

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 27, 2017**

Vice Mayor Spaeth called the meeting to order at 7:03 p.m. Chaplain Tom Moll opened the meeting in prayer. Boy Scout Dylan Plouff led all those present in reciting the Pledge of Allegiance.

ATTENDANCE

The following members of Council were present: Diana K. Nelson, Barbara Berry-Spaeth, Ashley Chance, Kathy Grossmann, Charlene Pelfrey, and Don Prince. Victor Kidd was absent.

APPROVAL OF MINUTES

A motion to approve the February 13, 2017 Council Meeting Minutes was made by Councilmember Pelfrey, seconded by Councilmember Chance. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

The next Council Meeting will be held on March 20, 2017.

The Employee Excellence Awards luncheon will be held March 2 at the Municipal Center. Annually the City hosts this event to recognize those employees who have demonstrated the City's values of Communication, Coordination, Cooperation, Customer Service, and Cost Savings. Employees receiving awards have been nominated by their peers. Council members are encouraged to attend this event.

March 9, 10, and 11 are Member Appreciation Days at Mason Community Center. There will be prize drawings, premier member savings at Symbiosis, bring a friend free without a guest pass, and a basketball shoot and luncheon for premier members.

On March 17 at the Manor House, *One City Against Heroin* is holding a St. Patrick's Day Gala to raise funds and awareness to continue efforts battling the Heroin epidemic.

On April 21 the 11th annual Party with a Purpose event will be held at the Mason Manor House to raise funds for local charities, including Mason Parks and Recreation Foundation. A motion to sponsor a table for the Party with a Purpose event with a \$1000 donation was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS.

COMMITTEE REPORTS - none

RED RHYTHM & BOOM ANNOUNCEMENT

Jenna Hurley provided clues for the audience to guess headline artist, Philip Phillips, and opening artist, Ben Rector, for the Red Rhythm & Boom concert on July 3, 2017.

RECOGNITION OF VISITORS

Two Mason students expressed safety concerns regarding vehicles traveling on SR-741 by US-42, near the entrances of Carmelle and Pebble Creek neighborhoods. They requested the speed limit in this area be reduced from 50 mph to 45 mph.

RESOLUTION 2017-3 OPPOSING THE PASSAGE OF THE STATE OF OHIO'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX CAUSING FINANCIAL HARM TO THE CITY OF MASON AND OTHER MUNICIPALITIES WHILE ENCROACHING UPON THE CITY OF MASON'S HOME RULE POWERS GRANTED BY THE OHIO CONSTITUTION

Eric Hansen explained the State of Ohio's 2017-2018 Budget proposes centralization of taxes that would replace municipal tax collection at the local level with the State collecting local income taxes then calculating how funds are returned to municipalities. This proposal would encroach upon City of Mason's home rule powers. Jeff Forbes read the entire resolution.

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

Councilmember Nelson said this will have a negative impact on the City of Mason and encouraged the public to write representatives in the State House, Senate, and Governor Kasich expressing opposition to centralized collection of local income tax. Councilmember Prince commented the City has earned Moody's Aaa bond rating, while the State of Ohio has been downgraded from Moody's Aaa bond rating. The City needs to maintain home rule authority and encourages citizens to contact their representatives.

A motion to adopt Resolution 2017-3 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2016-126 SECOND READING: APPROVAL OF A REVISED CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR THE TOWER PARK DEVELOPMENT LOCATED AT 710 TYLERSVILLE ROAD (TOWER PARK)

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

Kurt Seiler stated the revised concept plan is for proposed the Tower Park Development located at 710 Tylersville Road, on the WLW Tower property. The property is approximately 31 acres and will remain zoned I-PUD, Industrial Planned Unit Development. He explained concept plans include mix uses developed around existing towers and guy-wires, including retail and restaurants along Tylersville Road, office space, specialty recreation use, and mini-storage units along the eastern and northern property lines. Three access points are proposed on Tylersville Road and two from adjoining commercial developments. Due to the duplicative nature of the

eastern Tylersville access point, it has been recommended to be removed which the applicant agreed to at Planning Commission. Kurt stated if the concept PUD is approved, the final development plan is expected to include four-sided architecture on all buildings. All set-backs meet code and the storage units exceed set-back requirements by 10 feet. Existing towers and anchors will remain; some anchors may be raised to allow clearance over roadways; and all roadways within the development will be private. Kurt explained the subject property is the only property with a light industrial designation along Tylersville Road and fits with surrounding properties shown in the Comprehensive Plan with the mix uses proposed. Planning Commission recommended approval of the concept plan with the condition that the eastern right in/right out access point be removed.

The Public Hearing was opened at 7:27 p.m.

Jose Castrejon of McGill Smith Punshon, Inc. explained plans for this mixed-use development. The overall plan provides connectivity, potential for walkability, and multiple entrances to the development to comply with traffic scenarios. He addressed the importance of landscape buffers between residential properties and plans for 4-sided architecture on all buildings. The plan meets Comprehensive Plan requirements for creating employment concentration along major corridors. Mr. Castrejon stated the eastern right in/right out access point will be removed.

Daniel Marinberg, Vice President and General Counsel for the property owner, Vertical Bridge Holdings, LLC in Boca Raton, Florida, introduced himself.

Molly Stagney of 5759 Thornberry Court stated she is sad to lose this green space and questions the need to build a new business development while businesses in the area are closing. She expressed concerns regarding mature trees in the buffer and the height of the proposed 2-story sports complex backing up to her residence.

Angie Seiller of 5749 Thornberry Court said shards of ice break loose from the tower, creating a dangerous situation for pedestrians and property. One neighbor on Thornberry replaced a roof due to ice damage. Ms. Seiller stated last time the towers were painted, property was damaged with paint splatter. She also is concerned that pedestrians may cut through between homes to access the development.

Tom Andrews of 681 Tylersville Road lives directly across from the main entrance to the proposed development. He discussed current difficulties turning onto Tylersville Road from his home and is concerned the development will escalate the problem.

Barbara Sheridan of 6285 Thornberry Court had questions regarding access to the development from Snider Road. Kurt Seiler confirmed the development will tie into Snider Road. Ms. Sheridan also expressed concerns regarding empty restaurants, chain link fence with barbed wire, and drainage issues.

Daniel Marinberg of Vertical Bridge Holdings and Jose Castrejon of McGill Smith Punshon addressed residents' concerns. Mr. Marinberg suggested development structures may potentially shield residential properties from flying ice and additional retail/business properties may provide

a boost to existing vacant retail properties in the area. Mr. Castrejon stated landscape architects will evaluate existing mature trees and incorporate mounding, screening, and fencing in a buffer zone to insure the development is a good neighbor. He explained traffic and storm water studies will be conducted as part of the final development plan which requires Council approval. Examples of other Vertical Bridge projects were distributed to Council. They are not aware of ice safety issues involving towers at any of these cold climate developments.

Dan Seiller of 5749 Thornberry Court discussed ice issues and stated ice may impact the safety of people within the development. He said he has had siding replaced due to ice damage and brought up potential problems insuring the buildings.

The Public Hearing was closed at 7:55 p.m.

During Council discussion, Councilmember Pelfrey asked that mature trees be saved as part of the buffer zone and discussed with developers the condition and maintenance of existing fencing. Mr. Marinberg stated it would be in the best interest of both the residents and development to fix the fence. Kurt Seiler answered questions regarding access to Snider Road from the development and explained the City plans to build a roundabout at Thornberry and Snider Road which should address speed issues in this area. Councilmember Grossmann stated she would prefer parking lots be located behind buildings fronting Tylersville Road. In response to Council questions, Jose Castrejon explained plans to protect support lines and adjust supports where necessary. He stated plans include a 50-foot landscaped buffer between Tylersville Road and the parking lots. Councilmember Nelson stated she believes the ice issue is a serious safety concern. Mr. Merinberg responded ice accumulating on towers mostly falls straight down and building locations and entrances are located farthest from the tower. Fencing around the large tower is approximately 120' x 150' and 80' x 80' around the smaller tower and original buildings servicing the towers will remain. The development is expected to be built in stages and market studies indicate there are more potential users than space in the development, including strong interest for two restaurants, storage facility, and 1000 square feet of office space. Office space will be high-end with a residential feel and the storage unit will be high quality. Kurt Seiler explained if the concept plan is approved, developers would be required to submit site, landscape, and final PUD plans to Planning Commission for each piece of the project.

A motion to adopt Ordinance 2016-126 was made by Councilmember Pelfrey, seconded by Councilmember Grossmann. VOTE: 5 YEAS, 1 NAY (Nelson).

ORDINANCE 2017-24 APPROVAL OF THE EASEMENT VACATION PLAT FOR EVERYBODY'S FARM PUD

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

Kurt Seiler discussed Ordinance 2017-24 and Ordinance 2017-25 together. Both ordinances are related to Everybody's Farm PUD plats and the particular lot is behind the Dermatologists of Southwest Ohio to accommodate a new eyecare facility. He explained Ordinance 2017-24 authorizes approval of an easement vacation plat to vacate a portion of an existing public

easement, storm/detention easement, and private access and drainage easement in the southwest corner of Lot 7. The proposed easement vacations are within the proposed boundaries of the expanded Lot 7. Ordinance 2017 – 25 authorizes approval of a record plat to Everybody’s Farm PUD Section 4 to change the original 1.3 acre lot to 1.55 acres. He said Planning Commission recommended approval of both the vacation plat and record plat.

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

A motion to adopt Ordinance 2017-24 was made by Councilmember Pelfrey, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2017-25 APPROVAL OF THE RECORD PLAT FOR EVERYBODY’S FARM PUD SECTION 4

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

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

A motion to adopt Ordinance 2017-25 was made by Councilmember Prince, seconded by Councilmember Nelson. VOTE: ALL YEAS.

ORDINANCE 2017-26 AUTHORIZING PAYMENT IN AN AMOUNT NOT-TO-EXCEED \$8,000 TO THE BLUE SKIES FOR THE GOOD GUYS AND GALS WARRIOR FOUNDATION, A PRIVATE NON-PROFIT ORGANIZATION

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

Jennifer Heft explained in 2006, the Finance Committee developed and Council approved a policy to guide contributions to local non-profit organizations. The policy recommended limiting City contributions to \$8,000 and no more than a third of a group’s budget. This is accomplished through a matching program where the City contributes one dollar for every two dollars raised from other sources by the non-profit group. She said the City received a request for participation in the program from Blue Skies for the Good Guys and Gals Warrior Foundation. The Finance Committee reviewed the request and is recommending Ordinance 2017–26 for adoption. Jennifer introduced Mr. David Hart of *Team Fastrax Warrior Weekend to Remember*. Mr. Hart stated this is the fourth year organizing this event in Southwest Ohio, honoring Purple Heart recipients and Fallen Hero families. He introduced three alumni who shared experiences attending past Warrior Weekends. Councilmembers expressed gratitude to veterans and military families.

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

A motion to adopt Ordinance 2017-26 was made by Councilmember Prince, seconded by Councilmember Chance. VOTE: 5 YEAS, 1 ABSTAIN (Nelson).

ORDINANCE 2017-27 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RACK & BALLAUER EXCAVATION CO., INC. FOR THE MASON-MONTGOMERY/BETHANY BIKE PATH PROJECT IN THE AMOUNT OF \$562,217

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

Kurt Seiler said staff was successful in obtaining an OKI Transportation Alternatives grant as a joint application with Deerfield Township for the extension of bike path eastward and northward from the roundabout. The grant reimburses 80% of project construction and right-of-way costs up to \$500,000. The Bethany Road section connects the path at the roundabout to Windemere Way and the Mason-Montgomery Road portion connects the path at the roundabout to Fleckenstein Park. Design, right-of-way acquisition, and construction costs are divided proportionally between the City and Township for their respective portions. Kurt stated Rack & Ballauer was the low bidder at \$562,217 and construction is expected to begin in spring and completed this fall. Bid amounts include base bid plus alternates 1 and 2. Alternate 1 specifies a certain type of pipe to be used for storm sewers and Alternate 2 specifies concrete pipe for the 60" culvert under Mason Montgomery. The 2017 Budget included \$650,000 for this project and federal grant funds will reimburse 80% of these costs.

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

A motion to adopt Ordinance 2017-27 was made by Councilmember Prince, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

ORDINANCE 2017-28 ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RUMPKE WASTE COLLECTION AND DISPOSAL SYSTEMS FOR THE WASTE COLLECTION AND DISPOSAL OF CERTAIN SOLID WASTES WITHIN THE CITY OF MASON AND AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO SECTION 961.04 – CHARGES AND BILLING FOR RUBBISH AND WASTE COLLECTION

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

Jennifer Heft stated this two-year contract with Rumpke includes an option to renew up to three additional years. She explained the City's current five-year contract with Rumpke expires on April 30, 2017. The City worked with Warren County Solid Waste District in preparing specifications for these services. The Solid Waste District assists local jurisdictions in

understanding changes and newest trends in waste and recycling services, keeps local data for haulers in the region and helps review bids for these services. Bids were distributed to three vendors – Rumpke Inc., Republic Services and Waste Management. A pre-bid meeting was held on January 20 providing an opportunity for the City to respond to any inquiries interested haulers may have had related to the bid. Rumpke Inc. was the only hauler that attended. Jennifer explained follow-up with the other vendors indicated their hauling operations no longer extend to the Mason area. A bid opening was held on February 3 with Rumpke Inc. submitting the sole bid. She said with increased costs for fuel, landfill, labor and competition in the market, staff anticipated a significant increase in pricing. While proposed rates did rise, the increase is relatively modest at 3.4%. The most notable increase was the recycling services rate. In 2012 the City moved to a 65-gallon recycling cart with lid and since that change there has been a 33.5% increase in recycling weight. In 2012, it was estimated that 60%-70% of Mason residents recycle. Today, with the larger recycling container, that estimate is 85% - making the City a significant recycling community. Jennifer stated with the new contract, residents will continue to enjoy unlimited number of container pickups. Residents are encouraged to notify the City when they do have a large number of containers for removal. This ensures the hauler is able to visit all residents scheduled for pickup that day. If the contractor fails to perform responsibilities as outlined, monetary penalties can be imposed. She explained, in an effort to keep residential rates low, collections for residential units will be no earlier than 5:00 a.m. and no later than 6:00 p.m. New Year's Day and Christmas Day holiday collections will be delayed one day, with all waste for those weeks being removed no later than Saturday. Jennifer stated the City has contracted with Rumpke for over 20 years, and receive very little complaints from residents. The current rate for waste and recycling services is \$14.35 per month. She explained the City contracts with Greater Cincinnati Water Works (GCWW) to manage the monthly billing for all utilities used by Mason residents. A 5% GCWW fee is incorporated into the monthly waste and recycling fee to cover the cost of billing operations. In addition to that fee, a 5% City of Mason administration fee is added to assist in recovering costs of customer service staff responsible for fielding utility related inquiries. Actual administrative costs of 2.5% has allowed a balance to build in a fund that will be used to keep residential billing rates the same in 2017 and spread out rate increases over the life of the contract. This is the first increase in rates since 2011. Jennifer stated Mason residents have enjoyed very low rates compared to a typical monthly bill of approximately \$23 in unincorporated areas, a City of Mason resident saves over \$100 a year based upon the 2017 rate of \$14.35.

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

A motion to adopt Ordinance 2017-28 was made by Councilmember Grossmann, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2017-29 CREATING TWO (2) ADDITIONAL FULL-TIME PARAMEDIC /FIREFIGHTER POSITIONS IN THE CITY OF MASON FIRE DEPARTMENT

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

Jennifer Heft stated over the years, the City has hired several fire and EMS professionals and consultants to evaluate City of Mason Fire operations. All consistently recommend the City adopt the National Fire Protection Association's (NFPA) 1710 standard of six-minute response time and specific staffing numbers on department apparatus. In 2007, the City adopted the goal of meeting the NFPA's minimum standard and in 2011, the City confirmed its commitment to meet NFPA's standard of four firefighters on fire apparatus and two firefighters on ambulances. She stated other recommendations included a revision to the command structure to provide more full-time supervision and increase the full-time contingent of firefighters to strengthen staffing. In order to meet these goals, Chief Moore was hired in 2007, two Deputy Chiefs were hired in 2008, and additional full-time firefighter/paramedic positions have been added throughout the years. Jennifer explained the Fire Department has relied on part-time positions, but filling part-time positions has been a challenge despite attempts to strengthen the part-time program by updating the part-time firefighter's incentive program, pay structure, and recruiting methods. The Affordable Healthcare Act affected the number of hours part-time firefighters could work in a given week, further adding to the dilemma with part-time staffing. Overtime costs have increased as full-time staff covers part-time shift vacancies. Jennifer said in 1998 there were over 80 part-time firefighters, in 2013 there were 15, last year the department struggled to obtain 11, and currently there are 7 part-time firefighters. The Safety Committee met and concluded the City needs to increase full-time coverage, adding full-time positions does not expand shifts, but transitions costs from part-time and overtime costs to full-time firefighter salaries. Funding for the two full-time replacement positions was included in the 2017 Budget.

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

A motion to adopt Ordinance 2017-29 was made by Councilmember Prince, seconded by Councilmember Chance. VOTE: ALL YEAS.

ORDINANCE 2017-30 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

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

Eric Hansen explained the process of outfitting front-line Police cruisers with in-car cameras has been phased in over the past several years in an effort to control expenses and maximize grant funding. Purchase of these five new cameras nearly completes the Police department's fleet being equipped with this technology. The City is using the State of Ohio Cooperative Purchasing Program for this purchase. He said the 2017 Budget included \$32,000 for the purchase of five cameras and a grant in the amount of \$11,160 was secured for a portion of the total cost. The purchase price does not include installation and remaining budgeted funds will be used for installation costs. The Safety Committee has reviewed this request and is recommending Ordinance 2017-30 for adoption.

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

A motion to adopt Ordinance 2017-30 was made by Councilmember Nelson, seconded by Councilmember Prince. VOTE: ALL YEAS.

ORDINANCE 2017-31 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BECKER ELECTRIC SUPPLY COMPANY FOR THE PURCHASE OF NINE (9) DECORATIVE STREET LIGHTS AND ASSOCIATED MATERIALS IN THE AMOUNT OF \$36,000

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

Kurt Seiler said the City maintains approximately 600 of the over 2,000 street lights in the City. This year's program will replace nine lights in Bay Meadows and Burr Hills subdivisions and completes street light replacement in this area. Becker Electric Supply submitted the lowest and best bid for light poles, fixtures, foundations, and materials. Becker furnished materials for the 2016 program and were very responsive to staff needs and timely in their deliveries. Kurt explained quotes were also obtained for installation of streetlights and underground boring work needed for installation of electrical conduit. These quotes were less than \$15,000 each and do not require Council legislation. It is anticipated this year's program will be approximately \$62,000 for materials and installation. The 2017 Budget included \$95,000 for the annual program. The 2018 program is anticipated to focus on replacement along Hanover Drive.

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

A motion to adopt Ordinance 2017-31 was made by Councilmember Nelson, seconded by Councilmember Prince. VOTE: ALL YEAS.

OLD AND NEW BUSINESS

A motion to confirm the Mayor's appointment of Adam Ayers to Mason Park Advisory Board was made by Councilmember Chance, seconded by Councilmember Prince. VOTE: ALL YEAS.

Councilmember Pelfrey thanked Council, City administration and staff for their patience, support, generosity, and prayers during her battle with breast cancer.

Vice Mayor Spaeth asked Eric Hansen to explain changes to small cell facility regulations. Eric explained small cell facilities are designed to be strategically deployed within an area to improve coverage and reliability of cellular networks and to support deployment of next generation 5G networks. Mason City Council passed zoning ordinance modifications in 2016 in order to control the amount, location, design and impacts of these facilities. On December 7, 2016, the Ohio General Assembly passed Senate Bill 331 (SB 331), titled "Regulate dog sales and license pet stores" aka the Petland Bill. Prior to passage, during this lame duck session, provisions were

inserted into the legislation stripping a municipality's ability to regulate small cell facilities including: their placement, construction, modification and maintenance in the public right-of-way. He stated Mason will have little to no chance of properly vetting locations, designs or impacts of these wireless facilities on the community due to this legislation. The City hopes providers will cooperate with staff to ensure impacts are kept to a minimum even though the State removed local legal authority. He explained there may be legal challenges to the State's legislation and it may become necessary to amend or even repeal Mason's ordinance, as the impact of these decisions unfolds. Council discussed, expressed disappointment, and asked for additional information. Jeff Forbes stated the bill provides size and height limitations to qualify as a "micro wireless facility," which is then exempt from local zoning. Eric stated like the centralized tax collection proposal, effort by the State to diminish local self-government should be opposed.

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tarton Fields Lane expressed a desire to contact State Representatives regarding past and future decisions made in Columbus.

ADJOURN

A motion to adjourn was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS. TIME: 9:15 p.m.