

**CITY OF MASON
COUNCIL MEETING
AUGUST 26, 2002**

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

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the August 12, 2002 Council meeting was made by Councilmember Kidd, seconded by Vice Mayor Fox. VOTE: 5 YEAS, 1 ABSTAIN (Pelfrey)

RECOGNITION OF HERITAGE FESTIVAL DAVID LYON FLOAT AWARD

Vickie Larcomb addressed Council and announced the winner of the Heritage Festival David Lyon Float Award was Grace Baptist Church. She stated they also won the Jack Flaherty Community Spirit Award. Mayor McCurley thanked Vickie Larcomb and her staff of volunteers for their work to create a great event.

RECOGNITION OF VISITORS

Mr. Dan Zappone of 4492 Pond Meadows Court addressed Council and asked for the results on the review of sewer rates. He added he has lived in the City of Cincinnati and they put meters on the outside faucets and subtract that amount from the sewer charge. He asked if the same could be done here. Vice Mayor Fox responded the Utility Committee is still reviewing the matter but are concerned on potential areas of abuse or theft. He stated factors the Committee must consider before a rate change can take affect are increased demand which leads to capacity concerns, meeting the City's bond obligations that are already in place and the GCWW currently does not have the software in place to handle the change in billing. Mayor McCurley also stated the level of the aquifer is also a concern. Councilmember Grossmann stated, as he understands it, there are two reasons for not changing the water rates. The first is a capacity issue and the second is meeting the bond obligations that were necessary for the improvements. He said the end result of changing the sewer rates so outside water usage would not be included could mean a marginal increase for everyone if it is determined the City must maintain the same revenue level.

Debbie Carter of 3988 ST RT 42 addressed Council and stated she had not bene contacted by the Todorovs regarding the air cannon being used to protect the corn crops at the Schappacher farm. She stated the noise does not bother her and she does not feel it

is a nuisance. She added she supports the farmer who is trying to protect his crops without the use of chemicals. She also stated the Todorovs run a grain dryer 24 hours a day in the fall during harvest and it is noisy. Ken Schneider responded the matter is in litigation in Common Pleas Court.

Mr. Lou Eves of 4708 Appaloosa Trail addressed Council and requested Council review the possibility of uniting the Deerfield Township and City of Mason Fire Departments. He stated he has talked with two trustees and they are willing to discuss it. Mr. Eves also said the Police Department should be included in the matter. He said it would result in better coverage and a savings to taxpayers. He also mentioned property taxes for the low income residents should be reviewed to see if there was a way they can be lowered.

Mr. Ted Niehaus addressed Council and stated he was representing the residents of Thornberry Court. He thanked Council for the increased patrol in the area but stated there were no citations. He asked why the police officers don't issue more tickets to speeders. He also asked if a stop sign could be installed temporarily. Scot Lahrmer responded 34 citations have been written in 2002. He stated there is no site distance problem in the area. He stated residents are the offenders and more awareness needs to be done for the neighborhood. Mr. Niehaus said they would be back at the next meeting. Councilmember Grossmann stated peer pressure worked in his neighborhood to stop neighbors from speeding. Michele Almady addressed Council and asked at what speed were the tickets issued. She requested miles per hour and the number of citations and verbal warnings given. She stated she has contacted the neighbors and it has not been effective. She said she believes a stop sign is what is needed. She added she is unhappy with the work Sergeant Schultz has been doing in the neighborhood. She does not think he is effective. She asked for Council's support in this matter. Ken Schneider responded a stop sign cannot be installed just to reduce speed. He said there are limitations as to where it can be placed. He also stated residents could take the license numbers of the offenders and report it to police. He stated they should not approach the offender themselves. Councilmember Kidd stated he resides on a through street that is heavily traveled. He suggested Council direct police officers to cite offenders not just warn them. Mr. Mike of 5836 Running Fox Lane asked at what location are they requesting the stop sign be installed. Richard Fair stated at Glenbrook and Thornberry Court.

Jennifer Trepal the City's Public Information Officer addressed Council and announced copies of the book titled "Memories of Mason" are available. She stated they provide much information regarding Mason's past and can be purchased for \$5.00. She added one will be placed in the time capsule at the new Municipal Center.

ORDINANCE 2002-114 AMENDING ORDINANCE NO. 2002-94
ESTABLISHING 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 Kidd, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

Eric Hansen stated this legislation is also one that has been before Council on two prior occasions. He said the request has been submitted by 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 rate and or compensation must have legislation approved by Council.

Councilmember Grossmann made a motion to table this legislation until the next Council meeting in September so changes can be made to the Ordinances. Councilmember Pelfrey seconded the motion. VOTE: 5 YEAS, 1 NAY (Kidd)

Vice Mayor Fox asked if a financial analysis has been submitted by the Court as requested by Council. Councilmember Grossmann reported this has been discussed with the Court and they say it is available through the City Finance Department. He added there is some conflict on the numbers however, the agreed to changes by the Court leave very little financial impact on the City. A general discussion followed regarding the information requested by members of Council. Judge Parker addressed Council and stated he cannot allow the Court to operate ineffectively. He stated historically from 1991 through 1997 the court operated at a deficit. He requested employee compensation matters be discussed in executive session. Vice Mayor Fox stated the City cannot operate at a deficit and must be responsible for the use of the taxpayer's dollars. Councilmember Beck stated he will not discuss Court staffing matters in executive session. He stated he feels this should be discussed in an open forum and if not, he will excuse himself.

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 Kidd, seconded by Vice Mayor Fox. VOTE: ALL YEAS

Eric Hansen stated this legislation has appeared before Council at two other occasions. He said the court has requested the purchase of computer hardware, software and service. He added they did not go out for bids but purchased what best fit their needs.

Councilmember Grossmann moved to table this legislation until the next Council meeting in September. The motion was seconded by Councilmember Pelfrey. VOTE: 5 YEAS, 1 NAY (Kidd)

Judge Parker stated this delay could mean a delay for their move because they need the equipment to function daily. Councilmember Grossmann stated in the discussion with Neal Huffmann, it was agreed to order three printers now and evaluate the situation again

in the future. Judge Parker responded that was not acceptable . He said the request was for five printers and that is what they need to function. Councilmember Pelfrey stated if there are changes to the agreed compromise reached with Neal Huffmann, then the matter would have to be tabled to allow further discussion. Lou Eves addressed Council and asked if they could have been over sold by the company representative. He suggested they review other courts and see how they handle this. Judge Parker stated they have done that by reviewing the Hamilton Municipal Court.

Mayor McCurley stated the matter is tabled until September 9, 2002.

ORDINANCE 2002-117 APPROVAL OF THE DEDICATION PLAT OF STITT ROAD AT TYLERSVILLE ROAD

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

Richard Fair stated the purpose of this legislation is to approve the dedication plat of right-of-way for Stitt Road. He said the proposal has been approved by Planning Commission and will allow for the drainage easement necessary for the connection of Stitt Road to Tylersville Road.

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

A motion to adopt Ordinance 2002-117 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2002-118 APPROVAL OF THE FINAL PLAT OF GREENBRIER LAKES, SECTION 2.

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

Richard Fair stated the Drees Company is requesting approval of an easement dedication plat for part of Twin Lakes. He said Planning Commission recommends approval with two contingencies. The first is a 10-foot waterline easement from Twin Lakes to the west property line along the south property line of this phase be added. The second is for Drees to submit a subdivider's contract and a performance bond.

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 2002-118 contingent on compliance with the contingencies mentioned by the Planning Commission was made by Councilmember Beck, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2002-119 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO SECTION 165.02 (b) AND (d) AND ESTABLISHING CERTAIN POSITIONS AND THE RATES OF COMPENSATION FOR PART-TIME RECREATION EMPLOYEES AND DECLARING AN EMERGENCY

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

Eric Hansen stated the City of Mason Parks and Recreation Department will be responsible for the operations and management of the new Mason Community Center. This new facility will require the addition of several new positions. He said the job assignments have been organized into 12 positions based on level of responsibility, required training and nature of work to be performed. He said the ranges of compensation were kept conservative to allow the City to gain some experience staffing the community center while anticipating refinement next year. He added the Employee Relations Committee has reviewed this proposal and recommends adoption.

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 2002-119 was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-120 ESTABLISHING THE SALARY ADMINISTRATION AND PROVIDING FOR MERIT INCREASE CONSIDERATION ON AN ANNUAL BASIS 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 explained to Council the Employee Relations Committee has met and recommends a 5% merit pool be available for each department's use. He said an employee performing a good job would receive the 5%, an above average employee could receive more while a below average one could receive less. The effective date of this legislation is July 1, 2002. Councilmember Pelfrey asked for clarification on the probationary period.

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 2002-120 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

Councilmember Beck moved to increase the City Manager's salary by 5%. The motion was seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-121 AUTHORIZING THE CITY MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH THE WARREN COUNTY ENGINEER FOR THE RESURFACING OF WARREN COUNTY'S PORTION OF MASON MONTGOMERY ROAD.

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

Scot Lahrmer explained to Council the City is planning to resurface a portion of Mason-Montgomery Road that currently lies in the jurisdiction of Warren County. He said the County Engineer has agreed to reimburse the City for this expense. It is necessary to enter into a Reimbursement Agreement with the County in order to accomplish this.

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

A motion to adopt Ordinance 2002-121 was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2002-122 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SANDERSON CMI FOR THE PURCHASE OF COMPUTER HARDWARE AND SOFTWARE

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

Eric Hansen explained to Council in late 2001, the City's software began experiencing problems with the system due to insufficient space. He said since the network layout of the new municipal center was being finalized and the City's IT Manager had begun, all non-essential information was removed from the system in order that critical functions could be maintained. In April, Sanderson CMI provided staff with a proposal for software and hardware upgrades. The total cost of the original proposal was over \$167,783. Due to the IT Manager being on board, it was possible to reduce this cost to \$72,724. Staff recommends approval.

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 2002-122 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2002-123 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GLASS SERVICE COMPANY, INC. FOR \$16,839.00 FOR THE DELIVERY AND INSTALLATION OF THE EAST ENTRY DOORS AND MULLIONS TO THE MUNICIPAL CENTER AND LABOR TO COMPLETE THE WORK IN THE GLAZING CONTRACT WITH GREENVILLE GLASS AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council the purpose of the next two ordinances is to authorize contracts for the purchase of glazing materials and the delivery and installation of glass doors. He stated the glass contractor for the new Municipal Center has been unable to secure the supplies necessary to move forward with completing the doors and bulletproof glass portion of the project. In order to not delay the project, it has been determined by our legal counsel the City can directly pay the suppliers instead of the contractor for amounts included in the original contractor's agreement. All funds paid will be deducted from the original contract. Dugan & Meyers have agreed to this solution. Ordinance 2002-123 authorizes \$16,839 with Glass Service Company, Inc. and Ordinance 2002-124 authorizes \$10,525 with Globe Amerada for glazing materials including bulletproof glass.

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

A motion to adopt Ordinance 2002-123 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2002-124 AUTHORIZING THE CITY MANGER TO ENTER INTO A CONTRACT WITH GLOBE AMERADA ARCHITECTURAL GLASS TO PURCHASE SPECIALIZED GLAZING MATERIALS FOR \$10,525.56 FOR THE MUNICIPAL CENTER AND DECLARING AN EMERGENCY

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

A motion to adopt Ordinance 2002-124 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

Ken Schneider stated the City has never passed an ordinance to increase the amount the City Manager is authorized to spend over \$10,000. He said now may be a good time to review this. He added the state approved level is \$15,000. Mayor McCurley asked Ken to submit an ordinance to this affect at the next Council meeting. Councilmember Beck stated he preferred to leave it at the \$10,000 level.

ORDINANCE 2002-125 AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT AND CONTRACT TO PURCHASE WITH REBER AUTO BODY & REPAIR, INC. FOR THE ACQUISITION OF PROPERTY LOCATED AT 106 N. SECTION STREET AND 100 E. MAIN STREET, MASON, OHIO 45040, AND DECLARING AN EMERGENCY

A motion to read by title only was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: 5 YEAS, 1 ABSTAIN (Beck)

Scot Lahrmer explained to Council as part of the City's Mason-Montgomery Road improvements, it was necessary to acquire property owned by Reber Auto Body plus two additional houses to the north. Through mediation, the acquisition of the property has been finalized at a total cost of \$345,580. The total acreage in all three parcels is .22178.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Councilmember Pelfrey. VOTE: 5 YEAS, 1 ABSTAIN (Beck)

A motion to adopt Ordinance 2002-125 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: 5 YEAS, 1 ABSTAIN (Beck)

ORDINANCE 2002-126 AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH THEODORE J. HONERLAW AND TONYA G. HONERLAW, FOR THE ACQUISITION OF PROPERTY LOCATED AT 133 S. MASON-MONTGOMERY ROAD, MASON, OHIO 45040, AND DECLARING AN EMERGENCY

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

Scot Lahrmer explained to Council as part of the City's Mason-Montgomery Road improvement, it was necessary to acquire property owned by Theodore and Tonya Honerlaw at 133 South Mason-Montgomery Road. The cost of the property is \$3,000.

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

A motion to adopt Ordinance 2002-126 was made by Councilmember Pelfrey, seconded by Councilmember Grossmann. VOTE: ALL YEAS

CITY MANAGER'S REPORT

A memorial service is planned with Liberty, Deerfield and West Chester Townships for September 11, 2002. The event will begin at 10:05 a.m. with a "Moment of

Remembrance” and conclude at 8:00 p.m. with a program. The location is the Voice of America Park on Tylersville Road.

COMMITTEE REPORTS

Vice Mayor Fox asked how it was determined the City install temporary traffic stop signs for the Tennis Masters Series. Scot Lahrmer responded the City has done this for several years. The purpose is to remove traffic off of Kings Mills Road. Vice Mayor Fox also said the Sunshine Concert Series was cancelled due to weather and it has been rescheduled. He asked Scot to verify the date and let Council know.

Councilmember Beck reported on the Veteran’s Memorial event during the Heritage Festival. He thanked everyone for his or her hard work. He also stated he has met with County Commissioners Larry Crisenberry to discuss the Loan Improvement Program similar to what is being offered in Hamilton County. He said Mr. Crisenberry was not opposed to the idea but needed to see what resources are available. Councilmember Beck stated he would also like to see bike trails given top priority. He also reminded everyone Tuesday will be the first day of school for the Mason School system.

COUNCIL OLD AND NEW BUSINESS

Councilmember Kidd asked if there is a noise ordinance in place. Ken Schneider stated there is and a resident can report the license number of an offender to the Police Department. Councilmember Kidd also said he is concerned about the rates at the new recreation center for senior citizens. He asked if it could be reviewed to lower the rates for them. Vice Mayor Fox stated a program will be in place to assist the residents in need. It is referred to as a scholarship program.

Councilmember Grossmann said he has been receiving a lot of mail from residents about the sewer rates. He reported one letter stated the resident has been billed \$355 for one month. Councilmember Kidd stated a second tap can be installed for a fee of \$2400. He asked who set that fee. Vice Mayor Fox stated the fee was set by the City to establish a fund for capital improvements. He added GCWW insisted our fees remain in tact when they agreed to assume the water distribution system. Councilmember Grossmann stated he believes we can set a new fee for a second water tap for outside water usage. Councilmember Pelfrey said she agreed but was concerned about the capacity issue. Councilmember Grossmann stated if capacity becomes a problem, the City can use watering restrictions. He stated we need more data on this matter so decisions are not based on assumptions.

Mayor McCurley stated he washed a school bus at the Heritage Festival with the assistance of a fire truck. This occurred as a result of the Chamber auction in the spring when he offered this service to the highest bidder. He also stated it has been brought to his attention the intersection of Tylersville Road going east at Mason Montgomery Road should be a right turn only. He asked staff to look in the matter. He asked if a sign has

been installed at the Crooked Tree subdivision at the corporation line. Richard Fair stated a sign was installed that reads "City maintenance ends here."

RECOGNITION OF VISITORS

Mr. Lou Eves of 4708 Appaloosa Trail addressed Council and stated the City did not receive the number of gallon capacity they anticipated from the improvements to the water plant.

EXECUTIVE SESSION

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

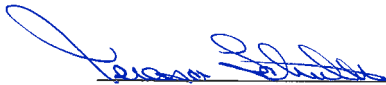
A motion to reconvene into regular session was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

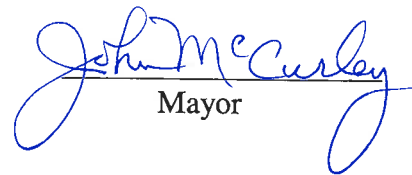
In an effort to clarify the subject of Ordinance 2002-114, a general discussion took place between Judge Parker and members of Council regarding employee compensations. Judge Parker agreed to the proposal submitted by Neal Huffman and Councilmembers Grossmann and Pelfrey. A motion to remove from the table Ordinances 2002-114 and 115 was made by Councilmember Pelfrey, seconded by Councilmember Kidd. VOTE: 3 YEAS, 3 NAYS. Motion failed.

ADJOURN

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

TIME: 11:25 p.m.


Clerk of Council


Mayor