

**CITY OF MASON
COUNCIL MEETING
SEPTEMBER 9, 2013**

The meeting was called to order at 7:03 p.m. Father Jerome Bishop 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 August 12, 2013 Council Meeting Minutes was made by Vice Mayor Kidd, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

The 2013 Heritage & Bicycle Festival is on the campus of the Municipal Center and Community Center. The parade begins at the downtown plaza, travels east along Main Street, turns south onto Mason-Montgomery Road and enters the Municipal Center Complex. Festivals of Mason volunteers have put in a significant amount of work with new activities including Kids Zone, Teen Zone, Zipline, car show, Cincinnati Circus Company, fireworks, and BritBeat a nationally-recognized Beatles tribute band. Visit the City of Mason booth for balloons, t-shirts and pins celebrating Mason's #7 Best City ranking by Money Magazine.

In partnership with Heritage Festival activities on September 14, the Community Center is hosting an Open House and Shop Local event. Members are encouraged to stop in and are eligible for a number of discounts, special prizes, and Premier Member drawings for one-night stays at Great Wolf Lodge, discounts on birthday parties, room rentals, and other area attractions. The Shop Local event will be from 9:00 a.m. to 3:00 p.m. in the front entrance and along Main Street of the Center. Currently there are 35 vendors participating in the event.

The Leukemia & Lymphoma Society will be hosting their Light the Night Walk on September 26. The walk begins at 7 p.m. and is anticipated to end at 9 p.m. at the Municipal Building west lawn and patio area. Up to 1500 people are expected to attend. The event funds lifesaving research and support for people battling cancer. Anyone can take part - children, adults and seniors are all welcome. Before the walk there will be food, refreshments, and entertainment. There will also be a Remembrance Ceremony beginning at 6:45pm.

The Patriot Fair will be held again this year on Saturday, September 28, from 9:00 a.m. to 5:00 p.m. at the Mason Municipal Center, Memorial park and the surrounding grounds. There is no charge for attendance and the public is invited to attend to learn about our nation's history.

Customer service and innovation in three Community Center programs demonstrate staff making changes to better meet the needs of the community. The New Resident Coffee, which is a partnership with the schools, Chamber, and Tri-Health, was featured on Channel 9 News and had over 10 people attend the September coffee. Member comments were considered when making changes to the new fall group exercise schedule. The fall program has received positive member feedback and is experiencing a 72% increase in class attendance since last year. Little Feet Learning Center preschool program has made changes to provide more consistent enrollment and meet the needs of parents. Preliminary data suggests that fees generated with this program have doubled from last year.

When reviewing the financial health of the City of Mason over the last seven years, three key indicators were considered. Income Tax Collection experienced a low point in this 7-year period of \$19.3 million with a \$25 million high projected for this year. Outstanding Debt experienced a high point of \$100.6 million in this 7-year period with a low of \$83.3 million projected for this year. Capital Reinvestment, after paying operating costs, experienced a low point of \$2 million in this 7-year period with a high of \$8 million projected to be transferred to capital in 2013. These figures indicate that the City is in the best financial health since early in the last decade.

RECOGNITION OF SHERRI CARBO, SOUTHWEST REGIONAL LIAISON FOR GOVERNOR JOHN R. KASICH

Sherri Carbo congratulated the City of Mason on *CNN Money Magazine's* recognition as the 7th *Best Place to Live* among America's small towns. She stated that Mason is one of the fastest growing cities in the State of Ohio and is recognized for its excellent schools, recreation, and economic development. Companies value Mason for its leadership, relationships cultivated and business climate created. She thanked the City of Mason, on behalf of Governor Kasich, for helping to make Ohio one of the great states to live, work and play.

RECOGNITION OF 2014 CITY OF MASON CALENDAR PHOTO CONTEST WINNERS

Jennifer Heft stated that the community calendar has been published since 2006. The first photo contest had just enough submissions to complete the 2007 calendar. This year 141 photographs were submitted by over 30 participants. Jennifer thanked everyone that submitted photographs and recognized photographers that have been winners in multiple calendars. Mayor Nichols congratulated each winner and presented them with a framed copy of their photograph, calendar, and #7 *Best Places to Live* cookies, pins and poster. The contest winners are as follows:

Alex Scott "Night Lights on Main" – cover
Joy Kiran Challagali – January
Bob Behan – February
Keith Bookbinder "Dawn on 8 West" – March
Jackie Chunko "Redbud at Pine Hill Lakes" – April
Tyler Hirsch "Play Ball" – May
Rosane Olyha "Female Ruby Throated Hummingbird" – June
Brad Nielson "Prizes" – July

Susan Boshears "Summer Beauty in Downtown Mason" – August
Praba Sundarajan "Mason Cheer" – September
Barbara Lokar "Fall Color Along the Bike Path" – October
Jacob Burress – November
Janet Gay "Snowy Memorial" - December

RECOGNITION OF JAMES & DOLLEY MADISON OF PATRIOT FAIR

James Madison congratulated the City on being recognized as the 7th Best Place to Live. Dolley Madison invited citizens to attend the 3rd Annual Patriots Fair where they can meet notable Americans such as Abraham Lincoln, Benjamin Franklin, Francis Scott Key, General Custer, Ulysses S. Grant, Patrick Henry, George Wythe, and Jefferson Davis. This free family-friendly event on September 28th will have activities, displays, crafts, entertainment, demonstrations and history re-enactments.

RECOGNITION OF CITY OF MASON VOLUNTEERS

Dana Maidenberg, MCC Membership Services Supervisor, stated that over seven years ago, the City of Mason initiated a volunteer program to provide opportunities for willing individuals to give back to the community as well as assist City of Mason staff with current projects and issues. Today, the result is a very active program that draws upon the services of hundreds of volunteers to provide thousands of hours of service to the City of Mason. Some volunteers serve a few times a year and others have established routine assignments that exceed 10 hours each week. Dana stated that tonight she is pleased to introduce volunteers that have volunteered 100 or more hours in the past year. Mayor Nichols and Vice Mayor Kidd recognized and thanked CERT volunteers: Patrick Palmer, Michael Kramer, William Chin, Tracey McCauley, Charles McCauley, and Timothy Mullis. Dana stated that in addition to volunteering 527 hours, Timothy Mullis has earned the CERT Advanced Award and is the first from the City to receive this State of Ohio Emergency Management Agency award. Tim will be recognized further at a future Council Meeting for receiving this prestigious award. Mayor Nichols and Vice Mayor Kidd recognized and thanked Senior Center Volunteers: Miriam Jacobs, Joe Macke, Albert Crider, John Jacobs, Theresa Galluppi, and Gary Miller.

RECOGNITION OF MARC CHAMPAGNE OF REDEEMER CHURCH

Pastor Champagne presented background information on the formation of this new multiethnic community church that addresses changing demographics of the Mason community. He stated that Redeemer Church has twenty nations represented, serves the international community, offers English classes and translation services. He thanked Eric Hansen and staff for their assistance when searching for worship space.

RECOGNITION OF VISITORS - none

ORDINANCE 2013-68 2ND 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 Spaeth. VOTE: ALL YEAS.

Brian Lazor stated that the proposed development area is approximately 3.66 acres in size and is located at the west end of Evergreen Court. He explained that Rosemont Court is within the Rosemont Manor PUD, which is located within the overall Rosemont residential subdivision. This subdivision is divided between Deerfield Township and the City of Mason. The property is zoned R-1, Single Family Residential and is proposed to be rezoned R-PUD, Residential Planned Unit Development. Brian stated that the Concept Plan consists of 8 buildable lots (ranging in size from a minimum of 12,901 ft² to more than 23,000 ft²). The plan shows varying buffers along the perimeter of the PUD and range in depth from 40 feet to 10 feet. Brian stated that while no green space is shown on the plan, the applicant has submitted a letter from the Rosemont HOA indicating that should the project be approved, it will be incorporated into the HOA allowing access to existing green space within the development. Planning Commission recommends approval of the rezoning and concept plan as drawn with the condition that a 15 foot buffer be added along the east side of lot 8, adjacent to 6600 Evergreen Court.

The Public Hearing was opened at 8:09 p.m.

Tom Meyer of 5703 Rosebrook Way asked if the buffer area included portions of his property. Brian explained that the buffer is from Mr. Meyer's property line into the property of the new development. Mr. Meyer wanted to know how this new development can be annexed into the Rosemont HOA and have access to HOA amenities when his property cannot. Steve Bosse of Ryan Interests explained that the separate developments are divided between Mason and Deerfield Township.

Richard Arnold of McGill Smith Punshon, Inc. discussed the 15 foot buffer requested by staff. He said that when this new development becomes part of the existing development, the buffer requirements should be exempt because the properties are sharing the same HOA. He explained that a 15 foot buffer has been provided on one lot where the home is built close to the property line. He requests that Council approve the recommendation by Planning Commission.

The Public Hearing was closed at 8:13 p.m.

Council discussed buffer recommendations by Planning Commission and staff. Brian Lazor explained that typically a 40 foot buffer is required between Planned Unit Developments and adjacent property. However, since this property is proposed to become part of the Rosemont HOA and PUD, the need for this buffer will be eliminated. Staff has recommended that a 15 foot setback replace the 10 foot setback recommended by Planning Commission between existing and

new development properties. Steve Bosse stated that after the Planning Commission meeting he met with an adjacent property owner and said that he would work with this property owner to add plant materials to create a visual buffer. Jeff Forbes clarified that Ordinance 2013-68 is written to provide a 15 foot buffer along a portion of Lot #8 that is adjacent to the existing home, with a 10 foot buffer on the remaining portion of Lot #8 and a 10 foot buffer for Lot #1. This was the recommendation of Planning Commission. If Council would like to amend the Ordinance to meet staff's recommendation of a 15 foot buffer on both lots, a motion is in order.

A motion to adopt Ordinance 2013-68 was made by Councilmember Pelfrey, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2013-69 2ND 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 Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

Brian Lazor stated that a conditional use permit is requested for a 2.96 acre parcel zoned B-3, Road Service Commercial, located at the southeast corner of Courseview Drive and Kings Mills Drive. The existing shopping center includes an Arby's and chiropractic center in out lots. The proposal is to renovate a 2,300 square foot vacant tenant space for the animal hospital. Brian explained that animal hospitals, veterinary clinics, and kennels are listed as conditional uses in a B-3 zone. In July, the Zoning Board of Appeals reviewed and approved a setback variance for the proposed project. In August, Planning Commission recommended approval of the animal hospital based on the findings that it was suitable for the proposed location and would not have any negative effect on surrounding areas. Planning Commission also added a contingent that appropriate acoustic insulation be installed within the facility to contain animal noises.

The Public Hearing was opened at 8:23 p.m.

Greg Davis of 5733 West Fork Road, representative for Misty Vista Pet Hospital, thanked Council for reviewing the proposal. He stated that this is a great fit for the location and asked if there were any questions.

The Public Hearing was closed at 8:25 p.m.

Councilmember Spaeth stated that the parking lot at this location is in poor condition and she wanted to know who is responsible for its repair. Greg Davis stated that it is a common parking area shared by the chiropractor, strip center, and Arby's. He said that the owners of the strip center are responsible for maintenance and that repairs to the parking lot are underway. The holes have been filled and 1/3 of the lot has been paved with intentions to pave the remainder by the end of the year.

A motion to adopt Ordinance 2013-69 was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS.

RESOLUTION 2013-14 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

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

Eric Hansen stated that in June, Council adopted Resolution 2013-11 adopting the 2014 Tax Budget. The Tax Budget is then certified to the County Auditor. Based on the amounts certified in the Tax Budget, the Warren County Budget Commission enacts the tax rates necessary to be levied. Eric explained that this is the first year the City is exercising the Charter amendment adopted by the voters almost year ago. A benefit of the Charter amendment is that savings realized by a substantial grant the City received in the Fire Department can be directly returned to the taxpayers. The Charter amendment and the proposed tax budget provide a mechanism to directly pass this benefit to taxpayers by setting the Safety Services millage at 4.40 mills for 2014. He said that this rate represents the lowest that it has ever been set, is below the previous 5-mill levy amount, less than the current effective rate of 4.5 mills, and less than amounts levied by neighboring jurisdictions for similar services.

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 2013-14 was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2013-75 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CARGILL FOR THE PURCHASE OF APPROXIMATELY 5,500 TONS OF HIGHWAY ROCK SALT AT \$49.19 PER TON

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

Eric Hansen stated that rock salt prices are 22% lower than last year. The City purchases rock salt at a lower rate through the Southwest Ohio Purchasers for Government (SWOP4G). Last year's rate was \$62.52 per ton and this year's bid came in at \$49.19 per ton. Eric explained that such a sharp decline in salt prices allows the City greater latitude in effectively handling snow events. In previous years, the City has tried to closely ration salt to avoid cost over runs. This begins to shift the mix of labor/commodity expenses and will allow the City to provide more cost effective snow removal to residents. The City is exploring the opportunity to reduce salt prices even more by purchasing a salt lift that helps get the salt from the truck into the salt thrower. Ordinance 2013-75 authorizes the purchase of up to 5,500 tons of rock salt at a per ton price of \$49.19. Based on historical averages, if 5,500 tons of salt are needed this season the total cost will be \$270,545.

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.

Councilmember Prince suggested that the City take advantage of these low prices by filling the storage facility. Richard Fair responded that the salt barn could not hold an additional 5,500 tons of salt, but that deliveries will be scheduled to keep the facility full. Richard said that perhaps the City should consider purchasing an additional salt barn.

A motion to adopt Ordinance 2013-75 was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

COMMUNITY REINVESTMENT AREA #7: PIONEER CLADDING & GLAZING SYSTEMS, LLC

Michele Blair said that the City of Mason's Economic Development is good at the attraction of new investment and jobs as well as the retention of new investment and jobs. She stated that the Economic Development Committee of Council has been working with Pioneer Cladding and Glazing which is one of the nation's premier glazing and manufacturing companies. They manufacture metal curtains for many construction projects, including most recently the Western & Southern Tower, Cincinnati's tallest skyscraper at 41 stories. Pioneer also works with universities, museums, and other construction projects across the globe. Michele stated that Pioneer was a Mason company originally located in Castle Park, expanded several times and outgrew their facility causing them to relocate outside of Mason. Now seven years later, Pioneer has outgrown their manufacturing operations in Loveland. To accommodate the current and future growth of the company, Pioneer proposes the acquisition of the former Crane Facility on Bethany Road at State Route 741. This 215,000 square foot office and manufacturing facility will house corporate headquarters, engineering, and manufacturing assembly. The company anticipates occupying the majority of the facility immediately and position themselves to double employment. The proposed improvement is valued at approximately \$1 million in retrofitting and renovations with a total of \$4M in investment. The project will create approximately 63 new full time jobs immediately and create an additional 50 over the next three to five years with a projected payroll of approximately \$6.3 million for a total investment in the community of approximately \$800,000 during the term of the suggested incentive.

Michele introduced Pioneer representative Scott Cress of Barnes Dennig. Scott Cress explained that Pioneer Cladding and Glazing, with facilities in Baltimore, Cleveland, and Texas, manufactures and installs glass curtain walls to spec on modern skyscrapers. Pioneer is experiencing significant growth and considered numerous locations to concentrate this latest growth phase. Many factors including a city with a friendly tax climate, high skill-set work force for advanced manufacturing positions, and incentives were considered when determining a site. Scott stated that Pioneer decided that Mason had the complete package to meet their needs. In response to Councilmember Cox's question, Scott said that he was not sure if the company had plans to use rail service at the Mason location.

A motion to transfer the existing real estate tax abatement on this structure and approve a 100% 10-year Community Reinvestment Area incentive on the proposed upgrades, retrofit and improvements to the building, committing to make annual payments to the Mason City School

District for the company headquarters and manufacturing for Pioneer was made by Vice Mayor Kidd, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2013-76 AUTHORIZING THE CITY MANAGER TO ENTER INTO A RECIPROCAL EASEMENT AGREEMENT RELATED TO DOWNTOWN PARKING

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

Richard Fair addressed Council and stated that this reciprocal parking easement agreement is between six downtown property owners on the south side of Main Street between Mason-Montgomery Road and South East Street. He explained that basically the Agreement will allow the parking lots to be connected from South East Street to Mason-Montgomery Road. Each property owner is responsible to pay for maintenance of their portion of the parking. Customer parking is permitted on any and all lots. Lots will not become exclusive use for any one property owner. Also the easement agreement is transferred to future property owners for the next 25 years. Initially, there are six property owners along Main Street that will participate in opening up those lots. The cost to do this work was quoted at \$15,000. Richard stated that the property at 123 West Main Street has recently been sold, and will be inserted into the document once the new owner is identified. In exchange three curb cuts along Main Street will be closed with the City providing construction to remove curb cuts; redo sidewalks, pavers, and curbs; add bollards; and remove existing striping to add parking along the south side of Main Street. Once construction is finished, all parking lots behind the buildings fronting Main Street will be connected for use by customers using those businesses and street parking will be allowed on the south side of Main Street. Richard stated that this agreement will not be effective until all seven property owners have executed the Agreement. The City's property does not have frontage on Main Street but is affected by this Reciprocal Easement Agreement and is one of the property owners asked to sign the agreement. The effective date will be the date the last party executes the Agreement. In the event that all parties have not executed the Agreement within sixty days of the first property owner to sign the Agreement, it will become null and void.

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.

Councilmember Pelfrey stated that the Downtown Committee supports this agreement that will alleviate ingress/egress safety concerns on US-42, provide short time parking improvements with on street parking, and will be profitable by providing marketing opportunities for future development. She explained that it has been decided not to remove a building in the area as part of a grant opportunity, but to take down the building later at the City's own discretion. Council discussed extending the 60 day deadline for signing this agreement.

A motion to adopt Ordinance 2013-76 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

COMMITTEE REPORTS

Councilmember Pelfrey stated that Festivals of Mason met with the Bicentennial Committee to discuss participation in Heritage Festival. The Bicentennial Committee is a festival sponsor, will be in the parade, has business cards with the new logo, and a website. Council also discussed Councilmember participation in the parade.

Councilmember Spaeth stated that Park Board President Ginny Sundin is a very dedicated and loyal volunteer of the City. Councilmember Spaeth asked that we keep Ginny in our thoughts and prayers as she is quite ill.

Eric Hansen stated that the next Council Meeting could be cancelled, with the understanding that a Council Special Meeting may be called if pending Economic Development items require action. A motion to cancel the September 23, 2013 Council Meeting was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

OLD AND NEW BUSINESS

Councilmember Cox stated that a "Who Dey - Mason, Ohio: 7th Best Place to Live" banner that he displayed has received TV and newspaper coverage.

RECOGNITION OF VISITORS - none

EXECUTIVE SESSION: PROPERTY ACQUISITION

A motion to adjourn into Executive Session for the purpose of discussing property acquisition was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.
TIME: 9:18 p.m.

A motion to reconvene into Regular Session was made by Vice Mayor Kidd, seconded by Councilmember Spaeth. VOTE: ALL YEAS. TIME: 9:54 p.m.

ORDINANCE 2013-77 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SALE AND PURCHASE WITH ROBERT L. TURNER AND CAROL TURNER, IN AN AMOUNT NOT TO EXCEED \$60,000 AND DECLARING AN EMERGENCY

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

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

A motion to adopt Ordinance 2013-77 was made by Councilmember Prince, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2013-78 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BRUNK EXCAVATING, INC., IN THE AMOUNT NOT TO EXCEED \$38,147, FOR THE DEMOLITION OF 5 RESIDENCES AND THEIR ACCESSORY STRUCTURES AS PART OF THE MOVING OHIO FORWARD GRANT PROGRAM AND DECLARING AN EMERGENCY

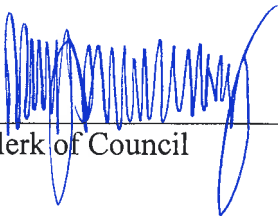
A motion to read by title only was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

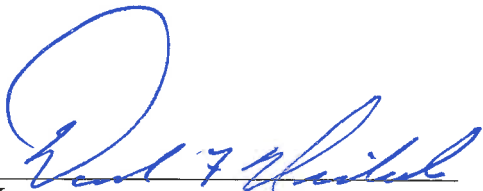
A motion to suspend the rule and allow for adoption after the first reading was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

A motion to adopt Ordinance 2013-78 was made by Councilmember Spaeth, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ADJOURN

A motion to adjourn was made by Councilmember Spaeth, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 9:56 p.m.


Clerk of Council


Mayor