

**CITY OF MASON
COUNCIL MEETING
APRIL 23, 2018**

The meeting was called to order at 7:02 p.m. Rabbi Yosef Kalmanson opened the meeting in prayer. Posting of Colors was provided by City of Mason Police Color Guard followed by recitation of the Pledge of Allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the April 9, 2018 Council Meeting Minutes was made by Vice Mayor Spaeth, seconded by Councilmember Gilb. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

A modified summer schedule with a single meeting a month for May, June, July, and August, as done in years past, allows more opportunities for committee meetings. A single meeting on the second Monday of those summer months should not pose a problem to legislation timeframes. A motion to modify the schedule with Council meetings on May 14, June 11, July 9, and August 13 was made by Councilmember Nelson, seconded by Councilmember Gilb. VOTE: ALL YEAS. The May 14 Council meeting will begin at 6:00 p.m. at the Mason Tech Elevator location at 5412 Courseview Drive and at the June 11 Council meeting, a work session will be held at 5:00 p.m. prior to the meeting.

A motion to appoint Jennifer Heft as Acting City Manager April 24 through April 30, 2018 was made by Councilmember Chance, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

The Community Center's Spring Shop Local event will be held on Wednesday, April 25 from 9:00 a.m. to 4:00 p.m. offering Mason residents an opportunity for shopping with Mason area merchants and home sales representatives.

The Annual Warren County Prayer Breakfast will take place on Thursday, May 3 from 7:00 a.m. to 8:30 a.m. in Waynesville.

A motion to not request a public hearing for a D3 liquor permit for Adesso LLC at 125 E Main Street was made by Vice Mayor Spaeth, seconded by Councilmember Nelson. VOTE: ALL YEAS.

COMMITTEE REPORTS

Vice Mayor Spaeth reported the Safety Committee has been discussing Campus Security and the drug crisis in the community. Campus Security has been in place for about two years and continues to enhance the security on the Municipal, Community Center, and School campus. She thanked Mason Police Officers for their effort with prom and current school concerns. The Committee discussed the schools expanding participation with Campus Security. She stated Major Steve Arrasmith, Commander of the Warren County Drug Task Force, presented on the progress and fight against drug abuse. She said the Drug Task Force is invaluable to Mason's community and the progress would not be financially or physically possible for Mason Police Officers to complete without partnering with the Warren County Drug Task Force. Commander Arrasmith said the Drug Diversion Detective position works front line with the opioid and heroine epidemic and abuse occurring within pharmacies. The Safety Committee will be discussing financial participation with Warren County Drug Task Force. Vice Mayor Spaeth congratulated Bryan Brumagen in his new position as Fire Chief and thanked Chief Moore for the service he has provided and continues to provide to the City.

Councilmember Nelson reported on the first quarter financial activity for 2018. Revenue figures are up 13% compared to last year due to the higher net profit tax and withholding tax collected from Mason's businesses. This is for the first quarter and does not take into account tax refunds that may be processed. Other general fund revenue was up by 3% compared to last year. Expenditures were up 11%. She stated the City was able to transfer \$2 million into the Capital account. The sewer fund and waste collection fund operated within budget and the waste collection fund was slightly lower due to billing changes with Greater Cincinnati Water Works. The new Rumpke contract was approved by Council in 2017 and included a slight rate adjustment to offset the increase in price. She said the City of Mason resident rates are lower than residents in Deerfield Township. Stormwater fund is operating within a surplus. She said the golf course is operating at a deficit and the revenue is slightly higher January through March due to the increase in deposits, but is anticipated to be down again in second quarter due to rain and snow. The Community Center continues to be self-sustaining with 2018 revenue and expenditures operationally breaking even. Overall, the City revenues exceed expenditures and is operating within budget.

Councilmember Grossmann reported the Community Center continues to find ways to implement collaborations with local organizations and new programs and new fitness floor machines are in the outlook. She also reminded residents Red, Rhythm and Boom is featuring The Fray and Five For Fighting on July 3.

SWEARING-IN CEREMONY FOR FIRE CHIEF BRYAN BRUMAGEN

Eric Hansen said Chief Bryan Brumagen has been with the City for nine years and has proven his passion for his profession and compassion for others in the organization. He stated Chief Moore has created a deep level of talent in the Fire Department and will continue his service with the City as Safety Director. Chief Brumagen's wife, Sara, presented Chief Brumagen with his bugles and Mayor Kidd presented him with his badge. Chief Brumagen thanked Chief Moore for setting great expectations and being an influential mentor. He thanked City staff and

expressed appreciation for Eric Hansen and Jennifer Heft. He also thanked the families of fire service personnel for attending and thanked his family for their continued support.

RECOGNITION OF VISITORS

Chris Caddell, Chairman on the Board of Directors, and Barry Lampley of Heritage Bank 6310 Tylersville Road shared their appreciation of Council and being a part of Mason. Chris expressed respect for the City's business acumen, commerce, education, and technology. They look forward to partnering and continuing to add to the City.

Becky Osborne of 5843 Bayswater Drive reminded the community of Drug Take Back Day at Kroger, located at 5100 Terra Firma Drive, Saturday, April 28 from 10:00 a.m. to 2:00 p.m. Councilmember Chance stated he was astounded when he found out how many people take drugs from a family member or relative. He encouraged the community to get involved. Mayor Kidd stated there is a dispensary in Warren County. Residents can bring their unused and expired medicine to the Warren County Sherriff's office throughout the year.

Eric Hansen acknowledged upcoming Superintendent, Jonathan Cooper and how he has already proven to be a great partner with the City. The City looks forward to working with him.

RESOLUTION 2018-9 PROCLAIMING THE WEEK OF MAY 20-26, 2018 AS CLEAN WATER WEEK

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

Jennifer Heft discussed Resolution 2018-9, Resolution 2018-10, and Resolution 2018-11 together. She stated the City operates as one unit and not individual departments to reach priorities of the City and this time of year presents an opportunity to recognize varied departments in the City for the work they do for the community. Clean Water Week, Public Works Week, and Emergency Medical Services Week all fall on the same week this year. She said the Public Utilities Departments' efforts to the health and well-being of the community often go unrecognized. The Public Utilities Department is responsible for items such as manholes, sewer lines, storm sewer drains, lift stations, and to ensure the water plant operates appropriately. Public Works Department is responsible for roadways, right-of-ways, traffic signs, leaf removal, brush pick-up, and road maintenance. The EMS theme for May 20-26, 2018 is Stronger Together.

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

A motion to adopt Resolution 2018-9 was made by Councilmember Chance, seconded by Councilmember Gilb. VOTE: ALL YEAS.

RESOLUTION 2018-10 PROCLAIMING THE WEEK OF MAY 20-26, 2018 AS NATIONAL PUBLIC WORKS WEEK

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

A motion to adopt Resolution 2018-10 was made by Councilmember Grossmann, seconded by Councilmember Gilb. VOTE: ALL YEAS.

RESOLUTION 2018-11 PROCLAIMING THE WEEK OF MAY 20-26, 2018 AS EMERGENCY MEDICAL SERVICES WEEK

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

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 Resolution 2018-11 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

RESOLUTION 2018-12 PROCLAIMING MAY 2018 AS MENTAL HEALTH AWARENESS MONTH

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

Eric Hansen stated Resolution 2017-12 brings awareness to finding solutions for patients that struggle with mental health and behavioral issues to lead fulfilling lives and the need for expanding research. Mason is among leaders in innovation and mental health treatments with key business partners, Assurex Health/Myriad, Lindner Center of Hope (LCOH), and Community Concepts/Community Options. These companies have been critical components to the culture of wellness being cultivated by the City. He said Mason mental health innovators, LCOH and Assurex/Mason Speakers Series, are significant local and national contributors to the next generation of behavioral health treatments and outcomes.

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 Resolution 2018-12 was made by Vice Mayor Spaeth, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

ORDINANCE 2018-56 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 Spaeth, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

Eric Hansen said in addition to the Southwest Ohio Purchasers for Government (SWOP4G) purchasing program, the City combines with other communities for the purchase of rock salt for snow removal each year. Warren County continues to facilitate this cooperative agreement as an additional option for obtaining rock salt at the lowest price possible. He said Ordinance 2018-56 is not to purchase the rock salt, but to confirm a formal agreement with the Warren County Engineer's Office to participate in the 2018-2019 season.

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

A motion to adopt Ordinance 2018-56 was made by Councilmember Honerlaw, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2018-57 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ODLE, INC. IN AN AMOUNT NOT TO EXCEED \$38,000 FOR THE PURCHASE AND INSTALLATION OF SURGE PIT TANK LINERS FOR MASON COMMUNITY CENTER'S AQUATIC FACILITY

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

Jennifer Heft discussed Ordinance 2018-57 and Ordinance 2018-58 together. Mason Community Center was originally constructed in 2003 and the aquatic facilities are original to the facility with no major remodel or maintenance. In the last quarter of 2017, staff from Engineering and Building, Public Utilities and Parks and Recreation worked together to identify and repair a leak that was occurring in the Leisure pool. The Leisure pool was losing water on a daily basis due to a crack in the surge pit tank, concrete tanks that stabilize the amount of water in the pool based on the volume of pool users. She said the crack in the tank has been temporarily repaired, but a more permanent liner installation should be applied which should last 20 to 30 years. In addition to the surge tanks, the pumps related to filtering the water in the pools are specialized pieces of equipment unique to the various aspects of the Aquatic Facility. She stated keeping these pumps operational is critical to the Center. In order to prevent any future disruption to pool operations, staff recommends purchasing five additional pumps to have as reserve pumps in case of equipment failure. The Competition Pool is a shared facility under the shared use agreement with Mason City School District and costs would flow through the basic building services fund held by Mason City Schools.

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 2018-57 was made by Councilmember Honerlaw, seconded by Councilmember Nelson. VOTE: ALL YEAS.

ORDINANCE 2018-58 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FCX PERFORMANCE - CINCINNATI IN AN AMOUNT NOT TO EXCEED \$27,119 FOR THE PURCHASE OF 5 SPARE PUMPS FOR THE MASON COMMUNITY CENTER LEISURE AND COMPETITION POOLS, SPA, JETS, SLIDE AND ACTIVITY FEATURE

A motion to read by title only was made by Councilmember Gilb, seconded by Councilmember Honerlaw. 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 2018-58 was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2018-59 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AERATION INDUSTRIES INTERNATIONAL, LLC IN AN AMOUNT NOT TO EXCEED \$32,500 FOR FLOATING AERATION RENTAL FOR THE OXIDATION DITCH AERATION PROJECT AND DECLARING AN EMERGENCY

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

Jennifer Heft stated Council has previously approved Ordinances for design, purchase, and engineering construction services for the Oxidation Ditch Aeration Project. Staff anticipates that complete installation of the third aerator at the plant will not be complete until March 2019 due to construction and equipment lead times. Staff evaluated multiple types of rental floating aerators to reduce the impact of oxygen deficiency in the biological system during the upcoming summer months. Oxygen deficiency could potentially lead to treatment issues and EPA violations. She said with additional housing developments and the start-up of new industrial processes the need for a short term alternative for oxygen supplementation during the summer months is imperative. The floating aerator from Aeration Industries International provided the most efficient application.

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

A motion to adopt Ordinance 2018-59 was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS.

ORDINANCE 2018-60 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SALE AND PURCHASE WITH NEYER LAND HOLDINGS I LLC RELATED TO APPROXIMATELY 2.04 ACRES OF REAL PROPERTY AT A PURCHASE PRICE OF \$225,000

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

Eric Hansen stated this triangle parcel of 2.04 acres is located at a key City intersection, Tylersville Road and Western Row Road, and central to both the City's corporate master plan as well as the long-term capital infrastructure plan underway at the I-71/Western Row Gateway. Inclusion of this parcel in a master development plan as opposed to a stand-alone function anticipates better efficiency and better impact overall to the community for future job growth. The property is owned by Neyer Land Holdings I LLC whom have been strong collaborative development partners with the City previously and with initial work for Oakpark Master Plan. Neyer Land Holdings I LLC has agreed to sell the property for about \$110,000 per acre.

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.

Councilmember Honerlaw advised although the City is excellent at planning and foreseeing the future he is opposed and does not want to buy each piece of land available with intent to control it for development. Mayor Kidd stated he was first elected to Council in 2001 and has never seen the City irresponsibly seek out property and spend money. He stated Eric Hansen ensures the City wisely invests.

Councilmember Grossmann and Eric discussed negotiating with partners and the appraisal value. Eric advised Neyer Land Holdings I LLC approached the City before pursuing stand-alone development and the City and Council then negotiated a price with Neyer Land Holdings I LLC. The City had a current appraisal done resulting in the amount of \$200,000 per acre.

Vice Mayor Spaeth stated in her 6 ½ years on Council she has been amazed with Eric's foresight in to the future of Mason.

A motion to adopt Ordinance 2018-60 was made by Councilmember Nelson, seconded by Councilmember Gilb. VOTE: 6 YEAS, 1 NAY (Honerlaw).

OLD AND NEW BUSINESS

Councilmember Grossmann presented additional ideas on providing greater transparency to enhance what Council does in the acquisition of land. She is interested in proposing legislation for the fall ballot to adjust the Charter Amendment. Council discussed how land acquisition information is readily available to the public through government websites, the possibility for information including previous beneficiaries to be more easily assessable, disclosure requirements through the Ohio Ethics Commission, and how no other cities offer this proposal because government agencies already provide this information. Councilmember Chance said he

was proud to serve Mason and is astounded at Mason's growth. When he moved here in 1980, 100% of the tax burden was on residents and now taxes are down to 12% on residents while Mason businesses produce the other 88%. Mayor Kidd advised Executive Session allows the City to conduct business and open discussion could restrict economic development. He said the strategy the City has used for decades is extraordinarily effective. Council agreed that residents entrust them to be honest and continue to improve the City. Further discussion will be held in an upcoming work session to discuss building upon policy ideas while not hindering economic development.

Vice Mayor Spaeth advised City staff can assist with coordinating those interested in visiting the Warren County Drug Task Force. Councilmember Gilb advised the Safety Committee is looking into the City providing more support to the Warren County Drug Task Force for the services they provide to the community.

Mayor Kidd appointed John Looker to the Board of Veterans Affairs. A motion to confirm was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

Mayor Kidd appointed Dean McCurley to Planning Commission. A motion to confirm was made by Vice Mayor Spaeth, seconded by Councilmember Nelson. VOTE: ALL YEAS.

Mayor Kidd appointed Greg Cocca to Park Board. A motion to confirm was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS.

RECOGNITION OF VISITORS - none

EXECUTIVE SESSION: LITIGATION AND LAND ACQUISITION

A motion to adjourn into Executive Session for the purpose of discussing litigation and land acquisition was made by Councilmember Gilb, seconded by Councilmember Honerlaw. VOTE: ALL YEAS. TIME: 8:49 p.m.

A motion to reconvene into Regular Session was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS. TIME: 9:23 p.m.

A motion to add Ordinance 2018-61 to the agenda was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

ORDINANCE 2018-61 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND INSTALLMENT CONTRACT WITH MALHORTA FAMILY LLC RELATED TO 118 EAST MAIN STREET AND 108 EAST CHURCH STREET

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

Councilmember Gilb requested the purchase price be stated in the Ordinance. A motion to amend the Ordinance and add the purchase price of \$600,000 to the Ordinance was made by Councilmember Gilb, seconded by Councilmember Nelson. VOTE: ALL YEAS.

Council and Jeff Forbes discussed this Ordinance being a land installment contract and is not a rental agreement. If the City wants to take possession of the property prior to the three year term, a provision is in the land installment contract stating the City has the right to take early possession of the property at any time. The City would then incur the cost of \$50,000 per year and take complete ownership. Councilmember Honerlaw stated he is not in agreement with the purchase price and the purchase of this land is not ideal for downtown development.

A motion to adopt amended Ordinance 2018-61 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: 4 YEAS, 2 NAYS (Grossmann, Honerlaw), 1 ABSTAIN (Kidd).

Ordinance 2018-61 has passed, been adopted, and will go into effect after 30 days.

ADJOURN

A motion to adjourn was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS. TIME: 9:33 p.m.

ORDINANCE 2018 - 61

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND
INSTALLMENT CONTRACT WITH MALHOTRA FAMILY LLC RELATED
TO 118 EAST MAIN STREET AND 108 EAST CHURCH STREET AND
DECLARING AN EMERGENCY**

WHEREAS, the City and Malhotra Family LLC have negotiated the terms of a land installment contract related to the purchase of 118 E. Main Street and 108 E. Church Street in the City of Mason; and

WHEREAS, Council for the City of Mason desires for the City Manager to execute this Land Installment Contract.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio,
_____ members elected thereto concurring:

Section 1. That the City Manager is hereby authorized to execute a Land Installment Contract with Malhotra Family LLC substantially in the form of the contract attached hereto as Exhibit A and incorporated herein by reference.

Section 2. That the City Manager is further authorized to execute any and all documents necessary to complete the purchase and sale as contemplated in the contract.

Section 3. That the Finance Director is hereby authorized to make payments pursuant to the terms of said contract.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare and shall be effective immediately upon its adoption. The reason for said declaration of emergency is the need to execute the contract at the earliest possible date.

Passed this ___ day of _____, 2018.

Mayor

Attest:

Clerk of Council

ORDINANCE 2018 - 61

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND
INSTALLMENT CONTRACT WITH MALHOTRA FAMILY LLC RELATED
TO 118 EAST MAIN STREET AND 108 EAST CHURCH STREET**

WHEREAS, the City and Malhotra Family LLC have negotiated the terms of a land installment contract related to the purchase of 118 E. Main Street and 108 E. Church Street in the City of Mason; and

WHEREAS, Council for the City of Mason desires for the City Manager to execute this Land Installment Contract.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, four members elected thereto concurring:

Section 1. That the City Manager is hereby authorized to execute a Land Installment Contract with Malhotra Family LLC substantially in the form of the contract attached hereto as Exhibit A and incorporated herein by reference.

Section 2. That the City Manager is further authorized to execute any and all documents necessary to complete the purchase and sale as contemplated in the contract.

Section 3. That the Finance Director is hereby authorized to make payments in the amount of \$600,000 pursuant to the terms of said contract.

Section 4. That this Ordinance shall be effective from and after the earliest period allowed by law.

Passed this 23 day of April, 2018.

Mayor

Attest:

Clerk of Council

2601740.1