

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 10, 2014**

The meeting was called to order at 7:05 p.m. Pastor Kevin Kidd 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 January 13, 2014 Council Meeting Minutes was made by Councilmember Pelfrey, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

The next scheduled Council meeting is on Monday, February 24 at 7:00 p.m.

The Bicentennial Committee of Council is proposing a Council worksession on February 24 at 5:30 p.m. just prior to the Council meeting that evening. Date is not confirmed.

City offices will be closed on Monday, February 17 in observance of Presidents' Day.

The next WCML meeting will be held on February 19 at the Houston Inn in Mason.

The Employee Excellence Awards luncheon will be held on Wednesday, March 26, 2014 at the Municipal Center. Annually the City hosts this event to recognize those employees who have demonstrated the City's values of Communication, Coordination, Cooperation, Customer Service and Cost Savings. Employees receiving the award have been nominated by their peers. Council members are encouraged to attend this event.

With each snow event, city crews are coordinated and staffed by all departments to keep snow removal equipment clearing roads. Residents have expressed frustrations and a desire to help with the process. A young resident, Lauren, sent a letter to the City expressing her desire for more snow days because they are fun. Eric read her letter and will reply that more residents should adopt Lauren's great attitude on snow days.

Property tax bills to Warren County residents and businesses have been mailed out. The bills will reflect Mason voters' decision on funding Fire, EMS and safety services and economic development initiatives. Mason property tax millage is about 11% less than neighboring unincorporated areas. A homeowner of a \$300,000 home in Mason will save about \$775 on their property tax bill. Mason residents and businesses will save a total of \$7 million in 2013 property taxes.

RECOGNITION OF MASON HIGH SCHOOL GIRLS' AND BOYS' CROSS COUNTRY AND GIRLS' WATER POLO TEAMS AND THEIR COACHES

Mayor Nichols introduced Mark Sullivan, Girls Water Polo Head Coach. Coach Sullivan thanked the City for recognizing the team's first State championship since the beginning of the program ten years ago. He introduced the team. Mayor Nichols congratulated and presented a proclamation to the team.

Mayor Nichols introduced Chip Dobson, Girls Cross Country Head Coach. Coach Dobson stated that this year the team clinched its second consecutive State championship. He introduced the eight girls who represented the team at the State Meet and expressed appreciation for the great support from parents. Mayor Nichols congratulated and presented a proclamation to the team. He commented that these students are great ambassadors for the City.

Mayor Nichols introduced Tom Rapp, Boys Cross County Head Coach. Coach Rapp stated that great places to run in Mason, including bike paths and parks, are instrumental to the team's success. The 90 girls and 114 boys running cross country represent the City of Mason well. He stated that the Boy's Team finished 5th place at the 2013 State Championships and this is the 7th straight year that the team has finished in the top 10 rankings. He introduced the nine runners representing the team at State this year. Mayor Nichols congratulated and presented a proclamation to the team. He thanked the coaches of all these teams for making a difference and being a credit to our community.

RECOGNITION OF VISITORS

Irena Derrick of 8194 Summer View Drive, a parent volunteer with the Water Moccasins summer swim team, expressed her concern regarding the future of this great program. She explained that restriction on hours worked by coaches puts this program at risk of failure and would like the City to find solutions to the problem.

ORDINANCE 2013-105 ACCEPTING THE LOWEST AND BEST BID FOR THE QUINN PARK STREAM MITIGATION PROJECT FROM EVANS LANDSCAPING INC., IN THE AMOUNT OF \$169,821, AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

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

Richard Fair stated that at the meeting on December 9, 2013 staff recommended tabling Ordinance 2013 – 105, which authorizes a contract with Evans Landscaping Inc. for the Quinn Park Stream Mitigation Project to allow staff time to evaluate if work that was included fully met residents' expectations. He explained that staff has been working with Ohio Environmental Protection Agency (OEPA) to finalize the individual Section 401 Water Quality Certification required as a result of the stream impacts from the Bethany Road Roundabout Project. During Beaver Creek Hydrology's development of the drawings, they also inspected the watershed just upstream of Quinn Park and identified several areas of heavy erosion in need of repair. Richard

stated that with these findings, staff is recommending Council reject the bids from December 9th to allow for revised drawings that would include correction of these identified areas. He explained that the area is from Tradewind Drive to Butler-Warren Road. Staff will work with Beavercreek on revising the drawings this spring and will rebid once completed.

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.

A motion to adopt Ordinance 2013-105 was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL NAYS. Ordinance is DEFEATED.

ORDINANCE 2014-01 2ND READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 5.897 ACRES OF LAND LOCATED AT 5188 COX-SMITH ROAD FROM R-1 TO O-1 (5188 COX-SMITH ROAD PROPERTY)

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

Brian Lazor stated that the property is located approximately 1,800 feet east of the Cox-Smith/S.R. 741 intersection. It contains an existing 7,288 square foot building which is currently a daycare but in the past has been the Kingsway Community Church. He explained that the property is currently zoned R-1, Single Family Residential and the application is for O-1, Office Park zoning. The surrounding properties are B-3 on the west and south, Business PUD on the east, Union Township and Trailside Subdivision to the north which is zoned R-1. Brian explained the difference between R-1 and O-1 zoning classifications. The R-1 district generally includes: Single Family Dwellings; Agriculture; Schools; Parks; Residential facilities (Foster/Group homes); Libraries; Worship facilities; Golf Courses. The O-1 district generally includes: Offices; Private recreation; Funeral homes; Schools; Worship facilities. Both zoning districts have a minimum lot size of about one acre. Brian stated that an Office District can be considered a transition between the more intense business uses and the less intense residential uses. Planning Commission recommends approval of the rezoning.

The Public Hearing was opened at 7:51 p.m.

The Public Hearing was closed at 7:52 p.m.

To Councilmember Cox's question regarding the curve in the property line, Brian stated that the intention of the right-of-way in this area is for the future realignment of the road.

A motion to adopt Ordinance 2014-01 was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2014-02 2ND READING: AMEND THE CODE OF ORDINANCES OF THE CITY OF MASON TO AMEND IN PART ZONING CODE CHAPTERS 1160 AND 1188 (WIRELESS COMMUNICATIONS)

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

Brian Lazor explained that currently, wireless communication systems are permitted within I-1 and I-2 districts. If a suitable location is not available in those districts, a site within HT-1 or B-3 may be sought. The proposed amendment would allow cell towers in the B-4 Kings Island district, after exhausting the search in I-1 and I-2 districts. He explained that special setbacks have been proposed. Setbacks along the right-of-way are 1000 feet and 100 feet along other property lines. Setbacks are defined as the height of the tower or the prescribed setbacks, whichever is larger. Similar to the procedures for B-3 and HT-1 districts, a new tower in the B-4 district would still follow procedures set forth in Chapter 1188. Planning Commission has reviewed and recommends approval of the Zoning Code amendment as written.

The Public Hearing was opened at 7:55 p.m.

The Public Hearing was closed at 7:56 p.m.

To Vice Mayor Kidd's inquiry, Brian explained that the cell phone carrier made this request because it did not have adequate coverage in the Kings Island Amusement Park area. Brian said that the number of carriers on a tower is based on the height of the tower.

A motion to adopt Ordinance 2014-02 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2014-03 2ND READING: AMEND THE CODE OF ORDINANCES OF THE CITY OF MASON TO AMEND IN PART ZONING CODE CHAPTER 1170 (DOWNTOWN OVERLAY DISTRICT)

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

Brian Lazor stated that the Downtown Overlay District was created in 2005 to deal with property, buildings, renovations, and projects within the small downtown area along Main Street, US-42, and part of Church Street. Brian explained three of the major proposed changes to Chapter 1170. The first change will move responsibility for review of downtown projects from the Design Review Board to Planning Commission. This change will align and simplify the process for applicants. The second change renames "Certificate of Appropriateness" to "Zoning Certificate" so that standard Planning Commission procedures can be followed. The third change would add additional projects that can be reviewed and approved at city staff level such as signage, accessory structures, and landscaping. This change will shorten the time for an applicant to get the project constructed. Brian explained that the proposed changes will not impact the Design Guidelines Handbook which is used to review development projects. Changes to the Zoning Code are recommended by the Downtown Committee of Council. Planning Commission has reviewed and recommends approval of the Zoning Code amendments as written.

The Public Hearing was opened at 8:00 p.m.

The Public Hearing was closed at 8:01 p.m.

Vice Mayor Kidd commented that this is a great example of government heading in the right direction to simplify and streamline.

A motion to adopt Ordinance 2014-03 was made by Councilmember Pelfrey, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2014-06 AUTHORIZING PAYMENT IN THE NOT-TO-EXCEED AMOUNT OF \$8000 TO THE WARREN COUNTY HUMANE ASSOCIATION A PRIVATE NON-PROFIT ORGANIZATION

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

Jennifer Heft discussed both Ordinance 2014 – 06 and Ordinance 2014 – 07 together. She stated that in 2006, the Finance Committee developed and Council approved a policy that guides contributions to local non-profit organizations. The policy recommended limiting City contributions to \$8,000 and no more than a third of a group's budget. She explained that this is accomplished through a matching program where the City contributes one dollar for every two dollars raised from other sources by the non-profit group. During the 2011-2013 budget process the Finance Committee modified the policy to adjust the maximum contribution at \$4,000 for all groups. In 2014, the Finance Committee recommended restoring financial support back to the \$8,000 limit. Jennifer stated that the Warren County Humane Association and Mason Historical Society have requested participation in the program again this year. Both of these organizations have a strong history of participation in the program and partnership with the City. Both are requesting participation at the maximum contribution amount of \$8000. She said that the Finance Committee has reviewed these requests, included \$16,000 in the 2014 Budget, and recommends Ordinance 2014-06 and Ordinance 2014-07 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 2014-06 was made by Councilmember Grossmann, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2014-07 AUTHORIZING PAYMENT OF \$8000 TO THE MASON HISTORICAL SOCIETY, A PRIVATE NON-PROFIT ORGANIZATION

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 Grossmann, seconded by Councilmember Cox. VOTE: ALL YEAS.

A motion to adopt Ordinance 2014-07 was made by Councilmember Grossmann, seconded by Councilmember Prince. VOTE: 6 YEAS, 1 ABSTAIN (Cox).

ORDINANCE 2014-08 AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE-YEAR CONTRACT WITH PLATTENBURG & ASSOCIATES, INC. FOR AUDIT SERVICES AND DECLARING AN EMERGENCY

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 State of Ohio Auditor's Office is responsible for how the City's audit is conducted. He explained that for many years, the City was allowed to use a private auditor to perform that audit following State Auditor guidelines and procedures. The last two years, the State Auditor elected to do that service using his own staff. Eric explained that the City pays for the audit and saves money and City staff time when the audit is performed by an independent public accountant (IPA). This year the State Auditor's Office is allowing the City to enter into a five year contract with an independent public account for years 2013 through 2017. Plattenburg & Associates, Inc. was awarded this contract with fees that will save the City close to \$40,000 over the 5-year time period compared to what the Auditor of State's contract amount would have been over that same time period. In addition to saving significant number of dollars, City staff time is saved because the IPA becomes familiar with City procedures over subsequent years.

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 2014-08 was made by Councilmember Spaeth, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2014-09 ACCEPTING THE DESIGN BID FOR THE KINGS MILLS ROAD BRIDGE OVER I-71 DECORATIVE FENCING FROM STANTEC CONSULTING SERVICES INC. IN THE AMOUNT OF \$38,410, AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

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

Richard Fair addressed Council and explained the decorative fencing concept drawings for the Kings Mills Road Bridge over I-71. He stated that the maximum height of the fence will be 11 feet over the existing parapets. The Bicentennial Committee requested lights on the bridge and the drawings show different arrangements of lights over the word "Mason." Richard stated that Stantec submitted a proposal for this design and is currently working on the design for the Western Row Road/I-71 Interchange Modification. Stantec was awarded the contract for the I-71 Interchange project after a rigorous bid process and is saving the City dollars on that project with their streamlined design process. Richard explained that Stantec has significant experience with ODOT's processes for this work, worked with BrandingGround on the initial concept

design for the Kings Mills Decorative Fencing and was responsible for presenting the initial concept to ODOT. The design will incorporate the comments ODOT made on the preliminary submittal which include the placement of vertical fence posts so that existing longitudinal cracks will not be accelerated or deteriorate quicker than the normal wear and tear. ODOT set the minimum height of the fence at six feet and requested mesh be added between the fence posts. ODOT will continue to evaluate any proposals for the decorative lighting to ensure that it will not be a distraction to drivers traveling I-71. Before construction can begin, ODOT requires the City to approve a maintenance agreement regarding the fence, bulb replacement, and periodic painting. Richard stated that based on the initial concept, Stantec provided a preliminary construction estimate at \$520,000 to \$685,000 for both sides of the bridge. He said that if Ordinance 2014-09 is approved this evening, fence construction completion is estimated for the end of January 2015. The Bicentennial Committee has reviewed ODOT's comments and recommends adoption of Ordinance 2014 – 09. The 2014 Capital Budget included \$250,000 for the decorative fencing.

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 2014-09 was made by Councilmember Spaeth, seconded by Councilmember Cox.

Council discussed possible damage decorative fencing might have on the existing bridge. Council desires that "Mason" on the fencing be lit up and the decorative lighting in the concept design may not achieve this. Council discussed the construction cost of the decorative fencing and how effective this would be in identifying the City of Mason. It was suggested that landscaping might identify the area as the City of Mason just as well and be more cost effective. Other discussion points included the time line for this project, the desire to complete this project for the Bicentennial, coordination and consistency with the Western Row/I-71 interchange, potential future changes to the Kings Mills interchange, and construction costs.

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

COMMITTEE REPORTS

Councilmember Pelfrey, Bicentennial Committee Chair, discussed the need for two Bicentennial Committee meetings before the Council worksession. She would like to set the date for the worksession so that the Committee is ready and asked that Council consider February 13th.

Mayor Nichols reported that the Economic Development Committee met in executive session and will report as matters move forward.

OLD AND NEW BUSINESS

Councilmember Spaeth expressed her concerns regarding the delay to install baseball backstop fencing/netting at Corwin Nixon Park. Richard Fair explained that funds were added in the 2014

Budget for fencing, backstops, dug outs, and replacement netting for Nixon Park and Heritage Oak Park. After meeting with several fence contractors, an engineer's estimate was prepared. Bids were opened February 4th for the project with two bids received. The lowest bid came in at 200% over the estimated and budgeted amount. Staff is evaluating reasons for the cost difference and discussed a possible explanation for the high bid could be that work needs to be done in March. Staff will be recommending Council reject all current bids once a new bid process has been completed. Rebidding will delay this project until the fall and not allow for changes to be made before the 2014 baseball season. Councilmember Spaeth asked that consideration be given to do something this year, perhaps reconsider last year's proposal. Richard stated that the February 2013 proposal was to remove the nets and install backstop fencing to 30 feet. This would be the same as the backstops at Mason Sports Park. Corwin Nixon is unique with ball fields closer together which increase the risk of foul balls coming towards spectators of other fields. He explained that the nets are still up at Corwin Nixon and provide additional protection to spectators. He suggested patching the net to make it last through the 2014 season, study why the bids came in so high on the 2014 proposal, and rebid the project for work to be done this year in July/August or after fall league play. Richard explained that the 2014 proposal was different from the 2013 proposal. The 2014 proposal included the installation of netting similar to the existing system at Corwin Nixon, but on separate posts from the backstop fencing.

Councilmember Cox explained that he abstained on the vote regarding contributions to the Mason Historical Society because his wife is the President of that organization. He also said that he is proud of Josh Kline, one of the football players he coached years ago. Josh Kline is now a lineman for the New England Patriot Football Team.

Mayor Nichols stated that he is sad to announce the loss of Ken Murawski. Ken served this community so well for many years and will be sadly missed. He was a true gentleman, family man, and father of four daughters. He has battled leukemia since 2005. Please keep his family in your thoughts.

Motion to confirm appointment of Barbara Berry-Spaeth as City Representative to Warren County Municipal League was made by Councilmember Pelfrey, seconded by Vice Mayor Kidd. VOTE: ALLYEAS.

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tarton Fields Lane encouraged City Council to determine what goes into the concept for the sign across I-71 before moving forward.

T.J. Dunn, a student baseball player, stated that the net at Corwin Nixon baseball fields is much more effective than a 30' backstop.

Geneva, a high school student, stated that as a new resident she likes the essence of community in Mason. She thinks that any sign over I-71 should reflect this by involving art and Community Center groups

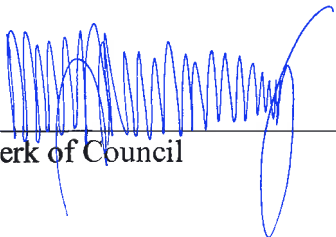
**EXECUTIVE SESSION: LAND ACQUISITION; EMPLOYMENT/COMPENSATION
OF PUBLIC EMPLOYEES**

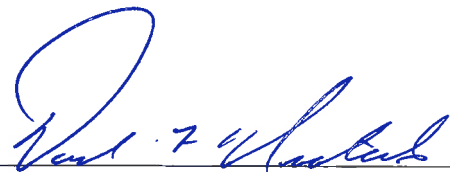
A motion to adjourn into Executive Session for the purpose of discussing land acquisition and employment/compensation of public employees was made by Councilmember Prince, seconded by Vice Mayor Kidd. VOTE: ALL YEAS. TIME: 9:12 p.m.

A motion to reconvene into Regular Session was made by Councilmember Grossmann, seconded by Vice Mayor Kidd. VOTE: ALL YEAS. TIME: 10:43 p.m.

ADJOURN

A motion to adjourn was made by Councilmember Cox, seconded by Councilmember Grossmann. VOTE: ALL YEAS. TIME: 10:43 p.m.



Clerk of Council

Mayor