CITY OF MASON COUNCIL MEETING FEBRUARY 11, 2013

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

ATTENDANCE

The following members of Council were present: Victor Kidd, Barbara Spaeth, Rich Cox, Tom Grossmann, Charlene Pelfrey, Don Prince, and David Nichols.

APPROVAL OF MINUTES

A motion to approve the January 28, 2013 Council Meeting Minutes, as amended, was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

PRESENTATION OF ANNUAL REPORT BY WARREN COUNTY PROSECUTOR DAVID FORNSHELL

Prosecutor Fornshell stated that it is his honor to serve the people of Warren County and to work with Chief Ferrell and John Burke. He said that Warren County is one of the safest counties in Ohio and that the 2012 case load increase of 12.5% can be attributed to excellent Police work. In 2011, the Prosecutor's Office performed under budget and was able to return a surplus of 4.5% back to the General Fund. The 2012 budget was based on 2011 actual expenses, but was still able to return a surplus of 3.19% back to the General Fund at the end of 2012. Prosecutor Fornshell stated that there were no homicides in Warren County in the year 2012 and that all homicides prosecuted in 2012 occurred in 2011. He presented the 2013 Annual Report and reviewed some of the cases prosecuted in 2012 and answered Councilmember's questions regarding drug related crime.

RECOGNITION OF JOHN BURKE OF THE WARREN COUNTY DRUG TASK FORCE

Major John Burke thanked the City for supporting the Drug Task Force and stated that funds contributed by the City are used toward personnel costs. Major Burke stated that the Ohio State Highway Patrol and a Financial Crimes Investigator has been added to the Drug Task Force. He stated that the drug problem has three prongs: enforcement, prevention/education, and rehabilitation. Major Burke discussed prescription drugs, bath salts, heroin, and other illegal drugs investigated by the Drug Task Force.

RECOGNITION OF HARRIS PRODUCTS GROUP

Michele Blair introduced David Nangle, President of the Harris Products Group – a Lincoln Electric Company, Rob Nelson, Director of Finance, and Rob Temple, Plant Manager. She congratulated the Harris Products Group, located in Mason, for being one of the top

manufacturing facilities in North America. David Nangle stated that Harris Products Group is pleased to be located in Mason, the city model works well for Harris, and the City of Mason municipal campus makes a good impression on potential Harris recruits. Mr. Nangle stated that Lincoln Electric is a \$3 billion/year global company, headquartered in Cleveland, Ohio. The Harris Products Group is a \$350 million/year division of Lincoln Electric. In 2012, 50% of Mason facility output went overseas to Saudi Arabia, China, India, South Africa, and Brazil. He explained the application process and documentation the Harris Group provided Industry Week to be considered for this prestigious award. On January 17th they were notified that Harris Products Group was one of six winners named Best Plants in North America by Industry Week. David Nangle stated that the company is active in the community, hosts the company golf outing at the Golf Center at Kings Island, company picnic at Kings Island, and actively participates in local charities including Abilities First and the Mason Food Pantry. He explained that in March bonuses are issued to Harris Group employees, with a 15% of annual salary bonus in 2012 and an even larger bonus projected in 2013. Mayor Nichols congratulated and presented a Proclamation from the City of Mason in recognition of Harris Products Group as Industry Week's 2012 Best Plants Winner.

RECOGNITON OF VISITORS - none

ORDINANCE 2013-1 2ND READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 122.68 ACRES FROM R-2 SINGLE FAMILY RESIDENTIAL TO MIXED-USE PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN GENERALLY LOCATED SOUTH AND EAST OF THE INTERSECTION OF WESTERN ROW ROAD AND MASON-MONTGOMERY ROAD AS WELL AS 7076 MASON-MONTGOMERY ROAD AND AND 4649 WESTERN ROW ROAD (ALVERTA)

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

Brian Lazor stated that Ordinance 2013-1 is for a rezoning of approximately 124 acres of land from R-2 (Single Family Residential) to MXD-PUD (Mixed-Use Planned Unit Development). He explained that the east side of the development includes 123 residential units and the west side of the development includes over 600,000 square feet of office, retail, and commercial. Major access to the site is provided by two new roads, Freedom Way which is across from Village Lakes Boulevard at Western Row and Veterans Parkway which is across from Financial Way at Mason-Montgomery Road. Brian stated that open space is shown to exceed the 20% PUD requirement with 28.9% open space. Sidewalks and pathways are shown throughout the development making for a pedestrian friendly environment. He stated that Planning Commission recommended approval of the rezoning and concept plan contingent upon including a section of sidewalk added from Freedom Way along Western Row Road to the east; approving the variance from the Thoroughfare Plan regarding the extension of Cedar Village Drive; and adding 4699 Western Row Road to the PUD plans. Brian explained that the property at 4699 Western Row Road was not included in the original application, the applicant requested at the Planning Commission meeting to add this property to the PUD, and has since

requested that it now be removed from the plan. Brian stated that The 2010 Comprehensive Plan lists the subject property as Business Park along with Medium and Low Intensity Residential. The proposed development generally complies with the proposal in the Comprehensive Plan with the major business park, secondary retail and residential development. Along the northeast side of the development, an area planned for business park in the Comprehensive Plan is proposed to be switched to residential, which will help to buffer existing neighborhoods from new commercial development. Brian explained staff recommends additional conditions including the addition of mounding and/or pine trees between Freedom Way and the property at 4699 Western Row and insuring that the 75 foot setbacks along the west and south is maintained, with the building and sidewalk added to the setback.

The Public Hearing was opened at 7:57 p.m.

D. Schroeder of 4699 Western Row Road read from a two page document she provided to council. She requests that this property remain zoned R-2 with the option to join the PUD later without going through a zoning change. Ms. Schroeder questioned the setbacks and interpreted Table 1161 PUD Peripheral Setbacks as requiring a minimum 75 foot setback, not the 50 foot setback required if a residential use is adjacent to a right-of-way. She stated that the PUD is adjacent to her property. Additional requests included a reduction of the number of residential units in the PUD Plan, stormwater runoff concerns, minimize the negative impact of parking areas, and 30 day notice sent to all adjoining property owners of all meetings and decisions by and between the developer and City.

Lyle Kelly of 7101 White Oak Court, speaking for the Board of Directors at Oakwood Lakes, expressed appreciation for the City and M/I Homes willingness to address concerns regarding the proposed development. Mr. Kelly requests notification for a formal opportunity to review the final design prior to construction and a portion of the performance bond, posted by the developer, be held after project completion to insure proper stormwater management.

Nathan Sachritz of 4497 English Oak expressed his concerns regarding drainage. He asked what the park in the southeast corner of the development included, in particular if there are plans for lighted ball fields.

Matt Walker of M/I Homes stated that park plans do not include ball fields, clubhouse, or pool. The park is expected to be a passive park with a pergola, walking trails, landscaping, and a place for residents to congregate.

Mike Hoobler of 4357 Black Oak expressed concerns regarding only one ingress and egress into the Oakwood Lakes and Landing at Oakwood Lakes communities and would like consideration for the extension of Black Oak Lane to create a second way out of their neighborhood.

Jim Russa of 7426 Red Oak Court and President of the HOA Board stated that as a private community, the board is not in favor of a second ingress/egress and has concerns that it would become a thoroughfare for vehicles outside their community.

Lyle Kelly of 7101 White Oak Court is concerned about privacy and stated that they do not want a thoroughfare. He stated that provisions for a secondary emergency access for emergency vehicles only could be considered.

Bill Kinane of the Manor House at 7440 Mason-Montgomery Road expressed his support for this project. He stated that he would like to see a secondary road connecting his property to the traffic signal at Financial Way to help alleviate traffic issues from his business property. He stated that he would be willing to fund construction of this secondary road.

Milan Snyder of 4421 English Oak Court had questions regarding the use of the buildings along Western Row Road, access points to these businesses, fire regulations, and if the residential roads are private. Brian Lazor explained that the buildings will be office, office/retail, then retail at the corner of Western Row and Mason-Montgomery Roads. Brian explained that traffic will access these buildings by an internal road network with four access points. Brian Lazor responded that this is a concept design plan and that when the final design is reviewed by Engineering and the Fire Department it will be required to meet all fire regulations. Roads in the residential portion of the development are public roads to be maintained by the City. Mr. Snyder expressed his frustration with the fact that he lives in a private community where the roads do not have snow removal by the City. He feels that he is taxed for a service he does not receive. Councilmember Grossmann explained some of the criteria used by developers and City when building private or public streets.

Giridhar Tatavarty of 4603 Manorlake Drive expressed his desire for Western Row Road to remain beautiful, scenic with trees, and pedestrian friendly.

Jim Belegrin of 4598 Manorlake Drive asked if there is a traffic signal planned at Village Lakes Boulevard and Western Road and expressed concerns regarding the visual impact a light would have on his property. Brian Lazor stated that traffic studies indicate that no traffic signal is required at this location. Brian stated that street trees will be added along Western Row as a requirement for this development.

Greg Carr of 4569 Wesley Court asked if there are future plans to connect Cedar Village Drive. Brian Lazor stated that there are no development plans for the Otterbein property at this time. He said that the Comprehensive Plan requested no direct connection through this property and that it be removed from this development plan. The connection is shown in the 2005 Thoroughfare Plan, which is the legal document for the City. It is the intent that this connection not be made in the future. He explained that action by Council would be required to amend the Thoroughfare Plan.

Denzel Hardesty of 4484 English Oak Court inquired as to the use of the proposed buildings across from his property. Brian Lazor identified these buildings as homes.

Mayor Nichols asked Brian Lazor to summarize Ms. Schroeder's requests. Brian explained that she requests her property be removed from the PUD with an option to add it to the PUD at a later date without notification and public hearing requirements. Although the property can be added to the PUD at a later date, it is a legal requirement to notify the public and hold a public hearing.

He stated that she requests 75 foot setbacks from the right-of-way. A setback requirement for residential use if adjacent to a right-of-way is 50 feet. Ms. Schroeder interprets her property to be adjacent to a PUD. Engineering staff stated that her interpretation of setback requirements is not correct. Councilmember Grossmann addressed Ms. Schroeder's concerns regarding water flowing from the development onto her property. He stated that plans are engineered to avoid this, but if this does happen, the developer is required to correct the problem. Councilmember Pelfrey suggested that Ms. Schroeder document a baseline of water flow on her property this spring before development begins.

The Public Hearing was closed at 9:34 p.m.

Council discussed notification procedures. Jeff Forbes stated that property owners within 300 feet receive 15 day notice prior to Public Hearings for both Planning Commission and Council Meetings. Residents can request to be notified of public meetings and receive agendas by email. Ms. Schroeder was notified of the Public Hearings, she would have liked more than the 15 day notice. Council discussed opportunities residents have to comment at public meetings and how additional notification could be handled. Brian Lazor stated that for this PUD, close to 200 properties would need to be notified 28 times if Council decides that additional notice is necessary. Matt Walker of M/I Homes has met and continues to be available to meet residents to discuss development plans and answer questions or concerns. Residents interested in this development can contact the City to receive meeting agendas. Council discussed amending this ordinance to include additional notice of future meetings concerning this development. Councilmember Prince made a motion to amend. Councilmember Grossmann made a motion to amend this amendment by specifying how property owners would be notified. Both these amendments failed approval.

A motion to amend the amendment for additional notification of interested parties regarding Public Meetings on development of this PUD, Ordinance 2013-1, by specifying that the City notify property owners within 300 feet of this PUD by mail 15 days prior to consideration of final development plans by Planning Commission was made by Councilmember Grossmann, seconded by Councilmember Prince. VOTE: 2 YEAS, 5 NAYS. Motion FAILS.

A motion to amend Ordinance 2013-1 to include that the developer of the Alverta project meet with representatives of the Oakwood Lakes HOA Board, the Landings of Oakwood Lakes HOA Board, and other interested neighboring property owners who request to be included, prior to submitting the Final Development Plan, and that the City provide advance notice to the same interested parties of any future public meetings where discussion of the Final Development Plan is anticipated was made by Councilmember Prince, seconded by Vice Mayor Kidd. VOTE: 3 YEAS, 4 NAYS. Motion FAILS.

During Council discussion, Richard Fair explained that every subdivision has a performance bond as part of the subdivider's contract. That bond is reduced and released when City Council accepts the roads. At this time, the performance bond is released and a maintenance bond becomes effective. Richard stated that during the Public Hearing, Mr. Kelly requested that the performance bond remain for a period of time. Richard explained that although it is not standard procedure, City Council could extend the performance bond after the streets are accepted. Bob

Garlock of Bayer Becker, stated that when the performance bond is released, as built drawings are provided which show construction of items such as the storm sewers and detention basins. These would give some assurance that it was constructed as planned. He said that the City provides oversight and review of these drawings prior to construction. Mr. Garlock stated that they have met with the HOA, are happy to work with them, and has no problem with their reviewing the plans. He stated that ultimately it is the City that is the approving agency.

A motion to amend Ordinance 2013-1 by removing Ms. Schroeder's property at 4699 Western Row Road from the PUD was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS. (The title for Ordinance 2013-1 in these minutes has been changed from 124 acres to 122.68 acres and the address has been removed to reflect this amendment to the ordinance)

A motion to adopt Ordinance 2013-1, as amended, was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2013-19 FIRST READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 4.6 ACRES FROM B-3, ROAD SERVICE COMMERCIAL, AND O-1, OFFICE PARK, TO BUSINESS PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED ON LOT 2 OF SNIDER STATION (ARTIS SENIOR LIVING)

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

Eric Hansen announced that a second reading and Public Hearing will be held for Ordinance 2013-19 on March 11, 2013.

ORDINANCE 2013-20 APPROVAL OF THE REPLAT FOR LOTS 3 AND 4 OF COLUMBIA COMMONS PUD

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

Richard Fair explained that the owner of this property along Columbia Road would like Lot #4 to be larger by adding property from Lot #3.

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 2013-20 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: 6 YEAS (Councilmember Pelfrey absent for the vote).

ORDINANCE 2013-21 AUTHORIZING A CONTRIBUTION OF \$22,016 TO THE WARREN COUNTY DRUG TASK FORCE

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

Eric Hansen stated that the City participates annually in the Drug Task Force and the contribution is based on the City's year 2000 population of 22,016.

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 2013-21 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: 6 YEAS (Councilmember Pelfrey absent for the vote).

ORDINANCE 2013-22 AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT #25635 WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING THE CITYWIDE SIGNAL AND FIBER INTERCONNECT PROJECT

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 ordinance allows the City to enter into a Local Authority (LPA) agreement with the State of Ohio Department of Transportation for the Citywide Signal and Fiber Interconnect Project. This agreement allows the City to administer the design, bidding, construction management and inspection services on this project with an estimated savings of \$200,000.

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 2013-22 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.

ORDINANCE 2013-23 DECLARING CERTAIN CITY EQUIPMENT AND CERTAIN MISCELLANEOUS CONFISCATED PROPERTY AND EQUIPMENT AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SAID EQUIPMENT AND PROPERTY

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

Jennifer Heft stated that Ordinance 2012-23 authorizes the disposal, donation, trade, or sale of surplus property of the City of Mason. She explained that surplus is generally made up of vehicles and equipment that no longer serves a useful purpose or unclaimed/forfeited property.

The surplus items will be sold through internet auction, which has proven to be efficient and effective for selling surplus property at a relatively low cost.

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.

Jeff Forbes responded to Councilmember Cox by stating that Councilmembers are eligible to bid on surplus City property through public auction.

A motion to adopt Ordinance 2013-23 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

ORDINANCE 2013-24 CREATING SIX (6) ADDITIONAL FULL-TIME PARAMEDIC/FIREFIGHTER POSITIONS IN THE CITY OF MASON FIRE DEPARTMENT AND DECLARING AN EMERGENCY

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

Eric Hansen explained that Ordinance 2013-24 continues a plan that has been in place to improve the level of Fire Department staffing. New positions will not be added; rather part-time positions will be converted to full-time positions. This will improve the consistency of the department and reduce overtime. The City has received a \$1.1 million grant through Rob Portman's office to offset the cost of this action. To maximize grant dollars, an emergency clause has been added to legislation in order to hire these positions according to grant requirements. The Safety Committee has reviewed and recommends Ordinance 2013-24 for adoption.

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.

Council discussed the advantages and the current number of full-time firefighters. Eric Hansen stated that the City currently employs 35 full-time in the Fire Department, including Chiefs, and that part-time staffing varies. He said that it is difficult to retain part-time firefighters requiring the department to pay overtime to fill the empty slots. The Fire Department will need to staff less part-time fighters with the addition of these 6 full-time fighters. Councilmember Prince stated that the addition of six full-time firefighters will staff each shift with four full-time firefighters at each fire station, currently staffed with three/shift. He said that the need to cover empty slots will be reduced, less equipment will be needed, and there will be more consistency. Councilmember Pelfrey stated that the grant requires that six additional full-time firefighters be in place by April. Eric explained that grant reimbursement of payroll is projected to be \$350,000 in 2013 with a \$1.1 million cap over the term of the grant. Councilmember Prince stated that grant dollars can only be used toward the difference between part-time and full-time.

A motion to adopt Ordinance 2013-24 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: 6 YEAS, 1 ABSTAIN (Spaeth).

ORDINANCE 2013-25 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MEDICOUNT MANAGEMENT, INC., FOR THE PURPOSE OF EMS BILLING SERVICES

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

Jennifer Heft stated that in 1998, when the City Fire Department was established, the City entered into a contractual arrangement with Medicount Management, Inc. to provide billing for emergency services. In 2010, staff negotiated with EMS billing providers to reduce the rate for these services from 10% to 6%. The billing generates over \$600,000 annually or approximately 10% of the Fire Department's annual operating budget. She stated that this year the City is due to be recertified for Medicare and Medicaid, which requires a current contract with Medicount Management. Ordinance 2013-25 authorizes a 2-year contract with annual renewals with Medicount Management and has been reviewed and recommended for adoption by the Safety Committee.

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 2013-25 was made by Councilmember Spaeth, seconded by Councilmember Cox. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

- ▶ The Warren County Municipal League's February meeting will be Wednesday, February 20th. The program features Warren County Commissioners Pat South and Tom Ariss.
- ► Senator Shannon Jones will host an informative session with local business owners on March 22.
- ▶ Jane Cervantes from Graeter's Ice Cream will visit the Community Center just in time for Valentine's Day, on Wednesday, February 13 to talk about fun facts and myths about chocolate.
- ▶ On January 27, Paul Flory, the Chairman of the Western & Southern Open and Mason's friend passed away at the age of 90. Paul served in the tournament's management since 1975, when he was first appointed Tournament Director. Over the past 38 years, as a full-time volunteer, he was instrumental in focusing world attention and bringing world class tennis to Mason as part of the ATP World Tour.

COMMITTEE REPORTS

Councilmember Prince reported that the Festivals of Mason has announced the relocation and date change for the Heritage Festival to the Mason Municipal Campus on Saturday, September 14, 2013. He said that there will be a Heritage Day Parade. He explained that some of the

reasons for the move to the Municipal Campus include a decline in attendance at past Heritage Festivals, an opportunity to expand the venue with parking, green space, parks, indoor space, and the ability to cross market the event at Mason Community Center. Councilmember Prince stated that downtown businesses that wish to participate will be offered premium booth space at no charge and downtown business operation will be uninterrupted on the day of the festival. The intention of this new approach and goal of the Festivals of Mason Board is to provide successful events for the City.

Vice Mayor Kidd reported that Golf Center revenues are up 2% from 2011 and expenses have been cut by \$0.5 million. This translates to a dramatic improvement from \$730,000 to \$179,000 in the red. He expressed appreciation to Golf Center staff that have made sacrifices and are working very hard to maintain this beautiful community amenity that residents enjoy.

Mayor Nichols reported that the Economic Development Committee has been working with new companies and prospects. He stated that the last 36 months have been good for the City of Mason and that the future remains bright.

OLD AND NEW BUSINESS

Councilmember Cox announced the Fire Auxiliary Fish Fry dates.

Councilmember Pelfrey thanked the press for covering Mason news stories in their publications.

Mayor Nichols announced appointees to Planning Commission. Vito Peraino was confirmed as a new appointee for a 3-year term beginning in January 2013. Council confirmed renewal of 3-year terms for Richard Doesburg, Dick Staten, Ken Murawski, and Scott Pierce.

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tarton Fields Lane stated that the lead time for receiving agendas is never more than two days and that at public meetings, visitors sometimes do not get an opportunity to speak until after decisions have been made. He congratulated the City and Council on the Aaa rating by Moody's.

<u>ADJOURN</u>

A motion to adjourn was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS. TIME: 11:05 p.m.

Mayo