the costs of design, construction, right-of-way and engineering, which ODOT estimates will be \$81,346.

Richard further stated the project will add right-turn lanes on eastbound and westbound Western Row Road and southbound Kings Island Drive. These new lanes along with traffic signal modifications will improve the operations of this intersection and reduce accidents. ODOT will administer the construction contract for the City. ODOT anticipates awarding this project in October and construction may begin yet this year.

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

A motion to adopt Ordinance 2007-121 was made by Vice Mayor Grossmann, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2007-122 AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE TRANSPORTATION ENHANCEMENT PROGRAM**

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

Richard Fair explained to Council, the purpose of this legislation is to apply for federal-aid reimbursement from the Ohio department of Transportation. He stated Construction is on-going on the first phase of the Muddy Creek Bike path from Mason-Montgomery Road to Pine Hill Lakes Park, an approximately 3,750 feet long multi-use trail along the Muddy Creek. Staff is in the process of applying to construct another section of trail from Pine Hill Park to Heritage Oak Park, continuing along the Muddy Creek approximately 3,950 feet long. The bike path meets the objectives outlined in the Mason Bicycle and Pedestrian Way Master Plan and the Comprehensive Plan by serving as a tributary to a portion of the Miami 2 Miami Connection; a regional bike trail system and utilizing a flood plain for open space conservation.

He explained the Transportation Enhancement Program is a reimbursement program; whereby the City will be responsible for the entire construction costs of \$1,039,000 plus engineering and environmental assessment fees. However, the City is eligible and is applying for a reimbursement up to a maximum of 80%, \$831,200 of the construction costs.

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

Councilmember Bradburn asked why the cost was so high. Richard replied it is necessary to cross the flood plain three times requiring three bridges.

Councilmember Kline asked for clarification on the flood plain use. Richard said a lot of the work is on the fringe of the flood plain. He added a bike path does not reduce the volume of flow in the flood plain.

Councilmember Osborne asked if the City does not receive the state money, does the City have to pay for the entire project. Richard Fair replied, the job will not be awarded if the City doesn't receive the funds.

A motion to adopt Ordinance 2007-122 was made by Councilmember Kidd, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

**ORDINANCE 2007-123 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HADCO OUTDOOR LIGHTING FOR THE PURCHASE OF SIX HADCO STREET LIGHTS AT \$23,200**

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

Eric Hansen explained to Council, the existing streetlights on Parkside Drive are corroding and replacement parts are becoming hard to obtain. New streetlights will match existing decorative streetlights along Tylersville Road, Mason-Montgomery Road, and the Municipal Center parking area. Eric stated there are a total of six streetlights scheduled to be replaced this year. The new streetlights will improve the overall look of Parkside Drive and increase illumination along the street. The material cost of replacing the streetlights will be \$23,200, which includes the street light poles, arms, heads, bulbs, fuses and fuse holders. Purchasing the material for this project separately will reduce the overall cost of the project as the City can obtain the material cheaper than the contractor and we avoid any possible contractor markup for material. The Finance Committee recommended including \$40,000 in the 2007 Budget for this project.

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

A motion to adopt Ordinance 2007-123 was made by Councilmember Osborne, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

**ORDINANCE 2007-124 AMENDING SECTIONS 303.09 AND 303.10 OF THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO REGARDING JUNK MOTOR VEHICLES**

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

Jennifer Heft explained to Council, the purpose of this legislation is to clarify and strengthen ordinances related to junk vehicles. She stated the City's current Codified Ordinances, Section 303.09, regulate leaving vehicles on private or public property. Currently the ordinance provides that vehicles cannot be left on public property, including streets, for a period longer than 48 consecutive hours unless notification is made to the Chief of Police. There is no approval process and no limit to the time the vehicle can remain on the street once notification is made. The proposed ordinance provides a 72-hour limit for vehicles left on private property and 48 hours for vehicles left on a



public street or right-of-way. In addition, penalties for the violation of this ordinance have been strengthened to prevent repeat offenses: the first offense is a minor misdemeanor, a second offense within one year will be guilty of a misdemeanor of the fourth degree, two or more violations within one year will be guilty of a misdemeanor of the third degree.

Jennifer further explained, Section 303.10 relates to the storage of junk motor vehicles. Currently the ordinance requires that a vehicle meet three out of five criteria in order to be considered a junk vehicle. Under the current ordinance vehicles that appear to be junk do not meet enough of the criteria to take enforcement action. This results in repetitive complaints, responses and reports on the same vehicle. Under the current ordinance when a vehicle does not meet compliance a letter is mailed to the owner and the owner may appeal to the Director of Public Safety. However, there is no established process for the appeal or a standard by which to approve an appeal, making resolution to the affected parties difficult.

Ordinance – 2007-124 establishes criteria for classifying a vehicle as junk. A vehicle that meets two of the three criteria would allow an officer responding to a complaint to issue a summons to the Mason Municipal Court if necessary. The Court would then determine the fate of the vehicle. Modifications to the current ordinance would streamline the process, facilitate enforcement and reduce potential liability to the City. The process is more responsive to the needs of the community, preserves the individual's rights to due process, eliminates concerns of inaction, and prevents potential liability concerning the towing of the vehicles since the order to tow the vehicle will be done under due process of the court system.

Jennifer stated every year the Police Department receives numerous complaints, usually in the spring and summer when people are working on their cars in the driveways. The department has responded to 42 complaints since January 1, 2006. Jennifer concluded by saying the Safety Committee has had an opportunity to review these changes, as has legal counsel.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 NAY (Kline)

A motion to adopt Ordinance 2007-124 was made by Councilmember Kidd, seconded by Vice Mayor Grossmann.

Councilmember Kidd said he is not sure this ordinance deals with the problem of junk vehicles being relocated and doesn't deal with junk trailers that obstruct the view or create safety hazards. Councilmember Wurzbacher also had several questions regarding this ordinance and exactly what it covers. Councilmember Kline stated it is a change to the codified and should have two readings. After much discussion among Councilmembers on the details of this ordinance, it was decided to table until the next meeting.

A motion to table until the September 10, 2007 meeting was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

**RECOGNITION OF VISITORS** None

**EXECUTIVE SESSION**

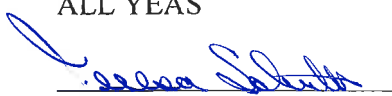
Councilmember Kidd moved to adjourn into executive session for the purpose of discussing land acquisition. Councilmember Wurzbacher seconded the motion. VOTE: ALL YEAS

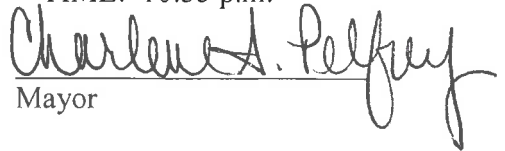
Councilmember Kline moved to reconvene into regular session. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

**ADJOURN**

Councilmember Kidd moved to adjourn the meeting, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

TIME: 10:35 p.m.

  
Clerk of Council

  
Mayor