

**CITY OF MASON
COUNCIL MEETING
MARCH 9, 2015**

The meeting was called to order at 7:08 p.m. Chaplain Marc Champagne opened the meeting in prayer. All those present recited the Pledge of Allegiance. 2Knight2Knight vocalists sang the National Anthem and performed an additional song.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the February 23, 2015 Council Meeting Minutes was made by Councilmember Spaeth, seconded by Councilmember Cox. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

March 20, 21, and 22 are Member Appreciation Days at Mason Community Center. There will be special events, savings and programs designed to show appreciation of members.

Activities are planned between 3:00 p.m. and 9:00 p.m. on Saturday, March 21 at Mason Community Center for World Down Syndrome Day.

As part of Community Service Day, the Bicentennial Committee, in partnership with the Mason Kiwanis Club, invites groups and individuals to join them at Mason Community Center on April 11 at 9:00 a.m. Groups will go out into the community on that day to perform service projects. There is a list of projects available or organizations can pursue community service projects of their own. Contact the Bicentennial Committee with questions, project suggestions, or to volunteer.

The musical production, *Imagine! Mason, the Life and Times of William Mason* will be performed at Mason Middle School Auditorium on April 9, 10, 11, and 12. Tickets are at a discount rate to Mason residents. All proceeds from the production will benefit the Common Ground Project.

COMMITTEE REPORTS

A motion to add Resolution 2015-3 to the agenda was made by Councilmember Prince, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

PROCLAMATION FOR DEVELOPMENTAL DISABILITIES AWARENESS MONTH

Tracy Hill of Community Options Connected (COC) vocational center headquartered in Mason thanked Mayor Nichols, Vice Mayor Kidd, City Council, and Jennifer Heft for consistently providing opportunities for all community members. She talked about the COC and City of Mason partnership and described services performed at the Community Center and in the parks by COC individuals. Ms. Hill presented the City with a poster and introduced COC staff members Vince Palmer, Verna Smith, Tammy Hensley, and Betty Davis. She introduced COC individuals Brad Bair, Brent Kottyan, and Karen Kessell. Mayor Nichols read and presented the proclamation to Community Options Connected representatives.

RESOLUTION 2015-3 EXPRESSING OPPOSITION TO THE PROPOSED BAN OF CERTAIN TYPES OF AMMUNITION BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, AND DECLARING AN EMERGENCY

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

Councilmember Prince explained that the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF) is considering a ban of a particular type of ammunition widely used for sporting purposes. He believes that this is contrary to the U.S. Constitution and would like Council to adopt this resolution expressing opposition to the proposed ban. Jeff Forbes read Resolution 2015-3 in its entirety as requested by Mayor Nichols.

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

Council discussed law enforcement's view on the proposed ban. Mayor Nichols stated that the Fraternal Order of Police (FOP) is opposed to the ban and that there is not one reported incident of this type of ammunition being used in any crime involving law enforcement. Councilmember Prince explained that the ammunition proposed to be banned is used in rifles, not concealable pistols.

A motion to adopt Resolution 2015-3 was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

RECOGNITION OF VISITORS

Jonathan Sams of Sams Fischer Packard Schuessler, LLC, representing the Oaks of Crooked Tree Community Association, presented a request that a condition be placed on the Crooked Tree Preserve subdivision preliminary plat being considered for approval tonight. Specifically, that the developer be required to install a second access into the proposed development from Bethany Road once 50% of the proposed lots are platted. He explained the history of this development since 2014. Mr. Sams explained safety concerns surrounding construction traffic, traffic backups, and access for emergency responders. A second entrance would provide a direct route to the development, provide multiple entrances and egress points for emergency vehicles,

and reduce traffic on Mason-Montgomery Road and within The Oaks. Mr. Sams suggested that a condition be placed on the plans that require construction of the second access once 50% of the lots are platted, the developer issue a performance bond to ensure that resources are available to construct the access, and that the road comply with all City and County codes and regulations. He referenced sections of the City of Mason Zoning Ordinances and the Ohio Revised Code that support this request for a second access.

Tom Molitors of 5249 Bentwood Drive requested that City Council postpone approval of Ordinance 2015-27 until documents pertaining to current zoning have been reviewed and all questions answered. He provided the City with a "Document Package" and discussed different areas of concern included in this packet.

Joe Trauth, of Keating Muething & Klekamp, representing the developer, stated that delaying approval would be infringing on the developer's rights to develop his property. He explained that the process to develop the property as a PUD took much longer than normal because the developer worked and revised the plans in an effort to please the neighbors. This PUD plan was a good plan which included agreement in completion of a second access at Bethany Road. He stated that the property is now all straight zoning and that any requests to delay the development and create additional conditions that are not allowed in this type of zoning should be rejected. Mr. Trauth requests approval of the preliminary plat except for the condition set forth by Planning Commission that "at the time of building permit application, the applicant shall deposit \$300 per residential lot with the City to be used for future local infrastructure improvements." He explained that they consider this an illegal impact fee that the City cannot impose.

Matt O'Connell of 3724 Top Flite Lane raised the question that if a PUD is in place, where is the 20% of green space required when the Golf Course is developed. He requested a full review of the matter.

ORDINANCE 2015-27 APPROVING THE PRELIMINARY PLAT OF CROOKED TREE PRESERVE SUBDIVISION

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

Kurt Seiler stated that the request is for approval of a preliminary plat for Crooked Tree Preserve, a single-family residential subdivision located on the former Crooked Tree Golf Course. The proposed subdivision is 212 lots located on 168 acres with an overall density of 1.26 units per acre. The site has access to Mason-Montgomery Road and future access to Bethany Road, as shown on the preliminary plat. He explained that there is not a 20% open space requirement because the property is R-3 straight zoning. However, this development has a generous amount of open space throughout the development including proposed hiking trails that may be a mixture of paved, gravel, and mowed grass to preserve a more natural feel. Kurt stated that the applicant is requesting a variance from Subdivision Regulations which limits cul-de-sacs to a length of 800 feet or less. The proposed development has 2 cul-de-sacs that are longer than 800 feet. With the configuration of the development, its low density and topography constraints, Planning Commission and staff were supportive of the request. He stated that Planning

Commission and staff recommend approval of the preliminary plat for Crooked Tree Preserve subject to the condition that at the time of building permit application, the applicant shall deposit \$300 per residential lot with the City to be used for future local infrastructure improvements. He explained that this is a standard fee that has been collected by subdivisions over the past 20 years and would be used towards the Bethany Road roundabout, future widening of Bethany, or connecting future bike trails in the area. Kurt explained that if the preliminary plat is approved, a section of this subdivision that is currently in Deerfield Township and related to the access road at Bethany will seek annexation to the City of Mason.

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

Councilmember Fox stated he thought PUD issues were clarified by the Law Director at a previous meeting. Jeff Forbes confirmed that the existing zoning map has been official since 1992. He stated that after reviewing records related to multiple projects in this area, a conclusion for current zoning of this property was determined. He is unaware of what is in the stack of documents submitted tonight, and cannot comment on the chances that this paperwork would change the zoning. Councilmember Cox stated that a third party should review and give an opinion on the PUD issue. He said that Crooked Tree property owners bought with the understanding that the “green space” was part of a Master Plan.

A motion to table was made by Councilmember Cox. There was no second.

Councilmember Spaeth stated that in the fall, the residents were not in favor of PUD zoning for this property and it seems that now they are in support of PUD zoning. Kurt Seiler addressed Councilmember Cox’s reference to open space by stating that the three existing neighborhoods in Crooked Tree have been zoned straight zoning since 1993, with no open space requirements. Councilmember Prince stated that he has been present as a member of Planning Commission during all phases of the proposed development, believes that all questions have been asked and answered many times, and is personally satisfied and accepts zoning that is currently in place. Councilmember Cox raised questions regarding Wooded Vista developed in 1989 as a PUD, a second exit, conflicts with county and state records, and the need to delay the decision regarding this ordinance. Jeff Forbes stated that Warren County has no zoning authority in the City of Mason. Mayor Nichols stated that he serves on Planning Commission and explained that the process has been very thorough. He summarized points made during tonight’s Council discussion.

A motion to amend Ordinance 2015-27 to add as a condition of approval the developer must construct a second access into Crooked Tree Preserve from Bethany Road once 50% of the lots have been platted and that no additional lots may be platted until such construction is completed was made by Councilmember Prince, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

A motion to amend Ordinance 2015-27 to connect Putterwood Court to Crooked Tree Preserve in the area of the former clubhouse with a gated emergency-only access road pending input by Police and Fire was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

A motion to adopt Ordinance 2015-27 as amended was made by Councilmember Prince, seconded by Councilmember Spaeth. VOTE: 4 YEAS, 1 ABSTAIN (Cox).

ORDINANCE 2015-28 APPROVAL OF THE FINAL PLAT FOR THE FESTO AMERICAS SUBDIVISION

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

Kurt Seiler stated that the Festo Americas Subdivision is located on the northwest corner of Socialville-Fosters Road and Columbia Roadway. This property consists of three separate lots with the new Festo office/manufacturing facility located on lot 2. The plat includes a sight-line easement requested by the Warren County Engineers Office as well as dedicated right-of-way and sanitary sewer easements necessary for the development. Kurt explained that a subdivider's contract and performance bond will not be required since the public improvements were done on the County roadway and a bond was provided to the County.

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

During Council discussion, Kurt responded that right-of-way dedicated will allow for Columbia Road to be 100-feet in width. The water access is within the right-of-way. In addition, Warren County Engineer's Office has plans to widen the Socialville-Fosters bridge and roadway to five lanes and Festo has dedicated right-of-way for that project. He explained that one purpose for breaking the property into three separate lots is to avoid a GCWW frontage fee for Lot 1.

A motion to adopt Ordinance 2015-28 was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2015-29 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RICHARDS ELECTRIC SUPPLY COMPANY, INC., FOR THE PURCHASE OF TWELVE (12) DECORATIVE STREET LIGHTS AND ASSOCIATED MATERIALS IN THE AMOUNT OF \$49,000

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

Eric Hansen discussed Ordinance 2015-29 and Ordinance 2015-30 together. He stated that the City maintains approximately 550 street lights throughout the City. Over the last couple of years, the City has continued an annual street light replacement program to replace older lights as funds are available. He stated that money is saved as the City acts as the general contractor on the project. Ordinance 2015-29 authorizes a contract with the lowest bidder, Richards Electric Supply, to purchase street lights and associated materials for this year's program. Ordinance 2015-30 authorizes a contract with Bright Street in an amount of \$15,500, to provide the electrical work including installing foundations, poles, making all the wiring connections and

miscellaneous materials. Eric stated that the total cost is \$75,000 and is consistent with amounts included in the 2015 Budget for the annual street light replacement program.

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.

Councilmember Cox commented that he is pleased that these lights will match the decorative lighting elsewhere in the City.

A motion to adopt Ordinance 2015-29 was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2015-30 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BRIGHT STREET, LLC PROVIDING FOR THE INSTALLATION AND THE NECESSARY ELECTRICAL CONNECTIONS FOR THE 2015 STREET LIGHT REPLACEMENT PROGRAM IN THE AMOUNT NOT TO EXCEED \$15,500

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

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

A motion to adopt Ordinance 2015-30 was made by Councilmember Cox, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2015-31 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CDW GOVERNMENT, INC., FOR THE PURCHASE OF SIX (6) NETWORK SWITCHES, TWO (2) FIREWALL DEVICES, AND NECESSARY LICENSING IN THE AMOUNT OF \$60,030 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 without these devices the continuity of City operations could be compromised. Switches provide connectivity for the HVAC system, prox security system, phone system, all network services including email/internet, and the SCADA system at the Water Reclamation Plant. She explained that the City currently has 39 switches and six of these are over seven years old and in need of replacement. Jennifer explained that firewalls are the main network security defense and that the City's firewall was last replaced in 2008. Software currently running the switches and firewalls is out of date and hardware is no longer warrantied. The 2015 Budget included \$60,000 for this purchase. These items are being purchased through the State Purchasing program. An emergency clause has been added due to a recent main network switch failure. Fortunately a redundant solution was temporarily available and the IT Office was able to move the connections to another switch and quickly bring services back

online. The current critical issue is there is no longer a redundant solution available should another switch fail.

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

During Council discussion, Jennifer explained that much of the City's equipment is original since moving into the Municipal Center over ten years ago. Creation of a maintenance schedule for replacement of aging equipment before failure is being considered.

A motion to adopt Ordinance 2015-31 was made by Councilmember Spaeth, seconded by Councilmember Fox. VOTE: ALL YEAS.

ORDINANCE 2015-32 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CDW GOVERNMENT, INC., FOR THE PURCHASE OF FIVE (5) PANASONIC ARBITRATOR IN-CAR VIDEO CAMERA SYSTEMS IN THE AMOUNT OF \$28,315

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

Eric Hansen stated that over the past several years the Police Department has been gradually installing in-car video cameras as part of an effort to outfit all front line cruisers with cameras. He explained that video from existing cameras has proven useful in court, citizen complaints, and officer safety. In the future, costs associated with the in-car camera will be included as part of the equipment costs associated with placing a new cruiser into operation. The 2015 Capital Budget included \$26,000 for the purchase of four (4) cameras. A grant in the amount of \$5,940 was obtained for the purchase of one (1) additional camera.

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

Council discussed whether the cameras recorded audio in addition to video. Eric explained that the camera is mounted inside the cruiser, not on individual officers, and primarily records video outside of the vehicle.

A motion to adopt Ordinance 2015-32 was made by Councilmember Prince, seconded by Councilmember Cox. VOTE: ALL YEAS.

OLD AND NEW BUSINESS

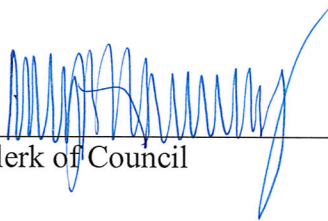
Councilmember Cox requested that Legal Counsel, staff, and Councilmembers look over the packet of paperwork provided by Mr. Tom Molitors.

RECOGNITION OF VISITORS

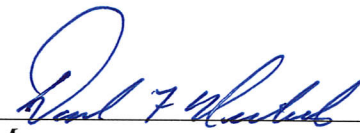
Perry Schwartz of 6309 Tarton Fields Lane asked if installation of equipment purchased in agenda items 15 and 16 would be an additional charge. Jennifer Heft stated that Mason's I.T. Department would be installing the switches and firewall.

ADJOURN

A motion to adjourn was made by Councilmember Cox, seconded by Councilmember Fox.
VOTE: ALL YEAS. TIME: 9:06 p.m.



Clerk of Council



Mayor