

**CITY OF MASON  
COUNCIL MEETING  
APRIL 10, 2017**

The meeting was called to order by Honorary Mayor Andrea Hefferan at 7:02 p.m. Chaplain Edinson DeArco opened the meeting in prayer. Honorary Mayor Rebeca Hefferan led all those present in recitation of the Pledge of Allegiance.

**ATTENDANCE**

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

**APPROVAL OF MINUTES**

A motion to approve the March 20, 2017 Council Meeting Minutes was made by Councilmember Prince, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

**PRESENTATION OF PROCLAMATION TO WARREN COUNTY COMMISSIONER PAT SOUTH**

Mayor Kidd read and presented the proclamation to Warren County Commissioner Pat South. Councilmembers thanked Commissioner South for her many years of service. Commissioner South said over the past 24 years the City of Mason has experienced a growth rate of 169%, while Warren County has grown by 99.3%. She thanked Mason City Council and said it has been a genuine pleasure working with the City of Mason.

**RECOGNITION OF VISITORS**

Sharon Poe of 4667 Angeline Lane questioned the City of Mason's decision making process when determining business incentives. She expressed her concern that tax dollars were being used to enrich a former Councilmember personally. Eric Hansen stated VGC entered into an economic development partnership with the City of Mason. He explained incentives are provided when a high return on investment to the City through job growth and additional earnings tax are present. These agreements help drive down taxes for residents. The share of taxes paid by Mason residents has steadily declined over the years because of Mason's success in bringing additional jobs to the City. The City has entered into several arrangements with a number of new businesses that have located to the City of Mason because of the quality of life, services, and incentives provided to compete with other communities. He said residents have been very supportive of the business environment in Mason because they understand their quality of life improves as businesses succeed in Mason.

Steven Stegbauer of 5358 Hidden Creek Circle said hazing coyotes is ineffective and dangerous. Coyotes are stronger, faster, and will attack if provoked. He also raised questions regarding the effectiveness of lightning prediction systems.

Vickie Roarke of 4638 Courtyard Drive would like the City to upgrade Mason crosswalks with flashing lights and sound system to alert drivers when pedestrians are in the crosswalk. She also requested Police ticket drivers not yielding to pedestrians.

Bill Fry of 7286 Osceola Road in Blanchester, Ohio had questions regarding the ethics surrounding the City's economic development partnership with VGC. Mayor Kidd encouraged citizens to meet with City staff to explain the VGC investment in detail. Eric Hansen presented data on how Mason's business strategy has reduced the tax burden paid by Mason residents. In 1995 residents shouldered 50% of the tax burden compared to paying only 15% in 2015.

Kelly Kohls of 4255 Nicholson Road in Clarksville, Ohio expressed similar concerns already expressed by Warren County Tea Party members regarding the VGC agreement. She also encouraged people to take a constitution course offered by the Institute on the Constitution.

Steve Jones of 913 Leslie Court said he would like to sit down with Mason staff to learn more about Mason's economic development strategy.

### **CITY MANAGER'S REPORT**

City of Mason offices will be closed Friday, April 14 in observance of Good Friday. Mason Community Center will be open regular hours, but on Easter Sunday will be open noon to 4:00 p.m. with limited access.

Mason City Tax Returns are due Tuesday, April 18. The Mason Tax Office offers "free" assistance to residents in completing their Mason tax return.

The Area Progress Council 2017 State of the County meeting will be on April 19 at Shaker Run Golf Club.

The April 19 meeting of the Warren County Municipal League will be held at Golf Center of Kings Island.

May 19 is the last day to submit photos for the 2018 calendar contest. Photos must have been taken in Mason City limits in 2016 or later. The contest is open to the public and information is on the City's website. The cost of the calendar is supported by sponsorship ads from area merchants and service providers. Contest winners will be selected in June and calendars will be distributed at the Heritage Festival in September.

Eric Hansen stated any implication from visitors that the City acted outside the law is inaccurate - everything Council has done is legal. The City of Mason has a competitive economic development strategy and Mason's Law Director works to assure that the letter of the law is followed. Characterizing incentives as "gifts" or "free money" is incorrect - there are obligations businesses participating in incentive programs must meet. Businesses are held accountable and historically have paid back "loans" in earnings tax revenue that far exceeds the loan amount. He clarified that VGC's proposal did not come from Council. City staff met, reviewed the proposal, and negotiated a program to help fill a need for office space within the City of Mason. The VGC program was then presented and carefully considered by Council.

### **RESOLUTION 2017-5 PROCLAIMING APRIL 28, 2017 AS ARBOR DAY**

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

Jennifer Heft stated National Arbor Day is April 28, 2017. The City of Mason will celebrate this event in conjunction with Earth Day on Saturday, April 29 at the Mason Community Center from 10 a.m. to noon. This event is free and open to the public. She said the event will begin with a brief ceremony followed by free tree seedling giveaways. Also at the event will be a tower garden demonstration by Juice Plus, Arbor Day themed crafts for kids provided by Mason Public Library, and the Warren County Soil and Water Conservation District education trailer demonstrating the water cycle process. Kiwanis of Mason will have donation barrels present at the event to encourage the community to recycle unwanted clothing items and barrels will remain in the Community Center lobby throughout the week following the event. Jennifer said the City of Mason has again been recognized with a Tree City USA Award that will be given out at a ceremony and luncheon on Friday, April 21.

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 Resolution 2017-5 was made by Councilmember Prince, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

#### **RESOLUTION 2017-6 PROCLAIMING MAY 7-13, 2017 AS CLEAN WATER WEEK**

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

Jennifer Heft covered the next two resolutions. She said this time of year the City begins the process to recognize several City Departments during their national recognition week. This provides a great opportunity to focus on what City departments do for our community and residents. Resolution 2017-6 recognizes Clean Water Week from May 7-13 and the critical role of Mason's Public Utilities Department in providing clean, safe water and insuring the proper treatment of waste water. She said the City's new Water Reclamation Plant went in to service on May 10, 2006 and is a state-of-the-art facility maintaining over 200 miles of sewer lines, over 3,000 sanitary manholes, over 120 miles of storm lines, over 1,000 storm manholes and over 5,000 catch basins. Jennifer Heft stated Resolution 2017-7 recognizes May 21-27, 2017 as National Public Works Week. The City's Public Works Department takes care of street maintenance, snow and ice removal, brush chipping, leaf collection, maintaining guard rails, traffic signals and signs. There's over 350 lane miles of roadway, over 5,000 regulatory signs within City limits. She said last year Public Works removed over 3,000 cubic yards of brush, 3,600 cubic yards of leaves, and over 3,000 cubic yards of brush. The City recognizes the Public Utilities and Public Works Departments for all of their efforts and what they do maintaining our community.

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

A motion to adopt Resolution 2017-6 was made by Councilmember Grossmann, seconded by Councilmember Prince. VOTE: ALL YEAS.

**RESOLUTION 2017-7 PROCLAIMING THE WEEK OF MAY 21-27, 2017 AS NATIONAL PUBLIC WORKS WEEK**

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

A motion to adopt Resolution 2017-7 was made by Councilmember Prince, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2017-52 FIRST READING: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MASON TO AMEND IN PART ZONING CODE CHAPTERS 1157, 1162, 1163, 1165, APPENDIX B AND ADD CHAPTER 1189 (ZONING CODE AMENDMENTS)**

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

Eric Hansen announced a Public Hearing and second reading of Ordinance 2017-52 will be held at the May 8, 2017 Council Meeting.

**ORDINANCE 2017-53 APPROVAL OF THE FINAL PLAT FOR FALLING BROOK PHASE B, BLOCK C**

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

Eric Hansen introduced Assistant City Engineer Steve Hartke to present the next several ordinances. Steve Hartke stated Hal Homes, Inc. is requesting approval of the final plat for Phase B, Block C of the Falling Brook Subdivision. This will create 2 multi-family lots and 12 single family buildable lots. The waterline, drainage, sanitary and access easements were recorded as part of a previous record. Steve said this is the last phase of the Falling Brook Development.

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

A motion to adopt Ordinance 2017-53 was made by Councilmember Prince, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2017-54 APPROVAL OF THE CINTAS COMMERCE PARK SECTION TWO REPLAT**

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

Steve Hartke stated Bayer Becker is requesting approval of the Cintas Commerce Park, Section Two replat. This property is located on the west side of Cintas Boulevard at the northern end. The lots are being reconfigured to accommodate a new 53,000 square-foot office facility to be built on lot 7B.

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

A motion to adopt Ordinance 2017-54 was made by Councilmember Chance, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2017-55 APPROVAL OF THE REPLAT OF LOT 2A IN CHRIST'S CHURCH AT MASON SECTION ONE**

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

Steve Hartke stated Christ's Church at Mason is requesting a replat of Lot 2A. The property is located adjacent to the section of Central Parke Boulevard that has been dedicated, but not constructed. This replat will split the property into two lots. He said Ordinance 2017-55 is recommended for adoption contingent on review of the plat with the Warren County Map Room with any recommended changes made and addressing remaining outstanding items for the maintenance building site.

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 2017-55 was made by Councilmember Prince, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

**ORDINANCE 2017-56 APPROVAL OF THE DEDICATION PLAT FOR MASON MONTGOMERY ROAD (P&G)**

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

Steve Hartke stated the Kleingers Group is requesting approval of the dedication plat along Mason-Montgomery Road. The area of dedication consists of 7.3 acres and runs the length of the Procter & Gamble property from Irwin-Simpson Road, north to the Tide Dry Cleaners property. He explained dedication will include existing right-of-way easement as well as the additional right-of-way necessary for the road widening project expected to be completed by summer 2018.

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 2017-56 was made by Councilmember Prince, seconded by Councilmember Chance. VOTE: ALL YEAS.

**ORDINANCE 2017-57 AMENDING SECTIONS 505.11, 549.08, 549.09 AND REPEALING SECTION 549.16 OF THE CODIFIED ORDINANCES OF THE CITY OF MASON, OHIO, REGARDING HUNTING AND DISCHARGE OF FIREARMS AND OTHER WEAPONS**

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

Eric Hansen stated in 2006, City Council amended an ordinance that dealt with throwing or projecting missiles. Specifically this ordinance was amended to better deal with the use of bows and arrows in the City, and to also allow for competitive sporting events. Unfortunately when this ordinance was amended, the City failed to realize there was another section within the codified, 549.16, that contradicted changes made in 2006. Eric stated to resolve this conflict, staff recommends moving some of the language into the right section of the ordinance, repeal the section no longer needed, and make minor changes in the wording to clarify allowable uses. In addition to these changes, 549.09 would be amended to allow for the possibility of practice for competitive sporting events, upon issuance of a permit by the Safety Director and adding an appeal process as currently exists in 549.08.

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

Councilmember Prince asked for clarification on uses by an individual on personal property. Jeff Forbes explained it is not the intent of the ordinance to prohibit individual uses, but he understands the request for clarification. Jeff said there is language in subsection B that infers an individual can participate in the activity as long as not doing so recklessly. Council discussed additional clarification and a permitting process with distance requirements for individual use. So that the organization making the request can move forward, staff suggested adopting Ordinance 2017-57 as presented and having Safety Committee review to consider individual use issues.

A motion to adopt Ordinance 2017-57 was made by Councilmember Pelfrey, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2017-58 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 Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

Jennifer Heft stated the City has purchased rock salt for ice and snow removal through two different programs, the Southwest Ohio Purchasers for Government (SWOP4G) purchasing program and a cooperative governmental purchasing program with Warren County. Many communities including Mason, Lebanon, Springboro, Deerfield Township and Clearcreek Township have coordinated with the Warren County Engineer's Office on this intergovernmental venture. She said the City of Mason intends on participating in both programs again this year. 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 City legislation

will be needed for the actual purchase of approximately 5,000 tons of rock salt for the 2017-2018 winter season.

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

During Council discussion, staff explained the City purchases enough salt to fill up the salt barn and then only purchases salt as needed through the season. Due to the mild season last year, the City only used 2,000 tons of salt.

A motion to adopt Ordinance 2017-58 was made by Vice Mayor Spaeth, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2017-59 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THORGUARD WEATHER IN AN AMOUNT NOT TO EXCEED \$38,640 FOR THE PURCHASE OF A LIGHTNING PREDICTION SYSTEM**

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

Jennifer Heft stated in 2010 the City partnered with Mason youth sports organizations to acquire a lightning prediction system for Sundin Fields at Heritage Oak Park. This is the only lightning detection system in the City. Patrons at other City parks and facilities do not have the same tool to gauge lightning conditions. She explained this creates inconsistency among city programs and facilities as programs at Sundin Fields may be delayed because of the alert system while programs in other City parks continue. She said the 2017 Budget includes \$37,000 for this project. ThorGuard quoted a price of \$38,640 for the work at the Mason Sports Park, Corwin Nixon Park and the Municipal/Community Center campus. Staff recommends a phased approach for development of a citywide system by purchasing two base units this year to be installed on the Mason Municipal/Community Center campus and at Mason Sports Park. She explained base units at these locations will allow remote horns to be placed within a 1.25 radius of the base unit to obtain maximum amount of coverage in areas with some of the highest visitors, including the Downtown Plaza, Heritage Oak Park, and Corwin Nixon Park. Horns cover approximately 700 yards and can be adjusted to project a lower volume or to a specific area. Jennifer stated City staff also met with School officials about the opportunity to partner on this project for their nearby outdoor athletic facilities and stadium. Base unit locations provide an opportunity for Mason City Schools to purchase horns for their facilities located near the municipal campus. Jennifer said ThorGuard quoted a price of \$38,640 for the work at the Mason Sports Park, Corwin Nixon Park and the Municipal/Community Center campus. Staff requested an additional quote for replacing the outdated system at the Golf Center. The quote for that work is \$20,445. Staff is recommending moving forward with systems for the parks at this time. If Council would like to move forward with a system for the Golf Center, a motion to amend Ordinance 2017-59 to an amount of \$59,085 would be needed.

During Council discussion Jennifer explained new prediction systems have the capability to send email and text notifications to staff and approved users when the system is activated. Currently wireless capabilities are not available in City parks, but once the citywide fiber project is completed, this feature can be evaluated for future use. Council discussed the usefulness and reliability of

lightning prediction systems. A system may provide a baseline to support groups making weather related decisions while in the parks. Council referred the topic to Safety Committee for its review.

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

**OLD AND NEW BUSINESS**

Council expressed interest in Downtown Mason designated outdoor refreshment areas.

**RECOGNITION OF VISITORS**

Perry Schwartz 6309 Tarton Fields Lane requested a description of Ordinance 2017-52 be given at its next reading.

**EXECUTIVE SESSION: LAND ACQUISITION**

A motion to adjourn into Executive Session for the purpose of discussing land acquisition was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS. TIME: 8:28 p.m.

A motion to reconvene into Regular Session was made by Vice Mayor Spaeth, seconded by Councilmember Chance. VOTE: ALL YEAS. TIME: 8:53 p.m.

**ADJOURN**

A motion to adjourn was made by Councilmember Pelfrey, seconded by Councilmember Grossmann. VOTE: ALL YEAS. TIME: 8:53 p.m.

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Clerk of Council

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Mayor