

**CITY OF MASON
COUNCIL MEETING
JUNE 9, 2003**

Mayor McCurley called the meeting to order at 7:07 p.m. All present recited the pledge of allegiance

ATTENDANCE

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

APPROVAL OF MINUTES

An amendment to the minutes of the May 12, 2003 meeting was made by Terry Schulte, eliminating the motion to read by title only Ordinance 2003-56. Councilmember Pelfrey asked the minutes be altered to eliminate the words "to rent chairs" in the comments under Council Old and New Business. A motion to approve the minutes as amended for the May 12, 2003 Council meeting was made by Councilmember Kidd, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to approve the minutes of the May 28, 2003 Council meeting was made by Councilmember Kidd, seconded by Vice Mayor Fox. VOTE: 5 YEAS, 1 ABSTAIN (Beck)

PRESENTATION BY SCHOOLS TO MASON VETERAN'S MEMORIAL COMMITTEE

Charlene Pelfrey introduced teacher, Denise Trammel who presented a check for \$10,654.40 to the Mason Veteran's Memorial Fund. The Mason Intermediate School, Western Row Elementary and Mason High School combined efforts to raise this contribution.

RECOGNITION OF VISITORS --None

RESOLUTION 2003-11 ADOPTING THE BUDGET OF THE CITY OF MASON FOR THE YEAR JANUARY 1, 2004 THROUGH DECEMBER 31, 2004

A motion to read by title only was made by Vice Mayor Fox, seconded by Councilmember Grossmann.

Eric Hansen explained to Council this is a housekeeping item that is required by the State in order for the City to receive Local Government Funds. He stated this is a first reading on this legislation with the second one occurring at the June 23, 2003 meeting.

ORDINANCE 2003-55 AUTHORIZING THE CITY MANAGER TO PROVIDE UP TO \$29,928 TO CINCINNATI METRO TO CONTINUE THE METRO 71/72 RUSH HOUR COMMUTE PUBLIC TRANSPORTATION SERVICE FROM WARREN COUNTY TO THE CITY OF CINCINNATI

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 this legislation was introduced to Council at the May 12, 2003 meeting. He stated the question was raised at that time if local businesses made use of this Metro service. He said Kings Island has stated they do rely on this service as well as contract themselves for additional service from Metro.

Mayor McCurley stated this is an item that must be watched by the City to determine if the expense is warranted to our community. Councilmember Grossmann stated next year perhaps an option to consider might be a seasonal service for Kings Island.

A motion to adopt Ordinance 2003-55 was made by Councilmember Pelfrey, seconded by Vice Mayor Fox. VOTE: ALL YEAS

At this time Reverend Rapier joined the meeting and Mayor McCurley asked him to lead those present in a prayer.

ORDINANCE 2003-56 AUTHORIZING THE CITY MANAGER TO PROVIDE UP TO \$13,385.25 TO CINCINNATI METRO TO CONTINUE THE 71/72 REVERSE COMMUTE PUBLIC TRANSPORTATION SERVICE FROM THE CITY OF CINCINNATI TO THE CITY OF MASON

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

Scot Lahrmer stated this is part of the contract with Metro and provides the park and ride lot for commuters who wish to ride the Metro downtown.

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 2003-56 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2003-60 AUTHORIZING THE EXPENDITURE OF FUNDS BY THE MASON MUNICIPAL COURT FOR THE PURCHASE OF A MOTOR VEHICLE TO BE USED BY THE COURT BAILIFFS, 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

Mayor McCurley stated this is a second reading on this legislation. Scot Lahrmer stated this was requested by Councilmember Grossmann. Councilmember Grossmann stated the Court is not requesting the City purchase a new vehicle for their use. He stated they feel this would not be fiscally responsible as they would only use the car 3 or 4 times per month. He stated they would be satisfied with the use of an older vehicle that could be provided for the purpose of transporting prisoners to the court. He suggested using an older police vehicle and placing a magnetic sign on it designating it for Court personnel. Scot Lahrmer stated there is a vehicle that is available for this use that was going to be recycled into the City fleet. It is being retired as a police vehicle. He stated it could be altered to accommodate the court's needs. He stated the sirens and police radio could be removed and it could be clearly marked for a court vehicle. Further discussion was given towards allowing the court to use a vacant police vehicle. It was decided that could lead to further conflict if the vehicle was suddenly needed and was being utilized by court. Scot stated the new police vehicles have arrived so giving an older car to the court could be done without delay as soon as the modifications were made. He said the result is this car would not be rotated into the City fleet and there would be one less car to auction off as obsolete. Vice Mayor Fox asked about the Township Trustees participation on this matter. Councilmember Pelfrey stated the Trustees have not approved this nor have they been asked. She stated this was a comment by the Township Administrator. Councilmember Grossmann stated the Court has stated they do not want the purchase of a new vehicle so the request was not made to the township. He said we should work with the bailiff to make certain the car is modified to meet their needs. He suggested we allow the court to place a magnetic strip over the police insignia and use a vacant car from the police department. Mayor McCurley expressed concern over anyone but a police officer using a police vehicle. Councilmember Kidd stated perhaps that could be satisfied with a policy statement for the use of the car by court personnel. Councilmember Beck asked about the maintenance of the vehicle. It was determined all vehicles are maintained by the City. He also asked about the City's liability responsibility in this matter. Eric Hansen stated all Court employees are covered by the City's insurance. Mayor McCurley asked if the Court has submitted a written request for a car. Councilmember Grossmann stated they have verbally requested the use of a car if needed but they have not requested a new vehicle. Councilmember Beck asked for copies of the pertinent sections for the Ohio Revised Code that state what is required of the City. Scot Lahrmer recommended the City satisfy this request by allowing one of the former police vehicles be provided to the court. He stated allowing them to use a police cruiser could lead to potential conflicts. Vice Mayor Fox agreed sharing a vehicle may lead to future conflict. He stated he would like to see the court have a dedicated vehicle. He stated the police

cruisers being retired are still very functional vehicles. Bill Scherpenberg stated the sheriff is not forced by law to transport prisoners. He stated the City's decision to allow the officers to resign as bailiffs has ended a 38 year tradition and created the court's need for providing transportation. Judge Parker addressed Council and stated he is grieved by this turn of events and the car does not actually fix the problem. He stated the policymakers of the City should ensure there is cooperation between the co-equal branches of government. Judge Parker stated he is not asking the City to purchase a new vehicle. He said if the City gives him an older vehicle and guarantees if it breaks down another vehicle will be at his disposal that is acceptable to him. Tim Garry, acting Law Director, clarified the restrictions the City's police officers must abide by when transporting prisoners involved in cases occurring within the City's jurisdiction. Vice Mayor Fox suggested the City supply a vehicle that is scheduled to go out of service and place it with a magnetic strip so it is marked for the court. If that vehicle is not available due to service requirements, the city will cooperate and furnish another vehicle at that time. Scot Lahrmer stated this ordinance is not needed to supply a vehicle the City already owns so he recommended it be defeated.

A motion to adopt Ordinance 2003-60 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL NAYS-- Legislation Defeated

A motion was made by Councilmember Grossmann to provide a vehicle for the use by the court and the vehicle be marked as a Court Bailiff's vehicle and it be modified to accommodate that purpose. Councilmember Pelfrey seconded the motion. VOTE: ALL YEAS

ORDINANCE 2003-62 ACCEPTING THE PUBLIC IMPROVEMENTS FOR WHISPERING SPRINGS SECTION 1 AND RELEASING THE PERFORMANCE BOND

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

Richard Fair stated this legislation includes Section1 of Whispering Springs subdivision which includes Rhodes Court, Maiden Grass Lane, Falls View Court and the northern end of Whispering Springs Drive. He said the Public Utilities, Public Works and Engineering Departments have inspected the public improvements and have found them to be acceptable. Upon passage of this legislation, the City will accept responsibility for this area. Richard Fair said staff is recommending approval contingent on the submission of a one year maintenance bond.

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 2003-62 was made by Vice Mayor Fox, seconded by Councilmember Grossmann. VOTE: ALL YEAS

ORDINANCE 2003-63 ACCEPTING THE PUBLIC IMPROVEMENTS FOR GREENBRIER, PHASE 2, SECTION 1B AND RELEASING THE PERFORMANCE BOND

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

Richard Fair explained to Council the area being addressed is Phase II, Section 1B of the Greenbrier subdivision located west of Snider Road and north of Tylersville Road. He said the Public Utilities, Public Works and Engineering Departments have inspected the public improvements. He also stated the street will remain private. He added staff recommends approval contingent of the 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 Kidd, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to adopt Ordinance 2003-63 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2003-64 APPROVAL OF THE REPLAT OF LOTS 11 AND 24-A OF THE THORNGATE AT WINDEMERE SUBDIVISION

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

Richard Fair explained to Council the developer is requesting approval of the replat for Thorngate at Windemere Lots 11 and 24-B located on the north end of the subdivision. He said this replat will create 13 condo lots and dedicate the utility, sanitary, storm and water easements needed for this section of the subdivision. He added Planning commission recommends approval contingent on adding the dedication signature blocks for the owner and any lien holders. Councilmember Beck questioned the bond amount. Richard Fair replied the amount is supplied by the developer.

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 2003-64 was made by Councilmember Grossmann, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2003-65 APPROVAL OF THE REPLAT OF THE 4309 MASON MONTGOMERY ROAD

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 this legislation is being requested by the owners of the property, Robert and Diane Beatty. He stated the replat consists of separating lot 2 into two separate lots. Lot 2A will consist of 2.0575 acres and lot 2B will consist of 1.1946 acres. He added this will also dedicate the required right of way along Mason Montgomery road and provide the necessary easements. Richard Fair stated planning Commission recommends approval contingent upon compliance with five items noted by the Engineering Department.

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

A motion to adopt Ordinance 2003-65 was made by Councilmember Grossmann, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2003-66 APPROVAL OF THE FINAL PLAT OF RENNER FARM

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

Richard Fair stated the owner is requesting approval of the final plat for the Renner Farm property located at her intersection of Western Row Road and Tylersville Road. This plat will create three lots and dedicate the right-of-way necessary for Tylersville road, Western Row Road, Aero Drive and Stitt Road as required by the City's thoroughfare Plan. He added this plat will also provide the necessary Utility and Sanitary Sewer easements.

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

A motion to adopt Ordinance 2003-66 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2003-67 AUTHORIZING THE CITY MANAGER TO ACQUIRE A PERMANENT TAKE AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE MASON-MONTGOMERY ROAD WIDENING PROJECT FROM FRANCES H. GILBERT, AUTHORIZING PAYMENT THEREFORE AND DECLARING AN EMERGENCY

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

Scot Lahrmer stated as part of the Mason Montgomery Road Improvement Project, it is necessary to acquire a portion of the frontage at 107 West Main Street for right-of-way. In addition, he said two temporary easements were needed across the property for construction. He added staff was given permission, by the owner, to proceed with construction prior to the offer being accepted.

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

A motion to adopt Ordinance 2003-67 was made by Councilmember Grossmann, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2003-68 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 Councilmember Kidd, seconded by Vice Mayor Fox. VOTE: ALL YEAS

Eric Hansen explained to Council this legislation approves a 5% merit pool to be available for each departments use. This is for non-contractual regular employees.

Councilmember Beck stated he is not in favor of a 5% but was in favor or a 3% merit pool. Councilmember Grossmann asked if everyone receives 5%. Scot Lahrmer stated it is based on individual performance. Councilmember Pelfrey stated the Personnel Review Committee researched this matter and considered historical data on the cost of living as well as reviewing what other cities in the region are doing as well as the situation that exists for contractual employees.

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 2003-68 was made by Vice Mayor Fox, seconded by Councilmember Pelfrey. VOTE: 5 YEAS, 1 NAY (Beck)

ORDINANCE 2003-69 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DON S. CISLE CONTRACTOR, INC. FOR CONSTRUCTION OF THE KINGS MILLS ROAD WATER MAIN REPLACEMENT AND STORM SEWER/CULVERT IMPROVEMENTS

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

Richard Fair explained to Council the City is working with the Greater Cincinnati Water Works (GCWW) for a water main project and storm sewer/culvert installation. He said the City has agreed to allow the Engineering Department to administer the entire construction contract while GCWW will pay for construction and provide inspection for the water main portion of the job. He added three bids were received with the lowest and best bid going to Don S. Cisle Contractor, Inc. for \$1,707,481.35. He also said the Stormwater Utility funds will be used for a portion of this project. Richard stated Kings Mill Road will be closed to through traffic from July 7, 2003 till August 22, 2003.

Council asked if residents have been notified of this road closing. Scot Lahrmer stated *Detour Times* has been mailed to all residents. Councilmember Beck asked about the increased cost for the bridge. Richard Fair explained that was due to the Warren County Engineer making some changes. It will be included in the grant amount.

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 2003-69 was made by Vice Mayor Fox, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2003-70 AMENDING THE ORDINANCE NO. 2003-41 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 Kidd, seconded by Vice Mayor Fox. VOTE: ALL YEAS

Eric Hansen explained to Council, City Administration had received from Judge Parker an order requiring the City to create two positions for Mason Municipal Court. They are a full time probation officer with a salary of \$32,000 plus benefits and a part time probation officer to work 35 hours a week at \$12.50 per hour. He stated the Court is requesting these positions be funded out of the Court Probation Services Fund with any deficits being covered by the Court Special Projects Fund.

Councilmember Grossmann asked that this be a first reading on this legislation, as the Court Liaison Committee needs to review this matter further. Following a further discussion, Councilmember Pelfrey asked for Councilmembers to supply a list of questions regarding this matter so the Committee can be assured they are getting all the pertinent information. Council asked for clarification from the Law Director on what the City is allowed to do. Can the Judge order the City to approve these positions? Tim Garry stated the City must comply with any reasonable request for the operation of the Court to do its function. The City however can determine if the pay range is adequate and determine what the salary will be for a specific job.

Mayor McCurley stated this would be a first reading on this legislation.

CITY MANAGER'S REPORT

The Lou Eves Municipal Pool opened on June 7, 2003.

The Sunshine Concert Series will begin on June 15, 2003 at Pine Hill Park.

A Liquor Permit request has been received for WI Montgomery at 4140 S. R. 42. a general discussion took place among Council on the options they have as well as the lack of information they are given to make this decision. A request was made for Administration to contact the Ohio Department of Liquor Control and find out what they do to issue this permit request to the City; have they checked population, canvassed the area for any conflicts with churches, etc. A motion to request a hearing was made by Councilmember Pelfrey. The motion died for lack of a second. Mayor McCurley stated no hearing will be requested.

COMMITTEE REPORTS

Councilmember Grossmann reported on the activities of the Court Liaison Committee. He gave a brief overview of the recent situation regarding the use of Bailiffs by the Court. A discussion took place on whether charges against the Chief of Police will appear on his record. Tim Garry stated the record will show charges were filed and dismissed. He stated the Chief could request the record be sealed.

Councilmember Beck gave an overview of the Veteran's Memorial Committee activity. He thanked the Schools again for their participation. He said the next meeting will be on June 16, 2003 at 5:00 at the American Legion.

COUNCIL OLD AND NEW BUSINESS

Mayor McCurley recognized the graduation of Councilmember Beck's son from the Air Force Academy.

Councilmember Pelfrey asked about the status of changes on the ceremonial plaza. It was reported no change order has been issued yet. She also asked Vice Mayor Fox about the status of the review of rates for the Community Center. He reported the Park Board is working on it.

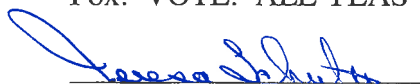
Mayor McCurley reported on the breakfast meeting held by the Warren County Municipal League with the local legislators. He also reported the Farmers Market will begin on June 14, 2003. He thanked teachers Dale Conner and Scott Kerr for their efforts to produce a film called "Hollywood and History". Mayor McCurley stated it was excellent and presented many stories from local veterans.

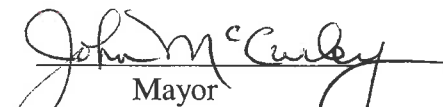
RECOGNITION OF VISITORS - None

ADJOURN

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

TIME: 9:55 p.m.


Clerk of Council


Mayor