

**CITY OF MASON
COUNCIL MEETING
AUGUST 10, 2015**

The meeting was called to order at 7:00 p.m. Chaplain Marc Champagne opened the meeting in prayer. All those present recited the Pledge of Allegiance.

ATTENDANCE

The following members of Council were present: Barbara Spaeth, Jim Fox, Charlene Pelfrey, Don Prince, and David Nichols. Victor Kidd was absent.

APPROVAL OF MINUTES

A motion to approve the July 13, 2015 Council Meeting Minutes was made by Councilmember Prince, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

The Sunshine Concert series continues every Sunday until September 6.

The 4th Annual Great Mason Chase was a big success. In partnership with the Mason School Foundation, an awards ceremony with live music from School of Rock was held at Natorp's.

Lou Eves Municipal Pool back-to-school hours start Wednesday, August 12; weekdays 1 p.m. to 5 p.m.; weekends 12 p.m. to 8 p.m. Labor Day weekend (September 5-7), the pool will be open from 12 p.m. to 8 p.m. for the entire 3-day weekend. The outdoor pool is open to the public. Season passes and daily admissions are available.

The Citizens Police Academy will meet on Tuesday evenings from 7 p.m. to 9 p.m. for 10 weeks beginning on September 1. Participants will learn about the role of the police officer, use of firearms, self-defense, ride-alongs, and many other law enforcement topics.

Included in council packets is the final report from a National Law Enforcement Accreditation Commission. This is an internationally recognized credential that Mason Police have once again been awarded. Considerable work and review by outside peers is necessary to demonstrate commitment to detail and comprehensive national standards. Only 49 agencies in the State of Ohio meet this standard and only 4% nationally.

The Western & Southern Tennis Tournament begins August 15.

The AVP Pro Beach Volleyball 2015 Tour will return to the Lindner Family Tennis Center over Labor Day weekend. Tickets are available in Symbiosis at the Community Center.

City offices will be closed on Monday, September 7 in observance of the Labor Day holiday. The Community Center will have normal operating hours Friday through Sunday with limited hours on Monday, September 7.

A motion to appoint Jennifer Heft as acting City Manager from August 22 through August 31 was made by Councilmember Prince, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

A motion to not request a hearing for a D1, D2, D3, D6 liquor permit transfer for the entire Tennis Complex was made by Councilmember Spaeth, seconded by Councilmember Fox. VOTE: ALL YEAS.

A motion to approve the American Legion's request to serve alcohol on the Mason Municipal campus during the Bicentennial Birthday Party on Saturday, September 19 was made by Councilmember Spaeth, seconded by Councilmember Fox. Before the vote, Councilmember Prince requested details concerning this. Eric Hansen explained that the Safety Director, working with Police, will place conditions on the sale of alcohol that the American Legion must meet. Councilmember Pelfrey explained that plans are to limit consumption of alcohol to a specified enclosed area away from the stage. VOTE: ALL YEAS.

The Fifth Annual Patriot Fair will be held on the Mason Municipal campus on September 26. Organizers of the Patriot Fair are requesting in-kind support of the event by providing facilities including dumpsters, stage, and staff support. The estimated cost of this support is just over \$3000. A motion to provide in-kind services for the Patriot's Fair was made by Councilmember Prince, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

COMMITTEE REPORTS

Councilmember Spaeth encouraged attendance at the August 19 Warren County Municipal League meeting. Kent Scarrett, Director of Communications – OML, will speak on the topic of recent changes in the State Budget.

PROCLAMATION FOR FEED OHIO

Jerry Flyr and Jim Wilson stated that Governor Kasich's Feed Ohio Project is in its third year and explained how the program collects food items to help stock food pantries in Mason and West Chester. Mayor Nichols presented a proclamation recognizing September as Feed Ohio month.

BICENTENNIAL VIDEO PRESENTATION AND RECOGNITION OF SALLIE SHERMAN CAUDILL, HERB NALLY AND KYLE NALLY

Councilmember Pelfrey introduced the ICRC video highlighting the Salute to Veterans event. After viewing the video, she spoke about items to be included in the time capsule, the art-deco bridge over I-71, and the mural painted on a wall overlooking Mason's Downtown Plaza. Councilmember Pelfrey introduced the artists responsible for production of the mural. Sallie Sherman Caudill designed the artwork and Herb and Kyle Nally painted the mural.

Councilmember Spaeth thanked Mason Historical Society volunteers that compiled the book *Mason, Ohio - A Photographic History*.

PRESENTATION TO MASON PARKS FOUNDATION

Chrissy Avery and Kelly Burchett stated that this is the ninth year for the TriUmphant Triathlon in Mason. This year over 500 men, women and children participated in the swim-run-bike event. They presented a \$10,367.34 check to Mason Parks Foundation President Rachel Kopfler. Ms. Kopfler thanked the City for the donation and supporting the event. She said that construction drawings for the playground are being made.

RECOGNITION OF VISITORS

Tony Bradburn of 5174 Tinewood Drive questioned how the date was chosen for Rich Cox's resignation from Council. He stated that this date deprives City residents from electing his replacement. Councilmembers replied that they did not discuss nor had any input on the choice of Rich Cox's effective date of resignation.

Debbie Harbatkin of 5126 Spire Oaks Drive expressed concerns regarding the possibility of a lightning strike on the property of the future gas station in Ordinance 2015-70. She asked that consideration of this danger be addressed.

Ginny Sundin of 108 E. North Street expressed her sincere appreciation to the City. She was overwhelmed with all the maintenance and improvements to her home done by staff in July. Eric Hansen explained that when the Council meeting summer schedule opened up some time on staff calendars, it was decided to use this opportunity to perform a team building exercise. Ginny has done so much for the City and was gracious to allow senior staff members to come to her house and work together on a most worthy project.

ORDINANCE 2015-70 SECOND READING: APPROVING A MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF BETHANY ROAD AND MASON-MONTGOMERY ROAD (UNITED DAIRY FARMERS – BETHANY GREEN CIRCLE)

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

Richard Fair stated that United Dairy Farmers is requesting a modification to the Conditional Use Permit. He explained that in 2011, as part of the original approval, a number of conditions were placed upon the permit. The prospective property owner, United Dairy Farmers, is requesting a modification to the condition that states signage is to be limited to one "ground mounted" sign and no building or canopy mounted signage as well as the condition limiting hours of operation from 6:00 am to 11:00 pm. The submitted documentation provides the desired designs for ground signage, canopy and wall signage along with signage for the gas pumps as well as the request to remain open until 1:00 am. Richard explained that as part of the sign package, UDF is requesting the use of LED lighting on the ground mounted sign. This

option will require a variance from the Zoning Board of Appeals or a code change before approval. Should Council elect to modify signage and hours of operation conditions in Ordinance 2011-13, a motion to amend Ordinance 2015 - 70 would be in order.

Jeff Forbes explained that the Public Hearing is limited in scope to the hours of operation and modification to signage. He asked that anyone in attendance that may speak during the Public Hearing stand, be sworn-in under oath and be subject to cross examination. About thirteen individuals stood and were sworn-in under oath.

The Public Hearing was opened at 8:19 p.m.

Tom Tepe of Keating Muething & Klekamp PLL, representing United Dairy Farmers (UDF), introduced Tim Kling, Director of Real Estate for UDF, and John Johnston, Architect for UDF. He explained that UDF's sign modification package would include small signs on the pumps, one sign on the canopy, and a sign above the door. This is the same signage that is on newly constructed UDF locations. He explained that all new UDF stores operate 24 hours and that the request is to operate from 6:00 a.m. until 1:00 a.m. at this location.

Bill Eifert of 5131 Bethany Road stated that he is opposed to extended hours.

Timothy G. Mara, 312 Walnut Street, representing three Mason-Montgomery Road residences, stated that conditions placed on this property by Council in 2011 were set for a reason, to protect homeowners from noise, light, and traffic issues. He stated that operating hours for UDF stores fall into three categories with the majority of stores open 5:00 a.m. to 1:00 a.m., stores open 24 hours, and a small group of stores (Oakley, Loveland, Saylor Park, Kettering, and Dublin) with non-standard operating hours. His clients have the right to a good night's sleep and should not be subjected to typical noise generated from a gas station. He stated that 11:00 p.m. is bad enough; 1:00 a.m. would be intolerable. Regarding signage, Mr. Mara stated that the additional signage serves no purpose other than advertising. He stated that UDF should be made aware of the requirement to install an enhanced vapor recovery system at this site.

Robert Fischer representing the Oaks of Crooked Tree HOA Board stated that regarding hours of operation, a midnight closing compromise has been suggested. The signage package is okay. Lighting issues still need to be addressed. He requests that landscaping be added to both sides of the mounding and that a lightning protection system be installed to protect surrounding residents.

Andre Dunkirk of 5130 Spire Oaks Drive stated that 26 residents in Crooked Tree were unaware of any compromise regarding hours of operation.

Larry Mahan of 5147 Bethany Road stated that having the gas station open until 11:00 p.m. is more than enough. He opposes any change to the hours of operation.

Sarah McClain of 5109 Bethany Road expressed opposition regarding the proposed extension to hours of operation. School children require more than five hours of sleep and gas station operations interfere with that. She stated that conditions were added to the conditional use to protect the residents and asked that conditions be upheld to maintain confidence in Council.

Larry Wells of 4940 Bethany Road stated that 1:00 a.m. is intolerable and additional signage on the canopy is unacceptable.

Andre Dunkirk of 5130 Spire Oaks Drive stated that letters supporting changes to the hours of operation and signage do not represent the entire community. In fact, letters submitted were by residents that do not live adjacent to the gas station property. Mr. Dunkirk discussed noise levels and stated that a single ground mounted sign was sufficient. He asked that Council decline any changes and that a formal Finding of Fact document be created.

Debbie Harbatkin of 5126 Spire Oaks Drive expressed her concerns regarding the barrier and catch basin between the gas station property and her home.

Scott Stevens of 5127 of Spire Oaks Drive expressed concerns regarding his property's increased exposure to trespassing and crime. He asked that the hours of operation not be extended.

Tom Tepe addressed some of the concerns expressed by residents. He stated that there is no compromise on landscaping and that the barrier will be made to meet or exceed code.

The Public Hearing was closed at 8:55 p.m.

Council discussed issues covered during the public hearing. Regarding the lightning concern, Councilmember Prince and John Johnston discussed the possibility of a reduced risk to the type of underground tanks currently being installed at gas stations. These tanks are constructed of non-metallic materials and are fiberglass reinforced. They suspect that the gasoline underground tank struck by lightning in Fairfield was constructed of metal. Mr. Johnston stated that UDF is willing to investigate and address the lightning question. Concerns regarding the detention basin were addressed by Tim Kling and John Johnston. Mr. Kling stated that the detention basin has been relocated and as a result, there will be more green space since any future development can support only a 5000 sf building. Mr. Johnston explained that any fuel spill or run-off of toxic materials drains independently into a separate collection tank that does not enter the detention basin or storm system. Tim Kling addressed concerns regarding the barrier at the back of the property between the gas station and residential property. He said that UDF is willing to extend the fence line to the north property line and install vegetation. Council discussed hours of operation. Councilmember Spaeth, Councilmember Pelfrey, and Councilmember Fox expressed their commitment to the 11:00 p.m. closing. Council discussed advantages of locating a UDF store at this location and proposed modifications to the sign package. Councilmember Fox stated that he could agree to the modified sign package if the four properties on Bethany and Mason-Montgomery Road were not in opposition. Residents and representation in the audience expressed agreement to the modified sign package. Tom Tepe stated that UDF would honor operating hours of 6:00 a.m. to 11:00 p.m. if the modified signage package could be approved.

A motion to amend Ordinance 2015-70 by striking Exhibit "B" from Section 1 in the ordinance was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

Council discussed items to include in Exhibit "C." Regarding the risk of lightning striking an underground gasoline tank, John Johnston believes that with non-metallic tanks the risk is minimal or non-existent. He stated that UDF will commit to follow-up regarding the incident in Fairfield and will incorporate any recommendation that improves safety.

A motion to amend Exhibit "C" by requiring that fence and mound on the west property line be extended north to the north property line was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

A motion to adopt Ordinance 2015-70 as amended was made by Councilmember Prince, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

A motion to take a short recess was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS. Council reconvened at 10:15 p.m.

ORDINANCE 2015-77 SECOND READING: PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$6,000,000 OF BONDS BY THE CITY OF MASON, OHIO, TO PERMANENTLY FINANCE NOTES PREVIOUSLY ISSUED FOR BUILDING ACQUISITION AND IMPROVEMENTS IN THE CITY

A motion to table Ordinance 2015-77, Ordinance 2015-78, Ordinance 2015-79, and Ordinance 2015-80 to the September 14, 2015 Council meeting was made by Councilmember Fox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2015-78 SECOND READING: PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,000,000 OF BONDS BY THE CITY OF MASON, OHIO, FOR ROAD IMPROVEMENTS IN THE CITY

ORDINANCE 2015-79 SECOND READING: PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$9,000,000 OF BONDS BY THE CITY OF MASON, OHIO, FOR VARIOUS PURPOSES IN THE CITY

ORDINANCE 2015-80 SECOND READING: PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$9,750,000 OF REFUNDING BONDS BY THE CITY OF MASON, OHIO, TO REFUND SERIES 2008 BONDS ISSUED FOR VARIOUS PURPOSES IN THE CITY

ORDINANCE 2015-82 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR THE CLEAN WATER ACT SECTION 319, NONPOINT SOURCE GRANT TO RESTORE APPROXIMATELY 3,200 LINEAR FEET OF THE HEADWATER STREAM TRIBUTARY TO MUDDY CREEK IN THE CITY OF MASON

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

Richard Fair addressed Council and stated that this is the second Ohio EPA grant awarded to the City that provides funds to maintain streams. The area of stream to be restored is just north of Hanover, starts at US-42 and runs to Cox-Smith Road. The City, Marival at Weatherstone Condominium Association and Warren County Soil and Water Conservation District will provide in-kind services to complete the project.

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

A motion to adopt Ordinance 2015-82 was made by Councilmember Spaeth, seconded by Councilmember Fox. VOTE: ALL YEAS.

ORDINANCE 2015-83 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ELEX INC. FOR THE SR-741 AND BETHANY ROAD TRAFFIC SIGNAL IMPROVEMENTS PROJECT IN THE AMOUNT OF \$72,584.25

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

Richard Fair addressed Council and stated that the Ohio Rail Development Commission is installing gates and lights at the railroad crossing at SR-741 and Bethany Road. The City will be responsible for modifying the traffic signal to coordinate with railroad crossing gates and lights. He said that Public Utilities Commission of Ohio (PUCO) will reimburse the City for 100% of the costs.

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

A motion to adopt Ordinance 2015-83 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2015-84 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FORD DEVELOPMENT CORPORATION FOR THE SR-741 INTERSECTION IMPROVEMENTS PROJECT IN THE AMOUNT OF \$570,064

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

Richard Fair addressed Council and stated that Ford Development was the low bidder on a project to install two new traffic signals along SR-741 at Stone Ridge Drive and at Cox-Smith Road. The City received an OPWC grant for 50% of project costs. Over \$75,000 in funds collected from Carmelle and Weatherstone subdivision fees and Trailside Office Park will help pay for the City's share of this project. Richard explained that the extension of Stone Ridge Drive to SR-741 is part of the 2015 paving program and work on this extension is expected to begin next week.

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.

During Council discussion, Richard stated that the extension of Stone Ridge Drive to SR-741 should be complete by October 31. Traffic signal installation at this intersection should be complete in 3-4 months. Eric Hansen gave credit to Richard Fair, Bob Rhein, and the residents of Carmelle for the completion of this complicated project.

A motion to adopt Ordinance 2015-84 was made by Councilmember Prince, seconded by Councilmember Fox. VOTE: ALL YEAS.

ORDINANCE 2015-85 ACCEPTING THE PROPOSAL FOR THE WATER RECLAMATION PLANT SCADA REPLACEMENT PROJECT PROGRAMMING AND RELATED SERVICES FROM AUTOMATED SYSTEMS ENGINEERING, IN THE AMOUNT NOT TO EXCEED FEE OF \$282,975 AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

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

Richard Fair discussed Ordinance 2015-85 and Ordinance 2015-86 together. He explained that the SCADA project at the Water Reclamation Plant (WRP) Phase I started in 2012, included seven lift stations outside the plant. The 2015 Budget allocated \$1 million for the design-build project which is overseen by ASE engineers. The project was divided into two separate bids. The service proposal for the programming was awarded to ASE and construction was awarded to Debra Kuempel, Inc.

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

A motion to adopt Ordinance 2015-85 was made by Councilmember Pelfrey, seconded by Councilmember Fox. VOTE: ALL YEAS.

ORDINANCE 2015-86 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DEBRA KUEMPEL FOR CONSTRUCTION OF THE WATER RECLAMATION PLANT SCADA PROJECT IN THE AMOUNT OF \$506,965.80

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

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 2015-86 was made by Councilmember Prince, seconded by Councilmember Fox. VOTE: ALL YEAS.

ORDINANCE 2015-87 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KIMCO USA INC. FOR THE PURCHASE OF A SALT CONVEYOR IN THE AMOUNT OF \$113,573

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

Jennifer Heft stated that in 2007, the City's salt storage barn collapsed and a new salt storage facility was constructed. The City purchased a used salt thrower in 2007 to help reduce costs. The salt thrower saved the City \$15,000-\$20,000 annually until it became unreliable two years ago. The salt thrower was unable to completely fill the salt dome to capacity. Staff recommends the purchase of a Kimco conveyor which is made of stainless steel, will save the \$3 per ton cost to stack salt and provides the ability to fill the salt storage facility to capacity. She explained that an additional feature, a hopper/auger, was evaluated that would eliminate the need to move the salt twice. The purchase of the conveyor with hopper/auger is \$113,573 and would improve the capacity of the salt storage facility, reduces the chance of running out of salt, and gives the City the ability to help other communities. The 2015 Capital Budget included amounts for this project.

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

A motion to adopt Ordinance 2015-87 was made by Councilmember Prince, seconded by Councilmember Fox. VOTE: ALL YEAS.

ORDINANCE 2015-88 AUTHORIZING THE CITY MANAGER TO APPROVE PAYMENT TO MOBILCOMM, INC. FOR THE REMOVAL, TRANSFER, PURCHASE AND INSTALLATION OF EQUIPMENT INTO EIGHT (8) POLICE VEHICLES NOT TO EXCEED THE AMOUNT OF \$112,000 AND DECLARING AN EMERGENCY

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

Jennifer Heft stated that Council authorized the purchase of nine Ford interceptors, one to be used in the Fire Department and eight for use in the Police Department. She explained that these vehicles replace Ford Crown Victoria vehicles, which are no longer being produced. Vehicles have been purchased and staff is now requesting funding for changeover equipment for the new vehicles. Changeover costs are higher this year because installation is into a different type of vehicle and are expected not to exceed \$14,000 per vehicle. She stated that the 2015 Capital Budget included \$400,000 for the purchase of vehicles and associated changeover costs, the actual expenses are expected to be \$52,000 below budget.

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

A motion to adopt Ordinance 2015-88 was made by Councilmember Fox, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2015-89 FIRST READING: AMEND THE CODE OF ORDINANCES OF THE CITY OF MASON TO AMEND IN PART ZONING CODE CHAPTERS 1162, 1163, 1165, 1170, 1175, 1185 AND 1187 (ZONING CODE AMENDMENTS)

Jeff Forbes read the entire ordinance. Eric Hansen announced that a Public Hearing will be held regarding this Ordinance on September 14, 2015.

OLD AND NEW BUSINESS - none

RECOGNITION OF VISITORS - none

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 Councilmember Pelfrey. VOTE: ALL YEAS. TIME: 10:35 p.m.

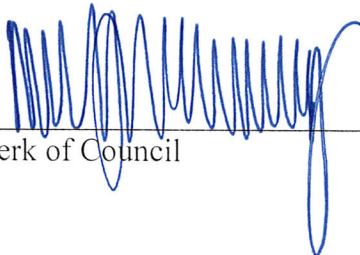
Councilmember Pelfrey left Council meeting proceedings during executive session.

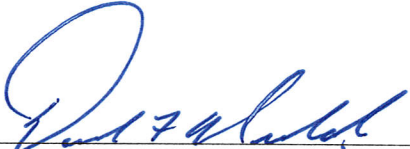
A motion to reconvene into Regular Session was made by Councilmember Prince, seconded by Councilmember Fox. VOTE: ALL YEAS. TIME: 11:03 p.m.

Councilmembers directed the City Manager to request applications from persons interested in appointment to Council, filling the term vacated by Rich Cox. Council discussed setting an August 26 deadline to receive applications and anticipate a Special Council Meeting the week of September 1.

ADJOURN

A motion to adjourn was made by Councilmember Fox, seconded by Councilmember Spaeth. VOTE: ALL YEAS. TIME: 11:03 p.m.


Clerk of Council


Mayor