

**CITY OF MASON
COUNCIL MEETING
APRIL 27, 2015**

The meeting was called to order at 7:02 p.m. Pastor Jerry Pelfrey 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, Jim Fox, Charlene Pelfrey, Don Prince, and David Nichols.

APPROVAL OF MINUTES

A motion to approve the April 13, 2015 Council Meeting Minutes was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: 6 YEAS, 1 ABSTAIN (Nichols).

CITY MANAGER'S REPORT

The City is hosting holocaust survivor Ms. Eva Moses Kor who will visit Mason and speak to residents and school groups on May 4-5.

On April 29, representatives from Sinclair Community College will be at the Community Center to discuss college opportunities. Topics include high school credit courses, financial aid process, course transferability to Ohio universities, and summer classes.

Assurex Health and City of Mason will partner with the Lindner Center of Hope to hold an Education Day at the Manor House on May 3. The event, with keynote speaker Mackenzie Phillips, will include breakout sessions discussing mental illness and addiction issues. This event has surpassed its target attendance of 320 participants, with over 400 registered so far.

The City partnered with Assurex in an ArtsWave event to fill 40 backpacks with art supplies. Mason Police will provide these backpacks to children as a diversion to traumatic situations.

The BioOhio Career Fair was held at the Municipal Center on April 30. A number of biotech companies and over 300 recruits seeking employment in this field attended the event.

The City of Mason Police Department will host a Memorial Service on Monday, May 11 beginning at 9:30 a.m. in the Municipal Center Atrium.

May 15 is the last day to submit photos for the 2016 calendar. The cost of the calendar is supported by sponsorship ads from area merchants and service providers.

All Veterans, their families, and the public are welcome to participate in a Salute to Veterans celebration in conjunction with Armed Forces Day on Saturday, May 16 at Mason Municipal Center campus. The celebration begins at noon with events on stage at 2:00 p.m.

Council may wish to consider a modified summer schedule with a single meeting a month for May, June, July, and August as has been done in years past. A modified summer schedule allows more opportunities for committee meetings and possible work sessions to maintain Council activity. If Council wishes to make such a modification to the schedule a motion is in order.

A motion to modify the Council meeting schedule to a single meeting in May, June, July, and August was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

A motion to not request a hearing for a D5 D6 liquor permit transfer for Mason Pub & Grill, LLC at 753 Reading Road was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

COMMITTEE REPORTS

Councilmember Pelfrey reported that the Bicentennial Committee and subcommittees are very active and expenses for Bicentennial events are currently under budget.

PRESENTATION BY THE EIGHT TIARAS (MEGAN LEDFORD, FOUNDER)

Mayor Nichols introduced this very special group of ladies. Megan Ledford stated that she founded the Eight Tiaras one and a half years ago to share her love of Disney Princesses with other children. She explained that not all children have the opportunity to see princesses or visit Disney Parks. The group has logged over 100 hours of community service visiting places such as nursing homes, Ronald McDonald House, and Over-the-Rhine. Each “princess” was introduced and shared a favorite memory while participating with the group. Mayor Nichols thanked the girls for volunteering, helping others, and making a difference.

RECOGNITION OF VISITORS

Councilmember Fox recognized and thanked the High School government students in the audience for their attendance.

RESOLUTION 2015-6 PROCLAIMING MAY 10-16, 2015 AS NATIONAL LAW ENFORCEMENT MEMORIAL WEEK AND MAY 15 AS PEACE OFFICERS’ MEMORIAL DAY

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

Jennifer Heft discussed Resolution 2015-6, Resolution 2015-7, and Resolution 2015-8 together. She explained that Mason has the reputation as a premier community in Southwest Ohio and has earned national recognition as the 7th Best Place to Live by Money Magazine. Mason City Council sets the vision and employees at all levels of the organization work together to reach this common goal. These resolutions offer an opportunity to thank departments for what they do behind the scenes providing services to Mason residents. She stated that they serve to keep the community safe, operate the water reclamation plant around the clock, provide snow and ice removal, maintain sewer lines, stormwater service, brush pickup, sidewalk repairs, and many additional tasks that assist residents. Jennifer stated that Resolution 2015-6 recognizes May 10-16 as National Law

Enforcement Week. During this week, all Mason Police Officers will wear a black band across their badges in memory of all law enforcement officers who have given their lives in the line of duty. An average of 145 American police officers are killed in the line of duty and an average of over 58,000 officers are assaulted in the performance of their duties. This year, the City will conduct a short memorial ceremony on Monday, May 11 at 9:30 a.m. in the atrium of the Municipal Center. State Representative Paul Zeltwanger is the guest speaker. In addition, on May 15, flags will be flown at half-staff in honor of Police Memorial Day. Jennifer stated that Resolution 2015-7 recognizes the benefits of clean water during Clean Water Week May 11-15. Resolution 2015-8 proclaims May 17-23 as National Public Works Week with the theme of “Community Begins Here.”

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

Councilmember Fox recognized the dedication of water utilities employees and stated that they do not go home until a problem is fixed. Mayor Nichols recognized first responders who risk their own safety to serve the community.

A motion to adopt Resolution 2015-6 was made by Councilmember Fox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

RESOLUTION 2015-7 PROCLAIMING THE WEEK OF MAY 11-15, 2015 AS CLEAN WATER WEEK

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

A motion to adopt Resolution 2015-7 was made by Councilmember Pelfrey, seconded by Councilmember Fox. VOTE: ALL YEAS.

RESOLUTION 2015-8 PROCLAIMING THE WEEK OF MAY 17-23, 2015 AS NATIONAL PUBLIC WORKS WEEK

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

A motion to adopt Resolution 2015-8 was made by Councilmember Cox, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

ORDINANCE 2015-34 SECOND READING: APPROVING A MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF BETHANY ROAD AND MASON-MONTGOMERY ROAD (BETHANY GREEN CIRCLE)

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

Kurt Seiler stated that in 2011, a conditional use permit was granted for a gas station and convenience store on B-2 zoned property at the intersection of Mason-Montgomery Road and Bethany Road. Pursuant to Ordinance 2011-13, Council approved the permit and the hearing tonight is limited in scope to signage. Kurt explained that as part of the original approval, a number of conditions were placed upon the permit. The developer has requested a modification to the condition that states signage is to be limited to one "ground mounted" sign and no building or canopy mounted signage. Kurt presented desired designs from the developer for ground signage, canopy and wall signage along with signage for the gas pumps. Staff has reviewed the request and compared it to signage standards of the B-2 Zoning District and found the majority of the request in compliance with current regulations with two exceptions. The first issue is that LEDs currently are not permitted and will require a variance from the Zoning Board of Appeals. Kurt stated that LED lit signs are becoming the norm in the industry and that the City probably should consider a code update to allow static digital displays. He explained that the second issue concerns signage on pumps exceeding four square feet. Kurt stated that should Council elect to modify the signage condition in Ordinance 2011-13, a motion to approve Ordinance 2015 - 34 would be in order.

Jeff Forbes explained that the Public Hearing is limited in scope to sign package modification only. Council is not reconsidering any approvals made in 2011 for the conditional use permit that allows the gas station and convenience store. He also stated that one of the chief arguments raised during litigation in the Court of Common Pleas regarding Ordinance 2011-13 was that testimony given was not under oath. Although this argument was unsuccessful, in order to avoid the expense of any future litigation, it would be appropriate to ask anyone in attendance tonight that may speak during the Public Hearing to be sworn-in under oath and be subject to cross examination. Ten individuals stood and were sworn-in under oath.

The Public Hearing was opened at 7:37 p.m.

Jeff Eichhorn of Henkle Schueler, representing the owner Bunnell Hill Developers, introduced Kevin Scott of Bunnell Hill, Steve Kaputo of CB Sign Services, and Terence Fague of Coolidge Wall. Jeff explained that the request is for the addition of two national brand logos on the canopy, one sign over the door, and signage on the pumps. He stated that the request is reasonable, consistent with national and state requirements, and similar to other developments in Mason. The owner and City of Mason want a quality development and if the standard, reasonable signage cannot be installed, the building would be generic and bad for the City and owner. He distributed color packets with proposed signage.

Sarah McClain of 5109 Bethany Road stated that conditions were added to Ordinance 2011-13 after months of consideration by Council in an effort to protect residents. She explained that the location for this gas station is surrounded by houses and should not look like any other gas station. She believes that the proposed modification to signage has an inappropriate appearance.

Andre Dunkirk of 5130 Spire Oaks Drive explained the history of the project and stated that conditions regarding appearance were added to be harmonious with surrounding properties. Andre discussed the size and lighting of signs in the proposed modification and compared pictures of his

home next to a gas station with signage on the canopy and building to his home next to a gas station with only a ground mounted sign to demonstrate that the gas station with limited signage was less intrusive. He stated that with homes are on all four sides, this property is not similar to other gas station locations.

Larry Wells of 4940 Bethany Road requested that Council reject any sign with lights.

James McNally of 6771 Tyler Court requested that Council holds to the 2011 vote. He stated that the applicant has not listed any hardship related to the claim of unreasonable burden. The reason that the national supplier requires this logo on the canopy is not sufficient cause.

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

During Council discussion, Councilmember Cox stated that he is not opposed to LED lighting on the ground mounted sign but believes that there should not be signage on the building or canopy. Councilmember Prince supports the balanced decision made in 2011 that addressed residents' concerns regarding quality of life. He said that he could be flexible on some of the signage. Councilmember Pelfrey saw no reason to change but could consider some minor modifications. Mayor Nichols stated that Council's decision in 2011 struck a balance with restrictions that would eliminate visual distractions to neighboring properties but not restrict business operations. Jeff Eichorn answered questions by stating that signs on the canopy would face Mason-Montgomery and Bethany roads. All lights would be out at closing and that gas station operation would be open between 6:00 a.m. and 11:00 p.m. Councilmember Prince raised questions as to why LED lighting was sized differently for diesel and gasoline pricing. Council expressed the need to understand the brightness of the proposed signage. Jeff Eichorn stated that in addition to the logos on the canopy, the red stripe around the canopy would be illuminated which is a requirement by Shell. Terence Fague, of Coolidge Wall stated that signage was not discussed in 2011. Councilmember Fox raised questions as to why Shell would agree to develop with these conditions in place. He stated that there are gas stations in other areas of the country that do conform to similar conditions and blend-in with surrounding property. Council expressed frustration with unanswered questions by the developer. Vice Mayor Kidd stated that Council is committed to the success of business, but not at the expense of our residents.

A motion to adopt Ordinance 2015-34 was made by Vice Mayor Kidd, seconded by Councilmember Spaeth.

A motion to table Ordinance 2015-34 to the May 11, 2015 meeting was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2015-45 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WARREN COUNTY ENGINEER'S OFFICE FOR THE PURCHASE OF ROCK SALT

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

Eric Hansen discussed the high cost and limited supply of salt during last year's successful snow removal season. He stated that the City of Mason was fortunate to secure enough salt for the

season, when some communities were unable to obtain salt or received a small portion of their request (10%). Mason was in the position to help Lebanon and Deerfield Township by providing access to the City's salt supply. Eric explained that historically, the City has participated in the Southwest Ohio Purchasers for Government (SWOP4G) purchasing program. Ordinance 2015-45 would authorize a similar program with the Warren County Engineer's Office facilitating on behalf of all communities. With a joint bid, the City anticipates more success in securing salt at a competitive price even though it is expected that availability of salt will be lower than demand. He stated that in order to move forward with the program the Warren County Engineer's Office is requesting a formal commitment from each jurisdiction for their participation. After bids are received and approved, additional legislation will be needed for the actual purchase of approximately 5,500 tons of rock salt for the 2015-2016 winter season. The City continues to pursue alternatives to both reduce the budgetary impact of salt prices as well as to ensure available quantities are on hand. This includes continuing to search for less expensive supplies as well as conservation measures that may reduce the effectiveness of snow removal this year. Five years ago, the City implemented an Incident Command structure for snow and ice removal services which has improved operational efficiency and reduced snow removal costs.

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 2015-45 was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2015-46 REQUESTING THE STATE OF OHIO DIRECTOR OF TRANSPORTATION TO MODIFY THE SPEED LIMIT ON SR-741 BEGINNING AT COX-SMITH ROAD AND ENDING AT PARKSIDE DRIVE

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

Kurt Seiler explained that this is the first step toward designing the SR-741/Parkside intersection improvement project, which includes the intersection of SR-741 and Kings Mills Road. The speed reduction allows for a smoother transition for traffic entering and exiting the new curve alignment planned as part of the project. The request is to extend the existing 45 mph zone from Parkside Drive north about 1,300 feet to Cox-Smith Road. Kurt stated that a speed study was completed and accident data for the last three years was reviewed. The speed study revealed that existing speeds for northbound and southbound traffic at Cox-Smith Road warrant a 45 mph posted speed.

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

Councilmember Pelfrey asked what warning would be given to residents regarding this change. Kurt stated that standard protocol is to post orange flags on the new sign alerting drivers of the change.

A motion to adopt Ordinance 2015-46 was made by Councilmember Prince, seconded by Councilmember Fox. VOTE: ALL YEAS.

OLD AND NEW BUSINESS

Vice Mayor Kidd stated that he has been approached by younger residents interested in construction of a skate park in Mason. Many communities have built skate parks and having a facility in Mason may keep skaters from using other properties. He asked that the City consider this. Council discussed skate park project history from about ten years ago and requested staff to gather information on a possible skate park.

Councilmember Cox congratulated the Mason Food Pantry for a successful Open House.

Councilmember Pelfrey spoke about the progress of the Kings Mills Road Deco-Bridge Project over I-71. The project should be complete by June 1st.

Councilmember Spaeth commented on the number of car accidents and speeding in the City. She asked that Mason residents be more cautious and just slow down. Vice Mayor Kidd suggested that an ongoing marketing plan appealing to the emotions of drivers, including signs to remind drivers to slow down, would work to encourage safe driving. He also suggested that more tickets for tailgating should be issued.

Mayor Nichols encouraged residents to attend the City's special presentation on May 4 with holocaust survivor Eva Kor. He stated that she will be presenting to students on May 5. Ms. Kor is a surviving twin of Dr. Mengele's medical experiments at Auschwitz during World War II. This presentation is an opportunity to experience living history and will serve as a warning to humanity and future generations. Mayor Nichols discussed increased traffic and the importance of City leadership to protect the quality of life by making proper decisions when experiencing rapid growth. Mayor Nichols asked for confirmation of the appointment of Vice Mayor Kidd to Finance Committee.

A motion to appoint Vice Mayor Kidd to Finance Committee was made by Councilmember Spaeth, seconded by Councilmember Fox. VOTE: ALL YEAS.

Councilmember Prince stated that students should take advantage of this historic opportunity and attend the presentation with Ms. Kor. He also encouraged them to visit the Holocaust Museum in Washington D.C. Councilmember Spaeth encouraged residents to make a reservation for the Mother's Day buffet at the Courseview Restaurant.

RECOGNITION OF VISITORS

Lauren, an American Government student and basketball player, stated that she found the meeting very interesting and plans to make the effort to attend the Eva Kor presentation.

Perry Schwartz of 6309 Tarton Fields Lane stated that he would like a study of traffic flow versus number of police officers. The number of police officers should increase as traffic increases. Staff and Safety Committee will follow up with this request.

Ginny Sundin of 108 E. North Street suggested that residents call the police to report traffic violations. They are very responsive and make a difference.

EXECUTIVE SESSION:

A motion to adjourn into Executive Session for the purpose of discussing land acquisition and employment/compensation of public employees was made by Councilmember Fox, seconded by Councilmember Cox. VOTE: ALL YEAS. TIME: 9:07 p.m.

A motion to reconvene into Regular Session was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS. TIME: 10:10 p.m.

A motion to add Ordinance 2015-47 to the agenda was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

ORDINANCE 2015-47 AUTHORIZING THE CITY MANAGER TO TERMINATE AN EXISTING LEASE WITH THE INDIANA AND OHIO RAILROAD COMPANY AND AUTHORIZING THE CITY MANAGER TO ACQUIRE ANY IMPROVEMENTS UPON SAID LEASED PROPERTY


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

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

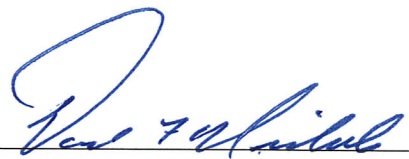
A motion to adopt Ordinance 2015-47 was made by Vice Mayor Kidd, seconded by Councilmember Cox. VOTE: ALL YEAS.

ADJOURN

A motion to adjourn was made by Councilmember Cox, seconded by Vice Mayor Kidd. VOTE: ALL YEAS. TIME: 10:12 p.m.



Clerk of Council



Mayor