

**CITY OF MASON
COUNCIL MEETING
SEPTEMBER 8, 2014**

The meeting was called to order at 7:06 p.m. Chaplain Jeff Perkins opened the meeting in prayer. All those present recited the Pledge of Allegiance. Kassie Martin sang the National Anthem.

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 25, 2014 Council Meeting Minutes was made by Councilmember Pelfrey, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

- ▶ A real estate web site recently ranked the top 10 safest cities in Ohio. Mason ranked #7.
- ▶ City Walk is the third Thursday of each month in Downtown Mason. The community is invited to come and enjoy local art and educational activities. The event takes place along Main Street from the plaza to Wildflower Café.
- ▶ The 2014 Heritage & Bicycle Festival on Saturday, September 13 on the campus of the Municipal Center and Community Center will start off with the parade at 10:00 a.m. The parade will begin at the downtown plaza, travel east along Main Street, turning south onto Mason-Montgomery Road and enter the Municipal Center Complex at Lakeside Drive. The event will conclude with fireworks at approximately 9:40 p.m. Activities and entertainment will be featured throughout the day. Festivals of Mason volunteers have put in a significant amount of work on this year's event.
- ▶ Community Support Day will be held at Mason Community Center on Heritage Festival day, Saturday, September 13, 2014. Mason faith groups, community groups, businesses, and non-profit organizations will be showcasing their involvement in and around the community while collecting donations to further their group's mission. The Feed Ohio program, an initiative of Ohio First Lady Karen Kasich and Ohio Governor John Kasich, will be showcased at this event with "FOODSTRUCTIONS" built from food displayed in a fun and creative way that represents the organization or their mission. That food is then donated to local food pantries for Feed Ohio.
- ▶ Also during Heritage Festival the Community Center will host an Open House featuring membership incentives, discounts on personal training, and other promotional incentives. Twenty-five vendors will participate in the Shop Local event from 9:00 a.m. to 3:00 p.m. in the front entrance and along Main Street of the Center.

► On September 13 the City, in partnership with Hewlett Packard and Global Environmental Services, is hosting an electronic waste drive in the parking lot of the Community Center. Items like laptops, monitors, stereos, cellphones, etc. can be dropped off at this free recycling event.

► The Patriot Fair will be held on Saturday, September 27, from 10:00 a.m. to 5:00 p.m. at the Mason Municipal Center campus. The Patriot Fair is primarily designed as an educational function, bringing to life the early history of the United States of America through drama and re-enactment. There will be numerous displays and exhibits throughout the day. There is no charge for attendance and the public is invited to attend. A motion by Council authorizing approximately \$2,410 of in-kind expenses in support of this event would be appropriate.

► A motion to authorize in-kind services in support of The Patriot Fair was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS.

► A motion to not request a hearing for a D5 D6 liquor permit for El Rancho Grande at 4920 Socialville Fosters Road was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

► A motion to not request a hearing for a D1 liquor permit for Courts 4 Sports at 854 Reading Road was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

COMMITTEE REPORTS

Councilmember Prince stated that the Heritage Festival has 67 entries and over 1400 walking participants in the parade. He said that festival events and activities will be much like last year and encouraged residents to come out for the Heritage Festival.

Councilmember Pelfrey requested Councilmembers to help assist with the Bicentennial float and booth at the Heritage Festival.

RECOGNITION OF CALENDAR WINNERS

Jennifer Heft explained the calendar photo contest and stated that residents submitting the winning photos for the 2015 Bicentennial Calendar will be recognized tonight. Mayor Nichols and Vice Mayor Kidd congratulated each winner and presented them with a framed copy of their photograph and calendar. The contest winners are as follows:

Shannon O'Connor "I'll Cross That Bridge" – January
Leslie Kauffman "Solitude" – February
John Jackobs "Dichotomy of Weather: Spring or Winter" – March
Alex Scott "Spring is Here ... Finally!" – April
Joe Chunko "Getting Ready to get a Drink" – May
Nikki Murray "Backlit" – June
Cindi Williams "Mallard Season" – July

Praba Sundararajan "Tennis at Twilight" – August
Barbara Lokar "Another Proud Heritage Day" – September
Chandra Venkataramani "Fall Colors at Corwin Nixon Park" – October
Rosemary Wells "Dimming of the Day" – November
Jayson Gomes "First Snow of the Season" – December
Jacob Burress "Then and Now" - Cover of the Bicentennial Calendar

RECOGNITION OF VISITORS - none

RESOLUTION 2014-14 RESOLUTION 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 Spaeth, seconded by Councilmember Cox. VOTE: ALL YEAS.

Eric Hansen stated that the City is required to accept the rates determined by the Warren County Budget Commission for the City of Mason/Mason City School Taxing District. He explained that this is the mechanism for determining property tax rates. Property tax rates have declined since adoption of the 2012 charter amendment, including a 4.40 millage for safety services, with total property tax rates lower than past rates and other surrounding jurisdictions.

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 Resolution 2014-14 was made by Vice Mayor Kidd, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2014-52 SECOND READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 168 ACRES FROM R-1, SINGLE FAMILY RESIDENTIAL; R-3 SINGLE FAMILY RESIDENTIAL; R-6, CONDOMINIUM AND LANDMINIUM RESIDENTIAL AND O-1, OFFICE PARK DISTRICT, TO RESIDENTIAL PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED ON THE FORMER CROOKED TREE GOLF COURSE PROPERTY (THE VILLAGES OF CROOKED TREE)

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

Kurt Seiler stated that this site is approximately 168 acres in size and located north of Bethany Road, west of Mason Montgomery, also known as the former Crooked Tree Golf Course. The Oaks of Crooked Tree, Estates of Crooked Tree and the Fairways of Crooked Tree Subdivisions are adjacent to the property. He explained that current property zoning is R-1 & R-3 Single Family Residential; R-6, Condominium and Landominium Residential and O-1, Office Park

District and that the proposal is to rezone the property Residential Planned Unit Development (PUD). The proposed PUD will consist of 230 single-family buildable lots ranging in size from a minimum of 9,300 sf to more than 40,000 sf. Site access will be provided from Sentinel Oak Drive which ties into Mason Montgomery Road and from a proposed roadway off of Bethany Road near Hickory Woods Drive. Kurt stated that both access points for the subdivision will have left turn lanes and are located on county sections of roadway which requires approval from the Warren County Engineer's Office. The Bethany Road access point on this concept plan is still under consideration by the County Engineer and would need to be approved before approval of the final PUD of the first phase. Kurt explained the five different lot types. Custom homes will have a minimum lot size of 18,000 sf and minimum 100 foot lot widths. Estate homes will have a minimum lot size of 15,000 sf and minimum 100 foot lot widths. Manor Type A homes will have a minimum lot size of 10,200 sf and minimum 80 foot lot widths. Manor Type B homes will have a minimum lot size of 12,000 sf and minimum 90 foot lot widths. Villa homes will have a minimum lot size of 9,300 sf and minimum 72 foot widths. He explained that open space is shown at 31.4 % which exceeds the 20% PUD requirement and is located primarily along the floodplain. Existing sections of the cart paths will be used as hiking trails as an amenity for the development. Setbacks on the plan generally follow PUD standards with 40 feet along the Oaks, Estates and portions of Fairways. The exception is the area where the Villa lots and the Manor Type A lots back up to the Fairways. In this location the setback has been increased with the plan showing a minimum 50 foot peripheral setback. Kurt stated that Planning Commission recommended approval of the rezoning and concept plan with the condition of installing a mix of deciduous trees and evergreens in the peripheral setback of the area where the Villa and Manor Type A lots are shown adjacent to the Fairways. Kurt explained that the Concept Plan meets some of the goals mentioned in the 2010 Comprehensive Plan as a green resource with cluster development preserving open space. In addition to Planning Commission's recommendation, the applicant has included the following conditions that would apply to the Villa and Manor Type A lots that are adjacent to Fairways: limit the total number of lots adjacent to the common boundary with Fairways to a 1:1 ratio; require brick wrap to be used for first floor and brick, cementitious or equal siding for second floor of new homes; and require dimensional shingles or equal for roofs of new homes.

The Public Hearing was opened at 7:42 p.m.

Bob Garlock of Bayer Becker introduced developers David Brooks and Mark Schnicke and Joe Trauth of Keating Muething & Klekamp. Mr. Garlock discussed three areas of the development: circulation, open space and land use; history of the project; and issues that have been addressed. He said that they have been working with Warren County regarding the secondary access road to Bethany Road and that an addendum has been submitted. There will be four pedestrian connections from existing neighborhoods for access to the 1.3 miles of walking trails in the development made up of rehabilitated golf cart paths. Bob explained failed efforts made by the developer to gain temporary access across private property for construction traffic. Access across Muddy Creek is considered impractical. Developers have offered to construct a secondary tie to Mason-Montgomery Road before up to 75% of the project is constructed. He stated that all of the land use will be single family detached homes with estimated real estate values of Custom homes between \$700,000 - \$1 million, Estate homes built by Fischer and Zicka between \$600,000 - \$750,000, Manor A & B built by Fischer between \$425,000 - \$525,000, and

Villas built by Drees between \$350,000 - \$450,000. He explained that with setbacks and buffers, the development consists of 35% open space. Dedicated open space will be owned and maintained by the HOA with paths, benches, workout stations, and a gazebo. At the north end will be a pool with pool building and picnic areas for Villages HOA residents to use. A preservation corridor of Little Muddy Creek is planned with restoration of the area. Bob stated that a drainage preliminary study, flood plain, and stormwater management for the site has been reviewed by City staff. Drainage from the development to existing homes should not happen as the Villages are at lower elevation. Bob Garlock stated that developers have been working over a year on this project, meeting with City staff, Warren County Engineering, and The Fairways HOA in an effort to create a quality neighborhood. Meetings with specific residents to discuss drainage issues on their property have resulted in verbal commitments to help with these problems. Concerns regarding density have been addressed by increasing lot sizes. A streams and wetlands study has been submitted to the Corps of Engineers for Phase I and a soil report has been completed. Bob listed concerns brought up at Planning Commission by residents: density, Villa lots backing up to The Fairways affecting property values, quality of homes to be built, sufficient buffer, drainage, and construction traffic. He addressed these concerns by stating that current zoning allows 324 homes to be built and that only 230 homes are to be built in the proposed concept plan. The average Villas lot size is 16,300sf and the smallest is 11,200sf. This compares to a Fairways lot size minimum of 15,000sf. Villa home values are estimated higher than the average \$330,000 value of the Fairways homes that they back up to. He said that regarding aesthetics, the homes will be built with materials equal or better than existing homes with a 2-car garage minimum and many with 3-car garages. He explained that housing architecture is trending toward smaller width and deeper lot sizes with construction building vertically. Mr. Garlock stated that the landscape buffer has been increased to 50 feet to the Fairways lots. This compares to current R-3 zoning requirements of 30 foot set-back with no mandatory buffer.

Tom Molitors of 5249 Bentwood Drive stated that 618 homes in three Crooked Tree Homeowners Associations have between 1200 and 1500 voters. These voters pay about \$3.2 million in property taxes and about \$1 million in revenue. He introduced Dwight Packard, the attorney representing the HOAs surrounding the proposed development.

Dwight Packard challenged the 1:1 ratio of Fairways to Villas lots and stated that it is actually 54:44 when the homes visible across the lake are included. He stated that comprehensive lot size comparisons show Fairways lots of 15,000sf - 42,000sf to Villas lots of 9700sf – 30,000sf. Both of these issues will affect the property values of existing homes. He discussed the proposed intersection at Sentinel Oak Drive and Bethany Road, which is a critical second access point that is uncertain. This proposed intersection is offset from Hickory Woods Drive, requires approval from another governmental entity, and will take several years to complete. Without this intersection approved, the proposed route for construction traffic travels on Sentinel Oak through an existing neighborhood creating a safety issue. He stated that an alternate construction route is needed before there is any development.

Chris Heim of 3770 Top Flite Lane stated that the secondary access at Sentinel Oak and Bethany would require FEMA and Army Corps of Engineers approval for bridge construction over Little

Muddy Creek. He said that without this access, existing homes on Sentinel Oak would have construction traffic in their front yards for many years.

Tom Speed of 3542 Crooked Tree Drive presented a video comparing 70 foot lots to 100 foot lots.

Judy Cox of 3425 Broken Ridge Drive discussed 50 feet of erosion in her yard this spring that coincided with the draining of golf course ponds. She said that the creek bank is washing away, trees have fallen across the creek, water flow has increased, and suspects that the creek has been redirected. She attributes this problem with the development of the former golf course and requests a larger study to manage the water before development goes forward.

Ben McNary of 3934 Top Flite Lane and President of the Fairways of Crooked Tree HOA stated that the HOA owns 11.7 acres with the Little Muddy Creek running through it. He presented pictures showing the impact a heavy rain has on the area. He said that FEMA Flood Zone "A" is approximate, intersects with the road, and discussed the need for a full study.

David Hoffman of 3560 Crooked Tree Drive stated that his property is at lower elevation than the former golf course and receives temporary streams from the proposed development. He discussed problems with the proposed hiking trail including steep elevation changes, a 4-foot culvert, and the actual trail, being short by 150 feet, becoming the trail to nowhere. Tom Speed showed pictures of the proposed development and hiking trails under water. He stated that the trail is projected to go across his property.

Dave McAdams of 3469 Broken Ridge Drive stated that after attending the Planning Commission meeting, residents left with the understanding that access to Bethany Road would have to be secured and the construction entrance would be addressed before the project was presented to Council.

Jerri VanVoorhis of 5060 Tinewood Drive and President of the Oaks of Crooked Tree HOA agreed with Mr. McAdams comments and discussed the negative impact that construction traffic would have on families currently living on Sentinel Oak.

Sheila McAdams of 3469 Broken Ridge Drive stated that the proposed development affects both Deerfield Township and Warren County. She stated that the HOAs were never approached to purchase the golf course, the creek is a safety issue for children living in the area, and asked what the City plans to do regarding the damage done by the water.

Michael Hayden of 3426 Crooked Tree Drive explained how the 1:1 ratio is misleading, stated that the open space is a flood plain, and the 2010 Comprehensive Plan designates this area as a Green Resource with one unit per gross acre. He said that a petition with over 590 signatures was sent to Council asking that this designation be upheld.

Carl Ray of 3094 Spalding Drive asked for clarification regarding flood plain restrictions. Kurt Seiler stated that a concept plan has been submitted to FEMA and must be approved before a final PUD is approved. Kurt stated that construction needs to stay 25 feet behind the

approximate “A” zone unless the developer requests a detailed study and submits to FEMA a Letter of Map Revision (LOMR). Once a FEMA map is revised, structures can be built up to that line. No structures can be built within the flood plain and the City has regulations regarding the 100 year flood plain. Mr. Ray expressed his concerns with the builder’s credibility, the trail to nowhere, and the need to conduct studies well in advance of building.

Elizabeth Ferrell of 3708 Top Flite Lane stated that she bought her home a year ago and would like the property to remain R-3 zoning behind her home, that 100-foot lots are important to her. She said that since moving in, they have experienced a flood in their basement and asks that water concerns be seriously considered.

Fran Greene of 5620 Crestwood Drive expressed her concerns about the maintenance of the public walkway, if there would be public parking available for access to the trail, and construction traffic through completed neighborhoods.

John Delay of 3610 Crooked Tree Drive stated that Villages of Crooked Tree lots were advertised at the 2014 Homerama before approval of the development.

Tony Bradburn of 5174 Tinewood Drive stated that a secondary entrance at Bethany Road needs to be in place for emergency vehicles to access the proposed development. He suggested that the entrance to this development at Bethany Road be aligned with Hickory Woods Drive. This would require relocation of graves from an old cemetery. Mr. Bradburn also expressed his desire that the proposed bike path through this development be part of the City’s parks system.

Mayor Nichols asked for a recess at 9:37 p.m. The Public Hearing continued at 9:58 p.m.

Bob Garlock of Bayer Becker clarified that Warren County has given verbal approval of the traffic impact study and not right-of-way or roadway access approval. He said that this is just a concept plan and that trails, access, and roadways may be adjusted before submitting a final development plan. He said that they will look into Mr. Bradburn’s suggestion regarding aligning the entrance with Hickory Woods Drive. An addendum has been filed with Warren County to move this access road 350 feet. Mr. Garlock stated that the video of Alverta presented tonight actually showed the 50-foot neo-traditional homes, not the 70-foot lots as stated in the video. Regarding water run-off, Bob explained that when the dam was removed from the first lake, a pipe and reconstructed dam was installed at the bottom of the basin so that it still functions as a detention/retention basin. The second lake was free flowing with no control structure and is still free flowing, nothing has been done to create additional drainage. He stated that a final drainage study as requested by the residents has been done and plans will be finalized. Preliminary grading has been done and a stream that works has been modeled. This plan will be submitted for City approval and then to FEMA for their approval. Bob Garlock responded to Councilmember Grossmann’s questions regarding the differences between the proposed PUD zoning and R-3 zoning. He said that if the development was zoned R-3, the development would be monotonous with no variety in lots, reduced open space, and additional lots. He believes that communities with a mix of lot sizes and amenities associated with PUD zoning are very desirable.

David Brooks of 3874 Henderson Road, Franklin, Ohio stated that City staff proposed PUD rezoning. He explained that when considering current markets for R-3 homes in Mason, a 12-year build out is projected. Market demand was considered when developing this PUD concept plan and a shorter build-out is expected. Also, current zoning would allow for higher density than PUD zoning.

Joe Trauth of Keating Muething & Klekamp stated that speculation of non-zoning issues such as water runoff and traffic must meet legal and engineering criteria and are not part of the concept plan. He stated that the purpose of tonight's meeting is to seek approval of a PUD concept plan. He defined arbitrary as denying a reasonable proposal that is 100 lots less dense than can be developed under existing zoning. The proposal is for a PUD with City controls, which is a very reasonable concept plan that eliminates office and multi-family zoning.

Dwight Packard questioned the feasibility and the developer's serious intent of going through Unity Cemetery, which is in Deerfield Township, for access at Bethany Road. He said that approving this concept plan would set a precedent regarding smaller lots adjacent to larger lots. There is no guaranteed secondary access, no viable construction access, incompatible lots, and flood plain issues. He stated that the concept plan is not ready.

The Public Hearing was closed at 10:32 p.m.

Council confirmed with Mr. Packard that the three homeowners associations he represents want the concept plan voted down tonight and that additional work be done on the plan. Council discussed that it is inappropriate to consider flooding and traffic issues, but that lot size is enough reason to deny this proposed concept plan. Jeff Forbes instructed Council on the PUD process and next steps if the rezoning is approved. Councilmember Grossmann discussed a possible conflict with his voting tonight. He may be serving as a Warren County Commissioner when access to this development is considered by Warren County Commission at a future date. Councilmember Prince stated that he has met with homeowners and has walked the golf course. Councilmember Prince made a motion to amend Ordinance 2014-52 to require that all lots be a minimum of 100 feet in width and a minimum of 15,000 square feet and that the southern construction entrance be complete not later than the initiation of construction on 25% of the lots. There was no second. Kurt Seiler responded to Councilmember Cox's question regarding construction in an O-1 zone by stating that 100-foot back and side setbacks, 50-foot front setbacks, 60-foot building height limits, and screening are required and that residential construction is restricted in this area. Councilmember Cox recommended that the existing emergency access between the golf course and Estates remain. He stated that current zoning does offer variety. Councilmember Spaeth expressed her belief that property owners have the right to expect zoning adjacent to their property to remain as zoned. Councilmember Prince stated that when the dam was breached there was a temporary surge of water created that damaged property. He also agreed with Councilmember Spaeth's comments regarding homeowner's expectations that zoning remain the same. Mayor Nichols expressed his disappointment that clarification on the secondary access has not been established. Councilmember Pelfrey discussed green space if the PUD is denied and stated that no open space, other than honoring the flood plain, would be required in current zoning. She requested that the developer consider increasing some of the lot sizes to satisfy current homeowner's

wishes. Mayor Nichols asked if the developer and residents could find some common ground if this item was tabled for two weeks.

A motion to table Ordinance 2014-52 was made by Councilmember Grossmann, seconded by Vice Mayor Kidd. VOTE: 3 YEAS, 4 NAYS (Spaeth, Cox, Pelfrey, Prince).

A motion to adopt Ordinance 2014-52 was made by Vice Mayor Kidd, seconded by Councilmember Pelfrey. VOTE: 0 YEAS, 6 NAYS, 1 ABSTAIN (Grossmann).

ORDINANCE 2014-68 FIRST READING: ADOPTING THE REVISION, CODIFICATION, RECODIFICATION, REARRANGEMENT AND PUBLICATION OF THE ORDINANCES AND RESOLUTIONS OF THE CITY OF MASON, IN BOOK FORM, FOR THE CURRENT SUPPLEMENT

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

Eric Hansen announced the second reading of Ordinance 2014-68 will be on October 13, 2014.

ORDINANCE 2014-69 APPROVAL OF THE REPLAT FOR LOT 13 IN FALLING BROOK PHASE A-5

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

Kurt Seiler explained that this standard replat splits the one common lot into condo lots.

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 2014-69 was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2014-70 APPROVAL OF THE FINAL PLAT FOR WILLOW BROOKE SUBDIVISION – THE ESTATES SECTION ONE

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

Kurt Seiler described Ordinance 2014-70 and Ordinance 2014-71 together. He stated that they both pertain to the first two sections of the Willow Brooke subdivision that dedicate roads, easements, and splits the lots. Staff recommends approval contingent on the subdividers 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 Vice Mayor Kidd. VOTE: ALL YEAS.

A motion to adopt Ordinance 2014-70 was made by Vice Mayor Kidd, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2014-71 APPROVAL OF THE FINAL PLAT FOR WILLOW BROOKE SUBDIVISION – THE RIDGE SECTION ONE

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 2014-71 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2014-72 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KINSTLE STERLING/WESTERN STAR TRUCK CENTER FOR THE PURCHASE OF ONE (1) 2015 WESTERN STAR 4700 SINGLE AXLE DUMP IN THE AMOUNT OF \$141,831

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

Richard Fair addressed Council and stated that this new vehicle is an add-on to the existing fleet and will be used for snow plowing, brush chipping, and leaf collection. The cost of the vehicle is about \$142,000 and there is a \$473,000 balance in the contingency fund. Richard stated that with additional subdivisions coming into the City, a request next year for additional vehicles may be needed for snow routes.

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

A motion to adopt Ordinance 2014-72 was made by Councilmember Prince, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2014-73 LEGISLATION FOR REHABILITATION OF HANOVER BRIDGE THROUGH THE OHIO BRIDGE PARTNERSHIP PROGRAM

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

Kurt Seiler explained that ODOT will do this project to replace the deck and beams on the Hanover Bridge at no cost to the City. This bridge was constructed in 1972.

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 2014-73 was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2014-74 ACCEPTING THE LOWEST AND BEST BID FOR THE DONNA JEAN BOULEVARD CULVERT REPLACEMENT PROJECT FROM SMITH CONSTRUCTION, IN THE AMOUNT OF \$307,720 AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY

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

Kurt Seiler explained that an emergency clause has been added to allow for execution of the contract so that the project can be completed prior to the end of the current construction season. He stated that Donna Jean will be closed for the culvert replacement. A grant for 50% of the funding through OPWC has been awarded. He stated that there were seven bidders on the project, with Smith Construction as the lowest bidder and below the engineer's estimate. Smith Construction has not previously performed any construction projects for the City. Staff contacted references and Smith has worked on Warren County projects with good success.

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 2014-74 was made by Councilmember Prince, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2014-75 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OHMER CONTRACTING, INC., IN THE AMOUNT OF \$25,000, FOR THE 2014 SIDEWALK REPLACEMENT PROGRAM

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

Richard Fair addressed Council and stated that with approval of Ordinance 2014-75, sidewalk replacement will be moved from the Public Works Department to a private contractor. He explained that Public Works staff is focused on work at the new Service Center this year. Ohmer Construction submitted the lowest and best bid at \$6.80 per square foot. This will allow for replacement of over 900 linear feet of 4-foot sidewalk, working in the area of Cambridge Drive and possibly Trustway Court and Essex Drive.

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.

Councilmember Grossmann confirmed with staff that the City pays 100% of this cost and that there is no charge to property owners.

A motion to adopt Ordinance 2014-75 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2014-76 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LIFEGUARD AND LIFEGUARD SUPERVISION AGREEMENT WITH SWIM SAFE POOL MANAGEMENT, INC., AND DECLARING AN EMERGENCY

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

Jennifer Heft stated that last year, as a result of the Affordable Care Act, Lifeguard services at the outdoor pool were contracted out. With success at the outdoor pool for the 2013 season, a one-year contract with SwimSafe for the City's three aquatic facilities in 2014 was authorized. She stated that the contract expires this month. The RFP process included an option in this new contract for annual renewals for up to three additional years.

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 2014-76 was made by Councilmember Spaeth, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2014-77 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CINCINNATI MAGAZINE FOR ADVERTISING "CENTERPOINT" AND "MASON MATTERS" AND DECLARING AN EMERGENCY

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

Jennifer Heft stated that in 2007 the City contracted with the Magazine Division of the *Cincinnati Enquirer* for designing, printing, and distributing *CenterPoint* and *Mason Matters*. In 2010, Council authorized a continuation of the contract, renewable for up to four additional years. That contract expires with the 2014 October/November issue and the City sent requests for proposals with four proposals received. One proposal was for delivery only. She explained that the *Cincinnati Enquirer's* price to continue distributing City publications as part of the *OurTown* magazine was one of the more costly and less flexible proposals. The City decided to move forward in a new direction with *Cincinnati Magazine's* proposal for a stand-alone quarterly publication. Jennifer explained that the City's current partnerships with TriHealth, Mason City Schools, Kings Local Schools, Deerfield Township combined with the opportunity for additional partnerships being developed at the Community Center are leading to the development of a community-wide publication. She stated that an emergency clause has been added to ensure uninterrupted production of the newsletters.

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.

During Council discussion, Jennifer clarified that currently the City pays \$700 per page and under this contract the price per page ranges from \$762 - \$873 per page depending on ad revenue. The publication will be mailed to all Mason and Deerfield Township residents.

A motion to adopt Ordinance 2014-77 was made by Councilmember Spaeth, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2014-78 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH R.E. MIDDLETON, LLC FOR THE CONCRETE WORK AT STATION 52 IN THE AMOUNT OF \$42,500

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

Richard Fair explained that this project, included in the 2014 Capital Budget, is for replacement and repair of concrete at Station 52. R.E. Middleton was the low bidder.

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 2014-78 was made by Councilmember Prince, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2014-79 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RICHARDS ELECTRIC SUPPLY CO., INC., IN AN AMOUNT NOT TO EXCEED \$34,000 AND DECLARING AN EMERGENCY

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

Richard Fair addressed Council and stated that this contract is for the purchase of T5 fluorescent lamp fixtures to replace 240 lights in the Mason Service Center. Duke Energy is currently providing a \$65/fixture rebate due to reduced energy consumption. After this rebate, the City's cost for the fixture replacement will be \$18,400. An emergency clause has been added to keep the project on schedule as there is a 4-week lead time on delivery of the lights.

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

To Vice Mayor Kidd's questions, Richard Fair replied that there were three bidders with price per fixture ranging from \$132 to \$160. Richards Electric was the low bidder. He also said that installation will be done in-house.

A motion to adopt Ordinance 2014-79 was made by Councilmember Spaeth, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2014-80 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CARGILL FOR THE PURCHASE OF APPROXIMATELY 5,500 TONS OF HIGHWAY ROCK SALT AT \$95.17 PER TON AND DECLARING AN EMERGENCY

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

Eric Hansen stated that salt prices in the region have increased dramatically this year. Many cities did not receive bids at all and have no access to salt. The City of Mason is fortunate in that we currently have 4000 tons of salt in storage which is enough salt for a typical season and that we are one of few communities that received a bid for the full amount of salt requested. Two neighboring communities, Deerfield Township and Lebanon, did not receive any bids. At a price of around \$95/ton and with the stipulation that we must accept the entire order of 5500 tons within 60 days, Mason has arranged for the distribution of 3000 tons to Lebanon and 1500 tons to Deerfield Township. Both Lebanon and Deerfield Township have authorized legislation that allows for them to buy and reimburse the City for the salt. The remaining 1000 tons of salt will supplement the City's existing stockpile. The City will continue to monitor the market and opportunities for additional and more cost-effective salt purchases. By the end of season, additional authorizations may be prudent to replenish supplies. Services may be impacted with these shortages.

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 Cox stated that Lebanon is much appreciative of the City of Mason and he asked about decisions regarding the use of salt and plowing. Eric Hansen replied that snow removal is more of a science, and that some communities may need to prioritize areas such as bridges and curves or lay down just grit for traction. He said that only about a dozen communities out of 150 even received salt bids.

A motion to adopt Ordinance 2014-80 was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS.

OLD AND NEW BUSINESS

Councilmember Pelfrey informed Council that the downtown business parking agreement has been rejected by some property owners. If all owners had signed the agreement, an additional 35 parking spaces could have improved the economic development of the downtown area. She thanked all the business owners and staff that worked on this effort to improve parking in the downtown. She expressed her disappointment in this unfortunate end and her willingness to raise the issue in the future. She stated that some owners were concerned that the parking lot would become a route for cut-through traffic. Through traffic in parking lots is illegal and has

not been a problem with the parking lot across the street. A similar agreement for parking across the street has worked successfully for years, allowing residents and others to safely patronize Mason's downtown business community. Staff offered police patrols and other solutions if cut-through traffic ever becomes a problem, but owners' concerns remained.

Councilmember Grossmann stated that he will address the Festivals of Mason matter at a later date and stated that he is willing to provide his summary to any Councilmember on this topic.

Mayor Nichols asked for confirmation to appoint Starr Markworth to the Tax Board of Review. The motion to confirm Starr Markworth's appointment to Tax Board of Review was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

Mayor Nichols encouraged all Americans to write their elected officials expressing support for action against the organization that brutally executed a second American.

RECOGNITION OF VISITORS - none

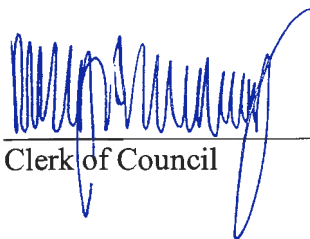
EXECUTIVE SESSION: LAND ACQUISITION

A motion to adjourn into Executive Session for the purpose of discussing land acquisition was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 11:52 p.m.

A motion to reconvene into Regular Session was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS. TIME: 12:16 p.m.

ADJOURN

A motion to adjourn was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS. TIME: 12:17 p.m.


Clerk of Council
Mayor