

**CITY OF MASON
COUNCIL MEETING
NOVEMBER 18, 2013**

The meeting was called to order at 7:04 p.m. Chaplain Pelfrey 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 October 28, 2013 Council Meeting Minutes was made by Vice Mayor Kidd, seconded by Councilmember Grossmann. VOTE: 6 YEAS, 1 ABSTAIN (Nichols).

CITY MANAGER'S REPORT

The Council Reorganizational Meeting is being planned for Sunday, December 1 at 1:00 p.m. It will be preceded by a reception with Council members, their families and friends, beginning at noon.

The next regularly scheduled Council meeting is on Monday, December 9 at 7:00 p.m. The regularly scheduled second meeting in December falls on December 23. Staff is working to have all remaining business ready for Council action on December 9 and, with focused attention on 2014 budget preparation, no additional meetings should be needed until January. A motion eliminating the December 23 meeting would be appropriate. A motion to cancel the Council Meeting scheduled for December 23, 2013 was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

City offices will be closed on Thursday, November 28 and Friday, November 29 in observance of Thanksgiving. The Community Center will be open on Thanksgiving Day from 6:00 a.m. – Noon. The Center will resume normal operating hours on Friday, Saturday and Sunday.

Applications are being accepted for the Shop Local Event held at the Community Center on Wednesday, December 4 from 9:00 a.m. to 4:00 p.m. This event, located along Main Street at the Center, will feature over 30 area merchants and home sales representatives. This is a great opportunity to start your holiday shopping. The public is welcome to attend.

On Wednesday, December 11 the Center will host the sixth annual Mocktails event from 11:00 a.m. to 1:00 p.m. In preparation for the upcoming holiday party, the Community Center invites the public to attend the sixth annual mocktails event and sample some free delicious and safer alternatives to traditional cocktails. Participants will be competing for the Best Drink Name, Best Taste and Best Display. Come cast your vote!

The Community Center, in partnership with the Lindner Center of Hope, is featuring a series of events called *An Evening with the Experts* on December 11, January 8 and February 12 at 6:30 p.m. in the Senior Center.

On Friday, November 8 The TriHealth Pavilion Spa began offering nail services at the Community Center. Those interested should call the Center to schedule an appointment.

For the 17th year, the City will conduct its Hope for the Holidays program. This year, the City will partner with the Mason Food Pantry to more fully meet the needs of program recipients and to help provide those in need during the holidays. Employees as well as the community can adopt a family, donate non-perishable food items, unwrapped toys, or gift cards/certificates. Collection barrels are located at the Municipal Center, Community Center, and Fire Stations.

RECOGNITION OF KEVIN AND SHERI COLLINS FOR NATIONAL PANCREATIC CANCER AWARENESS MONTH

Sheri Collins shared her experience since her pancreatic cancer diagnosis two years ago. She feels fortunate for the support of family, friends, co-workers and said that she will be one of the 6% who survive this disease. Kevin listed pancreatic cancer statistics and said that it is projected to be the second leading cause of cancer death in the U.S. by 2020. He thanked Mayor Nichols, a cancer survivor, for his amazing help over the past two years. Mayor Nichols presented a Pancreatic Cancer Awareness Proclamation to Sheri and Kevin.

RECOGNITION OF STATE REPRESENTATIVE PETER BECK

Representative Beck congratulated the Councilmembers on their re-election and thanked Council for the opportunity to speak today. He stated that House Bill 5 (HB5), Municipal Income Tax Reform Bill, was recently passed in the House and represents true tax reform in the state of Ohio. He explained twelve items of interest in HB5. To Mayor Nichols' question regarding the timeline for HB5, he answered that in November the bill will be reviewed and hopefully pass the Senate Ways and Means Committee by the end of the year. The bill then will be vetted in the Senate and is expected to return to Conference Committee with changes.

RECOGNITION OF VISITORS - none

ORDINANCE 2013-88 FIRST READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 17.57 ACRES FROM HT-1 HIGH TECH LIGHT INDUSTRIAL TO INDUSTRIAL PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED ON THE WEST SIDE OF CENTRAL PARKE BOULEVARD NORTH OF 7547 CENTRAL PARKE BOULEVARD (FOUNTAINS OF MASON)

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

Eric Hansen announced that the second reading and Public Hearing for this ordinance will be at the December 9, 2013 meeting.

ORDINANCE 2013-89 APPROVAL OF THE FINAL PLAT FOR THE ALVERTA SUBDIVISION SECTION 1

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

Richard Fair addressed Council and stated that this ordinance requests approval of the Alverta Subdivision Section 1 Final Plat which is located on the east end of the former Western Row Road Golf Course. The final plat for Alverta Section 1 consists of 44 buildable lots and is zoned MXD-PUD, Mixed-Use Planned Unit Development. When complete, the residential phase of the development will have access to Western Row Road, directly across from White Blossom Subdivision, and will consist of 125 single family lots. Richard stated that Ordinance 2013 – 89 has been approved by Planning Commission and is recommended 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 Councilmember Pelfrey, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

A motion to adopt Ordinance 2013-89 was made by Councilmember Spaeth, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2013-90 APPROVAL OF THE FINAL PLAT FOR WILLOW BROOKE, THE MEADOWS SECTION 2

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

Richard Fair addressed Council and stated that the second final plat for Willow Brooke Subdivision consists of 23 buildable lots and is located on the south side of Mason-Morrow-Millgrove Road. The Meadows will consist of a total of 112 medium sized lots with homes valued from \$280,000 to \$420,000. Richard stated that Ordinance 2013 – 90 is recommended 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 Councilmember Prince, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

A motion to adopt Ordinance 2013-90 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2013-91 APPROVAL OF THE DEDICATION PLAT FOR 5380 COURSEVIEW DRIVE (SINCLAIR COMMUNITY COLLEGE)

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

Richard Fair stated that Sinclair is currently renovating an existing building (formerly Stress Engineering) along with a 3,400 square foot addition on the south side. He explained that Courseview Drive is a major arterial street which requires right of way to be 100 feet wide. This plat will dedicate the necessary right of way as required by Planning Commission and the City of Mason Thoroughfare Plan.

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 Ordinance 2013-91 was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2013-92 AMENDING SECTION 939.07, 939.08, AND 939.09 OF THE MASON CODIFIED ORDINANCES REGARDING STREETSCAPES

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

Richard Fair stated that the current Landscape Ordinance has remained largely unchanged since its adoption in May of 2002. As the City has matured it has become necessary to make adjustments to ensure the continued success of the street tree program. Experience has shown that as developments age, initial plantings of street trees may or may not have performed as well as expected due to growing conditions, suitability, lack of maintenance, undesirable tree characteristics, accidents, as well as disease and insects. He explained proposed changes to the Landscape Ordinance. Changes in Section 939.07 allow for more freedom when choosing trees from a desirable tree species list. Section 939.09 addresses modifications for replacement of existing trees by authorizing the subdivision HOA to enforce the replacement of the tree provided that the tree is not listed on the unacceptable tree species list. Subdivisions and areas without an HOA may submit a request directly to the City Planner for approval. Richard stated that the last change to the Landscape Ordinance allows the Planning Commission, City Planner, or authorized designee to make additions or deletions as necessary to the unacceptable trees for street tree use list. Planning Commission has reviewed and recommends Ordinance 2013-92 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 2013-92 was made by Councilmember Prince, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

**ORDINANCE 2013-93 ACCEPTING THE PROPOSAL FOR THE DOWNTOWN
SANITARY SEWER REHABILITATION DESIGN FROM ENVIRONMENTAL
ENGINEERING SERVICES, IN THE AMOUNT OF \$28,100, AND AUTHORIZING
THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

Richard Fair addressed Council and stated that the City's third slip-lining project will be in the downtown area and will rehabilitate an estimated 10,000 feet of sanitary sewer. The project area includes about twenty streets in the Mason Meadows Subdivision and downtown. The first two slip-lining projects were in Manhasset and Olympia areas. Richard explained that the slip-line process saves millions of dollars and is a convenience to residents. A Request for Proposals for design of a rehabilitation project for the Down Town Area was prepared and sent to four pre-qualified firms. The intent is that design will be completed by mid-2014, with construction likely to begin in 2015. The proposal from Environmental Engineering Services met all the qualifications for the work and had the second lowest bid in the amount of \$28,100.

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 2013-93 was made by Councilmember Spaeth, seconded by Councilmember Cox. VOTE: ALL YEAS.

**ORDINANCE 2013-94 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
AGREEMENT TO AMEND RESTRICTIONS AND COVENANTS RELATING TO THE
FORMER GOULD PROPERTY**

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

Eric Hansen explained that in 2003, the City of Mason purchased approximately 50.74 acres from Mrs. Eleanor M. Gould. Under the restrictions and covenants of the original deed, this property was designated for park purposes. Eric stated that over the years, Mrs. Gould has willingly worked with City staff and signed the required amendments needed to continue use of the property for agricultural crops by leasing the farmland and renting the house until development of the park was feasible. As the last signed amendment expires on January 1, 2014, City staff once again approached Mrs. Gould for temporary amendment of these restrictions and covenants. At that time, Mrs. Gould expressed a strong desire to see the Gould property progress toward the intended purpose as a park. Eric said that with this goal in mind, Mrs. Gould has requested the following as conditions of her signing a 5 year temporary amendment of the property's restrictions and covenants: Mason shall set aside in a separate "Gould Property Park Development" account the amount of Sixty Six Thousand Dollars (\$66,000). This represents the approximate amount of all previous money received to date for farming and residential renting purposes minus any associated expenses for said use of the property for the period of December 11, 2003, through December 31, 2013; Mason shall continue to set aside into the "Gould Park

Development” account all future money received for farming and residential renting purposes minus all associated expenses for said use of the Property; Mason shall utilize all money located in the “Gould Park Development” account for any planning, design, construction, maintenance and/or permitting required in the development of the Gould Park; Mason shall finalize a Phased Construction Plan and begin scheduled development of the property. As part of the City’s Stormwater Master Plan process, the Gould Park was evaluated and ranked as the Stormwater Utilities priority project. As the City’s initial plans for the Gould property is for future park development and storm water control, Ordinance 2013 - 94 is recommended for adoption.

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 inquired as to whether this agreement will interfere with future grant opportunities. Eric replied that this project would still be eligible for grants. He explained that Mrs. Gould has been very generous in allowing the property to generate revenue and that this agreement will allow that to continue.

A motion to adopt Ordinance 2013-94 was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: 6 YEAS, 1 ABSTAIN (Pelfrey).

ORDINANCE 2013-95 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WARREN COUNTY COMMISSIONERS REGARDING MASON MUNICIPAL COURT PUBLIC DEFENDER

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

Jennifer Heft stated that both Warren County and the City of Mason are obligated by State statute to provide legal counsel to indigent persons charged with serious offenses in Mason Municipal Court violating either state or local ordinances. She explained that a Public Defender is appointed to represent such people and receives compensation from either the County or City according to state statutes. While in the past, a single named Public Defender was utilized and maintained on City payroll, Municipal Court has for a number of years maintained a list of eligible attorneys and rotated Public Defender assignments among them. The City, as requested by Municipal Court, then processes payment through the purchase order process to the assigned public defenders. Jennifer stated that the County is eligible for partial reimbursement of their public defender expenses from the Ohio Public Defender’s Office if a cooperative agreement exists between the City and County regarding public defender expenditures. Since 2004, the County has requested that the City authorize an agreement that would formalize the practice and allow the County to pursue reimbursement from the State. The County is now requesting annual renewal of this agreement to meet State of Ohio requirements. Jennifer stated that this ordinance will allow future annual renewals to be signed if the agreement is substantially the same for future agreements.

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.

A motion to adopt Ordinance 2013-95 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

COMMITTEE REPORTS

Councilmember Pelfrey reported on Bicentennial Committee meetings in November. She said that the committee had a conversation with a group interested in doing a play featuring the history of the City and its founder, William Mason. They are gathering initial information for potential interactive informational public kiosks to be placed at the Community Center, Mason Veterans Memorial, and Downtown Plaza. Councilmember Pelfrey revealed the final revisions for the Kings Mills Road Bridge over I-71 art deco project that will be an enhancement to the City's gateway. She said that the drawings will be submitted to ODOT for approval then to the engineer for construction pricing. This project design is expected to be duplicated in other forms throughout the City, including the Western Row interchange. Councilmember Cox stated that the fencing is simple but elegant.

Councilmember Spaeth presented the Park and Recreation Board report. She said that almost 3000 players are signed up for basketball leagues. Healthier Holidays and Mocktails are two upcoming Live Well in Mason events. Parks maintenance crews are working to winterize the restrooms, paint Community Center interior walls, remove dead trees from the parks, and add dirt to the ball fields. MYO and MAB met with City staff to discuss 2014 ball field availability and finding field space for the Challenger League. The Park Board discussed participation in Bicentennial activities including a baseball tournament and a possible golf tournament. She said that any proceeds from these events will be directed to the Common Ground Playground. Councilmember Spaeth stated that Debbie Darland was recognized for her seven years of service on Park Board as the Mason City Schools representative.

OLD AND NEW BUSINESS

Councilmember Cox asked if grant money could be used to demolish a garage in the Meadows. Eric Hansen directed Councilmembers to a memo that was put at their desks tonight regarding an overview of this issue and how the City hopes to seek resolution.

Councilmember Pelfrey discussed the many successful community events organized by Festivals of Mason volunteers, including the upcoming Christmas in Mason on December 6th. Council discussed the many factors that impact crowd size, sponsorships, donations, and business support for Christmas in Mason. A motion that the City of Mason contribute \$4000 to Festivals of Mason, Inc. to sponsor horse drawn carriages and entertainment on the plaza at Christmas in Mason was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

Jeff Forbes stated that the Findings of Facts for the Bethany Green matter is to be addressed by Council tonight. He explained that this matter is at the Common Pleas level on an administrative appeal and the Court has remanded the matter back to this Council to adopt Findings of Fact in support of the decision to approve the conditional uses already made. Council discussed the

matter at the first meeting in October where representatives from both the applicant and residents initiating the appeal were present. Both parties submitted and addressed Council regarding their proposed Findings of Fact at this meeting. At the October meeting, Council decided to continue the discussion and resolution to a later meeting. Jeff reminded Council that the task is not to reconsider the approval of the conditional use permit that has been granted by Council. The Court has remanded the matter to Council for the sole purpose of adopting Findings of Fact.

During Council discussion, Councilmember Cox stated that he has reviewed the tape from the September 12, 2011 meeting that he missed and is prepared to vote tonight. General questions were directed to Jeff Forbes regarding examples of motions, why Ordinance 2011-13 could not be considered as the Findings of Fact, and how a Councilmember not present in 2011 could make a decision on this matter. Jeff Forbes informed Council that there are three "typos" (nothing of substance) in the applicant's proposed Findings of Fact with references to incorrect page numbers that need to be corrected. Councilmember Prince stated that the applicant's proposed Findings of Fact speak to supporting the findings that Council made in 2011 and that the appellant's proposed Findings of Fact do not support the decision made by Council. Councilmember Grossmann asked Councilmembers present in 2011, if the applicant's Findings of Fact support their understanding of the findings relied upon to pass Ordinance 2011-13. All replied yes. Councilmember Pelfrey stated that both documents are representative of each party's intention. The appellant's Findings of Fact were factual to the residents' comments and what they believe. The applicant's Findings of Fact were factual to Council's findings in Ordinance 2011-13. Councilmember Grossmann clarified that he will vote based upon the representation of the Councilmembers that supports their findings found in 2011 when passing the Ordinance in 2011.

A motion to accept and send to the Court the Findings of Fact as proposed by the applicant with correction to the three page reference typos was made by Councilmember Prince, seconded by Vice Mayor Kidd. ROLL CALL VOTE: 5 YEAS, 0 NAYS, 2 ABSTAIN (Kidd, Spaeth).

RECOGNITION OF VISITORS - none

EXECUTIVE SESSION: EMPLOYMENT/COMPENSATION OF PUBLIC EMPLOYEES AND PROPERTY ACQUISITION

A motion to adjourn into Executive Session for the purpose of discussing employment/compensation of public employees and property acquisition was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS.
TIME: 9:08 p.m.

Councilmember Pelfrey left the meeting at this time and was not present in or following Executive Session.

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

ORDINANCE 2013-96 ESTABLISHING THE SALARY ADMINISTRATION PLAN, PROVIDING FOR CONSIDERATION OF INCREASES IN COMPENSATION ON AN ANNUAL BASIS, AND GRANTING A COST-OF-LIVING INCREASE

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 2013-96 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2013-97 REPEALING ORDINANCE 2012-97 OF THE CITY OF MASON, OHIO, AND ESTABLISHING HIRING COMPENSATION RANGES FOR CITY OF MASON EMPLOYMENT POSITIONS

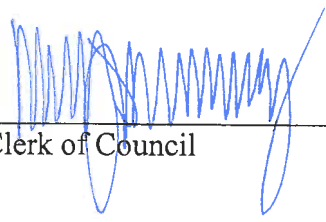
A motion to read by title only was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

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

A motion to adopt Ordinance 2013-97 was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS.

ADJOURN

A motion to adjourn was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 10:14 p.m.


Clerk of Council


Mayor