

**CITY OF MASON  
COUNCIL MEETING  
OCTOBER 23, 2017**

The meeting was called to order at 7:04 p.m. Chaplain Tom Moll opened the meeting in prayer. Boy Scout Joseph Washington led all those present in 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 October 9, 2017 Council Work Session Minutes was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS.

A motion to approve the amended October 9, 2017 Council Meeting Minutes was made by Councilmember Prince, seconded by Councilmember Chance. VOTE: ALL YEAS.

**CITY MANAGER'S REPORT**

At this time of year, City Council typically authorizes the purchase of a Holiday gift certificate towards the purchase of a ham or turkey for City employees. A motion for Council to offer this to all City employees was made by Councilmember Grossmann, seconded by Councilmember Prince. VOTE: ALL YEAS.

The City of Mason held the 3<sup>rd</sup> annual Mason Corporate Challenge on Saturday, October 21 at The Golf Center. This event is driven by several Mason corporations participating in the 5K. Businesses registered made donations to select charities. City Council, Commissioners, CEO's, and City staff participated in this successful event that marries Mason's culture of wellness and economic development efforts.

The City is partnering with the Lynx Project to host their concert at the Mason Middle School Auditorium on Friday, October 27 at 7:30 p.m. The concert is a new form of art song featuring text written by four individuals with autism who are non-verbal, but communicate by pointing to letters on a board through a process called the Rapid Prompting Method. In partnership with the City, the Lynx Project has donated \$600 to Common Ground Playground in lieu of facility rental fees.

Halloween will be celebrated on Tuesday, October 31 between 6:00 p.m. and 8:00 p.m., rain or shine.

Mason Police Department is hosting Coffee with a Cop at Sundin Fields at Heritage Oak Park on Saturday, October 28 from 10:00 a.m. to noon. Mason Police Department works with other agencies in the area to provide officers an informal setting to meet with residents.

The American Legion Post 194 and VFW Post 9622 are hosting a Veterans Day Ceremony in the atrium of the Municipal Center on Friday, November 10 at 7:00 p.m.

Highlighting the financial performance efforts of City Council, the balance in the capital fund is an indicator of how successful the City has been at controlling expenses and maximizing revenues. Any monies available to move in to the capital fund are available for investment in the City and used for items like roads, parks, and facilities. The City's capital fund balance over the last eight years has grown to \$20 million and debt has gone down by \$36 million. The City's financial status, with these two indicators, has improved by \$56 million.

A motion to move Ordinance 2017-138 and Ordinance 2017-139 after Recognition of Visitors was made by Councilmember Pelfrey, seconded by Councilmember Prince.

### **COMMITTEE REPORTS**

Councilmember Pelfrey stated the Downtown Committee has been discussing programming for the Plaza in 2018 and looking forward to collaborating with local businesses and MADE Chamber of Commerce for growth in the downtown area and habitual events for 2018 and future. She reviewed the history of the Safety Committee, their preventative outlook, and impact on issues that could provide potential harmful effects to the City. She advised the Safety Committee has been discussing the topic of medical marijuana in Mason and requested presenters to review research completed in regards to medical marijuana. Jeff Forbes stated the law was passed in September 2016 and provides municipalities and townships the authority to prohibit or limit the amount of cultivators, processors and retail dispensaries. He stated 24 cultivator licenses will be issued in the State of Ohio and the application period was closed in June. No cultivator license applications were given for property in the City of Mason. 40 initial processor licenses for the State of Ohio will be given and the open application period is December 4 through December 15, 2017. 60 initial retail dispensary licenses will be issued by the State, but divided into quadrants and districts. Jeff stated Southwest District 5—Warren, Clinton and Clermont counties—will have only one retail dispensary license issued for the three county area. Brian Lazor advised the State provides each municipality the ability to ban, limit, or allow medical marijuana establishments within the City. Police Chief Carter reviewed research collected on the impact of medical marijuana laws on public safety. He stated currently there is no template on how law enforcement responds to these scenarios. Police departments will be training and learning as this law develops. Mason's Police Department has provided officers with off-site training beginning in 2015. He reached out to other departments where medical marijuana is legalized and received varied feedback including impact and no impact on safety. Councilmember Pelfrey advised the Safety Committee recommends an immediate moratorium on establishments cultivating, processing, and dispensing of medical marijuana in the City and pursuing the first reading on a zoning ban of such establishments.

## **RECOGNITION OF VISITORS**

Sarah Moore of 933 Loveland-Miamiville, Loveland, Ohio reviewed her role at Teen Challenge Cincinnati to engage in the council and care during the intervention of individuals suffering from life controlling issues. She provided her outlook on marijuana being a harmful substance and advised drug addictions begin with marijuana use. She also shared her personal story with drug addiction and requested the community think about the effects of the use of marijuana.

Aaron Baer of 208 East State Street, Columbus, Ohio represented Citizens for Community Values and requested Council consider concerns before making decisions. He advised it's rare for a Schedule 1 drug to be distributed outside of pharmacies, the Ohio Pharmacists Association opposed this law, marijuana affects children negatively with unintended exposure and he thinks the end role is recreational marijuana use.

Michael Gilb of 4471 Black Oak Lane followed up to his email to Council encouraging and supporting Ordinance 2017-138 and Ordinance 2017-139.

Tom Grossmann of 4533 Morris Court encouraged Council to prohibit medical marijuana in Mason. He stated the FDA found no medical benefit in marijuana, the FDA found marijuana dangerous to subscribe as a drug and the FDA found marijuana to be highly subject to abuse. He advised to follow the drug approval process allowing scientists and doctors to perform their research and allow the FDA process to take place to determine the medical properties of drugs.

Nicole Mace of 630 Lindemann Lane and Thomas Fogus of 6133 Villas Creek Circle brought up concerns with continued sightings of coyotes and inquired how the City is addressing coyote safety concerns. Vice Mayor Spaeth empathized about concerns that coyotes are hindering residents to enjoy their property. Councilmember Prince advised Safety Committee had previously brought this up to the City with initial success and stated the City and Safety Committee are taking coyotes in Mason seriously. Eric Hansen advised the City has continuously been addressing coyotes over the last two years including removing old structures and clearing areas to discourage coyote habitats. The City has been working with professionals to find and remove coyotes in the area and this is an ongoing effort through the advice of professionals. Councilmember Pelfrey advised to take pictures of sightings if possible to help provide coyote traffic patterns.

## **ORDINANCE 2017-138 IMPOSING A MORATORIUM FOR A PERIOD OF 180 DAYS ON THE GRANTING OF ANY PERMIT ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF MASON, OHIO AND DECLARING AN EMERGENCY**

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

Eric Hansen stated this Ordinance establishes a six-month moratorium on zoning for the cultivation, processing, and dispensary of medical marijuana. This six-month time prevents any

medical marijuana establishments in the City and allows a window for Council to thoughtfully consider public input and to provide a lasting way to address medical marijuana. Local jurisdictions have no role in regulating the use of medical marijuana or the operation of these establishments, but local zoning does allow control over their location or presence in a municipality.

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.

Vice Mayor Spaeth read a letter from Mayor Kidd advising his preference to wait until after State law parameters were formed before making any direct decisions and allow time to consider pros and cons before banning a medication. Council will be able to reach a well-researched and thoughtful decision now that laws have been formed.

Councilmember Prince provided concerns that medical marijuana is a marketing term, provides an opportunity to create a smokeable form of marijuana, and is more about money than medicine. He thanked visitors for coming in to speak on medical marijuana and cautioned that medical marijuana will have a negative impact on economic development.

Councilmember Grossmann supports the moratorium and has concerns that the State of Ohio law for dispensaries has no distance requirements for residential areas. She stated concerns in property values decreasing in regard to areas where dispensaries are located, costs incurred for public safety, and the business impact for economic development. Councilmember Grossmann provided a statement to be attached to the minutes.

Councilmember Pelfrey supports the moratorium and the first reading to take action on medical marijuana.

Vice Mayor Spaeth thanked residents for their opinions that have been emailed in and wants to listen to both sides of the topic to make a judgement for the best interest of the community. She brought up the possibility of a public forum.

Councilmember Nelson and Councilmember Chance support Ordinance 2017-138 and Ordinance 2017-139 and will be listening to additional Mason citizens to make the best decision for the community before passing any new laws. Councilmember Chance appreciated Sarah sharing her heartfelt story and thanked her for what she does at Teen Challenge Cincinnati.

A motion to adopt Ordinance 2017-138 was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS.

**ORDINANCE 2017-139 1<sup>ST</sup> READING - AMENDING CHAPTER 1171 OF THE ZONING CODE OF THE CITY OF MASON, OHIO, REGARDING REGULATIONS FOR THE CULTIVATION, PROCESSING, AND RETAIL DISPENSARIES OF MEDICAL MARIJUANA**

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

Eric Hansen said this first reading proposes amendments to the zoning code prohibiting cultivation, processing, and retail dispensaries for medical marijuana. A Public Hearing to review Zoning Ordinance Amendments would be set for a date after Planning Commission meets, holds a public hearing and provides their recommendation to City Council.

Vice Mayor Spaeth set the Public Hearing date for January 22, 2018.

**ORDINANCE 2017-130 APPROVAL OF CINTAS COMMERCE PARK SECTION TWO, REVISION ONE RECORD PLAT**

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

Kurt Seiler stated Ordinance 2017-130 is for a sanitary sewer easement on Cintas Boulevard for the new Chard Snyder office facility. Planning Commission recommended approval of the record plat contingent upon adding “Sanitary Sewer Easement Restriction” language to the plat and submittal of the performance bond.

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

A motion to adopt Ordinance 2017-130 was made by Councilmember Nelson, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2017-131 APPROVAL OF THE BEACH SUBDIVISION PHASE TWO, REVISION ONE RECORD PLAT**

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

Kurt Seiler stated this plat subdivides lot 4A of the Beach Subdivision, Phase Two into two lots, Lot 4C for the future Villages of Mason subdivision and Lot 4D for future Beach Boulevard development.

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

A motion to adopt Ordinance 2017-131 was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS.

**ORDINANCE 2017-132 AN ORDINANCE ACCEPTING THE PROPOSAL FOR THE MUDDY CREEK STABILIZATION PROJECT DESIGN FROM SUSTAINABLE STREAMS, LLC, IN THE AMOUNT NOT TO EXCEED FEE OF \$47,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

Kurt Seiler said the City received a call earlier this year from a concerned stating the City's bike path and wooden bridge railing along Muddy Creek between Mason-Montgomery and Kings Mills was at risk of falling. The bank is approximately 10-12 feet tall and due to recent erosion the existing bank is unstable with no existing vegetation to stabilize the bank against future erosive flows. Sustainable Streams specialize in stream stabilization and recently completed the design of the Marival-Broadview Farms Stream Restoration Project. Sustainable Streams will provide the surveying, design services and permitting. Construction is planned to begin in Spring 2018 and are proposed in the 2018 draft budget.

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 2017-132 was made by Councilmember Nelson, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2017-133 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FORD DEVELOPMENT CORPORATION FOR MANHOLE INSTALLATIONS AND SEWER REPAIRS FOR THE DOWNTOWN SANITARY SEWER REHABILITATION PROJECT, PHASE 2**

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

Shawn Hollon discussed Ordinance 2017-133, Ordinance 2017-134, Ordinance 2017-135 and Ordinance 2017-136 together. **Ordinance 2017-133:** During the design of the sewer repair project, seven sewer main lines ended with clean outs rather than manholes preventing rehabilitation equipment from accessing the lines. Complete replacement of the clean outs are needed prior to starting the sewer lining. Staff examined the bids and determined the manhole installation and point repair work were higher than anticipated. Staff discussed options with Insituform to get these costs lowered by using a different sub-contractor to perform this work. He stated staff contacted Ford Development and received a cost proposal that would save nearly \$19,000 from the Insituform contract. **Ordinance 2017-134** is for the rehabilitation of the existing lift station located on Castle Drive in the Castle Park subdivision. The station is the oldest lift station in the sanitary sewer collection system. After reviewing options to eliminate the lift station through extension of a gravity sewer main, this lift station is in need of complete

rehabilitation. **Ordinance 2017-135:** Shawn said Council previously approved an agreement in the amount of \$54,000 with Andritz Separation Inc. for the repair of the scroll and bowl of a centrifuge at the Water Reclamation Plant. The City requested the amount of \$54,000 based upon preliminary estimates of typical repair costs as indicated by an Andritz Separation Inc. He stated the preliminary estimates were prior to unit disassembly and inspection. As a result, an additional \$36,000 is needed to complete the repair. **Ordinance 2017-136:** The Water Reclamation Plant (WRP) was originally designed to have three aeration mixers on both oxidation ditches. Two aerators in an oxidation ditch are designed to treat 4.5 Million Gallons a Day (MGD) of influent while three aerators are designed to treat 6.5 MGD. The current average flow at the WRP is 5.6 MGD. This contract includes design services for the third aeration mixer in the redundant oxidation ditch in case of an emergency with the primary ditch.

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.

Councilmember Nelson clarified the timeline for Ordinance 2017-133 to begin December 2017 through spring 2018, not beginning in December 2018.

A motion to adopt Ordinance 2017-133 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

**ORDINANCE 2017-134 AN ORDINANCE ACCEPTING THE LOWEST AND BEST BID FOR THE CASTLE DRIVE LIFT STATION REHABILITATION, FROM DOLL LAYMAN, LTD., IN THE AMOUNT OF \$258,700 AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

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

A motion to adopt Ordinance 2017-134 was made by Councilmember Pelfrey, seconded by Councilmember Chance. VOTE: ALL YEAS.

**ORDINANCE 2017-135 AUTHORIZING THE CITY MANAGER TO MODIFY AN EXISTING CONTRACT WITH ANDRITZ SEPARATION, INC. FOR REPAIR AND REPLACEMENT OF EQUIPMENT AT THE WATER RECLAMATION PLANT IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$36,000 AND DECLARING AN EMERGENCY**

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

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

A motion to adopt Ordinance 2017-135 was made by Councilmember Pelfrey, seconded by Councilmember Nelson. VOTE: ALL YEAS.

**ORDINANCE 2017-136 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STRAND ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$49,800 FOR ENGINEERING SERVICES FOR NEW OXIDATION DITCH AERATORS**

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

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

A motion to adopt Ordinance 2017-136 was made by Councilmember Nelson, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

**ORDINANCE 2017-137 AN ORDINANCE ACCEPTING A PROPOSAL FOR MASON COMMUNITY CENTER PUBLIC ANNOUNCEMENT SYSTEM FROM NOR-COM TECHNOLOGY SOLUTIONS IN THE AMOUNT NOT TO EXCEED FEE OF \$33,410 AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

Jennifer Heft stated the 2017 Budget included \$40,000 for the public announcement system improvements. When the Community Center was built in 2003, an announcement system was implemented that provided the capability to make announcements in public areas. With the expansion in 2010, that capability was replaced with a new system allowing public announcements to be heard in similar limited areas of the Center. There are areas currently not equipped to receive public announcements. The inability to connect with all areas of the facility at one time delays the City's response time to incidents. She said staff and Campus Security are working to ensure the facility is following best practices to assure guest safety. With the proposed system upgrades, all areas of the facility that are a part of the Community Center will have the ability to hear mass communications. Nor-Com Technology Solutions is part of the state purchasing program and their equipment and services are also used by Mason City Schools.

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

A motion to adopt Ordinance 2017-137 was made by Councilmember Pelfrey, seconded by Councilmember Nelson. VOTE: ALL YEAS.

**OLD AND NEW BUSINESS**



Councilmember Prince expressed dismay in regards to fellow colleagues not voicing their immediate opinion on medical marijuana.

Vice Mayor Spaeth attended the band competition Mason High School hosted on Saturday, October 21. She thanked the band parents and was in awe of the parent support for putting on this event.

Councilmember Pelfrey expressed disappointment that the current Council will not be making an informed decision on medical marijuana. She shared her latest test update in regards to her health and is now clear of cancer. She expressed Council and staff have been an amazing source of encouragement and thanked her church, husband, family, friends and colleagues for the continued support.

Councilmember Chance shared appreciation of the Downtown Committee working to bring more energy downtown.

Councilmember Grossmann said Councilmember Pelfrey has been a mentor and thanked her for her encouragement, perseverance, and protection and service for the community. She reviewed an experience she had at the Community Center Fall Fest with a young Mason couple and asked them why they chose Mason. Their response was because they loved the Community Center. She said the event was a success and will continue to support upgrades to the Community Center.

### **RECOGNITION OF VISITORS**

Josh Styrcula of 221 Lela Drive is a Mason resident and is not against medical marijuana, but against having a dispensary in the City of Mason.

### **ADJOURN**

A motion to adjourn was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS. TIME: 9:07 p.m.