

**CITY OF MASON  
COUNCIL MEETING  
JANUARY 11, 2010**

Mayor Prince called the meeting to order at 7:03 p.m. Pastor Rick Huff opened the meeting with prayer. Those present recited the pledge of allegiance.

**ATTENDANCE**

The following members of Council were present: Michael Gilb, Christine Shimrock, Rich Cox, Tony Bradburn, Charlene Pelfrey, David Nichols and Don Prince.

**APPROVAL OF MINUTES**

A motion to approve the minutes of the December 15, 2009 Work Session was made by Councilmember Pelfrey, seconded by Councilmember Bradburn. VOTE: ALL YEAS

A motion to approve the minutes of the December 15, 2009 Council Meeting was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS

**RECOGNITION OF VISITORS**

John Looker of 111 E. Main Street addressed Council and stated he has a zoning problem with his residence. He stated he became aware of it as he was attempting to refinance his mortgage. He stated he has learned that the zoning done in 1972 for that area to B-1 does not allow for residential. This has impacted the lending institutions view of refinancing homes in the area. He said this affects seven homes. He noted Eric and Richard Fair have been very helpful in this matter but with the current zoning, nothing can be done. Eric stated this is the first time they have become aware of this situation. He noted the only way to correct the matter is to adjust the B-1 zoning to allow for some residential uses. He stated this will take at least 3 months and won't help Mr. Looker. A general discussion among councilmembers resulted in a motion by Councilmember Pelfrey to send a letter noting the City's intent to revise the zoning matter to the lending institution. Councilmember Nichols seconded the motion. Vote: All Yeas Mr. Looker also stated the Veterans would like to be placed on the City Council agenda for the purpose of explaining services available to Veterans in Warren County.

Judy Cox addressed Council and stated she is President of the Mason Historical Society. She thanked Council for their continued support of the organization. She updated them on the activities of 2009 and announced for more information residents can go to their website, [masonhistoricalsociety.org](http://masonhistoricalsociety.org).

**RESOLUTION 2010-1 RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE BENEFIT OF THE MASON PUBLIC LIBRARY**

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

Mayor Prince asked for a motion to allow this to be a first reading on this matter, as the township would also be addressing it later that week. Councilmember Bradburn made a motion to allow this to be the first reading for Resolution 2010-1. Councilmember Nichols seconded the motion. VOTE: ALL YEAS

Eric Peters addressed Council and stated he is representing the Library Board. He said state revenues are down and continue to be reduced. He said for this reason, they are forced to go to the voters to continue to operate the library for area residents. He noted the board chose a lesser amount than neighboring areas.

**ORDINANCE 2009-143 2nd READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 2.55 ACRES LOCATED AT 7561 AND 7589 EASY STREET FROM HT-1 TO I-1 (EASY STREET PROPERTIES)**

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

Brian Lazor explained to Council, the owners of the subject properties, are requesting approval to rezone approximately 2.55 acres of land located at 7561 and 7589 Easy Street in the Castle Industrial Park. The applicants are requesting to rezone the land from HT-1 (High Tech Light Industrial) to I-1 (Light Industrial). He stated the HT-1 zoning district is more tailored to high profile areas and cites specific permitted land uses. The district also limits warehousing to 50% of a building and is more geared towards office development. The I-1 district is a more general land use designation and allows more intense uses. It also has less setback and outdoor storage restrictions than the HT-1 district. Properties located in an I-1 district are required to be a minimum of 2 acres in size. Planning Commission recommended approval of the rezoning based on the following findings:

1. The proposed zoning is compatible with the surrounding zoning.
2. The proposed zoning is consistent with the Comprehensive Plan.

Brian said the Future Land Use Map designates the properties as “Business Park” which is consistent with the proposed zoning.

Mayor Prince opened the Public Hearing at 7:25 p.m. and asked if there is anyone present who should like to speak in favor or opposed to the rezoning. Hearing no one wishing to speak on the matter he closed the Public Hearing at 7:26 p.m.

A motion to adopt Ordinance 2009-143 was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2010-1 (1<sup>ST</sup> READING): AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 9.73 ACRES LOCATED AT 5856 MASON ROAD FROM DEERFIELD TOWNSHIP R-SF TO CITY OF MASON R-2 (BOXWOOD FARMS)**

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

Eric Hansen stated a Public Hearing on this legislation would be held on February 8, 2010 at the regular Council Meeting.

**ORDINANCE 2010-2 ACCEPTING THE PUBLIC IMPROVEMENTS FOR CARMELLE SUBDIVISION SECTION 4 AND RELEASING THE PERFORMANCE BOND**

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

Richard Fair stated to Council, Section 4 of the Carmelle Subdivision is located along SR 741 just north of Trailside Acres and across from Weatherstone Subdivision. He noted the streets to be accepted include the northern portion of Stone Ridge Drive and the southern portion of Riverside Drive. This area of the subdivision was the location for the 2009 Homearama event. Richard reported the Public Utilities, Public Works and Engineering departments, along with Greater Cincinnati Water Works, have inspected the public improvements. The utilities and other improvements will become the City's responsibility upon acceptance. He also reported staff recommends accepting the public improvements, contingent on the submission of a one-year maintenance bond and a performance bond for the remaining sidewalks and street trees.

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

A motion to adopt Ordinance 2010-2 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS

**ORDINANCE 2010-3 AUTHORIZING PAYMENT OF \$8,000 TO THE MASON AREA ARTS COUNCIL, A PRIVATE NON-PROFIT ORGANIZATION**

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

Jennifer Heft explained to Council, during 2007, after receiving several requests for support from non-profit groups, Council adopted a policy to limit City contributions to \$8,000 and no more than a third of a group's budget through a matching program where the City would contribute one dollar for every two dollars raised from other sources by the non-profit group. The maximum contribution is \$8,000. Council by Resolution 2007-4 adopted this policy and to date has been applied to the Historical Society and Mason Area Arts Council. Jennifer stated Ordinances 2010-3,4, and 5 all address donations dictated by this policy. She noted a request from the Mason Area Arts Council has been received for year 2010. She said as part of the 2010 Budget process, the Finance Committee recommended including an \$8,000 contribution to the Arts Council in the 2010 Budget.

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

A motion to adopt Ordinance 2010-3 was made by Councilmember Bradburn, seconded by Councilmember Gilb. VOTE: ALL YEAS

**ORDINANCE 2010-4 AUTHORIZING PAYMENT OF \$8,000 TO THE MASON HISTORICAL SOCIETY, A PRIVATE NON-PROFIT ORGANIZATION**

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

Jennifer Heft stated that as part of the 2010 Budget process, the Finance Committee recommended including an \$8,000 contribution to the Historical Society in the 2010 Budget.

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

A motion to adopt Ordinance 2010-4 was made by Vice Mayor Nichols, seconded by Councilmember Gilb. VOTE: 5 YEAS, 2 ABSTAIN (Cox, Pelfrey)

**ORDINANCE 2010-5 AUTHORIZING PAYMENT OF \$8,000 TO THE WARREN COUNTY HUMANE ASSOCIATION A PRIVATE NON-PROFIT ORGANIZATION**

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

Jennifer Heft stated that the Finance Committee has reviewed this request and recommended approval of an \$8,000 contribution to the Warren County Humane Association.

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 2010-5 was made by Councilmember Bradburn, seconded by Councilmember Cox. VOTE: ALL YEAS

**ORDINANCE 2010-6 AUTHORIZING THE CITY MANAGER TO STAFF UP TO SIX (6) SERGEANT POSITIONS WITHIN THE MASON POLICE DEPARTMENT AND DECLARING AN EMERGENCY**

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

Eric Hansen explained in February of 2009, Council approved Resolution 2009 - 4, which accepted the 2009 Police Department Staff Reorganization Plan. The plan was necessary to eliminate two key issues that were inhibiting the long-term success of the department. The first is an overdependence on an Officer-In-Charge (OIC) system of management. The second is a lack of positions available in the current structure to effectively develop future management leaders. The plan that was authorized will increase accountability across the department, open up promotions, necessitate less reliance on officer in charge (OIC) and better recognize the role the current position of Sergeant is playing in the department today.

The OIC position was initially implemented as a temporary solution to the rapid growth of the Police department. The OIC position is not an effective way, over the long term, to supervise operations as the position is rotated among officers-creating inconsistency and other management issues. Also, the department is a very young and less experienced agency at the officer level. Often an officer with two or three years of experience is the OIC supervising a shift. The relative youth of the department highlights the need for a consistent and well-trained supervisory staff to maintain control and lend experience to law enforcement situations.

The second key issue identified was the department's current organizational structure. At the time the City began its study of organizational needs, there were nine officers in command positions; the Chief, the Assistant Chief, and seven Sergeants. Of the nine officers; six were eligible to retire within a year. This level of loss was considered nearly impossible to absorb and would have been a tremendous detriment to the department. The need for a re-organization of the existing management structure was considered critical to ensuring continued effective organizational leadership and to best position the Department for long-term success.

In August, Council approved Ordinance 2009-90, which implemented the first step in this reorganization by creating a second position of Assistant Police Chief. Lt. Todd Carter became the Assistant Police Chief effective January 4, 2010. The next step of Reorganization Plan was the reclassification of the current Sergeants position to Police Lieutenant. On October 26, 2009, Council approved Ordinance 2009 – 117, which

authorized the City Manager to reclassify the Sergeants position once administrative matters were addressed. The process was completed on December 1, 2009.

Ordinance 2010 – 6 is the next step in implementing the full reorganization plan. The ordinance authorizes the City Manager to establish up to six (6) Sergeant positions.

The plan does not increase the number of sworn officers within the department and the initial costs to implement the plan are minimal. A now reclassified Lieutenants position was eliminated with the promotion of the new second Assistant Chief.

This final step in the reorganization includes updating the Sergeants position to more accurately reflect job responsibilities. Staff anticipates completing the reorganization plan by late March when promotions to the position of Sergeant are expected to occur.

The Safety Committee of Council has previously reviewed the Reorganization Plan and consequently Ordinance 2010 - 6 is recommended for adoption.

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

A motion to adopt Ordinance 2010-6 was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

### **CITY MANAGER'S REPORT**

Eric Hansen reported on the following items:

▶ The January 2010 issue of Mason Matters will be included in the Pulse Journal on Thursday, January 14.

▶ Visitors at the Mason Community Center during January can try Makoto and DDR, two “ExerGames” that are being tested at the center. These games are new to the Cincinnati area and are a combination of exercising and video games. They are extremely popular in Japan. Instead of using a game controller, players use their bodies to play the game. They can play individually or compete against others. The games are being evaluated for possible inclusion in the center when the expansion opens next fall.

▶ A new resident program is taking place as the New Residents Coffee. It is being held on the first Wednesday of the month and those attending are given passes to the Community Center and tours.

### **COMMITTEE REPORTS**

Councilmember Pelfrey requested a meeting be scheduled for the Downtown Committee. She stated this meeting can provide an update of the activities and a plan to move forward. She also requested a meeting of the Community Center Committee.



Councilmember Shimrock added a tour could be included with that meeting to provide an update on the construction status.

Councilmember Gilb reported the Court Liaison Committee will be meeting on January 25 at 4:00 p.m. He said a recommendation for Prosecutor will be forthcoming to Council at the next meeting.

Councilmember Shimrock reported the Festivals of Mason met today and noted Scot Pierce was appointed President of the Board.

### **OLD AND NEW BUSINESS**

Councilmember Pelfrey asked for clarification on the need for the sewer crossing on Mason Montgomery Road at Bethany Road. Richard Fair stated the Public Utilities Department plans to extend the sanitary sewer in the area. He stated a resident within 100 feet of the sewer, is expected to tap into it but that is not strictly enforced. Eric stated if their septic systems are in good operating order, they are not expected to tap in until they experience problems. The City does expect them to connect to the sewer system instead of replacing their septic system.

Councilmember Shimrock commented on what a good job the Public Works employees did keeping the roads clear during the snowstorm.

Mayor Prince appointed Councilmember Pelfrey and Councilmember Gilb to the Mason CIC. Councilmember Bradburn moved to approve the appointments. Councilmember Shimrock seconded the motion. VOTE: ALL YEAS

### **RECOGNITION OF VISITORS** None

### **EXECUTIVE SESSION: LAND ACQUISITION**

A motion to adjourn into executive session was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

A motion to reconvene into regular session was made by Vice Mayor Nichols, seconded by Councilmember Cox. VOTE: ALL YEAS

A motion to add Ordinance 2010-7, the purchase of 106 South East Street, was made by Councilmember Pelfrey, seconded by Vice Mayor Nichols. VOTE: ALL YEAS

### **ORDINANCE 2010-7 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH THE ESTATE OF MARY E. SNIDER, JACQUELINE NELSON, EXECUTOR, FOR THE ACQUISITION OF PROPERTY LOCATED AT 106 SOUTH EAST STREET, MASON, OHIO 45040, FOR \$72,000.00, AND DECLARING AN EMERGENCY (SNIDER)**

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


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

A motion to adopt Ordinance 2010-7 was made by Councilmember Gilb, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ADJOURN**

A motion to adjourn was made by Councilmember Shimrock, seconded by Councilmember Gilb. VOTE: ALL YEAS  
TIME: 8:17 p.m.

  
Clerk of Council

  
Mayor