

**CITY OF MASON  
COUNCIL MEETING  
MARCH 11, 2013**

The meeting was called to order at 7:08 p.m. Father Meyer opened the meeting in prayer. All those present recited the Pledge of Allegiance.

**ATTENDANCE**

The following members of Council were present: Barbara Spaeth, Rich Cox, Tom Grossmann, Charlene Pelfrey, Don Prince, and David Nichols. Victor Kidd was absent.

**APPROVAL OF MINUTES**

A motion to approve the February 25, 2013 Council Meeting Minutes was made by Councilmember Prince, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

**PRESENTATION OF PROCLAMATIONS TO MASON MIDDLE SCHOOL AND MASON HIGH SCHOOL SCIENCE OLYMPIAD TEAMS; ADVISORS EVELYN WINGATE AND AIMEE HANSEN**

Evelyn Wingate, Mason Middle School Science Olympiad Team advisor, stated that over 90 students tried out for Mason Middle School's first Science Olympiad Team in December. The 15-member team met for the first time in January and won 3<sup>rd</sup> place in the regional competition on March 2<sup>nd</sup> which qualifies the team for State Competition in Columbus. She introduced the team members. Mayor Nichols asked the students what they enjoyed about participating on the team. He congratulated the team and presented a City of Mason Proclamation recognizing their accomplishments. Councilmember Spaeth stated that the team missed 2<sup>nd</sup> place by one point.

Aimee Hansen, Mason High School Science Olympiad Team advisor, stated that Mason's two High School teams were awarded 1<sup>st</sup> and 2<sup>nd</sup> place at this year's Regional Science Olympiad. Over the past 10 years, Mason has been awarded eight 1st place finishes at the regional level, with 5<sup>th</sup> place as the best finish at the state level. The team's goal this year is to top that 5<sup>th</sup> place finish at State this April. She stated that with 126 students, Mason's High School Science Club is the largest academic club at the school. These students represent Mason's finest and brightest and are ranked in the top 10% of their class. She explained that 24 teams competed in 23 events at this year's Regional Science Olympiad. She stated that the teams are student driven and introduced Mason's four team captains. Each student introduced themselves and stated their favorite event. Mayor Nichols congratulated the students on their impressive accomplishments and presented a City of Mason Proclamation to the team.

**RECOGNITION OF VISITORS**

Chris Inzerello of 4659 Oakland Court and HOA president of Windemere Subdivision thanked Council for the installation of "No Parking" signs in the Windemere Subdivision.

Perry Schwartz of 6309 Tarton Fields Lane expressed an interest in the replacement of street trees within Fairways of Pine Run subdivision. He would like guidance given to the homeowners by the City on this issue.

**RESOLUTION 2013-04 AMENDED AND RESTATED RESOLUTION OF THE COUNCIL OF CITY OF MASON, WARREN COUNTY, OHIO FOR OHIO POLICE AND FIRE PENSION FUND PICK-UP THROUGH A PAYROLL REDUCTION**

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

Jennifer Heft discussed Resolution 2013-4 and Resolution 2013-5 together. She stated that as required by state statute, the City of Mason participates in the State of Ohio Police and Fire Pension Fund (OP&F) on behalf of qualified full-time police and fire department employees. She explained that in September 2012, The Ohio General Assembly passed a new law as part of overall pension reform which will increase member contribution rates. These changes will impact 80 City employees. The current active member contribution is 10%. The new law establishes annual increases of .75 percent per year, beginning in 2013 for a total employee contribution amount of 12.25% in 2015. The new law does not change the current employer contribution rate of 19.5%. Jennifer stated that in 2004, Council authorized legislation that allowed these contributions to be tax-deferred. It also allows employee contribution for the Fire and Police Chief to be paid by the City and considered to be part of their overall compensation which is consistent with other City Department Heads. OP & F requires the City to adopt a new resolution to allow for the new rate and the employee contribution amount to remain tax deferred. Otherwise only the increased contribution amount would be subject to the tax. She stated that in 2011, Council approved Ordinance 2011 – 109 which authorizes the City Manager to make adjustments to compensation for Department Heads to offset any negative financial ramifications incurred as part of this 2013 Budget and to comply with this new law. She explained that the attached legislation is a housekeeping item that does not change any current City practices, but affirms continued participation in the Ohio Police & Fire Pension Fund.

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

A motion to adopt Resolution 2013-04 was made by Councilmember Spaeth, seconded by Councilmember Cox. VOTE: ALL YEAS.

**RESOLUTION 2013-05 AMENDED AND RESTATED RESOLUTION OF THE COUNCIL OF CITY OF MASON, WARREN COUNTY, OHIO FOR OHIO POLICE AND FIRE PENSION FUND PICK-UP**

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

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

A motion to adopt Resolution 2013-05 was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

**ORDINANCE 2013-27 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ROBINSON FENCE COMPANY FOR THE PURCHASE OF FOUR REPLACEMENT BACKSTOPS AT CORWIN NIXON PARK IN AN AMOUNT NOT TO EXCEED \$37,600**

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

Richard Fair addressed Council and stated that when this ordinance was considered at the last Council meeting there were some questions as to whether the proposed backstop system would stop foul balls from hitting spectators. He stated that because of time constraints in order to have a system in place before the season starts, staff is recommending that the current system remain in place until fall. Ordinance 2013-27 should be defeated until additional options can be explored and presented to Council in the fall.

A motion to adopt Ordinance 2013-27 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL NAYS. Ordinance is DEFEATED.

**ORDINANCE 2013-19 PUBLIC HEARING AND 2<sup>ND</sup> READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 4.6 ACRES FROM B-3, ROAD SERVICE COMMERCIAL, AND O-1, OFFICE PARK, TO BUSINESS PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED ON LOT 2 OF SNIDER STATION (ARTIS SENIOR LIVING)**

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

Brian Lazor stated that Ordinance 2013-19 is the review of a concept PUD plan for the rezoning of approximately 4.6 acres of land. He explained that the proposed project area includes land located on Lot 2 of Snider Station, behind 6202 and 6210 Snider Road. The property is zoned B-3, Road Service Commercial and O-1, Office Park. The property has an access point on Snider Road which is shared with the Kiddie Academy and National Bank and Trust buildings. Included in the development is the construction of a new 33,633 square foot memory assisted care medical facility with 64 beds. Brian stated that green space on site is around 45%, which is a double PUD requirement in the Zoning Ordinance. An eight (8) foot fence is proposed for the site. Only a small portion of the parking area at the southwest corner of the site is within the setback. Brian explained that the 2010 Comprehensive Plan calls for the property to be Neighborhood Mixed-Use. Characteristics of the Neighborhood Mixed-use designation includes retail, offices, public/institutional, and attached residential uses. Planning Commission recommends approval of the rezoning and concept plan as proposed. Staff agrees with Planning Commission and feels

that this type of use will fit in with neighborhood mixed use design.

The Public Hearing was opened at 7:57 p.m.

The Public Hearing was closed at 7:58 p.m.

A motion to adopt Ordinance 2013-19 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

**ORDINANCE 2013-29 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 45.3 ACRES FROM HT-1 AND B-2 TO I-1 (COLUMBIA ROAD PROPERTY)**

Eric Hansen stated that the next scheduled Council meeting on March 25 conflicts with spring break for Mason and Kings Local School Districts. He asked that Council consider moving this meeting to March 18. A motion to cancel the March 25, 2013 Council meeting and schedule March 18, 2013 as the next Council meeting was made by Councilmember Prince, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

Eric Hansen announced a Public Hearing on March 18, 2013 for Ordinance 2013-29.

**ORDINANCE 2013-30 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH REXROTH BOSCH GROUP FOR THE REPLACEMENT AND INSTALLATION OF THE HYDRAULIC PUMP, IN AN AMOUNT NOT TO EXCEED \$20,000.00, AND DECLARING AN EMERGENCY**

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

Richard Fair addressed Council and stated that the hydraulic pump on the sludge dryer located at the Water Reclamation Plant was discovered to not be working properly. He stated that it will take 8 to 10 weeks for delivery of a replacement pump once the order is placed, and staff has added an emergency clause so that the pump can be received and installed before the current pump fails. Richard said that the price of a new pump with installation is nearly \$20,000. Once the new hydraulic pump is replaced, the existing pump will be removed, evaluated as to the extent of damage then rebuilt. The cost to rebuild the pump is estimated at \$10,000. Staff will schedule the pump to be rebuilt next year and then utilize the pump as a future replacement pump. Richard stated that although this is an unanticipated maintenance cost not included in the 2013 Budget, funds are available in the Sewer funds to accommodate this expense.

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

A motion to adopt Ordinance 2013-30 was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2013-31 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PIERCE'S LAWCARE & LANDSCAPING, INC., IN THE AMOUNT OF \$231,273 FOR MOWING, LANDSCAPING AND IRRIGATION MAINTENANCE WORK – CONTRACT "A" ON CITY OF MASON PROPERTY**

Eric Hansen stated that in an effort to save costs and maintain quality, the City approached the structuring of landscaping contracts differently than in years past. In order to educate Council more on this process, he suggested to delay and take action on the next two ordinances at the March 18, 2013 Council Meeting.

A motion to table Ordinance 2013-31 to the March 18, 2013 Council Meeting was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: 5 YEAS, 1 NAY (Prince).

Council discussed reasons to delay these ordinances. Councilmember Spaeth expressed her desire for more time to gather input from Park Board members. She explained that residents have, in the past, made complaints to Park Board regarding the maintenance of parks and would not want members or residents to be uncomfortable with one of the Park Board members related to the owners of the company maintaining Quinn Park. Councilmember Prince stated that he found no cause to delay this ordinance.

**ORDINANCE 2013-32 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FREDERICKS LANDSCAPING, IN THE AMOUNT OF \$24,908, FOR MOWING WORK – CONTRACT "B" ON CITY OF MASON PROPERTY**

A motion to table Ordinance 2013-32 to the March 18, 2013 Council Meeting was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: 6 YEAS.

**CITY MANAGER'S REPORT**

- ▶ The March 25 Council meeting is moved to March 18.
- ▶ The Mason-Deerfield Fire Auxiliary will host Fish Frys on March 15 and 22 at Fire Station 52 on Cedar Village Drive. Dinner service begins at 5 p.m. and runs until 8 p.m.
- ▶ Applications are being accepted for the Shop Local Event to be held at the Community Center on Wednesday, April 24.
- ▶ In partnership with TriHealth, Live Well in Mason is hosting Pancake Day along Main Street at the Community Center on Saturday, March 23, from 9:00 a.m. – 11:00 a.m. Participants can get a taste of a few healthier versions of pancakes.
- ▶ In partnership with Live Well in Mason, the Community Center is offering a Grocery Store Scavenger Hunt. To play, pick up a Grocery Store Scavenger Hunt sheet at Mason Community Center between March 24 and March 31.

► Eric Hansen stated that the new owners of the Beach Waterpark have requested the City's endorsement on an application for a TREX liquor transfer. He explained the process of a TREX liquor transfer and stated that it is available for economic development purposes. A motion to authorize the City Manager to sign and submit the endorsement of a TREX liquor permit transfer for the Beach Waterpark, LLC was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

### **COMMITTEE REPORTS**

Councilmember Spaeth reported that the Employee Relations Committee has met to review City options regarding the Affordable Care Act and how this will affect City operations. She explained that the City has complied with many mandates with little impact to the City. The most significant impact of the Act, which becomes effective January 1, 2014, is the imposition of a \$2000 penalty/employee on large employers not offering affordable health insurance to full-time employees. According to the Act, full-time is defined as an employee working an average of 30 hours/week and no more than 120 hours/calendar month. Currently the City defines full-time as an employee working 40 hours/week. She said that the City relies heavily on a part-time workforce of 58% working mostly within the Fire Department and Community Center. Unfortunately the City cannot afford to provide health insurance for all part-time employees, who pick up extra hours, and would now be considered full-time employees under the Federal definition. She explained that due to the current law, the City has no choice but to reduce part-time schedules. It is not the fault of the City or the impacted employees. She stated that the City is very concerned about all City employees and is looking into ways to adjust operations while still utilizing part-time employees and making Mason a desirable place to work. The Employee Relations Committee is exploring options to minimize the impact on the City and to recognize the value of part-time employees and their continued service to the overall success of the City of Mason. She said that it will take both flexibility and creativity on behalf of everyone to make this work. If you are a part-time City of Mason employee with questions, concerns, or ideas regarding these changes, please contact your supervisor, Human Resources, or Eric Hansen.

### **OLD AND NEW BUSINESS**

Councilmember Pelfrey provided follow up information on the acknowledgement of Mason as the 100<sup>th</sup> Safest City in America. She stated that the data collected included the number of crimes reported to the FBI and is final non-preliminary data.

Councilmember Cox acknowledged city crews for the effective snow removal last week. He also wanted residents to be aware that construction on the Bethany Road Roundabout project begins May 2013 with expected completion date the end of 2014. Detours should be expected.

### **BOARDS AND COMMISSIONS**

Mayor Nichols nominated Linda Baysore and Larry Dempsey to serve on the Warren County Housing Authority Board. A motion was made to make this appointment by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

**RECOGNITION OF VISITORS** - none

**EXECUTIVE SESSION: LITIGATION AND LAND ACQUISITION**

A motion to adjourn into Executive Session for the purpose of discussing litigation and land acquisition was made by Councilmember Cox, seconded by Councilmember Pelfrey.

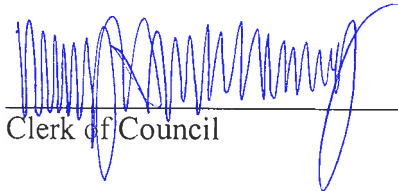
VOTE: ALL YEAS. TIME: 8:57 p.m.


A motion to reconvene into Regular Session was made by Councilmember Prince, seconded by Councilmember Spaeth. VOTE: ALL YEAS. TIME: 9:58 p.m.

**ADJOURN**

A motion to adjourn was made by Councilmember Cox, seconded by Councilmember Prince.

VOTE: ALL YEAS. TIME: 9:59 p.m.

  
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Clerk of Council

  
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Mayor