

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 14, 2011**

The meeting was called to order at 7:05 p.m. Father Harry Meyer opened the meeting in prayer. Two Boy Scouts from Troop 500 led those present in the Pledge of Allegiance.

ATTENDANCE

The following members of Council were present: Michael Gilb, Christine Shimrock, Rich Cox, Tony Bradburn, Charlene Pelfrey, David Nichols, and Don Prince.

APPROVAL OF MINUTES

A motion to approve the January 24, 2011 Council Meeting Minutes was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: 6 YEAS, 1 ABSTAIN (Nichols)

SWEARING IN OF FIRE LIEUTENANT BILL BLADES

Chief John Moore introduced Fire Lieutenant William Blades. Mayor Prince swore in Lt. Blades and the Lieutenant's wife, Beth, pinned on his badge.

PRESENTATION OF NEW WEBSITE BY BETH GOTTFRIED

Beth Gottfried, Mason's Economic Development Manager and Website Project Manager, presented the City's new website. She explained that the new website was launched over the holiday break to better allow for adjustments to the site and to coincide with the Community Center re-opening. Beth highlighted some of the website's key elements which included:

- Search Bar at the top of each page
- Five Icons representing "key themes" at the top of each page
- User friendly with greater mobility
- Limited "clicks" to access information
- Social Media incorporated within website
- Easy access to programming and registration

Beth explained that the "things to do" section has been the initial focus of the new website. The "business" section will be the next area to enhance and will allow potential businesses to search for buildings and sites within Mason. This economic development site will also feature success stories of Mason businesses. Improvements to the "about", "government" and "resident" sections of the website will be complete by the end of summer. She concluded by inviting comments and suggestions to improve the website. Eric Hansen thanked Beth for a job well-done and Mayor Prince encouraged residents to call Beth with any questions or suggestions. Beth answered questions from Council by stating that they have received positive feedback regarding the vibrant website and program registration process. They are prioritizing suggestions and are monitoring the volume of visits to the website.

RECOGNITION OF VISITORS none

ORDINANCE 2011-09 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT INCLUDING ALTERNATES A, B AND C, WITH JOHN R. JURGENSEN IN AN AMOUNT NOT TO EXCEED \$1,397,837, FOR THE 2011 JOINT STREET RESURFACING PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE A RELATED REIMBURSEMENT AGREEMENT WITH DEERFIELD TOWNSHIP

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

Kurt Seiler stated that annually the City of Mason pursues a Street Maintenance program to repair and prolong the life of City roadways. Typically, between \$750,000 and \$1,000,000 is budgeted for this annual program. The 2011 Budget included \$350,000 in a base annual street maintenance program with an additional \$150,000 for a possible secondary street maintenance program. This is the fifth consecutive year that engineering staff has partnered with Deerfield Township. Kurt stated that by increasing contract quantities, both the City and Township benefit from reduced unit bid prices. It is estimated the City and Township realize an 8 - 10% savings as a result of the increased quantities of the joint venture. The best and lowest bidder was John R. Jurgensen. Kurt explained that the price for asphalt this year came in at 2008 rates and the Public Works Committee is recommending the inclusion of alternate "C" in order to take advantage of this lower price. He said that Deerfield Township has also decided to include alternates "A" and "B" (sidewalks on Mason-Montgomery Road and Mason Road) due to the low cost of asphalt. Deerfield Township's portion of the project is \$892,309 which will be paid according to the reimbursement agreement in exhibit "A". This reimbursement agreement provides for the City to be reimbursed by the township through monthly progress payments during construction. The City's portion of the project is \$505,528.

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

A motion to adopt Ordinance 2011-9 was made by Councilmember Shimrock, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2011-10 IMPOSING A MORATORIUM FOR A PERIOD OF SIX (6) MONTHS (180 DAYS) ON THE GRANTING OF ANY PERMITS ALLOWING THE OPERATION OF SWEEPSTAKES/INTERNET CAFES WITHIN THE CITY OF MASON AND DECLARING AN EMERGENCY

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

Eric Hansen explained that The City has received several requests for information regarding the establishment of an Internet Café. Despite the name, Internet Cafés are not focused on providing internet service but rather a computerized gambling type experience. The Internet Café concept is relatively new and there remains debate on whether they are a violation of the gambling statutes in the State of Ohio. Eric stated that the City is not in the position to determine that, and that the State and the Courts have taken differing views on the matter. As a result of this evolving issue, City staff has conducted some research on existing internet cafés and discussed with the Safety Committee some potential problems. As a result of that discussion, the Safety Committee is recommending a six-month

moratorium on the issuance of building permits and zoning certificates for Sweepstakes/Internet Cafés until the matter can be thoroughly evaluated as part of the City’s overall zoning and development plan.

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

Council discussed the impact this type of business would have on the City while providing little revenue. Presently, internet cafés can be found mostly in northern Ohio and the City has not received any applications thus far.

A motion to adopt Ordinance 2011-10 was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS.

ORDINANCE 2011-11 AMENDING SECTIONS 707.05 AND 707.06 OF THE MASON CODIFIED ORDINANCES REGARDING CRIMINAL BACKGROUND CHECKS FOR EMPLOYEES OF TRANSIENT VENDORS

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

Eric Hansen explained that in 2003, Council, as a result of U.S. Supreme Court decisions and recommendation of the City’s Law Director, approved Ordinance 2003-27 repealing the City’s solicitation ordinance. In 2007, Council approved an ordinance that fit within the constitutional provisions and is sensitive to local non-profit groups while requiring vendors to register with the Police Department. Ordinance 2007-76 requires vendors to register with the Police Department for any sale or solicitation in the City. The administration fee for each registration is \$75. Tax-exempt entities, as defined by ORC Section 5709.04, are exempt from obtaining a permit. Individual representatives of vendors who have obtained a permit are required to carry a copy of that permit while engaged in solicitation in the City. Eric stated that after receiving numerous citizen complaints about transient vendors, the City recognized that Ordinance 2007-76 is too limited. Citizens often complained of field personnel engaging in intimidation tactics, rudeness, and suspicious activity. Working with legal counsel, the Police Department and city staff presented to the Safety Committee a proposal that would make modifications to the existing solicitation ordinance. The recommended changes would require that all persons employed by transient vendors submit to a criminal background check and carry an identification card. Eric stated that the Safety Committee discussed this issue and is recommending Ordinance 2011 – 11 for adoption.

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

Councilmember Shimrock inquired as to what we are looking for in a background check and what would exclude someone from going door-to-door? Eric Hansen explained that the background check would be standard fingerprinting sent through the State’s database. Any violations, at the minimum, would raise awareness in the Police Department. The choice to allow or refuse solicitation on private property is ultimately up to the property owner. Often the fee and background check serves as its own deterrent. Councilmember Shimrock expressed her concern that the ordinance is incomplete and she doesn’t see what it accomplishes. Ken Schneider explained that this ordinance is a first step, and once it is in place legal counsel will be working with the Police Department to answer these questions.

After further Council discussion, Eric Hansen stated that this system is already in place. The only change is that in addition to the principal of the firm being subjected to a background check, all the field workers would also be required. He continued by stating that no one should consider any solicitor with a permit as endorsed by the City. The Mason Matters section of the *Our Town* magazine will have an article on this subject.

A motion to adopt Ordinance 2011-11 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: 6 YEAS, 1 NO (Shimrock)

ORDINANCE 2011-12 AMENDING SECTION 549.08 OF THE MASON CODIFIED ORDINANCES REGARDING DISCHARGE OF FIREARMS

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

Eric Hansen explained that this ordinance makes a modification to Codified Ordinance Section 549, regarding the firing of firearms within City limits. Currently there are certain exceptions including military salutes, self defense, law enforcement where a firearm is allowed to be used. He said that recently the City received a request to amend Codified Section 549.08 to allow the test firing of weapons by a local business. This business manufactures small firearms and future contracts require the testing of the firing mechanism. Both Chief Moore, as Safety Director, and Police Chief Ferrell have evaluated the request and determined that the location, along with firearm precautions that will be implemented will not create a safety hazard or nuisance to the surrounding community. Eric stated that the local business requesting this amendment was proactive in their desire to abide by local ordinances while continuing to expand their current operations. The Safety Committee has reviewed the revisions to Section 549.08 and has recommended Ordinance 2011 – 12 for adoption.

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

Council discussed the possibility of a firing range also being allowed within the City.

A motion to adopt Ordinance 2011-12 was made by Councilmember Bradburn, seconded by Councilmember Cox. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

► In the Town Hall Meeting held prior to the Council meeting, State Representative Pete Beck emphasized the need for increased intergovernmental cooperation. The first ordinance on our agenda tonight regarding the joint street resurfacing program with Deerfield Township is an example of the many intergovernmental projects Mason participates in.

► City offices will be closed on Monday, February 21 in observance of President's Day.

► The next DARE graduation is Wednesday, February 23 at 7 p.m. in the Mason High School auditorium. Mayor Prince will speak at the meeting and Council Members are invited to attend.

► The second annual Mason Youth Sports Day will be held on February 18-19 at the Community Center. The event has been expanded this year to a two-day event featuring presentations on injury prevention and sports nutrition, family friendly sports specific interactive challenges, screening provided by Bethesda Physical Therapy, assessments and vendor booths sponsored by local sports organizations. The Cincinnati Reds will be onsite Friday with their popular mascots. Cincinnati Team Apparel will be accepting donations of gently used sporting equipment. Those interested in attending this free program should register by calling the Mason Community Center.

► The Clinical Exercise Program is a contracted program between Mason Community Center and a TriHealth Athletic Trainer, similar to the Post Rehab Program. The program is designed for current Mason Community Center Members who are looking for a more medical based exercise program. An athletic trainer with a medical background allows the opportunity to utilize services like the warm water therapy pool when medically appropriate. Participants require a note from their physician to work with the athletic trainer.

COMMITTEE REPORTS

Councilmember Gilb reported that the Golf Course Committee will have a recommendation on the management contract with the Golf Center by the end of 2011.

Councilmember Cox reported that the Park Board discussed with Kevin Shew regarding the organization of a Community Fireworks Display for the 4th of July. Mr. Shew is gathering much support for this event.

Councilmember Bradburn reported that the Safety Committee will recommend disposal of the 1999 Pierce Quint Fire Truck at the February 28 Council Meeting.

OLD AND NEW BUSINESS none

RECOGNITION OF VISITORS none

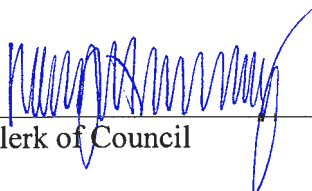
EXECUTIVE SESSION: PENDING LITIGATION

A motion to adjourn into Executive Session for the purpose of discussing pending litigation was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS. TIME: 8:00 p.m.


A motion to reconvene into Regular Session was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 8:24 p.m.

ADJOURN

A motion to adjourn was made by Vice Mayor Nichols, seconded by Councilmember Bradburn. VOTE: ALL YEAS. TIME: 8:25 p.m.



Clerk of Council



Mayor