

**CITY OF MASON
COUNCIL MEETING
SEPTEMBER 25, 2000**

Mayor McCurley called the meeting to order at 7:03 p.m.

ROLLCALL

The following members of Council were present: Jim Fox, Dick Staten, Tom Muennich, Peter Beck, Charlene Pelfrey, and John McCurley. Absent was Betty Davis.

PRESENTATION OF SERGEANTS STRIPES TO POLICE OFFICERS

Police Chief, Ron Ferrell addressed Council and introduced Police Officers Todd Carter, Mikel Carter and Neil Garland. Chief Ferrell stated 10 candidates went through an extensive selection process and these three will receive the promotion to Sergeant. Mayor McCurley presented these officers with their Sergeant Stripes.

RECOGNITION OF CINERGY CONTRIBUTIONS TO SUNSHINE SERIES AND SAFETYCAMP

Mr. Tim Abbott from Cinergy was recognized for the platinum level of contributions the company has made to help sponsor the Sunshine Concert Series and Safety Camp. Over a two-year period, Cinergy has contributed \$11,000 to these programs.

INTRODUCTION OF MICHAEL HECKER, PARKS AND RECREATION DIRECTOR

Scot Lahrmer introduced the City's new Parks and Recreation Director, Michael Hecker. He stated he has moved here from Alaska and actually began his employment today, September 25, 2000.

RECOGNITION OF VISITORS

Mr. Lou Eves of 4708 Appaloosa Trail addressed Council and welcomed the new Parks and Recreation Director.

RESOLUTION 2000-18 PROCLAIMING OCTOBER 28, 2000 AS MAKE A DIFFERENCE DAY IN MASON

The Proclamation was read by Eric Hansen.

Mayor McCurley stated a resident, Becky Osborne contacted him and informed him of the "Make A Difference Day" program. She addressed Council and stated various people in the community have embarked upon several different projects. A book drive, "Forget Me Not" Program with the residents of Mason Christian Village, a blood drive at the

Western Row School, free dental exams, and a food drive at a local food pantry are just a few of the area wide efforts people are contributing. She also stated Wal-Mart offers assistance to those interested in implementing a program. Becky Osborne said for further information you can go to MakeaDiffDay@cinci.rr.com

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

A motion to adopt Resolution 2000-18 was made by Vice Mayor Fox, seconded by Councilmember Muennich. VOTE: ALL YEAS

ORDINANCE 2000-134 AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO, SECTIONS 723.02, 723.03, 723.08, AND 723.13 AND DECLARING AN EMERGENCY

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

A general discussion among Council took place. The question of what happens if this Ordinance is challenged and ruled unconstitutional? Can the City cover a void in the event a request would come before the City before new legislation can be adopted? The Law Director, Ken Schneider, responded it would depend on what the court ruled unconstitutional. He stated this type of legislation will need to be reviewed and updated as the courts act upon it. He stated the City must provide a place where this type of establishment can locate. He added roughly 7% of the City is an area that can accommodate this type of industry. It was decided it would be advantageous to understand what type of zoning is called for in the townships surrounding the City. Mayor McCurley asked the Law Director to get a copy of Deerfield Township's Zoning Code.

A motion to adopt Ordinance 2000-134 was made by Councilmember Staten, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2000-137 ADVISING THE COUNTY COMMISSIONERS AS TO THE BENEDFITS OF ANNEXATION OF PROPERTY INCLUDED IN THE PETITION FOR ANNEXATION FILED BY CHARLES W. AND VIRGINIA F. ARAUJO AND CHARLES AND BONNIE LAWSON TO THE CITY OF MASON

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

Scot Lahrmer stated two property owners located on Tylersville Road have petitioned to annex into the City of Mason. The total number of acres is 85.177 and is currently owned by Charles and Bonnie Lawson and Charles and Virginia Araujo. The Ohio Revised Code requires the municipality to indicate the benefits it can provide. This legislation complies with that requirement.

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

A motion to adopt Ordinance 2000-137 was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2000-138 ADVISING THE COUNTY COMMISSIONERS AS TO THE BENEFITS OF ANNEXATION OF PROPERTY INCLUDED IN THE PETITION FOR ANNEXATION FILED BY ROBERT AND LORI L. BEDINGHAUS AND KENNETH R. AND SHIRLEY SCHOONOVER TO THE CITY OF MASON

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

Scot Lahrmer stated the next four Ordinances deal with property owners who have petitioned to annex into the City of Mason. He stated some have previously signed pre-annexation agreements and are just now fulfilling these agreements by petitioning to annex. He stated there are several at this time due to the expected change in the annexation law at the state level. The Ordinances before Council meet the requirement of the Ohio Revised Code by stating the benefits of annexing into the City of Mason.

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

A motion to adopt Ordinance 2000-138 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2000-139 ADVISING THE COUNTY COMMISSIONERS AS TO THE BENEFITS OF ANNEXATION OF PRPOERTY INCLUDED IN THE PETITION FOR ANNEXATION FILED BY RICHARD A. AND JANE E. YOST, AND MARK AND KIMBERLY A. SCHAPPACHER TO THE CITY OF MASON

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

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

A motion to adopt Ordinance 2000-139 was made by Vice Mayor Fox, seconded by Councilmember Muennich. VOTE: ALL YEAS

ORDINANCE 2000-140 ADVISING THE COUNTY COMMISSIONERS AS TO THE BENEFITS OF ANNEXATION OF PROPERTY INCLUDED IN THE

PETITION FOR ANNEXATION FILED BY LARRY AND JANET JEFFERS AND DON AND RUTH BURNSIDE TO THE CITY OF MASON

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

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

A general discussion followed on the City's support of property owner's rights and the changes proposed on the annexation law are detrimental to their control over the property they own. It was stated that the background of the majority of members in the state legislature currently have either a township or county background. That has hurt various causes of the Cities in the State of Ohio. Mr. Lou Eves addressed Council and stated by changing the law they are taking rights away from property owners. He asked if we have any idea how much has been spent on the legal battles pursued by Deerfield Township. It was mentioned they have not won any court decisions on this matter. Mr. Eves also asked if the City could charge their legal fees in fighting these frivolous lawsuits. Ken Schneider stated it may be possible to recover legal expenses from a frivolous legal action however, he stated it is very hard to prove and courts rarely chose to view an action by a governmental body as frivolous.

A motion to adopt Ordinance 2000-140 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2000-141 ADVISING THE COUNTY COMMISSIONERS AS TO THE BENEDITS OF ANNEXATION OF PROPERTY INCLUDED IN THE PETITION FOR ANNEXATION FILED BY JAMES C. AND LISA MARLOW TO THE CITY OF MASON

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

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

A motion to adopt Ordinance 2000-141 was made by Vice Mayor Fox, seconded by Councilmember Beck. VOTE: ALL YEAS

ORDINANCE 2000-142 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CINERGY CORP. FOR THE INSTALLATION OF STREET LIGHTING ON NORTH SNIDER ROAD

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

Scot Lahrmer stated the last item to be completed on the extension of North Snider Road is the installation of streetlights. The City has received a proposal from Cinergy to install lights that are identical to the lights installed on the other section. The cost to install these lights is \$14,890.60. Staff recommends approval.

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

A motion to adopt Ordinance 2000-142 was made by Councilmember Muennich, seconded by Councilmember Staten VOTE: ALL YEAS

ORDINANCE 2000-143 CREATING THE POSITION OF GRAPHICAL INFORMATION SYSTEM (GIS) MANAGER IN THE ENGINEERING DEPARTMENT AND ESTABLISHING COMPENSATION

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

Richard Fair explained to Council Ordinances 2000-143 and 144 relate to the same subject. Ordinance 2000-143 authorizes the creation of a Graphic Information System Manager in the Engineering Department and Ordinance 2000-144 authorizes the City Manager to enter into a contract with a consultant who will develop the utility management system. Richard Fair stated this system is used across the country in many cities and especially in southwest Ohio. This system will be used to map the infrastructure within the incorporated area and aid in solving problems such as environmental protection, pollution, land use, zoning natural resources, conservation, flood plains, etc. The consultant that has been selected is the Fuller, Mossbarger, Scott and May Engineers, Inc. and the amount is not to exceed \$213,183. Council suggested the City require information submitted to the City be supplied in this format. It was also suggested the Engineering Department look into the possibility of establishing a fee structure for others who may request use of this system.

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

A motion to adopt Ordinance 2000-143 was made by Councilmember Staten, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2000-144 AUTHORIZING THE CITY MANGER TO ENTER INTO A CONTRACT WITH FULLER, MOSSBARGER, SCOTT, AND MAY ENGINEERS, INC. FOR THE CREATION OF A GRAPHICAL INFORMATION SYSTEM (GIS) UTILITY MANAGEMENT SYSTEM

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

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

A motion to adopt Ordinance 2000-144 was made by Councilmember Staten, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORIDNACE 2000-145 AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION DISTRICT 10 STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (S) AND TO EXECUTE ANY AGREEMENTS OR DOCUMENTS AS REQUIRED

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

Eric Hansen stated it is the City's intent to submit applications for Issue 2 Grants for the following projects: Mason-Montgomery Road widening (US 42 to I&O Bridge), US 42 Tylersville Road to Fifth Avenue, and US 42 Butler-Warren Road to Tylersville Road. He stated the City has been successful in the past in securing this grant and it is hopeful that will continue to be the case.

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

A motion to adopt Ordinance 2000-145 was made by Councilmember Muennich, seconded by Vice Mayor Fox. VOTE: ALL YEAS

ORDINANCE 2000-146 DETERMINING THE NECESSITY OF AND AUTHORIZING THE ISSUANCE AND SALE OF HEALTH CARE FACILITIES REVENUE BONDS, SERIES 2000 (GNMA COLLATERALIZED-MCV HEALTH CARE FACILITIES, INC. PROJECT) IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,400,000; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT OF LEASE AND A SUBLEASE IN CONNECITON THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE TO SECURE THE BONDS; AUTHORIZING EXECUTION OF A BOND PURCHASE AGREEMENT WITH RESPECT TO THE BONDS; AUTHORIZING A PRELIMINARY AND FINAL OFFICIAL STATEMENT AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUNACE OF THE BONDS; AUTHORIZING OTHER ACTION IN CONNECITON WITH THE ISSUANCE OF THE BONDS; AND DECARING AN EMERGENCY.

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

Scot Lahrmer stated the City is has been requested to continue to assist Mason Christian Village in the financial arrangements for the expansion they have planned for their Health Care Facility. An Alzheimer's facility is included in this addition. In the past, Scot explained the City has assisted in arrangements regarding the financing. These arrangements have not affected the City's debt limit and have been reviewed by Ken Schneider to insure the City's concerns are addressed. The City is willing to assist in this manner to support the development of local business.

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

A motion to adopt Ordinance 2000-146 was made by Vice Mayor Fox, seconded by Councilmember Muennich. VOTE: ALL YEAS

CITY MANAGER'S REPORT

The annual Rally to Recycle will be held at Corwin M. Nixon Park on October 7, 2000 from 9-2:00 p.m.

A series of meetings/community workshops on the Comprehensive Plan are being held on October 19, 26 and November 2, 2000. These meetings will be held at the Mason Middle School Kiva Room beginning at 7:00 p.m.

Leaf collection begins on October 16, 2000 and continues through mid December. Signs notifying residents of this will be posted.

COMMITTEE REPORTS

None

COUNCIL OLD AND NEW BUSINESS

Councilmember Beck asked for a formal recommendation from the Park Board on the creation of a City of Mason Foundation being established. He explained this provides an avenue for the residents to leave contributions to the city for various uses such as parkland or equipment.

The status of the intersection of Butler Warren Road and US 42 was requested. The City is waiting on an answer to request for Issue 2 Funds.

A request was made by Councilmember Muennich to add Personnel to the purpose for the Executive Session. All Councilmembers concurred.

Mayor McCurley stated he had received a letter requesting the City pursue the installation of a Veterans Memorial. Council stated others have mentioned this and maybe it could be considered for a site at the new municipal building. It was also

mentioned the Sons of the American Legion had collected for this in the past and maybe they could partner with the city on this. It was decided other groups should be contacted to see if there is interest in joining together to achieve this goal.

Councilmember Muennich stated the week of October 16, 2000 is being recognized as Bus Safety Week sponsored by the Mason City Schools.

Mayor McCurley stated although there has been a change of personnel in the Fire Department, the response times are excellent and the staff are professional and experienced. The City of Mason residents are continuing to receive exceptional service from this department.

AUDIENCE COMMENTS

Mr. Lou Eves addressed Council and stated the VFW collected money for a Veterans Memorial. He also asked if Council would give some thought to what happens in the future if the revenue levels drop. He asked how would the City continue to provide services? He stated a plan should be in place.

EXECUTIVE SESSION

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

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

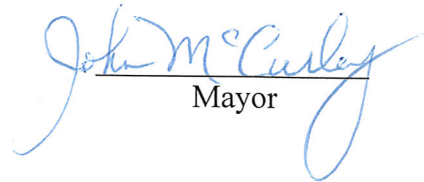
ADJOURN

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

TIME: 9:50 P.M.



Clerk of Council



Mayor