

**CITY OF MASON
COUNCIL WORKSESSION
JULY 19, 2004**

ATTENDANCE

The following members of Council were present: Tony Bradburn, Victor Kidd, John McCurley, Tom Grossmann, Steve Osborne and Peter Beck. Charlene Pelfrey was absent.

S CORPORATIONS

Scot Lahrmer introduced Jim Nueser a consultant who previously served as tax administrator for the City of Akron. Jennifer Heft stated he currently is a consultant representing many municipalities on tax issues at the state level. Mr. Nueser explained actions by the General Assembly have affected the way municipalities can collect taxes from an S Corp. He stated in order to continue to collect them as the City of Mason is currently doing, it is required language be placed on the November ballot asking for voter approval. He said if the issue passes, the City can continue as they are today. If the issue fails, it will mean a loss of revenue to the city general fund. He stated failure of the City to place language on the ballot in November would also result in a loss of revenue as the City could not longer tax them as they are today. Jennifer Heft and Mr. Nueser stated there is no current information on how large the loss in revenue could be if this occurs. A general discussion took place among Councilmembers on the pros and cons of placing the language on the ballot. The deadline for the language being submitted to the Board of Elections is August 19. As a result of the discussion, the majority of Council recommended placing language on the ballot. The matter will come before Council on the first meeting in August. It was also decided to direct Jennifer Heft to perform a random audit of 1000 tax returns to get an idea of the financial impact this could have if it fails to pass.

COURT LIAISON COMMITTEE

Mayor Beck stated it is not the City's responsibility to determine if the Court is performing its job from a legal perspective. He said the Supreme Court would do that. He said it is the City's job to determine if the current system is serving the residents in the best possible manner or if a Mayor's Court or Countywide Court should be explored. Mayor noted the Clerk of Court is present and taping the meeting. Councilmember Grossmann, as Chair of the Court Liaison Committee, addressed Council and explained a number of complaints have been received regarding the operations of the Court. He stated the two options of filing a grievance with the Supreme Court and seeking a petition for removal are options the City should not participate in. He further stated matters involving the police and the prosecutor do come under the City's review as the City is paying for these services. Councilmember Bradburn stated in light of the recent request submitted by Judge Parker to the Supreme Court, he would like to request Council pass a Resolution at the next Council meeting giving Ken Schneider the authority to cooperate with the Supreme Court on this matter for the City. He stated our legal counsel should handle and it should be on permanent record. A general discussion followed among Council members and it was determined the Court Liaison Committee would research the options of a Mayor's Court and a Countywide Court. It was also decided a resolution will be prepared for the next


Council meeting authorizing Ken Schneider to represent the City. Randy Kuvin, a Deerfield Township Trustee, addressed Council and stated he supports the analysis of the options Council has elected to perform. He said he hopes a cost analysis is included because if the City decides to choose a new option, it will financially impact the Township. He stated he felt it makes sense to hire outside experts to review the options and the Township may be able to participate in the cost.

Robert Peeler, Prosecutor, addressed Council and stated he has problems with the Court in performing his normal duties. He stated when a directive is given to the Clerk's office not to talk to the Prosecutor, the result is he cannot function properly. He said he would welcome help from the Court Liaison Committee but so far there has not been any. He added the job has gotten increasingly difficult. He explained new forms have been required that no other court requires. He said the number of appeals have increased dramatically. He also said his hours have increased from two to five days per week with a lower number of cases. He concluded by stating he would like to see a logical resolution to this matter as it eventually affects the taxpayers. Councilmember Grossmann requested a prioritized list from the Prosecutor on the issues that need to be addressed, and recommended solutions. He said the Committee would handle the matter and meet with the court. Mayor Beck suggested Ken Schneider be included in meetings with the Court and he requested a copy of the request submitted by Judge Parker to the Supreme Court from Bill Scherpenberg. Mr. Scherpenberg agreed to supply a copy.

ADJOURN

A motion to adjourn was made by Councilmember Grossmann, seconded by Councilmember Kidd.
Time: 8:05 p.m.


Clerk of Council


Mayor