

**CITY OF MASON
COUNCIL MEETING
SEPTEMBER 10, 2018**

The meeting was called to order at 7:00 p.m. Pastor Phil Blodgett 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, and T. J. Honerlaw, and Victor Kidd.

Mayor recommended moving items 9 and 10 up on the agenda following the City Manager's Report. VOTE: ALL YEAS.

APPROVAL OF MINUTES

A motion to approve the August 20, 2018 Work Session Meeting Minutes and August 20, 2018 Council Meeting Minutes was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: 6 YEAS, 1 NAY (Honerlaw).

A motion to amend the August 20, 2018 Council Meeting Minutes was made by Councilmember Honerlaw, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

The Heritage Festival will take place on Saturday, September 15. The event begins in partnership with Mitsubishi Electric with the Rev It Up 5k throughout Corwin M. Nixon Park and Pine Hill Lakes Park beginning at 8:30 a.m. The parade will begin at 10:00 a.m. and activities, food, and live music will begin following the parade and continue until 4:00 p.m. on the Mason Municipal Center campus. Event wristbands are \$5 and pre-sale wristbands may be purchased in Symbiosis leading up to the event.

Mason Police Department's Citizens Police Academy begins on September 18 for 10 weeks covering the role of a police officer, the court system, self-defense, traffic enforcement, and more. Interested residents can register through the Mason Community Center.

The public is invited to a POW/MIA memorial unveiling held at 6:00 p.m. prior to the Monday, September 24 Council Meeting in the Mason Municipal Center Atrium. A private event will be held on Friday, September 21 at 6:30 p.m. for Veterans and their families.

September 28 is National Good Neighbor Day. This day reminds residents to be respectful of others, acknowledge your neighbors with a friendly smile or wave, offer to help out, and to lend a hand. Being a good neighbor builds a stronger community in Mason.

A motion to not request a public hearing for a D1 liquor permit for Lazer Kraze, Inc. at 7082 Columbia Road was made by Vice Mayor Spaeth, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

POLICE SWEARING-INS

Captain Paul Lindenschmidt recognized six police officers recently promoted. The following officers were presented with their bars/stripes: Captain Jerry Deidesheimer, Lieutenant Craig Kline, Lieutenant Matt Hayes, Lieutenant Michael Bishop, Sergeant Brad Walker, and Sergeant Nick Fantini. Captain Lindenschmidt recognized five officers recently hired with the City of Mason and Mayor conducted the ceremonial swearing-in of Officer John Werner, Officer Justin Byrd, Officer Pat Witte, Officer Chris Hunter, and Officer Drew Robbins.

CALENDAR WINNER PRESENTATIONS

Jennifer Heft presented awards to the 2018 City calendar photo contest winners: Jim Simpson, Michelle Nurre, Amy Grimes, Anshu Praghani, and Ken Foltz. Sammi St. Arnold, Niki Martin, Jurian Misawayee, Trent Turner, Ron Ferrell, Jacob Bures, and Michael Suer were unable to attend.

COMMITTEE REPORTS

Vice Mayor Spaeth advised One City Against Heroin presented at the Safety Committee meeting. Once City Against Heroin provides Care Coordinators, a 24-hour crisis hotline, a recovery home, and coordinates with first responders and the court system to help fight addiction. In 2017, the organization guided 514 individuals through treatment and is forecasting over 700 for 2018. She said One City Against Heroin is hosting a Disco Ball fundraiser event on November 9 at the Manor House at 6:00 p.m. Councilmember Chance shared there were more overdose deaths in Mason, Ohio than traffic automobile deaths in all of Warren County last year. He appreciates the Safety Committee's continued efforts.

Mayor Kidd appointed Councilmember Gilb as Chairman and members Dan Kommeth, Vito Peraino, and Monika Deroussel to an ad hoc committee addressing Chapter 125 of the Codified Ordinances. VOTE: ALL YEAS. Councilmember Grossmann inquired on the reasoning behind appointing Councilmember Gilb as Chair. Mayor Kidd advised Councilmember Gilb was chosen because he is an experienced attorney and most knowledgeable in these practices. Councilmember Gilb remains a neutral party that will keep the politics out of decisions. Councilmember Gilb stated he looks forward to improving the standards and providing support. A motion to remove Ordinance 2018-110 from the agenda to allow the new committee to meet and review was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

RECOGNITION OF VISITORS

Steve Jones of 913 Leslie Court and Councilmember Nelson discussed Senate Bill 17 and the goal to release more local government funding, the budget process, continuing to be a voice for the future, and moves Council is making in support of increasing funds. Steve encouraged residents to go to www.imaginemason.org, click on protect local government authority, and complete the letter to forward to State Legislators. Councilmember Nelson thanked Steve for his support and being engaged. Steve also thanked Council and City staff for continuously being professional and their hard work to bring state funds back to the City.

Tim Santschi of 4102 Marble Ridge Lane is a gardener at the Mason Community Garden and thanked the City and City Council for providing the garden as an opportunity to residents. The garden has been able to provide many vegetables to the Mason Pantry.

RESOLUTION 2018-17 PROCLAIMING THE WEEK OF OCTOBER 7–13, 2018 AS NATIONAL FIRE PREVENTION WEEK

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

Jennifer Heft stated Fire Prevention Week is observed each year the week of October 9, the anniversary week of the Great Chicago Fire. Hundreds died in the Great Chicago Fire, but in actuality it was not the biggest or deadliest fire that week. In northern Wisconsin, a fire storm aided by the same strong winds, burned 12 communities, approximately 1.5 million acres, over 2,300 sq. miles, and with the total destruction of population records and survivors, as many as 2,500 lives were lost. The National Fire Prevention Association theme for 2018 is “Look, Listen, Learn; Be Aware Fire Can Happen Anywhere.” Look for places a fire could start, listen for the sound of the smoke alarm, and learn two ways out of every room and make sure all doors and windows leading to the outside open easily and are free of clutter. Station 51 will host an open house on Saturday, October 13 from 12 p.m. to 6 p.m. On Sunday, October 14, Station 52 will host an open house from 12 p.m. to 6 p.m. Beginning on Tuesday, October 10 firefighters will be participating in “Smoke Alarm Blitz”, which includes fire personnel going door to door in the community to check, install or replace smoke alarm batteries. These checks will occur on October 9, 10 and 11 between the hours of 6 p.m. and 8 p.m. in Broadview Farms and Olympia Fields subdivisions.

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 Resolution 2018-17 was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS.

RESOLUTION 2018-18 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE WARREN COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

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

Jennifer Heft said this item is completed annually as required by the State of Ohio. On May 14, Council held a first reading and on June 11 Council held a public hearing and authorized Resolution 2018-13, adopting the Tax Budget for the City of Mason. The Tax Budget shows the City's need for state supported funding of local services and allocates the property tax inside millage between the general fund and debt service fund. The Tax Budget is then submitted to the County Auditor who then sets property tax rates. The City in turn must officially accept the property tax rates. Resolution 2018-18 formally accepts the property tax rates that are effective for the 2018 property tax collection year collected in 2019. She stated every six years the County Auditor re-values each property and residents can see values significantly increase 10-15%. This will be a significant change since residents saw a decrease of 10% in 2009 and 5% in 2012. The County Auditor will be holding public meetings to respond to residents' questions and concerns related to property taxes.

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

Councilmember Nelson and Jennifer Heft advised residents to contact the County Auditor's office with concerns.

A motion to adopt Resolution 2018-18 was made by Councilmember Nelson, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2018-101 FIRST READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 4.77 ACRES FROM DEERFIELD R-SF (RESIDENTIAL SINGLE FAMILY) TO MASON R-4 (SINGLE FAMILY RESIDENTIAL) LOCATED AT 5958 BETHANY ROAD (CROOKED TREE PRESERVES BETHANY ROAD)

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

Jennifer Heft announced a Public Hearing will be held on October 8, 2018.

ORDINANCE 2018-102 APPROVAL OF THE FINAL PLAT FOR THE RESERVES OF CARMELLE, PHASE 4C

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

Kurt Seiler said the Reserves of Carmelle is located between the existing Carmelle Subdivision and the Willow Brooke Subdivision. Phase 4C consists of 11 buildable lots and four open space lots. This plat will dedicate the necessary easements as well as the right-of-way. 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 Vice Mayor Spaeth, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

A motion to adopt Ordinance 2018-102 as amended was made by Councilmember Grossmann, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

ORDINANCE 2018-103 APPROVAL OF THE RECORD PLAT FOR FESTO AMERICAS SUBDIVISION, PHASE 2

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

Kurt Seiler stated this ordinance is for the replat of the Festo Americas Subdivision. The proposed replat will increase the size of the central lot, lot 5, to accommodate the approved Festo building additions. Planning Commission recommended approval of the replat for Festo Americas Subdivision, Phase 2 contingent on including the easement for the proposed public sanitary sewer extension and changing lot 4 to 1A, lot 5 to 2A and lot 6 to 3A.

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 2018-103 as amended was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2018-104 DECLARING CERTAIN CITY EQUIPMENT AND PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SAID EQUIPMENT AND PROPERTY AND DECLARING AN EMERGENCY

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

Jennifer Heft stated when the City has equipment and property that no longer serves a useful purpose for the City or acquired through the Police Department, items will be placed in a live auction. She said some items are donated to local communities or organizations.

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 Chance and Jennifer Heft discussed the City donating items to Warren County and other organizations and the opportunity to rehabilitate items that could then be donated.

A motion to adopt Ordinance 2018-104 was made by Vice Mayor Spaeth, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

ORDINANCE 2018-105 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE HB 529 CAPITAL IMPROVEMENT COMMUNITY RECREATION PROJECT FOR COMMON GROUND PLAYGROUND PROJECT

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

Kurt Seiler stated \$400,000 in grant funds was appropriated through Senate Bill 266 to the City for the construction of the all-inclusive Common Ground Playground project. Staff plans to go to bid early fall for Phase 3 and Phase 4 of the project which includes general site work. This agreement is needed with ODNR to prepare the City to request reimbursement from the State once Phase 6 of the project has been completed.

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 Chance praised Senator Wilson for his help and hard work in receiving this grant.

A motion to adopt Ordinance 2018-105 was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS.

ORDINANCE 2018-106 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FEDERAL RESOURCES TO PROVIDE HAZARDOUS MATERIALS RESPONSE TRAINING TO THE FIRE DEPARTMENT

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

Jennifer Heft stated fire response is complex including medical, technical, and hazardous materials rescue. Hazardous material training requires more extensive, specific, and ongoing training and certification. While regional collaborative training will help decrease expenses, local firefighters need basic training to quickly evaluate and determine hazards and create a safe zone for residents. In researching training, staff filed a joint application with Northeast Fire Collaborative for a grant through the Public Utilities Commission of Ohio. With proceeds from the grant, City funds, and registration fees, over 90 Mason and local fire personnel will receive this on-day training. This training will increase City staff knowledge related to hazmat situations and consistency across departments.

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 2018-106 was made by Councilmember Honerlaw, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2018-107 AN ORDINANCE ACCEPTING THE LOWEST AND BEST BID FOR THE COX-SMITH ROAD RECONSTRUCTION PROJECT, FROM JOHN R. JURGENSEN COMPANY, IN THE AMOUNT OF \$939,591 AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

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

Kurt Seiler stated Cox-Smith Road from Parkside Drive to SR 741 was closed about 25 years ago due to dangerous curves and maintenance concerns until a safer reconstruction of the roadway was possible. Earlier this year the project was awarded an OPWC grant for up to \$500,000 towards the cost of the project. On August 28, 9 bids were opened for this project and pricing came in very competitive with less than \$3,500 between the two lowest bidders. The alternate bid was requested to compare the cost of all concrete versus some plastic materials for storm water pipes. Due to the increased cost, staff is recommending not awarding the alternate bid. The 2018 budget included \$1.1 million for this project. John R. Jurgensen has completed several projects in the City including the Street Resurfacing Program and Phases 1 and 2 of the Western Row Road Interchange Project.

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.

Councilmember Nelson and Kurt discussed power lines near the pool, considering a privacy fence for temporary easement, and Duke Energy beginning utility relocation work in preparation for this project at no cost to the City due to the existing right-of-way and easements.

Councilmember Chance inquired on a complete rendering of the overall plan. Kurt Seiler stated as no additional right-of-ways were needed for the project, some easements are needed to provide additional improvements, however renderings of a specific property have not been provided.

A motion to adopt Ordinance 2018-107 was made by Councilmember Gilb, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

ORDINANCE 2018-108 AUTHORIZING A WATER SERVICE LINE REPLACEMENT PROGRAM FOR PROPERTIES WITH LEAD SERVICE LINES IN PARTNERSHIP WITH THE CITY OF CINCINNATI

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

Jennifer Heft discussed Ordinance 2018-108 and Ordinance 2018-109 together. Late last year Greater Cincinnati Water Works (GCWW), the water service provider for Mason, introduced their Lead Replacement Program initiative. The program eliminates all public and private lead water mains and service lines. The public water service line is the responsibility of GCWW and provides water from the water main in the street to the property. The private service line is the responsibility of the property owner and provides water from the property line into the home/building. She said residents may voluntarily participate in the replacement of lines that are discovered to be lead. Currently GCWW's program is voluntary for residents, but moving forward the program will likely become mandatory as GCWW continues to meet stricter water quality requirements. She said lead water service lines were banned in the 1950's and homes built prior to 1960 have the greatest potential to have lead service lines. Staff estimates that there are 850- 1,050 homes in Mason that may still have lead service lines. Residents may voluntarily have an independent contractor replace the line or participate in GCWW's Lead Replacement Program. Under the Replacement Program, GCWW will arrange and oversee the work on the private line replacement and will contribute 40% or up to \$1,500 towards the lead service line replacement cost. If additional financial assistance is need, GCWW has implemented programs based upon qualifications. Under the terms of the contract with GCWW, the City still owns the water utility. Jennifer said in order to assist residents determine if a lead service line is present, the City will offer a certified plumber to visit the resident's home and perform the test at no cost to the resident. With Council's approval, residents who wish to have their private line replaced, but financially are unable beyond the financial assistance available as part of GCWW's Lead Replacement Program, will have the option to have the balance assessed to their property tax bill. While lead service lines are the leading cause of lead contaminated water, it is possible that other risks remain in residents' homes including internal plumbing. In addition to replacing lead piping, allowing the water to flow through a faucet or fixture a few seconds prior to use may help reduce the lead in water. Residents interested in having their water tested should contact GCWW at 513.651.5323 or visit GCWW's website at Lead.myGCWW.org. These ordinances authorize a Memorandum of Understanding with Greater Cincinnati Water Works (GCWW) and an ordinance allowing for property tax assessment.

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.

Council and staff discussed coordinating with GCWW to promote and over communicate on social media and websites, mailing letters explaining the process to residents during the design phase and participation phase, the possibility of evaluating Mason's funds and matching GCWW, the City not having a water fund, and the opportunity of this assistance possibly not available in the future.

A motion to adopt Ordinance 2018-108 was made by Councilmember Nelson, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

ORDINANCE 2018-109 ADOPTING SECTION 941.21 OF THE CODIFIED ORDINANCES OF THE CITY OF MASON ESTABLISHING PROCEDURES FOR WATER LINE AND CONNECTION ASSESSMENTS

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 Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

A motion to adopt Ordinance 2018-109 was made by Vice Mayor Spaeth, seconded by Councilmember Chance. VOTE: ALL YEAS.

ORDINANCE 2018-111 REPEALING ORDINANCE 2018-79 AND REQUESTING THAT THE ASSOCIATED CHARTER AMENDMENT REGARDING POWERS OF COUNCIL BE WITHDRAWN FROM THE NOVEMBER BALLOT AND DECLARING AN EMERGENCY

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 Gilb, seconded by Councilmember Nelson. VOTE: ALL YEAS.

Councilmember Honerlaw stated he is in favor of repealing and is concerned with keeping an uncertain Charter Amendment on the ballot. He advised Council can change an ordinance, but not a Charter Amendment. Vice Mayor Spaeth and Councilmember Chance advised they are not in favor of repealing this legislation and would rather have a Charter Amendment to provide rules and transparency through legislation. Vice Mayor Spaeth reiterated she is for transparency and clarified the Charter Amendment requiring Council to follow the codified ordinance and the ordinance passed in regards to Chapter 125 are two separate items. The ad hoc committee will research and advise if Chapter 125 language needs strengthened. Councilmember Gilb expressed concern with a Charter Amendment guided to standards that are not yet complete. He is encouraged by a committee taking the opportunity to improve guidelines to educate Councilmembers to make the best decisions. Mayor Kidd stated the item going to ballot makes an emphatic statement. Inadvertently putting language in the item going to ballot may impede the progress of the City. Codifying a document through the ad hoc committee allows for a dynamic process. Councilmember Grossmann stated Ordinance 2018-79 is not appropriate to put in the Charter and has concerns creating an illusory promise to flexible standards. She requested Council to wait until next November and stated she expects the law director to use purposeful language. Mayor Kidd advised the City's law director makes smart decisions and is trustworthy.

A motion to call the question was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: 6 YEAS, 1 NAY (Gilb).

A motion to adopt Ordinance 2018-111 was made by Councilmember Nelson, seconded by Councilmember Honerlaw. VOTE: 3 YEAS, 4 NAYS (Nelson, Spaeth, Chance, Kidd).

OLD AND NEW BUSINESS

Councilmember Nelson advised she received a request from a resident to add a crosswalk at Windward Drive. Kurt Seiler will research to see if this item is something that should and could be completed.

Councilmember Gilb and Jeff Forbes discussed when an item is removed, not tabled, on an agenda, it is permanently removed. Concepts can be reintroduced and new ordinances can be made.

Councilmember Grossmann read a statement and thanked Council for the request to create an ad hoc committee addressing the standards of best practice. She thanked Council for reversing Ordinance 2018-69, passing the standards of best practice, and submitting a Charter Amendment. She advised she is available to assist the ad hoc committee and hopes the standards are amended in the manner she has requested. She stated she is disappointed Ordinance 2018-111 did not pass, but thanked Councilmember Gilb and Councilmember Honerlaw for their support.

RECOGNITION OF VISITORS – None.

ADJOURN

A motion to adjourn was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS. TIME: 9:12 p.m.