

**CITY OF MASON
COUNCIL MEETING
AUGUST 12, 2002**

The meeting was called to order by Mayor McCurley at 7:12 p.m.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the July 22, 2002 Council meeting was made by Councilmember Staten, seconded by Councilmember Beck. VOTE: ALL YEAS

RECOGNITION OF SHERYL SHORT RETIRING FROM THE ZONING BOARD OF APPEALS

Sheryl Short was recognized for her service on the Zoning Board of Appeals. She thanked Council for the recognition and also stated she felt the Tennis Tournament must be kept in Mason and hoped Council would make every effort to see that it does remain here.

RECOGNITION OF AERO FULFILLMENT

Mayor McCurley recognized Mr. Jon Gimpel Sr., President of Aero Fulfillment. He stated his business has been awarded the 2002 Entrepreneur of the Year award in the service category.

RECOGNITION OF VISITORS

Mr. Steve Martin of Thornberry Court addressed Council and thanked them for the increased patrol they have seen in the area. He stated once they are gone, however, their fear is the speeders will return. He requested permanent steps be taken such as a 3-way stop or speed bumps. City Engineer, Richard Fair, stated the 3-way stop is being reviewed. He suggested the subdivision do a mailing to residents through their homeowners association. Mrs. Michelle Almady of Thornberry Court said her child was one of the children hit by a car and her other two children have sent flyers to the neighbors asking them to adhere to the speed limit. Councilmember Staten suggested this be referred to the Safety Committee for review and increased patrol be continued in the area until a solution is found. Councilmember Kidd asked if double fines could be enforced in the area. Law Director, Ken Schneider, stated he would look into the matter but did not believe it could be enforced in just a small area. Mr. Steve Martin stated the police do not ticket unless cars are going 40 mph in a 25-mph zone. Mr. Clem Sheridan

addressed Council and asked why the speed limit isn't enforced at the set amount. He stated the entire area of Snider Road and thornberry Court are problems.

Mr. Rob Fischer of 209 Reading Road addressed Council stating he was representing his clients Mr. and Mrs. Todorov. He said they are being bothered by the Schappacher farm as they attempt to protect their corn from birds. He said they are firing a propane gun to scare the birds and they are repeating it approximately 600 times a day. He proposed a change in the current Ordinance 511.03 that would clarify the situation and required the practice to be discontinued. He added the Schappachers live inside the City limits. Ken Schneider replied he will look into the matter with the Chief of Police and Robert Peeler. He stated another city ordinance may apply to this situation dealing with disturbing the peace.

Mr. Richard Cox addressed Council and stated he owns Al's Heating. He said he is trying to build a new building and it has taken 16 months to get the plans approved. He stated he is upset because now the utility company, Cinergy, is telling him he must bore under RT 42 to receive new electric service to his building. He stated they require this to comply with a city ordinance. He said this will be expensive and asked why, if the plans were approved, was he not aware of this requirement before. He was given a building permit. Mayor McCurley responded he can go before the Zoning Board of Appeals and ask for a variance to the ordinance requiring the service be underground. Councilmember Staten asked the law director if the City bears any responsibility since a permit was issued. Ken Schneider suggested a meeting be held with the City Engineer to examine the matter and make recommendations. Richard Fair stated Mr. Cox will have to come to the office tomorrow to be included on the agenda for the next Zoning Board of Appeals meeting. Councilmember Grossmann stated it has been his experience the professionals designing the building know the requirements with which they must be in compliance.

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 vice Mayor Fox, seconded by Councilmember Staten. VOTE: 5 YEAS, 1 ABSTAIN (Beck)

Scot Lahrmer stated to Council the purpose of this legislation is to award a contract to the low and best bidder to properly paint the City's public streets for better traffic control and safety. He stated the lowest and best bid was received from Kneisel Contracting Corp. for \$79,395.

A motion to adopt Ordinance 2002-109 was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: 5 YEAS, 1 ABSTAIN (Beck)

ORDINANCE 2002-114 AMENDING ORDINANCE NO 2002-94 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 Vice Mayor Fox, seconded by Councilmember Staten. VOTE: ALL YEAS

Eric Hansen explained to Council this legislation represents a request from the Municipal Court for changes to titles, compensation and benefit levels for several court positions. This legislation, he stated, received a first reading at the July 22, 2002 meeting.

Vice Mayor Fox asked if a financial report had been submitted by the Court as requested at the last meeting. Scot Lahrmer replied it had not. Councilmember Grossmann stated he and Councilmember Pelfrey had been unable to meet with the Court due to conflicts in vacation schedules. He suggested this legislation be tabled until the next meeting to give them a chance to meet with the Court and discuss the matter.

A motion to table this Ordinance 2002-114 until the next Council meeting was made by Councilmember Grossmann, seconded by Vice Mayor Fox. VOTE: ALL YEAS

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 received a first reading at the July 22, 2002 meeting. He stated it is a request from the Court to purchase equipment that will spend dollars from the Court Clerk's Computer Fund. The total amount requested is \$27,430.

Councilmember Staten suggested this also be tabled so questions such as why wasn't this bid out and why have such excessive choices been made on the selection of printers can be answered.

A motion to table Ordinance 2002-115 until the next Council meeting was made by Councilmember Grossmann, seconded by Councilmember Staten. VOTE: ALL YEAS

Councilmember Beck asked about the status of the audit Council had previously approved. Councilmember Kidd responded the audit has been postponed.

ORDINANCE 20002-116 PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,150,000 OF NOTES BY THE CITY OF MASON, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING LAND FOR COMMERCIAL AND/OR INDUSTRIAL DEVELOPMENT.

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

Scot Lahrmer stated to Council this legislation is necessary due to the 1999 purchase of 105 acres on the east side of SR 741. He explained Council approved at that time, the original issuance of Bond Anticipation notes to provide the funding for the purchase. This legislation provides for the payment of \$150,000 towards the principal and interest leaving a balance on the new notes to be issued of \$1,150,000.

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

A motion to adopt Ordinance 2002-116 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

CITY MANAGER'S REPORT

A tour of the new municipal center for members of Council will be held on August 19, 2002. Those attending should be at the Dugan and Meyers field office by 6:00 p.m.

The Heritage Festival is scheduled for Saturday August 24, 2002.

COMMITTEE REPORTS

Councilmember Beck reported on the activities of the Veterans Memorial Committee. He gave details on the raffle of a 2002 Trailblazer, a civil war re-enactment and the float for the Heritage Festival. Mayor McCurley stated the City is committed to seeing this project gets built.

COUNCIL OLD AND NEW BUSINESS

Councilmember Staten asked about the status of the Snider Road extension. Scot Lahrmer stated a memo has been sent to Council addressing the details of assessing the project. He said more discussion is needed on this subject.

Councilmember Grossmann asked about the status of the review of the sewer rates. He said he has been receiving many calls and letters on this matter. Vice Mayor Fox stated the Utility Committee has requested information and are waiting to receive it before discussing it further. Councilmember Grossmann stated the Greater Cincinnati Water Works informs callers they do not have the same rate scale as the City of Mason.

Mayor McCurley stated a tour of the Community Center occurred two weeks ago for Councilmembers and interested parties. He said the project is very impressive.

Councilmember Grossmann stated the Tennis Masters Series has just been completed and said it was a wonderful event.

Terry Schulte stated a request has been made from the County Commissioners for a donation of \$2,000 for the Bicentennial Celebration Events planned for 2003. This request is being made of all government entities in the county. The County Commissioners are donating approximately \$80,000 plus the cost associated with the creation of the Bicentennial Commons. A motion to approve the donation was made by Councilmember Beck, seconded by Vice Mayor Fox. VOTE: ALL YEAS

Mayor McCurley reported a request for a transfer of ownership of a liquor permit for the Thriftway Store on SR 42 been submitted to the City for approval. Councilmember Staten moved to not require a hearing on the matter. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

Councilmember Beck requested land acquisition and litigation be added to the subjects to be discussed in executive session.

EXECUTIVE SESSION

A motion to go into executive session for the purpose of discussing land acquisition, personnel and litigation was made by Councilmember Kidd, seconded by Councilmember Beck. VOTE: ALL YEAS

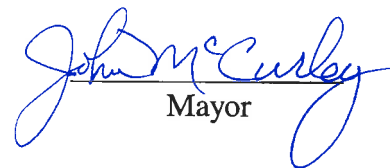
A motion to reconvene into regular session was made by Councilmember Staten, seconded by Councilmember Kidd. VOTE: ALL YEAS

ADJOURN

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

TIME: 10:10 p.m.


Clerk of Council


Mayor