

**CITY OF MASON
COUNCIL MEETING
DECEMBER 11, 2017**

The meeting was called to order at 7:00 p.m. Rabbi Yosef Kalmanson opened the meeting in prayer. All those present recited the Pledge of Allegiance.

ATTENDANCE

The following members of Council were present: Diana K. Nelson, Barbara Berry-Spaeth, Ashley Chance, Kathy Grossmann, Michael E. Gilb, T.J. Honerlaw, and Victor Kidd.

APPROVAL OF MINUTES

A motion to approve the revised November 27, 2017 Council Meeting Minutes was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

A motion to approve the December 1, 2017 Special Council Meeting Minutes was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

The next scheduled City Council meeting is Monday, January 8, 2018 at 7:00 p.m.

A motion to appoint Clerk of Council Lisa Ahr as the "elected official designee" for all council members for public records law training as required by Ohio Revised Code 149.43(E)(1) was made by Councilmember Nelson, seconded by Councilmember Gilb. VOTE: ALL YEAS.

The Jewish Discovery Center is hosting a giant Chanukah Menorah Celebration on Thursday, December 14 at 5:30 p.m. at the Deerfield Towne Center.

On Friday, December 15, Christmas Movie Night will be held at the Mason High School Auditorium at 6:30 p.m. On Saturday, December 16, Santa Claus will be making a stop in Mason neighborhoods on a Mason fire engine to talk to children and take pictures.

City offices will be closed on Monday, December 25 and Monday, January 1 in observance of the holidays. The Community Center will be open with limited hours throughout the holidays.

Waste and recycling services will not occur on Monday, December 25 and Monday, January 1. Collection will move forward one day to Tuesday, December 26 and Tuesday, January 2.

The City's Christmas tree pick-up program begins the first week in January and continues through the month of January. Residents should place their trees, to be chipped and recycled, at curbside for pickup.

A motion to not request a public hearing for a C1, C2, D6 liquor permit for Istore1, Inc. at 5591 DR 741 South was made by Vice Mayor Spaeth, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

The City receives about 10,500 incoming emails each week. Highlighting the Information Technology (IT) employees for the volume of work done each week just in e-mails, 3,500 of those emails are spam and need to be filtered and monitored and 112 new email viruses are found and eliminated. The worldwide web generates about 1.4 trillion emails per week, 875 billion of those are spam, and 7 million new email viruses are released into the web.

COMMITTEE REPORTS

Councilmember Gilb stated a tax amnesty program runs from January 1, 2018 through February 15, 2018 for personal and business taxes. During this time, tax payers can request amnesty for all unreported or underreported qualifying delinquent State taxes that were due and payable as of May 1, 2017. He said for those qualifying, the Ohio Department of Taxation is authorized to forgive half of any interest due and to waive all penalties.

Councilmember Nelson encouraged Council to attend the Warren County Municipal League Holiday Dinner at Heatherwoode Country Club Wednesday, December 13 at 6:00 p.m.

A motion appointing Committee assignments was made by Vice Mayor Spaeth, seconded by Councilmember Chance.

GOOD CHOICE TICKET PRESENTATION BY OFFICER NATE KETTERER

Sergeant Jeremy Saylor and Officer Nathan Ketterer reviewed the Good Choice Youth Recognition Program. Sergeant Jeremy Saylor stated the program encourages officers to get more involved with children in the community. Officer Nathan Ketterer said the program recognizes children being safe by making good choices and creates an opportunity for children to meet police officers, build trust, and improve community relationships. The Mason Police Department handed out 812 Good Choice Tickets that can be redeemed for a reward at one of five locations in Mason. He presented plaques of recognition to business partners assisting with this program including Mark Haake, President of Mason Kiwanis and Brian Zastrow, Owner of Culvers. Mr. and Mrs. Jansen, Owners of Jansen Sweet Sensations were unable to attend. The Mason Police Department plans to move forward in 2018 with a similar program.

Mayor Kidd and Councilmember Chance thanked the Police Department for this rewarding program creating good interaction with officers and excitement with youth.

Mayor Kidd said Santa has noticed the Mason Police Department efforts and Mason has some of the best children in the world. A motion for Santa Claus to come to Mason was made by Officer Ayers, seconded by Councilmember Gilb. VOTE: ALL YEAS.

RECOGNITION OF VISITORS – None

ORDINANCE 2017-160 APPROVAL OF THE DEDICATION PLAT AND ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR MASON POINTE

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

Kurt Seiler stated the preliminary plat for the development began in 1997 and the previous owner wanted the roadway to be private with an ingress/egress easement. The new owners of Mason Pointe subdivision are now requesting dedication of the roadway as a public right of way and for the City to accept the public improvements. The Public Utilities, Public Works and Engineering Departments, along with Greater Cincinnati Water Works, have inspected the public improvements and recommend approval of the plat and acceptance of the public improvements.

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

Councilmember Gilb inquired about the cost to the City to maintain this roadway. Kurt Seiler advised resurfacing the road may incur future costs, but could be offset with new development on the plat.

A motion to adopt Ordinance 2017-160 was made by Vice Mayor Spaeth, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2017-161 APPROVAL OF THE FINAL PLAT FOR AMBLESIDE MEADOWS, PHASE 4

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

Kurt Seiler said the subdivision is located on the east side of U.S. 42, just north of the Mason Sports Park. This section of the development contains 38 single family lots and will dedicate the right-of-way, utilities, storm, and sewer easements necessary for this development. Planning Commission recommended approval of the final plat contingent upon the submittal of the Performance Bond and the Subdivider's contract.

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

A motion to adopt Ordinance 2017-161 was made by Councilmember Nelson, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2017-162 APPROVAL OF THE FINAL PLAT FOR CROOKED TREE PRESERVE SUBDIVISION, PHASE 2

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

Kurt Seiler stated this section will contain 24 single family lots and is located in the central area of the development, south of Sentinel Oak Drive, along Walnut View Drive and Magnolia Grove Lane. The plat will dedicate the right-of-way, utilities, storm, and sewer easements necessary for this development. Planning Commission recommended approval of the final plat contingent upon the submittal of the Performance Bond and Subdivider's contract.

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

A motion to adopt Ordinance 2017-162 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

ORDINANCE 2017-163 ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE RESERVES OF CARMELLE PHASES 3A AND 3B AND RELEASING THE PERFORMANCE BONDS

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

Kurt Seiler said the roadway and utilities would become the City's responsibility upon acceptance. City staff recommends accepting the public improvements, contingent on the submission of a one-year Maintenance Bond and a Performance Bond for the remaining incomplete items such as houses not yet developed, sidewalks, and street trees.

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 2017-163 was made by Councilmember Nelson, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2017-164 AUTHORIZING THE CITY MANAGER TO ENTER INTO A GOVERNMENTAL ATTACHMENT AGREEMENT WITH DUKE ENERGY AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$50,000

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

Eric Hansen stated the City applied and received approximately \$2 million in federal grant funding for the Citywide Signal and Fiber Interconnect Project. The project involves signal system upgrades and the installation of a fiber optic interconnect throughout the City's traffic

signal management system to allow data transmission to outlying sites. He said the faster the signals are able to communicate with each other, the more efficient the coordination to improve traffic flow in the City will be. Staff has worked with Duke Energy to minimize costs associated with work Duke needs to perform prior to attachment of City fiber on Duke owned poles. Duke is requiring the City to enter into a governmental attachment agreement which allows the City to install and maintain the fiber on Duke owned poles.

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

A motion to adopt Ordinance 2017-164 was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2017-165 AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR AN OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE CONSTRUCTION OF A SPECIAL NEEDS RESTROOM FACILITY

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

Eric Hansen said the Community Development Block Grant (CDBG) is a flexible program that provides communities with resources for community development needs in areas with low to moderate income. Through the 1990's and early 2000's, the City qualified for and received CDBG funds for the replacement of curbs, gutters, sidewalks, and qualifying areas in the City of Mason. Since then, the City has not been approved for funding due to the status change and lack of funds for the City's status defined by the CDBG program. Grant approval has not been recently successful for handicapped accessible pool lifts and preparation work at the Common Ground All Inclusive Playground. This year staff is again proposing to apply for CDBG funding for Common Ground specifically focusing on funding the inclusive restroom facility at the park. The restroom facility will go above and beyond the normal ADA requirements to include specialized equipment such as lifts and other structural reinforcements not common in traditional restroom facilities. The City will be submitting the grant request in the amount of \$225,000. He stated the Mason Parks and Recreation Foundation continues on an aggressive fundraising path and the project will be on track to begin the restroom phase of the project coinciding with the timing of the grant, if awarded, as early as the summer or fall of 2018.

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

Council and staff discussed ground preparation being the first significant cost associated with Common Ground followed by the restrooms and parking, the need to secure funding in addition to continued fundraising and matching efforts, and Warren County Commissioners gifting the land to Mason as a big step in moving this project forward.

A motion to adopt Ordinance 2017-165 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

OLD AND NEW BUSINESS

Mayor Kidd advised a resident suggested a referendum to allow the residents to vote on medical marijuana businesses in Mason in May 2018. A motion to refer Ordinance 2017-139, 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, to the electors of the City of Mason at the May 8, 2018 primary election was made by Vice Mayor Spaeth, seconded by Councilmember Chance. VOTE: 3 YEAS (Spaeth, Honerlaw, Kidd), 4 NAYS (Nelson, Chance, Grossmann, Gilb). Motion failed. Councilmember Nelson suggested Ordinance 2017-139 be split into three separate Ordinances (cultivation, processing, and retail dispensaries) for the residents to vote on. Jeff Forbes advised Ordinance 2017-139 addresses all three items together and charter allows the submittal of the entire Ordinance to electors. He advised Council would need to amend the current Ordinance and add two additional Ordinances when Ordinance 2017-139 appears back on the agenda on January 22. The Ordinances would then need to be reviewed by Planning Commission to amend the Zoning Code, the Ordinances would come back to Council with a recommendation, and the electors would then vote on three separate items in November 2018. He stated if the motion tonight passes, the Public Hearing would be cancelled and residents would vote on the cultivation, processing, and retail dispensary businesses of medical marijuana in Mason in May 2018. Councilmember Nelson suggested an additional six month moratorium to keep the current ban until residents could vote on three separate Ordinances. Councilmember Gilb and Councilmember Grossmann requested the Public Hearing still occur or a forum be held for residents to provide their opinions before voting. Council and staff discussed professional experts providing input from all aspects on the topic, the City being limited to providing basic facts of ballot issues to residents, and agreeing on the option for Mason residents to vote on medical marijuana.

Councilmember Nelson advised the comprehensive annual financial report for the period ending December 31, 2016 received the Certificate of Achievement for Excellence in Financial Reporting Program from the Government Finance Officers Association. She congratulated Mason's commitment and the Finance Department in financial reporting and receiving this award since 1997.

Councilmember Honerlaw requested ICRC continue to record meetings after the Executive Sessions. Council and staff discussed keeping an awareness of time during some of the lengthy Executive Sessions, discussion occurring during the Executive Session and not during the vote when reconvened into Regular Session, and providing follow-up at the beginning of the next Council Meetings in regards to what occurred after the previous Council Meeting Executive Session.

A motion to appoint Josh Styrcula to the vacant position and new term beginning January 2018 on Planning Commission was made by Vice Mayor Spaeth, seconded by Councilmember Nelson.

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tarton Fields Lane suggested adding the items that were created from an Executive Session be briefed during the beginning of the next Council Meeting. He stated Council should consider the ongoing tasks of medical marijuana businesses in the community.

EXECUTIVE SESSION: LAND ACQUISITION AND EMPLOYMENT/COMPENSATION OF PUBLIC EMPLOYEES AND PENDING LITIGATION

A motion to adjourn into Executive Session for the purpose of land acquisition and employment/compensation of public employees and pending litigation was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS. TIME: 8:55 p.m.

A motion to reconvene into Regular Session was made by Councilmember Nelson, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS. TIME: 9:36 p.m.

A motion to add Ordinance 2017-166 to the agenda was made by Councilmember Nelson, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2017-166 ADOPTING A MODIFICATION TO THE POLICY FOR CONVERTING SICK LEAVE UPON RETIREMENT AND DECLARING AN EMERGENCY

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

A motion to adopt Ordinance 2017-166 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

ADJOURN

A motion to adjourn was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS. TIME: 9:37 p.m.