

**CITY OF MASON
COUNCIL MEETING
JULY 26, 2004**

Mayor Beck opened the meeting at 7:10 p.m. Those in attendance recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the July 19, 2004 Council worksession was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

Mr. Tom Caper addressed Council and gave an update on the Heritage Festival. It is planned for August 28, 2004 and will have 2 stages. He said they are still recruiting volunteers.

Mayor Beck presented a proclamation to the America in Bloom Committee. Accepting the proclamation was Jack Clasen and Wendi Sheets. The winner in the business category was the Manor House. The residential award went to Pat and Chuck Ellsworth and the large business category went to Mason Christian Village.

RECOGNITION OF VISITORS None

RESOLUTION 2004-12 AMENDED AND RESTATED RESOLUTION OF THE COUNCIL OF CITY OF MASON, WARREN COUNTY, OHIO

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

Eric Hansen explained to Council the State of Ohio recently adopted new rules to clarify and ensure proper IRS treatment of the tax-deferred contributions made to the Police and Fire Pension Fund. These new rules require all municipalities to certify that their plans remain in place by adopting a model resolution. He said Council did this on March 31, 2004 by approving Resolution 2004-3 but recently Ohio Police and Fire Pension Fund notified the City that their original resolution was inadequate and that two separate resolutions were now necessary to meet the new rules. Eric stated Council's passage of Resolutions 2004-12 and 2004-13 will bring the City into compliance with this request. He also said this does not change any current City practice regarding this matter.

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

A motion to adopt Resolution 2004-12 was made by Councilmember Osborne, seconded by Councilmember McCurley. VOTE: ALL YEAS

RESOLUTION 2004-13 AMENDED AND RESTATED RESOLUTION OF THE COUNCIL OF CITY OF MASON, WARREN COUNTY, OHIO

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

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

A motion to adopt Resolution 2004-13 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2004-98 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MICHAEL SCHUSTER & ASSOCIATES (MSA) FOR ARCHITECTURAL SERVICES TO PROVIDE A PUBLIC WORKS AND PARKS & RECREATION MAINTENANCE FACILITY SPACE NEEDS ANALYSIS

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

Scot Lahrmer stated for many years the City's maintenance, garage, and storage facilities have been inadequate. The current facilities have remained largely the same for nearly thirty years, while the City has grown enormously. He stated currently a majority of City vehicles are stored outside and exposed to weather, parks equipment is stored in scattered areas throughout the City, the garage lacks adequate lifts to service equipment especially Fire vehicles, storage space for supplies and equipment is overcrowded, and security as well as safety concerns are common. Scot said the resulting inefficiencies, accelerated depreciation, and other concerns from crowding have become increasingly difficult to address as the City's maintenance needs for both streets and parks continue to grow rapidly. The Public Works Committee has reviewed the matter and recommend further study using an architectural consultant and state the consultant's report should include a space needs analysis for a Public Works Garage. Scot said staff prepared Requests for Proposals for architectural analysis of a Public Works Garage space needs analysis, including a salt storage facility. He also said staff requested that a space needs analysis be prepared for the Parks Maintenance Facility as the City could receive a reduction in the cost by combining the two studies. Three consultants were selected, based on experience and reputation, to prepare proposals for this study. He said the lowest and best proposal was received from Michael Schuster & Associates for a not to exceed amount of \$19,000.

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

A motion to adopt Ordinance 2004-98 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2004-99 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH MARATHON ASHLAND PETROLEUM, LLC, FOR THE ACQUISITION OF PROPERTY LOCATED AT 101 READING ROAD, MASON, OHIO

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

Scot Lahrmer explained to Council the City has negotiated to purchase property located at 101 Reading Road known as the Speedway gas station. He said the property is located at the southwest corner of Reading Road and Main Street across the street from Fifth Third Bank. The parcel contains approximately .37 acres and is owned by Speedway SuperAmerica. Scot stated the parcel currently houses Speedway with multiple curb cuts on West Main Street and Reading Road. He said the City has negotiated a purchase price of \$325,000 for the property with the condition that Speedway remove the underground storage tanks, related piping, etc., along with the canopies. Speedway will retain the obligation to complete any required remediation to the property.

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

A motion to adopt Ordinance 2004-99 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

ORDINANCE 2004-100 COOPERATING WITH THE OHIO SUPREME COURT DISCIPLINARY COUNSEL BY MAKING AVAILABLE ALL COMPLAINTS AND RELEVANT DOCUMENTS RELATING TO THE SERVICE OF JUDGE GEORGE M. PARKER AS MASON MUNICIPAL COURT

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

Law Director, Ken Schneider, stated this legislation was prepared at Council's request to establish a clear direction for the Law Director to cooperate fully in the matters regarding the Supreme Court's review of the Mason Municipal Court. Ken also stated if people want to submit information in writing to the City or his office they may do so and it is best if they submit it prior to September. Councilmember Bradburn moved to amend this legislation and add the emergency clause so it becomes effective as soon as possible. The motion was seconded by Councilmember McCurley. Vice Mayor Pelfrey asked if the City has received any notification other than what we read in the newspaper. Ken replied he was not aware of any. Councilmember McCurley asked if we have received a copy of what the Judge requested of the Supreme Court. Ken stated he has a copy but it is not a certified copy. He said the City of Mason Police Department was mentioned. Councilmember Kidd stated some of the items

mentioned in the report the Judge filed were new to him and not something the Court Liaison Committee had discussed. Councilmember Osborne clarified the City of Mason is not sitting in judgment of the Court as that is the Supreme Court's duty. He said it is the City's intent to move forward and cooperate with the investigation requested by the Judge.

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

A motion to adopt Ordinance 2004-100 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2004-101 AMENDING SECTION 165.16 LEGAL DEFENSE EXPENSES OF THE CITY OF MASON CODIFIED ORDINANCES

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

Eric Hansen explained the purpose of this legislation is to update the City of Mason's code for defending City employees and officials against civil or criminal actions arising out of the lawful performance of their duties. He explained the City ordinances currently provide for the defense of civil as well as criminal actions against City officials for actions taken as part of their municipal service. Legal counsel at Wood & Lamping recently reviewed this section of the codified ordinances, which has not been updated in nearly 25 years, and recommended that the language be updated to better protect the City and its officials from the risk of legal harm arising out of the proper exercise of their duties. Eric stated while the City's risk management pool, MVRMA, provides for the defense of civil actions taken against City officials, it does not provide similar coverage when criminal accusations are pursued. If City officials are ever placed in such a position, the official may need to seek private legal counsel to defend themselves. Eric said the proposed language in Ordinance 2004-101 is modeled on similar legislation adopted by the City of Cincinnati. It clarifies how reimbursement for legal costs incurred by City employees in defending themselves from misdemeanor charges that are a result of "the proper performance of official duties" can be made. He also said the Employee Relations Committee of Council had an opportunity to review the proposed legislation and recommends adoption.

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

A motion to adopt Ordinance 2004-101 was made by Councilmember Bradburn, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Promotional banners will be installed by Public Works on July 26th, announcing the *2004 Western & Southern Financial Group Masters* men's tennis tournament, which runs this year from July 30th to August 8th. As earlier announced, the City has received a tourism assistance grant from the Warren County Convention and Visitors Bureau, which shared in the purchase of

promotional banners for Mason's first ever women's tennis event. This is the fourth year of this intergovernmental partnering economic development effort between the City and WCCVB.

The City will be auctioning two surplus Police vehicles via Internet auction on two separate websites, www.ebay.com and www.esurplusauction.com. The purpose of using two sites is to determine which site will be most effective for the occasional auctioning of City surplus property. Staff will take into consideration which vendor brings the highest bids for surplus items, which vendor is most accessible to the City, which vendor's website is most user friendly to sellers, and overall which vendor is the most cost effective option. Staff still has the option of resorting back to traditional "physical" auctions, but we are expecting electronic auctions to be substantially more cost effective. These auctions will run from August 5th to August 19th. As required by City ordinance 2004-61, the legal notice will be posted in the Western-Star on July 29th and August 5th. As always, the City reserves the right to reject any and all bids whenever such a measure becomes necessary.

The City of Mason and Deerfield Township have agreed to allow Mason City Schools to post signs at the city and township entrances honoring the Mason Girls Track Team as state champions.

Scot explained in February 2003, the City of Mason adopted the NPDES Phase II Storm Water Management Program (SWMP). He said as part of that program, the City is partnering with Warren County Soil and Water Conservation District's educational program. The City's program also states that a utility bill insert will be mailed annually to all residents. With this effort in mind, the Stormwater Engineer and the Public Information Office have developed two utility bill inserts. The first is a postcard survey to be included in the August utility bills. A second utility bill insert will follow in October that will include the results of the survey as well as educational information for all the questions. Also, as part of the City's public outreach and in an effort to draw more interest and involvement in the SWMP from residents, the Stormwater Engineer is partnering with Warren County Soil and Water Conservation District to sponsor a booth for the Heritage Festival.

COMMITTEE REPORTS

Councilmember Osborne reported the Employee Relations Committee continues to meet and changes will be forthcoming.

Councilmember Osborne moved to add personnel to the purpose for the executive session. The motion was seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

Councilmember McCurley stated the Downtown Mason Association has met and he reported the enthusiasm is growing.

COUNCIL OLD AND NEW BUSINESS

Councilmember Bradburn reported the city corporation sign is missing on Bethany Road east bound. He asked Engineering and Building to replace it.

Councilmember Kidd reported a new business has located in the downtown area. He stated it is three local boys who run the mortgage company of McCloud Financial.

Vice Mayor Pelfrey stated the Steering Committee for the Park Board met to discuss the master plan. She said many suggestions were worked on and incorporated. She said they were attempting to turn the wish list into a reality list. She announced a public meeting will be held on August 12, at 7:00 p.m. in the City building so the public can view the plan.

Vice Mayor Pelfrey asked about the status of a building once the permit has been issued. Richard Fair responded there is a time limit to begin construction once a permit has been issued but once construction has begun he was not aware of any time limit. Vice Mayor Pelfrey suggested address signs be posted at the intersections on Mason Montgomery Road. She stated it is difficult to see street addresses and people would know if they are in the right block. She also asked about the installation of "It's our town-slow down" signs. Scot stated they are installed when they are requested. She said there is a request for one on Church Street.

Councilmember Osborne requested the agenda be posted on the web site for council meetings and Planning Commission meetings. He asked the status of the road improvement on Mason Montgomery Road. Richard Fair said it will begin next week from Irwin Simpson to Western Row Road.

Mayor Beck asked about the status of Kings Mills Road. Richard Fair stated GCWW still needs to test for purity and they must make final connections. They are expected to repave in September. Scot Lahrmer added these projects are driven by the GCWW not the City. He explained they have had conversations about the delays with the GCWW.

Councilmember McCurley mentioned the traffic issues that may occur due to the tennis event. He stated Mason is fortunate to have this international event. He also mentioned the Warren County Municipal League Legislative Breakfast on Friday July 30, 2004.

Mayor Beck stated a worksession would be planned for August to discuss capital improvements.

RECOGNITION OF VISITORS None

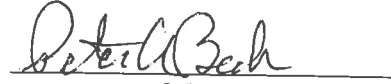
EXECUTIVE SESSION

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

A motion to reconvene into regular session was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS
TIME: 8:53 p.m.


Clerk of Council
Mayor