

**CITY OF MASON
COUNCIL MEETING
February 9, 2004**

Mayor Beck called the meeting to order at 7:10 p.m. Following a prayer by Pastor Childers, the Boy Scouts from Troop 750 lead the pledge of allegiance.

ATTENDANCE

The following Councilmembers were present; Victor Kidd, Steve Osborne, Tony Bradburn, Tom Grossmann, John McCurley, Charlene Pelfrey and Peter Beck.

APPROVAL OF MINUTES

A motion to approve the minutes from the January 26, 2004 meeting was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. Councilmember Osborne noticed a correction that needed to be made in the minutes regarding a motion to adopt Ordinance 2004-01. The Clerk of Council noted the correction and will revise the minutes to show the correct member of Council making that motion.. VOTE: ALL YEAS

RECOGNITION OF MEG HAMMERAN, FORMER PLANNING COMMISSION MEMBER

Mayor Beck and Councilmember McCurley presented an award to Meg Hammeran for her years of service to the City through Planning Commission.

RECOGNITION OF VISITORS

Cindy Kerry of 6592 Foxfield Drive addressed Council and explained she is the merit badge counselor for the Boy Scout Troop 750. She explained their attendance here was in an effort to receive the merit badge.

ORDINANCE 2004-10 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GENERAL ELECTRIC CREDIT UNION REGARDING THE PURCHASE AND USE OF A NEW POLICE CRUISER

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

Eric Hansen explained to Council the City routinely provides off-duty police officers to GE Credit Union to enhance their security efforts. However, a marked police cruiser is not always available to accompany the off-duty officer as frequently as the Credit Union requests. He stated the management of GE Credit Union is generously seeking to donate \$25,000 to the City of Mason towards the purchase of an additional police cruiser and equipment. This will cover the cost of the cruiser and some equipment. Eric stated the Safety Committee has reviewed this proposal and recommends adoption of both Ordinance 2004-10 and 11. Eric added the cost of the vehicle is \$21,150 from 32 Ford, which is less than the State Bid price.

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

A motion to adopt Ordinance 2004-10 was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

Mr. Patrick Taylor, CEO of GE Credit Union presented the check to Chief Ferrell and Mayor Beck.

ORDINANCE 2004-11 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 32 FORD FOR THE PURCHASE OF ONE (1) 2004 FORD CROWN VICTORIA POLICE INTERCEPTORS

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

A motion to suspend the rule was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

A motion to adopt Ordinance 2004-11 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2004-12 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BAYER BECKER ENGINEERS FOR THE ENGINEERING DESIGN SERVICES NECESSARY FOR THE HOFF RUN FLOODPLAIN STUDY

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

Richard Fair explained to Council the Hoff Run watershed area begins south of Old Stitt Road thru the Golf Center under I-71 thru Kings Island to the Little Miami River and includes the Golf Center at Kings Island, Paramount Kings Island, Villas at Pine Run and parts of Village Lakes and Eagle View Village Subdivisions. He stated over the past 5 months, staff has been in contact with the residents of Villas at Pine Run and Peter Ryan, manager of the Golf Center at Kings Island, trying to resolve drainage problems experienced during heavy rainfall events. During these events the backyards of the condos and the private drives of some of the condos start to flood. The culverts through the golf course are unable to take the water away. He said the Golf Center wants to correct the problem, however, they do not want to make modifications that will cause flooding downstream. Richard said in addition to these problems, the City has also been contacted by Paramount Kings Island, the Golf Center, and Eagle View Village residents concerning drainage problems in their area as well. In an effort to reduce potential flooding and address downstream erosion, the whole watershed, from Old Stitt Road, under I-71 to the Little Miami River, must be studied. This will guarantee that needed improvements will not only help the residents in the Villas at Pine Run but also the Golf Center and everyone in the watershed. Richard said the Engineering Department sent out requests for proposals to five engineering firms and only received proposals from two of the firms. After reviewing the proposals, staff is recommending Bayer Becker Engineers, as the lead engineer for a cost of \$71,000. Councilmember McCurley asked if this was on the storm water project list and Richard Fair stated yes, it was number 13 and we have worked the list down to it. He also stated the funds are coming from the Storm Water Utility Fund.

A motion to adopt Ordinance 2004-12 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

ORDINANCE 2004-13 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH THE MASON MASONIC TEMPLE ASSOCIATION INCORPORATED FOR THE ACQUISITION OF PROPERTY LOCATED AT 733 WESTERN ROW ROAD, MASON, OHIO

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

Scot Lahrmer explained to Council as part of the Western Row Road and Snider Road Intersection Improvement Project, it is necessary to acquire a portion of the Western Row Road frontage owned by The Mason Masonic Temple Association, Inc. at 733 Western Row Road for right-of-way. He stated this acquisition includes utility, drainage and temporary easements as well as 5,437 square feet (0.12 acres) of additional right-of-way. He added this proposed settlement includes compensation of \$1,151 and the City extending a 12" storm sewer line under the bike path for them to connect to.

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

A motion to adopt Ordinance 2004-13 was made by Councilmember Kidd, seconded by Councilmember Grossmann. 6 YEAS, 1 ABSTAIN (Beck)

ORDINANCE 2004-14 AMENDING ORDINANCE NO. 2004-08 ESTABLISHING THE POSITIONS AND RATES OF COMPENSATION FOR EMPLOYEES OF THE MASON MUNICIPAL COURT AND DECLARING AN EMERGENCY

Councilmember Bradburn moved to table this legislation as he had just received information he wished to review further. Councilmember Osborne seconded the motion. A general discussion took place between Council members with Councilmember Grossmann stating the ordinance has been before Council for a number of weeks and there has been enough time to review the matter. Councilmember Bradburn stated he would like a comparison of the courts in our area. Councilmember Kidd stated he would like clarifications to exactly what comparisons Council would like to see. He added he attempted to gather this information prior to this meeting and found it difficult to reach the ultimate source. Mayor Beck asked for a vote on tabling this legislation. VOTE: 3 YEAS (Osborne, Bradburn, McCurley), 4 NAYS (Kidd, Grossmann, Pelfrey, Beck) Motion failed.

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

A motion to suspend the rule was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. Councilmember McCurley requested a roll call on this motion. A discussion took place among Council on the benefits of reviewing additional courts for similar salary and duty information for the Clerk of Court position. Councilmember Grossmann stated the Court has come in under the approved budget and stated it may not be realistic to do a comparison due to the differences in each situation. Judge Parker addressed Council at Mayor Beck's invitation to help clarify the duties of the Clerk of Court. Judge Parker stated the Clerk takes his job very seriously and works many hours. He said he does not serve as a magistrate and the Court has eliminated a bailiff position. He also stated

he was under the impression Council had the information they wanted on comparisons to other courts. He stated the budget last year for the court was \$741,740 and this year it is \$645,000. He also stated the Special Project fund has approximately one half million dollars in it. He stated there will be a request for inquiry on why the city is spending dollars out of this fund. He stated it must stop. Councilmember Osborne clarified the numbers Judge Parker is quoting are his actual operating budget and there is another figure that is his budget with assessments. Councilmember Bradburn stated he does not recall the Court Liaison Committee meeting to discuss and approve this ordinance presented tonight. Mayor Beck said if they are under budget, the City has no control over what they pay the clerk. He asked Ken if that is correct. Ken stated the Clerk of Court's salary is subject to Council 's approval if it is coming from the general fund. If it is operating totally out of its own funds, then it is a determination of the Court. He stated if they are operating at a deficit, then Council can determine compensation.

Mayor Beck called for a vote on suspending the rule. VOTE: 4 YEAS (Kidd, Grossmann, Pelfrey, Beck), 3 NAYS (Bradburn, Osborne, McCurley) Motion failed. Mayor Beck stated this would be a first reading and appear at the next Council meeting in February.

Councilmember McCurley stated he would like comparison from the Lebanon and Franklin courts. Mayor Beck stated they want the following information: years of service, number of case load, number of hours worked weekly, and details on clerks responsibility.

Councilmember Grossmann requested Ordinance 2004-16 be added to the agenda. That will deal with only the magistrate's position. Councilmember Kidd seconded the motion. VOTE: 6 YEAS, 1 NAY (McCurley).

ORDINANCE 2004-15 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON TO AMEND IN PART ZONING CODE CHAPTERS 1137, 1148, 1149, 1153, 1159, 1163, AND 1187

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

Scot Lahrmer stated a Public Hearing would be held on March 8, 2004 at approximately 7:05 p.m. regarding this legislation.

ORDINANCE 2004-16 AMENDING ORDINANCE NO. 2004-08 ESTABLISHING THE POSITIONS AND RATES OF COMPENSATION FOR EMPLOYEES OF THE MASON MUNICIPAL COURT EXCLUDING THE CLERK OF COURT POSITION AND DECLARING AN EMERGENCY

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

A motion to suspend the rule was made by Councilmember Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

Councilmember Bradburn stated the number of hours worked has increased so he can support this proposal. Councilmember McCurley asked how many hours. He said he looked into it and was told they spend approximately one hour per week on magistrate duties. He stated the City approved a 5%

budget increase pool for city employees and this resembles a 10% increase and that is not fiscally conservative or consistent. Councilmember Grossmann stated there has been an increase requested due to the increase in duties they are performing.

A motion to adopt Ordinance 2004-16 was made by Councilmember Grossmann, seconded by Councilmember Kidd. 6 YEAS, 1 NAY (McCurley)

CITY MANAGER'S REPORT

A Council worksession will take place at 6:00 p.m. on February 17, 2004. It will be held in the Community Room in the municipal building.

The Mason Police Academy will begin on Wednesday March 3, 2004.

A request for a liquor permit has been received from Maison De Mason LLC located at 5948 Snider Road. This is a wine shop and the request is for a new permit. A motion to not hold a hearing was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

Another request for a liquor permit was received from Mason Grill LTD located at 124 E. Main Street. The request is for a new permit. Vice Mayor Pelfrey asked if any detailed review is being done by the Ohio Department of Liquor Control on how many licenses are given in any one-block area. Ken Schneider reported they determine what governmental entity receives the permits but he is not aware of any details they review on regarding specific location. Vice Mayor Pelfrey voiced concern over the number located in a small area of the City and asked for this to be tabled until the next meeting. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Grossmann reported the Utility Committee met and reviewed the back-flow preventor and agreed to recommend it. Scot Lahrmer stated a recommendation has been made to increase the reimbursement from \$1500 to \$2400. He also stated a release would be required for past and present claims. Mrs. Smith addressed Council and stated she has discovered the cost will actually exceed \$2400 and she requested an increase in the reimbursement allowance by a few hundred dollars. Scot Lahrmer stated this money will come from the Sanitary Sewer Fund. Councilmember Osborne moved to increase the amount of reimbursement to \$2800. Councilmember McCurley moved to second the motion. VOTE: ALL YEAS Councilmember Kidd stated in 18-24 months this problem should be resolved as the work to permanently solve the problem will be complete.

Councilmember McCurley reported on Planning Commission. He stated the Snider Road extension has been discussed. He said the developers are recommending they extend the road to the creek with the understanding the City will build the bridge connecting the two.

COUNCIL OLD AND NEW BUSINESS

Vice Mayor Pelfrey reported on the Park Board. She stated the meeting has been moved to February 19, 2004

Vice Mayor Pelfrey stated she is very concerned about the area of Mason Road that is next to the pond. She said a car will end up in the pond if they go off the road in this location. She requested a contact be made with the County to request a guardrail. Richard Fair will look into it.

Councilmember Bradburn asked if the corporation line on Mason Montgomery Road could be checked. He questioned if the sign is in the proper location. Richard Fair will check into it. Councilmember Bradburn also asked if there was an ordinance on the books that deals with newspapers that are not picked up and therefore accumulate on resident's property. He stated he received a call from a resident on this. Scot Lahrmer responded no ordinance exists that deals with this.

Mayor Beck mentioned the traffic signal at Western Row Road by Luxotica should be timed so it does not hold up drivers on the weekend. He also mentioned the signal at Mason Montgomery Road at SR 42 on the weekend holds up traffic unnecessarily on the weekends. He asked what the status of the timing was for this location. Richard Fair stated mice have chewed through the wires and repairs have to be made.

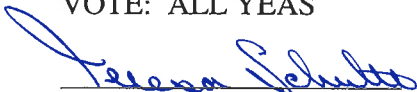
RECOGNITION OF VISITORS None

ADJOURN


A motion to adjourn was made by Councilmember Grossmann, seconded by Councilmember Kidd.

VOTE: ALL YEAS

TIME: 9:07 p.m.



Clerk of Council



Mayor