

**CITY OF MASON
COUNCIL MEETING
SEPTEMBER 10, 2012**

The meeting was called to order at 7:03 p.m. Pastor Dale Lykins 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 August 13, 2012 Council Meeting Minutes was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: 6 YEAS, 1 ABSTAIN (Pelfrey).

A motion to approve the August 29, 2012 Special Council Meeting Minutes was made by Councilmember Spaeth, seconded by Councilmember Pelfrey. VOTE: 6 YEAS, 1 ABSTAIN (Prince).

RECOGNITION OF MASON HIGH SCHOOL TENNIS

Mason High School Girls Tennis Team Coach Mike Reid introduced players Lynn Kelly and Nina Cepeda, 2011 State Quarter Finalists in Doubles Tennis - Division I. Mason High School Boys Tennis Coach Linda Kirtley introduced 2012 State Champions in Double Tennis, Luke Tsai and Miguel Cepeda and Singles 2012 State tournament qualifier, Alex Lebedev. Mayor Nichols congratulated the players and coaches on their success.

RECOGNITION OF AUDITOR OF STATE AWARD FOR 2011 FINANCIAL REPORTING PRESENTED BY DISTRICT REPRESENTATIVE CHRISTA CRIDDLE

Ms. Criddle presented the Audit Award with Distinction to Joe Reigelsperger and the City of Mason. She explained that a clean audit for a city of this size represents a big accomplishment. Mayor Nichols expressed appreciation to Joe for the City's solid financial performance.

RECOGNITION OF VISITORS None

RESOLUTION 2012-15 COMMENDING WOOD & LAMPING ON ITS 85TH ANNIVERSARY AND ITS OUTSTANDING DEDICATION AND SERVICE TO THE CITY OF MASON, OHIO

Eric Hansen read the resolution.

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.

Councilmember Pelfrey stated that it has been her privilege to serve as one of the Mayors working with Ken Schneider as Law Director. She appreciated Ken's hard work protecting and looking out for the City's future. Councilmember Grossmann expressed his respect for Ken. Mayor Nichols also expressed his respect and appreciation to Ken and stated that he is a great tribute to the City.

A motion to adopt Resolution 2012-15 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

Ken Schneider introduced Wood & Lamping attorneys C.J. Schmidt, Dale Stalf, Tom Wobkenberg, and Jeff Forbes. He stated that he has enjoyed working with the City of Mason. A plaque of the resolution was presented to Wood & Lamping by Mayor Nichols.

RESOLUTION 2012-16 SUPPORTING ISSUE 6 AND ISSUE 7 REGARDING THE TWO PROPOSED AMENDMENTS TO THE CHARTER FOR THE CITY OF MASON

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

Eric Hansen stated that two issues to amend the City Charter will be on the ballot November 6. He explained that Issue 6 is an adjustment to the filing deadline for council candidates in order to improve voting for overseas military personnel. Issue 7 provides for long term funding of safety services in the City of Mason. He explained that Issue 7 is the result of intense Council discussion over the last 15 months to generate an appropriate funding mechanism for these services. Safety services have been operating with a deficit created by changes in financing at the state level.

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 Resolution 2012-16 was made by Councilmember Grossmann, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2012-52 2ND READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 5.45 ACRES FROM I-1 LIGHT INDUSTRIAL TO RESIDENTIAL PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED SOUTH AND EAST OF 1224 CASTLE DRIVE (CASTLE PARK RESIDENTIAL)

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

Brian Lazor stated that the proposed development area is approximately 5.45 acres in size and is located south of Castle Drive, west of US-42. The property is currently zoned I-1, Light Industrial and the request is to rezone it to a Residential Planned Unit Development and that a concept plan unit development plan would be attached to the ordinance. Brian explained that the property is bounded by a 300' wide utility easement on the north, industrial property north and west, and the remaining three sides are zoned residential. Access to the site is via a single curb cut on Castle Drive. Several buildings shown on the plan represent a large single family estate property that includes a single residential home, an indoor tennis court, a storage building along with recreational areas. Brian explained some challenges to developing the site for industrial use included power lines and adjacent residential zoned land in Deerfield Township. He stated that the proposed plan is not consistent with the 2010 Comprehensive Plan as it calls for this area to be developed as Light Industry/ Industrial Park. However, Planning Commission has reviewed the project and considering the challenges in developing the lot as industrial recommends Ordinance 2012-52 for approval.

The Public Hearing was opened at 7:36 p.m.

Richard Arnold with McGill Smith Punshon, Inc., representing the purchaser, Dr. Prasad, requested a time extension of two weeks before Council hears this case. Jeff Woll, the seller, agrees with this request.

A motion to continue the Public Hearing in progress to the next Council Meeting on October 8, 2012 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2012-61 APPROVAL OF THE FINAL PLAT FOR LAKEWOOD COMMERCE CENTER SECTION 2

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

Brain Lazor stated that Ordinance 2012-61 is the approval of section 2 plat for the Lakewood Commerce Center industrial development located along Alliance Drive on the east side of Mason Montgomery Road, south of Bethany Road. Fire Station 51 and Noritake are currently within the Lakewood Commerce Center. He explained that this phase of the development zoned I-1 Light Industrial District will consist of an approximate 400 foot extension of Alliance Drive ending in a cul-de-sac. Three new lots (5, 6 and 7) will be created on the extension and 42.2 acres east of this development will remain undeveloped. Brian stated that this plat is consistent with the previously approved Preliminary Plat and will dedicate the necessary easements and right of way. The City is working with the developer to secure financing for the extension of Alliance Drive prior to recording the plat. Brian said that Planning Commission recommended approval of the final plat and Ordinance 2012 – 61 is recommended for adoption.

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

A motion to adopt Ordinance 2012-61 was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2012-62 APPROVAL OF THE EASEMENT ACCEPTANCE FOR THE STORM AND SANITARY SEWER ACROSS 200 READING ROAD FOR THE MASON PUBLIC LIBRARY PROPERTY

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

Richard Fair addressed Council and stated that the Library gave written approval to run storm and sanitary sewers along Reading Road then turning to run along the Library's north property line and connect to the systems in South West Street. The work was done as part of the Mason Road widening project and this ordinance is a house keeping measure in order to get the easements recorded. The Board of Trustees of the Mason Public Library has agreed to dedicate the new easement at no cost to the City.

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

A motion to adopt Ordinance 2012-62 was made by Councilmember Spaeth, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2012-63 AMENDING THE CODIFIED ORDINANCES OF THE CITY OF MASON, OHIO, TO MODIFY CHAPTER 949 IN PART AND ADOPT MODIFICATIONS TO CHAPTER 949 PROVIDING FOR INDUSTRIAL PRETREATMENT REGULATIONS AND ADMINISTRATIVE PROCEDURES

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

Richard Fair addressed Council and stated that the City of Mason administers an approved Industrial Pretreatment Program via authority delegated from the United States Environmental Protection Agency (US EPA) to the Ohio Environmental Protection Agency (Ohio EPA) to the City of Mason. Ohio EPA approved the City of Mason's Industrial Pretreatment Program (IPP) on June 1, 1994. Richard explained that approving the pretreatment streamlining changes will give staff flexibility to work with industrial customers while implementing the required program. He stated that once City Council approves the modifications, Ohio EPA will then officially take action on the proposed local limits with the modified Industrial Pretreatment Regulations and Administrative Procedures language to begin the State's public notice process. The Utility Committee has recommended approval of the modifications to Chapter 949 Industrial Pretreatment Regulations and Administrative Procedures. Ordinance 2012 – 63 is recommended for adoption.

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

A motion to adopt Ordinance 2012-63 was made by Councilmember Pelfrey, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2012-64 AUTHORIZING THE ACQUISITION OF EASEMENTS AND ACCEPTING DONATION OF CERTAIN OTHER EASEMENTS AS PART OF THE BETHANY ROAD ROUNDABOUT PROJECT, 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 construction of the Roundabout Improvement Project requires permanent easements and temporary construction easements on 11 parcels. All parcels are required to be appraised by an ODOT certified appraiser and reviewed by an ODOT certified appraisal reviewer. Richard explained that due to federal funding, the City pays the same price for easements as right-of-way and that settlements of more than \$1,000 above the appraised value need to be approved by ODOT. ODOT pays 80% of the construction and right of way costs for this project. Appraisals on 2 of the 11 parcels have not been completed but the City estimates the appraisals to be within the budget of \$250,000.

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 2012-64 was made by Vice Mayor Kidd, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2012-65 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PHILLIPS SUPPLY COMPANY IN THE AMOUNT OF \$131,109.21 FOR CITY WIDE JANITORIAL SUPPLIES

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

Richard Fair stated that this ordinance takes advantage of a single source supplier through the bidding process for the purchase of janitorial supplies for all City facilities including Municipal Center, Community Center, fire stations, water reclamation plant, restroom facilities in the parks, Lou Eves Pool and the public works garage. He stated that on August 7 bids were opened with four vendors submitting bids. Phillips Supply submitted the lowest and best bid. Richard explained that Phillips is the current supplier for janitorial supplies and they have established a good working relationship with the City providing quality products with quick response. He explained that this bid reflects an increase in volume of product over the 3 year contract mostly related to additional square footage of building space and usage density such as the expansion to the Community Center, businesses occupying space in the Community and Municipal Center, and various outside events. A portion of these costs are recaptured through lease agreements with Tri-Health and AssureRx.

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

A motion to adopt Ordinance 2012-65 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

▶ A motion to not request a hearing for a D5 liquor permit for Phoenician Tavern at 7944 Mason-Montgomery Road was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

▶ A motion to not request a hearing for a D2 D3 liquor permit transfer for Blue Fin LLC at 653 Reading Road was made by Vice Mayor Kidd, seconded by Councilmember Grossmann. VOTE: 6 YEAS, 1 ABSTAIN (Cox).

▶ A motion to not request a hearing for a D5I liquor permit for Old Bag of Nails at 5234 Kings Mill Road was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

▶ The Leukemia & Lymphoma Society will be hosting their Light the Night Walk on September 15 from 5-9 pm at the Municipal Building west lawn and patio area. Up to 1500 people are expected to attend. The event funds lifesaving research and support for people battling cancer.

▶ The Mason-Deerfield Arts Alliance will present the Mason Arts Festival on Sunday, September 16 at the Mason Municipal Center from 11:00 a.m. to 5:00 p.m. There will be parking in the City's lots and the event is free to the public. There will be over 100 local and regional fine artists and a gallery indoors at the Municipal Center atrium.

▶ The Mason-Deerfield Arts Alliance will hold the photography exhibition called "FACE" inside the front entrance of the Community Center from October 3 – October 31. Opening night is planned for October 3 from 5:30 p.m. – 8:00 p.m. This unique event is part of city wide photography event called FotoFocus Cincinnati.

▶ The Patriots Fair will be held again this year on Saturday, October 6, from 10:00 a.m. to 5:00 p.m. at the Mason Municipal Center, Memorial park and the surrounding grounds. The Patriots 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 of this event. The public is invited to attend.

▶ Registration is currently underway for the 2012-2013 Youth Basketball Program provided by the Mason Community Center and Mason Youth Basketball. Registrations will be accepted until Saturday, September 29th, and is available to boys and girls in 1st-12th grade who are Mason residents and/or those living in the Mason City School district.

► Councilmembers are asked to please complete the survey regarding Council's use of electronic devices to facilitate communication and reduce expenses. Staff estimates that savings could be potentially significant and would offset the expense of the device within the first quarter of use.

COMMITTEE REPORTS

Councilmember Grossmann reported that positive responses have been received from Mason businesses after meetings explaining the upcoming Charter amendments. Councilmember Pelfrey reported that the letter to residents regarding Issue 6 and 7 should be in the mail soon and asked that Councilmembers review the draft letter and provide input by Wednesday. Eric Hansen stated that mailing this letter to residents is part of required public notification.

Councilmember Cox reported he has received positive feedback from neighbors regarding the new recycling carts. The lid and increased size encourages residents to recycle more and reduces recyclables blowing out of the container.

Councilmember Spaeth reported that the Park Board took a tour of Mason Parks in August.

OLD AND NEW BUSINESS

Councilmember Prince announced that Straits of Malacca Restaurant will open for business on September 18th and he encouraged Councilmembers to attend the restaurant Open House on September 16th.

Vice Mayor Kidd expressed his high regard for Ken Schneider and Wood & Lamping on their 85th Anniversary. He stated that it has been his pleasure to observe the professional transition of Law Directors. Ken Schneider stated that in addition to Jeff Forbes, Wood & Lamping has a team of 35 members serving the City of Mason.

Councilmember Cox stated that during a track meet at Pine Hills Park he observed a number of vehicles driving over the dam. He also expressed concerns with Mason High School Band using the park shelter near the lake for practice. The noise levels could be considered a disturbance of the peace for other park patrons. Councilmember Cox announced that only 100 tickets will be sold for the Mason Historical Society Cemetery Walk on October 16.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION: PROPERTY ACQUISITION AND LITIGATION

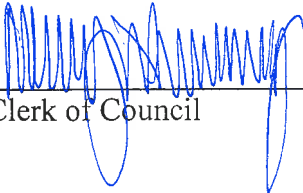
A motion to adjourn into Executive Session for the purpose of discussing property acquisition and litigation was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 8:17 p.m.

A motion to reconvene into Regular Session was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 8:59 p.m.

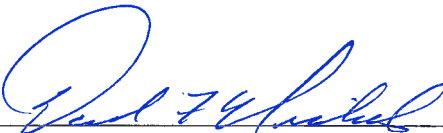
Eric Hansen announced that the September 24, 2012 meeting is cancelled. The next Council Meeting is October 8, 2012.

ADJOURN

A motion to adjourn was made by Councilmember Grossmann, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 9:00 p.m.



Clerk of Council



Mayor