

**CITY OF MASON  
COUNCIL MEETING  
AUGUST 25, 2014**

The meeting was called to order at 7:05 p.m. All those present recited the Pledge of Allegiance. Councilmember Kidd opened the meeting in prayer.

**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 July 14, 2014 Council Meeting Minutes as amended was made by Councilmember Pelfrey, seconded by Vice Mayor Kidd. VOTE: 6 YEAS, 1 ABSTAIN (Nichols).

**CITY MANAGER'S REPORT**

- ▶ A motion to appoint Jennifer Heft as Acting City Manager from August 22 through September 3, 2014 was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS.
- ▶ A public hearing for the Crooked Tree rezoning has been scheduled for September 8. Notices were mailed out the week of August 11<sup>th</sup> to property owners.
- ▶ The Lou Eves Municipal Pool is open from noon to 4 p.m. on weekdays and from noon to 8 p.m. on weekends, including Labor Day. The pool will be closed for the season beginning September 2.
- ▶ The AVP Pro Beach Volleyball 2014 Tour will return to the Lindner Family Tennis Center over Labor Day weekend August 28 - 31. Tickets are available online at [www.avp.com](http://www.avp.com).
- ▶ City offices will be closed on Monday, September 1 in observance of the Labor Day holiday. The Community Center will have normal operating hours Friday through Sunday. On Monday, September 1, the Community Center will be open from 6:00 a.m. to noon with limited services.
- ▶ The Festivals of Mason Committee is sponsoring the 2014 Heritage & Bicycle Festival on Saturday, September 13 on the campus of the Municipal Center and Community Center. The event starts off with the parade at 10:00 a.m. which will begin at the downtown plaza, travel along Main Street, turning onto Mason-Montgomery Road and concludes at the west parking lot of Mason High School. Opening ceremonies and the crowning of Little Miss Heritage pageant winner will take place immediately after the parade. Entertainment will be featured on stage and there will be activities for the whole family. The event will feature Kids Zone, Teen Zone, Zipline, a car show, and food vendors. The Cincinnati Circus Company will have a 26-foot high

trapeze, strolling jugglers, stilt walkers, fire eaters, magicians and a 150-foot zipline. 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. Visit the field house to learn about the many community groups that helped make Mason #7. Mason faith groups, community groups, businesses, and non-profit organizations will showcase their involvement in and around the community while collecting donations to further their group's mission. As part of Community Support Day, some of the local organizations are participating in a "FOODSTRUCTION" event. For this event, donated food is displayed in a fun and creative way that represents the organization or their mission, and the food is donated to local food pantries for Feed Ohio.

► Open House and Shop Local events will be held in the Community Center during the Heritage Festival. The Open House will be during normal operating hours of 7:00 a.m. to 9:00 p.m. Shop Local will be from 9:00-3:00 p.m. in the front entrance and along Main Street of the Center.

► An Electronic Waste Drive will be held in the parking lot of the Community Center on Saturday, September 13 from 9:00 a.m. – 3:00 p.m. The City is hosting this event in partnership with Hewlett Packard and Global Environmental Services. Items like laptops, monitors, stereos, cellphones, etc. can be dropped off for free for recycling at this event.

► The 2014 Sunshine Concert Series continues this Sunday featuring *The Sweet Beats* and will be held at the Golf Center at Kings Island.

## **COMMITTEE REPORTS**

Councilmember Prince stated that groups marching in the Heritage Day Parade will have the opportunity to provide a 1-2 minute performance near the stage. The parade will stop during each performance, which is expected to extend the parade by about 20 minutes. He recommends that any parade spectators wanting to see these performances sit near the stage area.

Councilmember Grossmann brought closure to the Festivals of Mason (FOM) discussion. He explained that Finance Committee typically only meets with FOM in the fall during the budget process, did nothing wrong in the latest FOM matter, and was not responsible for getting any questions answered. He has completed his investigation of the matter and offered to share his findings. As a lawyer, he asks a lot of questions that may seem overbearing, but never intended to hurt people. He now understands where others stood on the subject.

Councilmember Pelfrey reported on Bicentennial Committee activities. She stated that Kings Island has committed \$25,000 as the Major Sponsor of the Bicentennial. The Great Wolf Lodge will provide \$10,000 in sponsorship funds and would like to be involved in the "Salute to Veterans" event on May 16, Armed Forces Day. The Mason Monopoly Game will be ready to sell before Christmas 2014. Only 3000 of these limited edition games will be sold and the Bicentennial website will have information for those interested in purchasing a game. The Bicentennial Committee will have a float in the Heritage Day Parade and will pass out magnetic calendars of ten key Bicentennial events. She said that the committee has decided not to have

*The Charlie Daniels Band* at the Signature Event, since the band performed at Taste of Blue Ash this year, and is in the process of choosing another band.

Councilmember Spaeth added that the Bicentennial Committee met with ICRC regarding production of a 30-minute segment on the Bicentennial and ICRC will produce an update in December. She reported from the August Park Board Meeting with information on swim programs, events in the City, and activities at the Community Center. Park Board continues work on the Bicentennial Baseball Bash and is considering a “First Tee” program for young golfers.

### **RECOGNITION OF VISITORS**

Dwight Packard introduced himself as the attorney representing Crooked Tree Estates, Fairways of Crooked Tree, and Oaks of Crooked Tree Homeowners Associations. He submitted materials for Councilmembers to review prior to the September 8<sup>th</sup> Public Hearing. He requests their consideration on three issues regarding Ordinance 2014-52 including lot sizes, timeline for the completion of Heritage Oak Drive, construction traffic, and the intersection at Heritage Oak and Bethany Roads. Mayor Nichols asked if homeowners have met with the developer. Mr. Packard answered that some HOA Board Members have been in contact with the developer, but there has been no agreement at this point. Discussions are ongoing.

Kathy, a taxpayer, stated that in December her family was the victim of a crime that was reported to Mason Police. She expressed frustration in the handling of this matter and would like the opportunity to meet with Mayor Nichols. Jeff Forbes explained to Council that he has been in contact with Kathy and her family and that this is an administrative matter within the Police Department. Jeff explained the process for handling a complaint against a Mason Police Officer and said that additional fact finding is continuing.

### **ORDINANCE 2014-63 2<sup>ND</sup> READING: DIRECTING THE WARREN COUNTY BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE CITY OF MASON, OHIO, AT THE NOVEMBER 4, 2014, GENERAL ELECTION, A CHARTER AMENDMENT TO AMEND SECTION 11.08 REGARDING DENSITY OF DWELLING UNITS**

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

Jennifer Heft stated that since the First Reading of Ordinance 2014-63 in July, staff met with Mason City Schools regarding the proposed Charter Amendment. This amendment, if approved by voters, would amend the condo multi-family residential density cap currently in Mason’s Charter. She said that typically jurisdictions control density through zoning ordinances which allow Planning Commission and Council the flexibility to set density limits based upon location, desirability, economic development, and impact to community. The City’s 2010 Comprehensive Plan recommends an amendment to the City Charter. After discussions with Mason City Schools, staff is recommending that this item be defeated to allow for additional discussion.

A motion to adopt Ordinance 2014-63 was made by Vice Mayor Kidd, seconded by Councilmember Pelfrey. VOTE: ALL NAYS.

**ORDINANCE 2014-64 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 0.6 ACRES FROM R-1 SINGLE FAMILY TO R-4 SINGLE FAMILY (608 CHURCH STREET)**

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

Jennifer Heft announced a 2<sup>nd</sup> Reading and Public Hearing for Ordinance 2014-64 will be on September 22, 2014.

**ORDINANCE 2014-65 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 31.3 ACRES FROM B-2 SHOPPING CENTER AND R-6 CONDOMINIUM AND LANDMINIUM RESIDENTIAL TO BUSINESS PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED ON THE SOUTH SIDE OF TYLERSVILLE ROAD WEST OF RADIO WAY (EVERYBODY'S FARM PHASE II)**

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

Jennifer Heft announced a 2<sup>nd</sup> Reading and Public Hearing for Ordinance 2014-65 will be on September 22, 2014.

**ORDINANCE 2014-66 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH COMPLETE HYDROCLEANING, INC., IN AN AMOUNT NOT TO EXCEED \$52,000.00 AND DECLARING AN EMERGENCY**

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

Richard Fair addressed Council and stated that Ordinance 2014-66 authorizes a contract for the cleaning of the insulated batting, trusses, and beams of the new service center. The company uses a hydro low pressure chemical wash to remove dirt and grease. Complete Hydro Cleaning, Inc. was used to clean the interior metal walls of the south section at a cost of \$7,200, and they performed a quality job. Richard stated that while on site cleaning the wall panels, a section of the ceiling was tested. Staff considered other options, including the possibility of installing new vinyl over existing ceiling material. Estimates for vinyl and installation on the south side of the building were \$119,000. Complete Hydro Cleaning will clean both the north and south side of the building for \$52,000 and although cannot clean to a bright white, offers an acceptable option at a significantly reduced cost. It is estimated that 3-4 weeks will be required to complete the ceiling cleaning in September. Richard explained that this will not increase the budget approved

by Council to renovate the building and that staff continues to evaluate opportunities to perform work in-house to reduce costs.

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

A motion to adopt Ordinance 2014-66 was made by Councilmember Spaeth, seconded by Councilmember Prince. VOTE: ALL YEAS.

**ORDINANCE 2014-67 APPROPRIATE AND AUTHORIZING THE CITY MANAGER TO PURCHASE EQUIPMENT AND SERVICES FOR EMERGENCY REPLACEMENT OF MUNICIPAL COURT'S NETWORK SYSTEM, AND DECLARING AN EMERGENCY**

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

Jennifer Heft explained that earlier this year, Mason Municipal Court identified issues with their existing computer network with plans to replace as part of the 2015 Budget process. A recent computer virus indicated significant vulnerability to the system and immediate action was taken to replace the system. She stated that the total cost is estimated to be about \$62,000, which will be paid from Court computer funds having no impact on the City's General Fund. The hardware purchase, estimated at a cost of \$35,500, exceeds the \$15,000 purchase limit and requires Council action. Some of the costs associated with this project fall below the \$15,000 purchasing authority and require no Council action. This action is consistent with Ordinance 2013-72 that allows purchases for an emergency to safeguard City facilities or equipment. Moving forward with the purchase order prior to formal Council action mitigated the risk of data loss and disruption for Municipal Court. She stated that formal Council action is now needed.

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 2014-67 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

A motion to add Resolution 2014-13 to the agenda was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

**RESOLUTION 2014-13 SUPPORTING THE SUBMITTAL OF A GRANT TO THE LOCAL GOVERNMENT INNOVATION FUND BY THE CITY OF LOVELAND, OHIO, IN ORDER TO FUND A FIRE TRAINING TOWER FOR LOCAL FIRE DEPARTMENTS AND REGIONAL COOPERATION**

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

Jennifer Heft stated that since 2006, as a result of three operational and response time studies, the City has been on a consistent track to dramatically increase and improve training for fire department personnel. Over the past several years, Safety Committee has recommended and Council has approved legislation related to staffing and training for the Fire Department. Jennifer stated that the City has been asked to participate in a collaborative with the City of Loveland and other local jurisdictions in support of a fire training tower and burn building that will be used for training fire departments in Warren, Hamilton, and Clermont Counties. The facility will help departments meet training and educational needs in specialized rescues, fire hose management, ventilation training, and physical fitness activity. In addition, the burn building will have a live fire simulation that firefighters can practice proper firefighting techniques. She stated that in 2012, Council supported the Warren County Career Center's application for a feasibility study on a training building. The study did indicate the need for such a facility, however at this point there are no concrete plans for funding to allow the project to move forward. Should funding become available in the future, Jennifer explained that both facilities would assist Mason Fire Department in joint training opportunities.

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 Resolution 2014-13 was made by Councilmember Pelfrey, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

### **OLD AND NEW BUSINESS**

Councilmember Cox stated that 100 cars are expected to be in the Mason Historical Society's car show at Heritage Festival.

Councilmember Pelfrey stated that it is not Council's place to comment on the Forest Ridge Drive incident, which is being handled by Legal Counsel, but that Council would support any discipline that is warranted. She said that as a whole, she supports Mason Police and feels that they serve the community with care and quality. She is proud of the Mason Police Department.

Councilmember Grossmann expressed his desire for a good relationship with Councilmembers and would like to put Festivals of Mason issues behind them.

Mayor Nichols stated that no one on this Council loves the City of Mason more than another. Council is like family and can have differences in opinion, disagreements, but all have the best interests of the City at heart. He stated that this Council is one of the best groups he has ever worked with. The City of Mason is an exciting city with its best days just getting started. Mayor Nichols asked that everyone keep the family of James Foley in their thoughts and prayers. Such a brutal death is unacceptable and this evil should be confronted or it will spread.

### **RECOGNITION OF VISITORS**

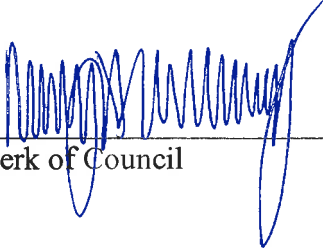
Jared Kiley of 6808 Fireside Drive expressed concerns with the Everybody's Farm Phase II Development including the proposal to move a creek currently located in the middle of the

property to the western side which abuts his neighborhood. This western area presently has a dense tree line that he would like to remain undisturbed. He requests a sustainable buffer and setback between the development and the residential property.

Edwin Porter of 6341 Fireside Drive supports Mr. Kiley's comments and is opposed to interference with his community. He referenced the Mason Zoning Ordinance that requires existing landscaping to remain intact.

**ADJOURN**

A motion to adjourn was made by Councilmember Cox, seconded by Vice Mayor Kidd.  
VOTE: ALL YEAS. TIME: 8:22 p.m.

  
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Clerk of Council

  
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Mayor