

**CITY OF MASON
COUNCIL MEETING
JUNE 10, 2002**

The meeting was called to order by Mayor McCurley at 7:05 p.m.

Following the pledge of allegiance, Pastor Rick Huff opened the meeting with a prayer.

ATTENDANCE

The following members of Council were in attendance: Jim Fox, Dick Staten, Victor Kidd, Tom Grossmann, Pete Beck, Charlene Pelfrey and John McCurley.

APPROVAL OF MINUTES

A motion to approve the minutes of the May 13, 2002 meeting was made by Vice Mayor Fox, seconded Councilmember Staten. VOTE: ALL YEAS

RECOGNITION OF CITY'S FINANCE DEPARTMENT

Jeff Eichhorn, representing the State Auditor's office addressed Council and presented the City Finance Department with the Auditor's Award for the Finance Department's presentation of the City's 2001 Comprehensive Annual Financial Report. He stated this is the highest form of recognition in the area of governmental accounting and financial reporting and one which only 5% of the cities in Ohio receive. Jennifer Heft and Bev Salatin were recognized for their contributions. Paul Stubbins, representing the Government Finance Officers Association, presented a Certificate of Achievement for Excellence in Financial Reporting noting, this is the fourth consecutive year the City has received this honor.

RECOGNITION OF SMALL BUSINESS AWARDS

Mayor McCurley, Tom Grossmann and Pete Beck recognized two local companies for recently receiving the 2002 Small Business Award presented by the Greater Cincinnati Chamber of Commerce. Skilled Care Pharmacy and Security National were the two companies to satisfy the highest ranking in five measured categories.

RECOGNITION OF VISITORS --none

**RESOLUTION 2002-08 ADOPTING THE BUDGET OF THE CITY OF MASON
FOR THE YEAR JANUARY 1, 2003 THROUGH DECEMBER 31, 2003**

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

Scot Lahrmer stated a public hearing on this legislation is scheduled for July 8, 2002 at approximately 7:05 p.m.

ORDINANCE 2002-87 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 24 ACRES FROM R-1, R-4 AND B-3 TO B-1 CENTRAL BUSINESS DISTRICT PUD AND APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR ST. SUSANNA'S EDUCATIONAL AND WORSHIP CENTER

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

Richard Fair stated a public hearing on this legislation is scheduled for July 8, 2002 at approximately 7:10 p.m.

ORDINANCE 2002-88 APPROVING THE PRELIMINARY PLAT OF AVALON FARMS SUBDIVISION

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

Richard Fair explained to Council the Avalon Farms subdivision is located on the east side of SR 741 just north of the City owned property. He said the City has seen several revisions of this subdivision and the current one consists of 68.8 acres, 63 lots including 7 flag lots. He added the right of way will be dedicated so it will be possible to eventually exit onto Bunnell Road. Bunnell Road must be improved before the full connection can be made safely. This plan has been approved by Planning Commission. Mr. Keith Smith of 3134 S.R. 741 addressed Council and stated he is concerned about his yard flooding. He stated a flag lot is on a wetland. Richard Fair stated these items will be addressed when the project is at the construction drawing stage. Mr. Smith stated originally the developer wanted an easement from him and his neighbor to place a pipe between their properties. He said the developers reconsidered because they did not want the liability. Mr. Smith said he was told they were going to leave the drainage on the development property and that was all they were required to do. Councilmember Pelfrey asked how resident's complaints are channeled through the City departments. Richard Fair stated they receive complaints and field check them. They determine who caused the problem and if they can't correct it, it goes to the Utility Committee. Councilmember Staten stated the storm water issue is looked at very closely by Planning Commission as the projects are presented.

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

A motion to adopt Ordinance 2002-88 was made by Councilmember Pelfrey, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2002-89 APPROVAL OF THE PLAT OF EASEMENT FOR PEBBLE CREEK OF MASON, PHASE 2

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

Richard Fair explained to Council the City has received a request for approval of an easement dedication plat for Section 2 of the Pebble Creek subdivision. He said the plat is consistent with the site plan and Planning Commission recommends approval. Councilmember Staten reported the storm waster issue was discussed thoroughly on this project. Planning Commission required the trees be protected. He said the problem arises when the project is not built as it is specified.

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

A motion to adopt Ordinance 2002-89 was made by Councilmember Pelfrey, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2002-90 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH L AND B CONSTRUCTION FOR THE GENERAL CONSTRUCTION SERVICES NECESSARY FOR THE CONSTRUCTION OF THE HERITAGE OAK PARK RESTROOM AND PAVILION

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

Scot Lahrmer stated the purpose of the next three Ordinances 2002-90, 91 and 92 is to provide a permanent restroom and picnic pavilion as planned in the Heritage Oak Park Master Plan located next to the new playground. He said this includes a separate family restroom, small storage rooms and a larger storage room that can later be used as a concession stand. A vending machine alcove is also part of the design. Scot stated five bids were received with two for plumbing and 3 for the electric. The lowest and best bid was from Ken Neyer Plumbing with a total cost of \$46,180. The lowest and best bid for the electric was from Mutual Electric for a total cost of \$44,088. The lowest and best bid for the general construction was from L & B Construction for a total of \$142,700 including the pavilion, which was bid as an alternate. Scot noted the total price of \$232,968 exceeds the amount of \$195,000 approved in the 2002 Budget.

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

A motion to adopt Ordinance 2002-90 was made by Vice Mayor Fox, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2002-91 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MUTUAL ELECTRIC FOR THE ELECTRICAL CONSTRUCTION SERVICES NECESSARY FOR THE CONSTRUCTION OF THE HERITAGE OAK PARK RESTROOM AND PAVILION

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

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

A motion to adopt Ordinance 2002-91 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2002-92 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KEN NEYER PLUMBING FOR THE PLUMBING CONSTRUCTION SERVICES NECESSARY FOR THE CONSTRUCTION OF THE HERITAGE OAK PARK RESTROOM AND PAVILION

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

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

A motion to adopt Ordinance 2002-92 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2002-93 AUTHORIZING THE EXPENDITURE OF FUNDS BY THE MASON MUNICIPAL COURT FOR A PERFORMANCE AUDIT FOR THE MASON MUNICIPAL COURT, AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER AND DECLARING AN EMERGENCY

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

A general discussion followed with specific questions regarding timing of the audit and what it entails. Representatives from the State Auditor's office were in attendance to answer any questions. James Penning, Mat Rogonijic and Jeff Castle addressed Council and answered questions regarding their experience, the number of audits they have completed, the length of time required to conduct the audit, and what benefits can be obtained from the results. Neal Huffman stated he would prefer funds coming from both the General Fund and the Court's Special Project Fund be used to cover this cost. Mayor McCurley stated if funds are available in the Court's Special Project Fund and the Court wishes to have this audit done, then those funds could be utilized for that purpose with no objection from the City.

A motion to amend the Ordinance in Section 2 to state the funds will be expended from the Court Special Projects Fund was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: 4 YEAS, 3 NAYS (Grossmann, Pelfrey, Kidd)

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

A discussion followed regarding the balance in the Special Projects Fund. Eric Hansen stated the balance at the end of April 2002 was \$67,046.

A motion to adopt Ordinance 2002-93 as amended was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2002-94 AMENDING ORDINANCE NO. 2002-29 ESTABLISHING THE POSITIONS AND RATES OF COMPENSATION FOR EMPLOYEES OF THE MASON MUNICIPAL COURT AND DECLARING AN EMERGENCY

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

Eric Hansen reported to Council this legislation is a request from Court to increase the salary of the Chief Bailiff from \$14,440 for the City's portion to \$19,200. The second request is to increase the pay for the Deputy Clerk's position from \$26,000 to \$32,000. Following questions in an attempt to clarify the duties, a motion to table this until after the executive session was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 NAY (Beck)

ORDINANCE 2002-95 AUTHORIZING THE EXPENDITURE OF FUNDS BY THE MASON MUNICIPAL COURT FOR THE PURCHASE AND INSTALLATION OF AUDIO/VISUAL EQUIPMENT IN THE NEW MASON MUNICIPAL COURT FACILITY, AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER AND DECLARING AN EMERGENCY

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

Eric Hansen stated the next three pieces of legislation, Ordinances 2002-95, 96 and 97 all concern the Mason Municipal Court. He stated the Court has submitted three purchase orders for equipment. Ordinance 2002-95 is for the purchase and installation of audio/visual equipment in the new court facility. This legislation awards a contract to purchase to Encompass Network Solutions not to exceed the amount of \$74,952. He said the funds are to come from the Municipal Court Computer Fund. Ordinance 2002-96, he stated is funded from the Court Clerk's Computer Fund and authorizes the purchase and installation of a telephone system and training for the court. This awards a contract to

Inter-tel Technologies, Inc for a not to exceed amount of \$29,671. Eric stated the final Ordinance is 2002-97 and this awards a contract to Dolby Digital Recording for a not to exceed amount of \$15,969. He stated this is to be expended from the Court Clerk's Computer Fund. Eric stated Neal Huffman submitted the product lists, original purchase order copy and a journal entry by Judge Parker ordering the disbursement of funds. Eric stated Neal confirmed that bids were not sought but selections were made on what best fitted the need of the Court. Councilmember Beck questioned the lack of competitive bids. Law Director, Ken Schneider, stated the matter has been reviewed and it is determined the Courts do not have the same requirements as the City for seeking competitive bidding. He stated they are two separate forms of government. Neal Huffman had the vendors present to answer any questions. Mike Weisman addressed Council and explained details about the audio/recording equipment to be installed. He stated the equipment selected by the court is on the cutting edge of the current technology. Mr. Weisman stated he was unaware he was not participating in a competitive bidding process.

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

A motion to adopt Ordinance 2002-95 was made by Councilmember Pelfrey, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2002-96 AUTHORIZING THE EXPENDITURE OF FUNDS BY THE MASON MUNICIPAL COURT FOR THE PURCHASE AND INSTALLATION OF A TELEPHONE SYSTEM AND TRAINING FOR THE MASON MUNICIPAL COURT, AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER AND DECLARING AN EMERGENCY

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

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

A motion to amend the ordinance to include the emergency provision was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2002-96 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

ORDINANCE 2002-97 AUTHORIZING THE EXPENDITURE OF FUNDS BY THE MASON MUNICIPAL COURT FOR THE PURCHASE OF DOLBY DIGITAL RECORDING SERVICES FOR THE MASON MUNICIPAL COURT, AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER AND DECLARING AN EMERGENCY

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

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

A motion to adopt Ordinance 2002-97 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2002-98 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FULLER, MOSSBARGER, SCOTT, & MAY FOR THE ENGINEERING DESIGN SERVICES NECESSARY FOR THE FAIRWAY DRIVE FLOODPLAIN STUDY

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

Richard Fair explained to Council the Engineering Department has prepared a list of priority sites involving storm water/flood damage. One of these sites, he stated, is the Van Buren Drive and Fairway Drive floodplain. The Fairway Drive watershed lies between Kings Mills Road and Fairway Drive and includes the Oak Hill, the Golf Center at Kings Island, the Greenery and parts of Putters Pointe and Mason Heights Subdivisions. He said staff is recommending a consultant determine the revised FEMA Floodplain and make recommendations to reduce flooding in the watershed. Staff recommends awarding a contract to the firm of Fuller Mossbarger, Scott & May in the amount of \$59,830. Richard Fair noted this is funded from the Storm water Utility Fund.

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

A motion to adopt Ordinance 2002-98 was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS

COMMUNITY REINVESTMENT AREA #5---BEST SUPPLY

Michele Blair addressed Council and stated the Best Supply, Inc. is interested in locating their regional facility to the Kings Mill Business Center on Courseview Drive. She stated they are affiliated with Cleveland Construction and are currently working out of their facility on Courseview Drive. The company currently employs 517 nationally with approximately a \$16 million payroll. The location of the new facility would bring approximately 23 jobs over the next three years with a projected payroll of \$650,000. The Vice President, Ed Marko and General Manager, Sam Esler were present to express their interest in locating at the Courseview Drive location. Mr. Marko explained they supply three states with building supply materials and the location is critical for their contractors. The Economic Development Committee recommends Council approve an abatement under the Community Reinvestment Area Program, 100% of real property

improvements for 5 years on the value of the new building and contingent upon the company making an annual compensation payment to the Kings Local School District for the term of the abatement period. She stated this would bring revenue of \$92,253 over that period of time.

A motion to approve the suggested abatement for a period of 5 years was made by Councilmember Grossmann, seconded by Councilmember Beck. VOTE: ALL YEAS

CITY MANAGER'S REPORT

A joint meeting with the Deerfield Township Trustees will take place on June 17, 2002 at 5:00 p.m. It will be held at the Arloi Dee Restaurant at 4920 Social-Fosters Road. There will be a Council Work session following the joint meeting from approximately 7:00-9:00 p.m.

COMMITTEE REPORTS

Councilmember Beck stated due to a conflict with a Veterans Memorial meeting, he would be late to the joint meeting on June 17. He reported on the fund raising efforts of the Committee. He announced Cintas has donated \$10,000 and Betty Davis has donated \$1,000. Terry Lee Chevrolet has agreed to participate in a raffle of a 2002 Trailblazer. The tickets will be sold at \$50 each.

Dick Staten reported on the results of the June 4, 2002 Planning Commission meeting.

COUNCIL OLD AND NEW BUSINESS

Councilmember Pelfrey asked who was responsible for the maintenance of the roads in the vicinity of railroad crossings. She pointed out the area in front of Mason Lumber on Mason Road is in need of repair. She asked staff to look into it.

Victor Kidd mentioned he has heard from residents the audio portion of the tapes appearing on ICRC is hard to hear. He asked if everyone would make an effort to speak louder. He has heard from a senior resident concern over the rates to be charged on the new Community Center. He also mentioned the entrance to the Heritage Oak Park is dangerous due to the volume of traffic in the area. He asked Richard Fair to check the number of accidents that occur in that area. Council responded the rates for the Community Center are very competitive compared to other areas with like facilities.

Mayor McCurley mentioned a ribbon cutting ceremony for Kadent Black Clawson. He also stated tours are available the first Saturday of the month for the new high school/community center. He also thanked the American Legion for organizing the Memorial Day Parade. He stated he had participated in a community program on ICRC and it will be aired on June 11, 13, 15, and 16 on various local channels. The WCML is meeting on June 26, 2002 and David Riggs will be the speaker addressing the topic of Storm Water Utility. The efforts of our local police and fire personnel were recognized

by the Post Office. A new report on the quality of Mason Water has been issued and it is a good report.

Ken Schneider reported on a recent decision by the Ohio Supreme Court. They declined to hear the Water Tower case appealed by the Township.

Tom Grossmann asked about the status of the painting of the water tower on Mason Road. Scot Lahrmer reported there was a problem with the contractor creating hazards for the local property owners. They have pulled off the job and will return when they can assure the City the problems will not reoccur. This includes painting the interior and exterior surfaces. It is anticipated it will be done sometime in late summer.

RECOGNITION OF VISITORS--None

EXECUTIVE SESSION

A motion to adjourn into executive session for the purpose of discussing litigation and personnel was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

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

Mayor McCurley requested Council readdress Ordinance 2002-94.

ORDINANCE 2002-94 AMENDING ORDINANCE NO. 2002-29 ESTABLISHING THE POSITIONS AND RATES OF COMPENSATION FOR EMPLOYEES OF THE MASON MUNICIPAL COURT AND DECLARING AN EMERGENCY

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

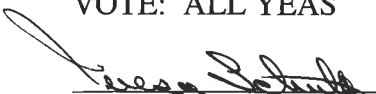
A motion to suspend the rule and allow for the adoption after the first reading was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

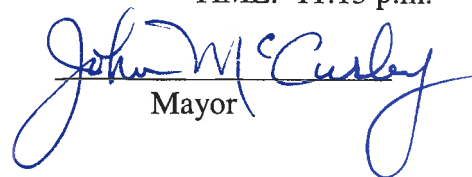
A motion to adopt Ordinance 2002-94 was made by Councilmember Pelfrey, seconded by Councilmember Beck. VOTE: ALL YEAS

ADJOURN

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

TIME: 11:15 p.m.


Clerk of Council


Mayor