

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 24, 2003**

Mayor McCurley called the meeting to order at 7:10 p.m. Council led those present in the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the February 10, 2003 Council meeting was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

A motion to approve the minutes of the February 11, 2003 Council Worksession was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

PRESENTATION BY PHIL CATLIN AND JULIE TAYLOR OF THE MASON CHORALE

Phil Catlin and Julie Taylor presented a check for \$330 or 50% of the proceeds from the December 7, 2002 performance of the Messiah. The gift was presented to Charlene Pelfrey and Pete Beck to go towards the Veteran's Memorial.

RECOGNITION OF VISITORS None

ORDINANCE 2003-21 ACCEPTING ANNEXATION ON APPLICATION OF THE OWNER OF CERTAIN PROPERTY LOCATED ON THE NORTH SIDE OF BETHANY ROAD, EAST OF HICKORY WOODS DRIVE TO THE CITY OF MASON, OHIO

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

Scot Lahrmer explained to Council the purpose of this legislation is to comply with the requirements for annexation requested by the property owners, Jennifer Brunk and Kyle Vonderhaar. He said their property is located on the north side of Bethany Road, east of Hickory Woods Drive and contains .528 acres. This legislation officially accepts the annexation of this property into the corporation boundaries.

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 2003-21 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2003-22 ACCEPTING THE PUBLIC IMPROVEMENTS FOR PARKSIDE SECTION 1 BLOCKS A AND B AND RELEASING THE PERFORMANCE BOND

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

Richard Fair explained to Council the purpose of this legislation is to release the performance bond and accept the public improvements as recommended by staff. He stated the area is in Section 1, Blocks A and B of the Parkside subdivision. He also stated the Public Utilities, Public Works and Engineering Departments have inspected the public improvements. He recommended acceptance upon submission of a one-year maintenance 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 2003-22 was made by Councilmember Beck, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2003-23 1ST READING ADOPTING THE STORM WATER MANAGEMENT PROGRAM AS REQUIRED BY THE OHIO EPA PHASE II NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR THE CITY OF MASON, OHIO, AND DECLARING AN EMERGENCY

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

Richard Fair explained to Council the purpose of this legislation is to complete all requirements established in the final NPDES general permit issued on December 27, 2002. He stated the US EPA issued its Phase II StormWater Regulations, which require Small Municipal Separate Storm Water Sewer Systems (MS4) within urbanized areas to apply for NPDES permit coverage by March 10, 2003. Under the U.S. EPA Phase II regulations, an MS4 means a conveyance operated by a city, township, county or other public entity that discharges storm water to surface waters of the state. Passage of this legislation will bring the City into compliance with these regulations.

Scot Lahrmer stated the ordinance will receive a second reading at the March 10th meeting.

ORDINANCE 2003-24 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND RELATED AGREEMENTS AND MEMORANDA WITH MASON CITY SCHOOL DISTRICT FOR JOINT USE AND OPERATION OF THE MASON COMMUNITY CENTER AND DECLARING AN EMERGENCY

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

Scot Lahrmer explained to Council the document they have received is the agreement in draft form. He stated conversations are ongoing with the school to resolve additional matters. He stated the School has stated they must have a signed agreement before March 1, 2003. Councilmember Grossmann expressed concern over approving a document in draft form. He asked if the School could prevent us from opening the Community Center. Ken Schneider replied they have made it very clear they want a signed agreement in place. Councilmember Pelfrey stated she feels it is important to adopt an agreement even in draft form. Ken Schneider stated this legislation gives the City Manager authority to make changes that are in "substantial compliance". He also said the City is currently not happy with all aspects of this draft document. Councilmember Beck stated he has several concerns over this document. He said he will give the highlighted document to the City Manager detailing the concerns. He stated one of his concerns is the proposed increase in fees exceeds the rate of inflation. He also said it appears the City is responsible for deficits that occur in the shared areas. Mayor McCurley stated it is not the City's intent to compete with for profit businesses.

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 2003-24 was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: 5 YEAS, 1 NAY (Beck)

CITY MANAGER'S REPORT

A worksession for Council is scheduled for March 3, 2003 at 6:00 p.m. It will be held in the Municipal Center classroom on the second floor.

The David Lyons scholarship was created eight years ago following his tragic death. Over \$12,000 has been raised for students. Those interested in applying should contact the Mason City Schools.

The Annual Chamber of Commerce dinner is scheduled for March 14, 2003. A motion to allow staff to attend was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Pelfrey reported the Safety Committee is aware the City's ordinance dealing with solicitation within the city limits will have to be changed due to a recent Supreme Court decision.

Mayor McCurley reported he and Vice Mayor Fox met with the schools from 1:30p.m. to 12:10 a.m. to complete the joint agreement for the Community Center.

COUNCIL OLD AND NEW BUSINESS

Mayor McCurley reported the Warren County Commissioners held a meeting on impact fees. They are considering a \$5,000- \$10,000 charge which would go directly to the schools.

Ken Schneider reported to Council the City has received a victory in the court case involving the water tower site on Mason Road. He announced the decision of the Court of Appeals was in the City's favor. He said the City will pursue reimbursement of legal fees for the cost of the appeal. Mayor McCurley reported the City has attempted to find an amicable solution in this matter and has been refused.

RECOGNITION OF VISITORS (None)

EXECUTIVE SESSION

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

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

ADJOURN

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

TIME: 8:47 p.m.


Clerk of Council


Mayor