

**CITY OF MASON  
COUNCIL MEETING  
AUGUST 12, 2013**

The meeting was called to order at 7:05 p.m. Rabbi Yosef Kalmanson opened the meeting in prayer. All those present recited the Pledge of Allegiance.

**ATTENDANCE**

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

**APPROVAL OF MINUTES**

A motion to approve the July 8, 2013 Council Meeting Minutes was made by Councilmember Pelfrey, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

**CITY MANAGER'S REPORT**

Twenty eight teams participated in the Great Mason Chase held on August 11<sup>th</sup>. The teams solved clues and traveled to local businesses where they performed an activity. This fun and successful event partnered with local businesses and promoted the City's wellness theme and business community. The teams were recognized at the final Summer Sunshine Concert that evening where businesses from the Business Expo, being held at the Community Center on that day, interacted with the audience.

The City of Mason has been ranked by Money Magazine as the 7<sup>th</sup> Best Place to Live in the United States. Four years ago the City was ranked #81, two years ago #24, and #7 in 2013. This is a high complement to business, staff, City Council, schools, and residents. The recipe to success is the business community. A high quality of life attracts businesses, which increases revenue, which continues to raise the quality of life.

**PRESENTATION BY MARK CLARK**

Mayor Nichols stated that it is the people behind a community that make it what it is. Mason likes to recognize these people and tonight Mason invites Mark Clark, a resident with many talents, to come forward and share just one of his latest accomplishments. Mark Clark thanked the City and Council for the invitation to present his latest project, a LEGO<sup>®</sup> reproduction of Cincinnati Music Hall. He congratulated Mason on this momentous day recognizing all the good things happening in the City and stated that the City could not have better stewards. He is proud to be a part of the Mason community. Mr. Clark gave details on the construction of the model, Music Hall history, and the importance of community support.

**RECOGNITION OF FESTIVALS OF MASON COMMITTEE**

Board Members Scott Pierce and Genie Groff reported on Heritage Festival activities planned for Saturday, September 14, 2013 at the Mason Municipal Campus. Scott stated that the new date and location will provide a more park-like setting, with expansive grounds, facilities, and room for future growth. He explained the change in parade direction this year. The parade starts downtown near the plaza, travels down Main Street, turns right on Mason-Montgomery Road and left on Lakeside. Genie Groff highlighted activities this year including a 100 foot zip line, circus activities, Touch a Truck, expanded Kids Zone, Teen Zone, Shop Local, and entertainment on the main stage. The event will conclude with a Firework Display. Scott Pierce stated that opportunities for quality sponsorships and volunteers are still available.

#### **RECOGNITION OF LITTLE MISS HERITAGE**

Chase Wahlund, 2012 Little Miss Heritage, talked about her experiences representing Mason as she travelled all over the state of Ohio. She invited Mason girls entering 2<sup>nd</sup> grade to try-out for the 2013 Little Miss Heritage Pageant. Heather Stacy, Assistant Pageant Director, stated that this is the Pageant's 20<sup>th</sup> Year and explained how girls can apply to participate. She said that the Pageant is looking for business sponsors and prize donations.

#### **RECOGNITION OF LEUKEMIA/LYMPHOMA SOCIETY VOLUNTEERS KEN MURAWSKI AND CHRISTINE LOTHROP**

Ken Murawski invited participation in the Light the Night Walk on September 26 in Mason. He said that The Leukemia/Lymphoma Society's goal is to cure leukemia, lymphoma, Hodgkins disease, and myeloma. In 60 years, over \$875 million has been raised for research and a short film explaining this research was viewed. Christine Lothrop shared her personal experience when her daughter, Elizabeth, was diagnosed with leukemia in 2008. In 2011 a fundraiser, Blazing with Love 5K, was organized and she encouraged community participation at this year's event at Kings Island on October 13.

#### **SWEARING IN OF VICTOR KIDD TO CHAPLAIN PROGRAM**

Before administering the Fire/Police Chaplain Oath, Mayor Nichols stated what an honor it is to know and work with Vice Mayor Kidd.

#### **RECOGNITION OF VISITORS**

Perry Schwartz of 6309 Tarton Fields Lane asked that the City consider moving Committee Reports to the first part of the agenda.

#### **RESOLUTION 2013-13 DESIGNATING DEPOSITORIES FOR ACTIVE AND INTERIM DEPOSITS**

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

Eric Hansen stated that the City designates depositories and in order to ensure compliance with the Uniform Depository Act, Chapter 135 of the Ohio Revised Code, the City requested applications from eligible institutions. Fifth Third Bank has been the City's primary depository. Eric explained that the City looks for opportunities to maintain a relationship with all financial institutions and to ensure a competitive environment for banking services. Eric said that Resolution 2013-13 designates Fifth Third Bank, First Financial Bank, Keybank, PNC Bank, Wesbanco, and U.S. Bank to be eligible for the City's depository for active and interim deposits for a period not to exceed five years and will be considered to provide the City of Mason's banking services. The Finance Committee has reviewed Resolution 2013-13 and recommends it for adoption.

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

A motion to adopt Resolution 2013-13 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

**ORDINANCE 2013-47 AMENDING SECTION 371.06 OF THE MASON CODIFIED ORDINANCES REGARDING SOLICITING RIDES OR BUSINESS**

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

Eric Hansen explained both Ordinance 2013-47 and Ordinance 2013-48 together. He said that both ordinances which make changes to the Mason Codified were tabled at the May Council meeting. Ordinance 2013-47 would allow for flexibility when requests are made for solicitation in the right-of-way by charitable groups. The proposed changes would enable the City Manager to approve rules, or guidelines for the issuance of such a permit by the Safety Director, that ensures safety and efficient traffic patterns are maintained. Ordinance 2013-48 would change the codified to allow for ceremonial or theatrical discharging of a firearm with rules and guidelines approved by the City Manager for issuance of a permit by the Safety Director. In May, Council expressed concerns regarding a group's request for permit being denied and what recourse the group would have. Legal Counsel reviewed the proposed amendments and Safety Committee is recommending an amendment to the ordinances that would add an appeal process allowing any party denied a permit to come before Council.

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

A motion to adopt Ordinance 2013-47 as amended was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

**ORDINANCE 2013-48 AMENDING SECTION 549.08 OF THE MASON CODIFIED ORDINANCES REGARDING DISCHARGE OF FIREARMS**

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

A motion to amend was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

A motion to adopt Ordinance 2013-48 as amended was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2013-68 FIRST READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 3.66 ACRES FROM R-1 SINGLE FAMILY RESIDENTIAL TO RESIDENTIAL PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED AT THE WEST END OF EVERGREEN COURT (ROSEMONT MANOR ADDITION)**

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

Eric Hansen announced that September 9, 2013 is the date set for a Public Hearing and Second Reading of this Ordinance.

**ORDINANCE 2013-69 FIRST READING: APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A PET HOSPITAL ON A B-3 ZONED PROPERTY LOCATED AT 5250 COURSEVIEW DRIVE (MISTY VISTA)**

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

Eric Hansen announced that September 9, 2013 is the date set for a Public Hearing and Second Reading of this Ordinance.

**ORDINANCE 2013-70 APPROVAL OF THE FINAL PLAT FOR FALLING BROOKE PHASE B, BLOCK A**

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

Richard Fair addressed Council and stated that Falling Brooke is located east of Fairway Drive and south of Kings Mills Road. He said that access to the subdivision is from Sports Center Complex Drive which is the entrance to the Golf Center. In June, Planning Commission approved a revised site and landscape plan which replaced 46 of the attached residential units (or 11 buildings) with 34 detached single family landminiums. The plat for Phase B, Block A will create 8 buildable lots and 4 open space lots. Richard explained that utilities are already in but the road will need to be extended. Planning Commission recommends Ordinance 2013 – 70 for adoption contingent upon submittal of a Subdivider’s Contract and performance bond.

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

During Council discussion, Hal Silverman, President of Hal Homes at 9545 Kenwood Road, explained to Council that 3½ years is the timeline for completion of the entire development. He stated that there has been great response for patio homes. He said that the detached units will be 1750-2100 ft<sup>2</sup> two-bedroom landminiums with study.

A motion to adopt Ordinance 2013-70 was made by Councilmember Spaeth, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

#### **ORDINANCE 2013-71 AMENDING THE INVESTMENT AND DEPOSITORY POLICY**

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

Eric Hansen stated that the City's Investment and Depository Policy was approved in 1998. The policy adopted met the strict compliance of the Uniform Depository Act and included key elements of the law such as restricting investments and filing written investment policies with the Auditor of State. He said that since 1998, sections of Ohio Revised Code have been added that permit municipalities additional investment options that are more flexible. The purpose of Ordinance 2013-71 is to update the City's investment policy. He said that this change will broaden the City's investment options and allow increased diversification. The Finance Committee has reviewed and is recommending Ordinance 2013 – 71 for adoption.

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 Ordinance 2013-71 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

#### **ORDINANCE 2013-72 AUTHORIZING CHANGES TO THE PURCHASE AUTHORITY AND CERTIFICATE OF FISCAL OFFICER**

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

Eric Hansen stated that the City's current purchase order procedure allows for flexibility and responsiveness that is efficient, but sometimes deviates from specific state regulations that can be overly burdensome or bureaucratic. However, State auditors frequently comment on such deviations and although these are not considered "major" audit infractions, they are reported in the auditor's management letter. Eric explained that auditor recommendations would parallel state policies but would not improve the City's internal controls. After reviewing the situation and the auditors' suggestions, it is recommended to utilize the City's authority as a Charter City

to formally recognize current City procedures. He explained that provision has also been included to suspend the purchase authority limit in the event of an attack, disaster or emergency. This would require notification to councilmembers and would be limited to an amount not to exceed \$500,000 per disaster. This update to City purchasing procedures will allow for an immediate response to a rare, but urgent need during an attack, disaster, or emergency. The Finance Committee has reviewed and is recommending Ordinance 2013 – 72 for adoption.

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

A motion to adopt Ordinance 2013-72 was made by Councilmember Pelfrey, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

**ORDINANCE 2013-73 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LIFEGUARD AND LIFEGUARD SUPERVISION AGREEMENT WITH SWIM SAFE POOL MANAGEMENT, INC., IN AN AMOUNT NOT TO EXCEED \$599,500 AND DECLARING AN EMERGENCY**

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

Jennifer Heft addressed Council and stated that for over a year the City has been exploring a number of creative options for complying with the Patient Protection and Affordable Care Act while maintaining levels of service in operations and minimizing expenses. One of the options Council approved earlier this year authorized a contract with SwimSafe Pool Management Inc. (SSPM) to provide lifeguards and lifeguard supervision at the Lou Eves Municipal Pool for the 2013 season. Jennifer explained that since the Lou Eves pool is a separate facility from the Community Center with seasonal operations, it was an ideal location for evaluating an alternative part time staff option without violating requirements of the Affordable Care Act. While there have been some minor issues, overall the contract with SwimSafe has proven to be successful. She stated that the most significant effect has been reduction of work load and expense on the Human Resource Department, allowing them to focus on filling Community Center vacancies and other City operations. She explained that for years the City has struggled to obtain and retain lifeguard positions typically staffed with high school or college students. There are approximately 35 lifeguards needed for the outdoor pool and over 70 lifeguards needed for the indoor aquatic facility. The success of outdoor pool operations has led the City to explore the opportunity to contract for the same services at the indoor aquatic facility. Jennifer said that the City issued a Request for Proposal for Lifeguarding and Lifeguard Supervision services for all of Mason's aquatic facilities (Competition Pool, Leisure Pool, and the Lou Eves Municipal Pool) and held a pre-proposal meeting which was attended by two interested firms. Both firms submitted proposals but only the SwimSafe proposal included all three of Mason's aquatic facilities. Jennifer stated that SwimSafe's proposal price for the outdoor pool is less than the other firm's proposal and is a 5% decrease from this year's contract price. SwimSafe's proposal for the indoor facilities (an additional \$452,000) is comparable to current actual costs for these services. It also saves expenses and time of City hiring and processing new staff. The City has worked with SSMP to identify hours of operation, schedule, staffing needs, customer service

expectations and special events scheduled at the pool. Jennifer stated that the City will send letters to existing pool employees inviting them to apply for positions with SwimSafe and will encourage SwimSafe to hire those employees. The one-year contract with SwimSafe has options to renew once the City has the opportunity to evaluate services at all three facilities. The Employee Relations Committee reviewed this legislation at their meeting on August 7 and recommends Ordinance 2013 – 73 for adoption. An emergency clause has been added to provide time to secure and train staff for the departure of seasonal employees and allow for continued operations of the pools.

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

To Mayor Nichols' question, Jennifer replied that SwimSafe is a locally owned business.

A motion to adopt Ordinance 2013-73 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

### **COMMITTEE REPORTS**

Councilmember Spaeth stated that Park Board members toured the Mason Community Center during the August meeting. She reported other topics discussed included park concessions, the final Sunshine Concert, Great Mason Chase, Business Expo, 4<sup>th</sup> Annual Kings Island Fall Classic, installation of a new play set at Meadows Park, and the outdoor pool.

Councilmember Pelfrey reported that the Safety Committee met with residents from the Fairways at Pine Run and Carmelle Homeowners Associations. Committee members plan to meet with staff to review traffic concerns in these neighborhoods. Councilmember Pelfrey reported that the Bicentennial Committee had its first official meeting with community groups interested in partnering for the 2015 Bicentennial Celebration. The committee discussed ways to promote bicentennial events and educate the community. She explained different sponsorship levels available in support of the Bicentennial signature event that will combine with the Heritage Festival in 2015. Councilmember Pelfrey recommends Council approval of legislation that authorizes the City's support of the Bicentennial with a combined Fireworks and Event Sponsorship.

Councilmember Prince stated that two Boy Scout Eagle projects have helped develop Memorial Park by constructing a circular sidewalk around the Liberty Elm tree and plans to add plants around the tree this fall.

### **ORDINANCE 2013-74 AUTHORIZING PAYMENT OF \$15,000 TO FESTIVALS OF MASON, INC. FOR FIREWORKS SPONSORSHIP**

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

Eric Hansen stated that in addition to a fireworks display, the sponsorship would provide a marketing opportunity to initiate support in advance of the 2015 Bicentennial for gathering volunteers and contributions. He explained that sponsoring the fireworks as part of the marketing package is an appropriate parallel to the bicentennial that will help raise the profile of the event by getting the community's attention.

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

Vice Mayor Kidd commented on the high level of work that Festivals of Mason volunteers put into community events each year. He stated that Heritage Festival is the signature event in Mason and the City should support the fireworks. Council discussed contributions to Festivals of Mason and sponsors for the Bicentennial. Eric Hansen explained that the Finance Committee and Council approved a \$25,000 contribution to the Festivals of Mason (FOM) for events in 2013. The proposed \$15,000 payment would be specifically for a marketing package and Fireworks Sponsorship for the Bicentennial. Eric Hansen clarified that the \$25,000 contribution to FOM is for general support of an outside group and as part of the budget process is reviewed by the Finance Committee. He explained that this ordinance is a discreet sponsorship opportunity that the City can purchase to promote the Bicentennial at the Heritage Festival. Councilmember Prince stated that FOM has approached eight major corporations within the City and has received sponsorship commitments from one company, positive comments from two, and a fourth sponsorship commitment is expected. Council discussed the importance of the City supporting the Bicentennial with the event sponsorship and how this support should generate interest from the community concerning the needs of this big event. The 2013 Heritage Festival and fireworks will help promote the Bicentennial. Council expressed an appreciation for the work that volunteers from Festivals of Mason, Inc. do for the City. Council discussed and compared the upcoming Bicentennial Event to past Red, Rhythm and Boom events and voiced a desire to bring back fireworks and an event of this size.

A motion to adopt Ordinance 2013-74 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

### **OLD AND NEW BUSINESS**

Councilmember Cox had two questions about animal control laws in the City of Mason. Eric Hansen stated that animals must be confined onto the owner's property or under reasonable control of the owner. Areas such as the parks and cemetery may have additional rules. There is no restriction on the number of pets in a home, however if an animal becomes a nuisance which would include noxious/offensive odors or unsanitary conditions, an owner would be in violation of that ordinance. Councilmember Cox shared comments from residents on the wonderful summer concert series, the desire to extend the concerts two more weeks, the return of Red, Rhythm and Boom, and the positive feedback on concessions in the parks. It has been suggested that a cart be provided to improve concessions at Heritage Oak Park.

Vice Mayor Kidd thanked Mayor Nichols for swearing him in as a new Mason Police and Fire Chaplain, he is honored to serve. He stated that the Chaplain Program is an organization of



wonderful men, working behind the scenes as volunteers with a willingness to help the community. He said that they deserve our prayers and admiration. Vice Mayor Kidd also suggested that the City consider restoration of the Castle Farm property at the edge of town. He stated that buildings on this property are a rich historical resource that is deteriorating and is a potential target for vandals. Perhaps if the City repairs the buildings, the property could be rented out to someone interested in becoming a caretaker.

### **CITY MANAGER'S REPORT**

The next City Council meeting will be held on Monday, September 9 beginning at 7:00 p.m.

The Warren County Municipal League will meet on Wednesday, August 21 at 6:00 p.m. at the Bel-Wood Country Club in Morrow.

The 2013 Western & Southern Open began today and will run through Sunday. The City of Mason will be hosting economic development partners and governmental partners at different events during the tournament to strengthen regional relationships and maximize opportunity to promote Mason as a place to do business. All week long the Community Center will feature programs and activities focused on tennis.

Premier members of the Community Center are invited to attend an end of summer pool party at Lou Eves Municipal Pool on August 16.

The Lindner Center of Hope, in partnership with the Mason Community Center, will host a free speaker series to celebrate the Lindner Center's 5-year anniversary of their opening in Mason. Presentations will be held the second Wednesday of the month and are open for all to attend.

During the month of September, TriHealth in partnership with the Community Center, will offer Massage Mondays at the Center. Those interested can enjoy a special price for a 30-minute massage.

The AVP Pro Beach Volleyball 2013 Tour will return to the Lindner Family Tennis Center over Labor Day weekend (Friday, August 30 – Monday, September 2). Olympic gold medalists will be competing and the City will participate in marketing events similar to the Tennis Tournament.

A motion to not request a hearing for a D1 D2 liquor permit for Kidd Coffee LLC at 653 Reading Road was made by Councilmember Grossmann, seconded by Councilmember Spaeth. VOTE: 5 YEAS, 2 ABSTAIN (Cox, Kidd).

### **RECOGNITION OF VISITORS** - none

### **EXECUTIVE SESSION: PROPERTY ACQUISITION AND PENDING LITIGATION**

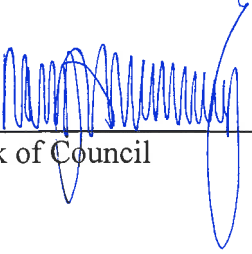

A motion to adjourn into Executive Session for the purpose of discussing property acquisition and pending litigation was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 9:37 p.m.

A motion to reconvene into Regular Session was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 10:35 p.m.

Council discussed Heritage Day shirts.

**ADJOURN**

A motion to adjourn was made by Councilmember Spaeth, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 10:38 p.m.

  
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Clerk of Council  
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Mayor