

**CITY OF MASON  
COUNCIL MEETING  
JULY 22, 2002**

Mayor McCurley called the meeting to order at 7:10 p.m.

**ATTENDANCE**

The following members of Council were present: Jim Fox, Dick Staten, Peter Beck, Charlene Pelfrey and John McCurley. Councilmembers Victor Kidd and Tom Grossmann were absent.

**APPROVAL OF MINUTES**

A motion to approve the minutes of the July 8, 2002 meeting was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ZONING BOARD**

Mayor McCurley performed the swearing in duties for Christopher Calpin to the Zoning Board.

**RECOGNITION OF VISITORS**

Ted Niehaus of Thornberry Court addressed Council and stated he is a ten year resident and is representing the concerned parents of his neighborhood. The concern is over the speed traffic travels down his street. He stated many are concerned because two children have been struck by cars. He stated they don't have a definite solution and are coming to the City for help. He suggested speed bumps or stop signs or additional signs such as children at play. Mayor McCurley stated the matter will be referred to the Police Department and to the Safety Committee.

Kurt Alexander of 5300 Hidden Creek Circle approached Council and asked when the final approval of the PUD for the St Susanna's project will come before Council. Richard Fair explained it will only go before Planning Commission not Council. He stated Allyn Kuennen is the person he should contact in the Engineering and Building Department.

**ORDINANCE 2002-108 APPROVAL OF THE FINAL PLAT OF WHISPERING SPRINGS SUBDIVISION, SECTION 2-PHASE B**

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

Scot Lahrmer stated to Council the developer is requesting approval of the final plat of Whispering Springs, Section 2-Phase B. He said this section contains 19 single family lots on 9 acres, 7 open space lots containing 1.1 acres and 1.7 acres of right of way. Planning Commission recommends approval contingent on submitting a sub divider's contract and performance bond and revising easements between lots 47 & 48 and lots 63 & 64 to be a public drainage easement.

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

A motion to adopt Ordinance 2002-108 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

**ORDINANCE 2002-109 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KNEISEL CONTRACTING CORP. FOR THE STRIPING OF VARIOUS STREETS IN THE CITY**

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

Scot Lahrmer stated to Council three bids were received for street striping. The lowest and best bid was received from Kneisel Contracting Corp. for \$79,395. Staff recommends approval.

A motion to suspend the rule and allow for adoption after the first reading was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: 4 YEAS, 1 ABSTAIN (Beck)

Failing to receive five affirmative votes this will be the first reading for Ordinance 2002-109.

**ORDINANCE 2002-110 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH M.E.COMPANIES FOR THE ENGINEERING DESIGN, ACQUISITIONS & INSPECTION SERVICES FOR THE STORM SEWER ALONG NORTH EAST STREET AND FROM THE INTERSECTION OF FIRST AVENUE AND SOUTH FOREST STREET TO THE MUDDY CREEK**

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 in an effort to alleviate stormwater flooding throughout the City of Mason, the next projects to be addressed from the Stormwater Utility's Capital Improvement Projects List include North East Street from Church Street to West North Street to Tucker, and the intersection of First Avenue and South Forest to across the Library property to South East Street to the Muddy Creek. He said the objective of these projects is to take an overall view of these drainage areas and design a storm sewer

system that will control current flooding. The cost for this contact is not to exceed \$88,448.

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

A motion to adopt Ordinance 2002-110 was made by Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2002-111 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CHISANO MARKETING COMMUNICATIONS FOR PROFESSIONAL MARKETING SERVICES AND PUBLICATIONS FOR THE NEW MASON COMMUNITY CENTER**

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

Eric Hansen explained to Council in preparation of the Community Center opening, the next 18 months are vital to implement an effective marketing plan and publications. He said it is the City's goal to recover 100% of the operating costs through revenue generation. He further explained staff has reviewed several qualified marketing and publicity firms and have selected Chisano Marketing Communications. The plan they have submitted includes the following: publish marketing information, publicity, coordination of the grand opening event and guidance and training City staff to continue the efforts. The contract is for a not to exceed amount of \$60,000.

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

Vice Mayor Fox stated this has not been reviewed by the Park Board. Councilmember Staten stated he feels this legislation is trying to solve a problem before it exists. He added initially there will be high interest in the Community Center and this may not be needed at all. Councilmember Beck stated advertising has been taking place in Mason Matters. He added this ordinance exceeds the budget for this item. Scot Lahrmer reminded Council "Mason Matters" is only sent to Mason residents and this is for all members of the Mason City School District.

A motion to adopt Ordinance 2002-111 was made by Councilmember Beck, seconded by Councilmember Pelfrey. VOTE: 1 YEA, (Pelfrey), 4 NAYS

Ordinance is defeated.

**ORDINANCE 2002-112 AUTHORIZING THE CITY MANAGER TO ENTER INTO A MANAGEMENT AGREEMENT WITH MALHOTRA REAL ESTATE FOR MANAGEMENT OF THE LEXINGTON SQUARE APARTMENT COMPLEX**

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

Scot Lahrmer explained to Council as a result of the City's recent purchase of the property known as the Lexington Square Apartments, it is necessary to determine how the building will be managed. He stated two firms submitted proposals for costs associated for their services and Malhotra Real Estate, Inc. submitted the lowest bid at \$500 per month minimum.

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

A general discussion took place in which it was clarified the City will pay the cost for repairs. It was suggested the purchase order to cover Malhotra's cost for repairs be limited to \$500. Vice Mayor Fox suggested the Public Works Department review the repairs before allowing Malhotra to spend City dollars. Scot Lahrmer stated the City has no plans to do anything with the apartment building at this time and does not want the current residents to be unnecessarily alarmed.

A motion to adopt Ordinance 2002-112 was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

**ORDINANCE 2002-113 ESTABLISHING A FUND WHICH SHALL BE KNOWN AS THE MUNICIPAL PROBATION SERVICES FUND**

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

Eric Hansen explained to Council the purpose of this fund is to provide a separate fund for the proper accounting of resources and expenses associated with the Municipal Court probation operations. He added the Ohio Revised Code allows for the creation of this fund for not more than \$50 per month for supervision services when an offender is placed on probation.

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

A motion to adopt Ordinance 2002-113 was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS

**ORDINANCE 2002-114 AMENDING ORDINANCE NO. 2002-94 ESTBLISHING THE POSITIONS AND RATES OF COMPENSATION FOR EMPLOYEES OF THE MASON MUNICIPAL COURT AND DECLARNG AN EMERGENCY**

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

Eric Hansen explained to Council a request has been submitted from the Municipal Court seeking retroactive changes to the titles, compensation and benefit levels for several court positions. He stated any change that alters the current approval of rates and /or compensation must have legislation approved by Council in order for administrative staff to implement the changes.

Vice Mayor Fox requested a financial analysis from the Court to determine if this request is reasonable. He said if they are running at a deficit, it will come out of the City's general fund at the end of the year. He stated, to protect residents tax dollars, additional financial justification is needed. Additional Councilmembers agreed with this request. Neal Huffman requested this matter be discussed in executive session. Councilmember Beck stated he will not participate in an executive session on this matter. He said he felt it should be discussed in public. Mayor McCurley stated if it concerned specific individuals, then it could be discussed in executive session but this is a general discussion. Councilmember Staten said he did not feel we should vote on the matter with two Councilmembers absent.

Following Council's discussion on this matter, it was determined to allow this to be a first reading on this legislation.

**ORDINANCE 2002-115 AUTHORIZING THE EXPENDITURE OF FUNDS BY THE MASON MUNICIPAL COURT FOR THE PURCHASE OF COMPUTER HARDWARE, SOFTWARE, AND SERVICE FOR 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 Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

Eric Hansen stated this legislation is a housekeeping matter. He stated the Court did not go out for bids for this but they are not required to by the Ohio Revised Code. He said they selected what best fit their needs.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Pelfrey, seconded by Councilmember Beck. VOTE: 4 YEAS, 1 NAY (Staten)

A general discussion followed in which Councilmember Staten stated he felt this should be bid out. He said the prices looked high and could be obtained from other suppliers. Neal Huffman stated the price also includes installation and software. Mayor McCurley asked if any of the equipment will be going to the Deerfield Township location. Neil Huffman responded no.

Since the motion failed to pass with the required five votes from Council, this will be the first reading.

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

A tour of the new Community Center for Councilmembers will take place on July 29, 2002. Councilmembers are to meet at the Dugan and Meyers construction office at 6:00 p.m.

City Manager announced he will be out of town attending the ICMA Conference from September 28, 2002 to October 5, 2002. Councilmember Pelfrey moved to appoint Eric Hansen as acting City Manager during that time. The motion was seconded Councilmember Staten. VOTE: ALL YEAS

August 3, 2002 is the National Night Out. The City is participating in this Safety Festival.

### **COMMITTEE REPORTS**

Councilmember Beck stated the Veteran's Memorial Committee has had several meetings and the next one will be on July 29, 2002 at 5:00 p.m. at the American Legion.

Councilmember Pelfrey stated raffle tickets for the Trailblazer being raffled off are available in many of the local businesses.

Mayor McCurley stated an agreement is very close between the Mason City Schools and the City of Mason for the operations of the new Community Center/High School.

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

Councilmember Staten stated diversification of business is crucial for the economic health of cities. He requested the Economic Development look for small businesses to recruit to our area that fall into the category of 5-50 employees.

Councilmember Staten also stated he feels the City should proceed with the extension of Snider Road. He said the City can control the project if they are proactive. He said it should move forward even if it is necessary to assess the property owners to accomplish it. He also requested the status of the traffic signal at Butler Warren Road and RT 42. Scot Lahrmer stated the design was to be completed and ODOT will be the responsible party. They anticipate it being installed in 2004.

Vice Mayor Fox asked about the status of the City's website. Eric Hansen responded we hope to kick off the new site by the end of August.

Councilmember Pelfrey stated findings for possible uses of the current city building as stated in the Poggemeyer report.

**RECOGNITION OF VISITORS**

Kurt Alexander addressed Council and asked if the Final PUD doesn't come before Council, then the final approval really rests with the Planning Commission. Richard Fair stated the plan only appears before Planning Commission and will not be back before Council.

A motion to add Litigation to the purpose of the Executive Session was made by Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

**EXECUTIVE SESSION: PERSONNEL AND LITIGATION**

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

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

**ADJOURN**

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

TIME: 9:55 P.M.

  
Clerk of Council

  
Mayor