

**CITY OF MASON
COUNCIL MEETING
FEBRUARY 11, 2019**

The meeting was called to order at 7:03 p.m. Chaplain Marc Champagne opened the meeting in prayer. All those present recited the Pledge of Allegiance.

ATTENDANCE

The following members of Council were present: Barbara Berry-Spaeth, Ashley Chance, Kathy Grossmann, T. J. Honerlaw, and Victor Kidd. Michael Gilb arrived at 7:12 p.m. Diana K. Nelson was absent.

APPROVAL OF MINUTES

A motion to approve the Amended January 28, 2019 Council Meeting Minutes was made by Councilmember Chance, seconded by Councilmember Honerlaw. VOTE: 6 YEAS, 1 ABSTAIN (Kidd).

CITY MANAGER'S REPORT

City offices will be closed on Monday, February 18 in observance of President's Day. Mason Community Center will be open with normal operating hours.

The Employee Excellence Awards luncheon will be held on Wednesday, March 6 from 11:00 a.m. to 1:00 p.m. at The Golf Center. The City hosts this event annually to recognize those employees who have demonstrated the City's values of Communication, Coordination, Cooperation, Customer Service, and Cost Savings. Employees receiving the award have been nominated by their peers.

Mason Community Center in partnership with the Leukemia & Lymphoma Society will host Race to Anyplace on Saturday, March 16 from 8:00 a.m. to 2:00 p.m. Teams of 4 to 12 riders will compete on stationary bikes to see who can ride the farthest. Complimentary food and drinks will be available to participants throughout the day. All participants will receive a free Community Center day pass. Family members of participants will receive half off the daily admission price. This event helps support research and patient services for those affected by leukemia and lymphoma.

A motion to not request a public hearing for a transfer D1, D2 liquor permit from OhioWS1 LLC to TQSP INC at 6176 Tylersville Road was made by Vice Mayor Spaeth, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

A motion to not request a public hearing for a D3 liquor permit for TQSP INC at 6176 Tylersville Road was made Councilmember Chance, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

COMMITTEE REPORTS

Councilmember Honerlaw commended the City's comprehensive system for tracking over 1,200 assets used by all departments, each exceeding \$5,000. He stated Ryan Tyree, Fleet Manager, is responsible for over 225 pieces of rolling stock and has saved costs across the City. Ryan has developed a monitoring schedule for routine maintenance, scheduled repairs, new stock, surplus, purchases, and vendors. Councilmember Honerlaw said last year the City budgeted \$1.7 million with an additional carryover of \$1.2 million and spent \$672,000. The City is conservative in budget estimates and has not spent the amount budgeted since 2007.

RECOGNITION OF VISITORS – None.

ORDINANCE 2019-1 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 8.5 ACRES FROM B-3 (ROAD SERVICE COMMERCIAL) TO B-PUD (BUSINESS PLANNED UNIT DEVELOPMENT) WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED ADJACENT AT 5579 S.R. 741 AND BEHIND 5571 S.R. 741 (741 PUD)

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

Public Hearing was opened at 7:18 p.m.

Kurt Seiler stated this property is approximately 8.5 acres and is located at 5579 S.R. 741 and behind 5571 S.R. 741. The property currently contains Perkins and 513 Bar and Grill and is zoned B-3, Road Service Commercial. The property was originally developed around the time of annexation, 1984, and generally does not conform to current zoning standards. The proposal is to rezone it to B-PUD, Business Planned Unit Development. The City of Mason Comprehensive Plan identifies this property as Regional Mixed Use. The applicant is requesting a variance from the PUD perimeter setbacks as established in the City's Zoning Ordinance. Due to the challenging site constraints including the property sizes and shapes, requesting multiple buildings on a single property, sharing access and parking areas, as well as the infill opportunity that this project creates, staff and Planning Commission recommends approval of the Rezoning and Concept Plan.

Public Hearing was closed at 7:22 p.m.

Councilmember Grossmann and Kurt discussed reducing the size of the current detention pond and potentially adding a detention pond at the other end of the property and the City working with the applicant to address aesthetics with nearby buildings and structure.

A motion to adopt Ordinance 2019-1 was made by Councilmember Chance, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

ORDINANCE 2019-14 APPROVAL OF THE DEDICATION PLAT FOR 414 READING ROAD

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

Kurt Seiler stated the City of Mason Thoroughfare Plan defines this area of Reading Road as a major arterial roadway which requires 50 feet of right-of-way from centerline of road. This plat will dedicate the right-of-way necessary to meet this requirement.

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

A motion to adopt Ordinance 2019-14 was made by Councilmember Chance, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

ORDINANCE 2019-15 AMENDING SECTION 963.10 OF THE CODIFIED ORDINANCES OF THE CITY OF MASON REGARDING FIREARMS AND WEAPONS IN CITY PARKS

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

Jeff Forbes said House Bill 228, known as the “Stand Your Ground” legislation, recently passed which overrode a veto by Governor John Kasich. The final version of HB 228 removed the “Stand Your Ground” language for which this bill had become known. The law contains the municipal preemption that municipalities are prohibited from passing ordinances that restrict firearms. The Law Director’s office, in conjunction with the Police Department, has reviewed the City’s ordinances. As a result of this review, the only section that needs to be modified is Section 963.10 related to restricting firearms and weapons in City parks. He said the amendment removes the word “firearm(s)” from the section.

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

A motion to adopt Ordinance 2019-15 was made by Vice Mayor Spaeth, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

ORDINANCE 2019-16 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT, NOT TO EXCEED \$27,000 WITH WARREN COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR THE EDUCATION, INSPECTION AND ASSOCIATED SERVICES NECESSARY TO MEET THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II REQUIREMENTS

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

Kurt Seiler said the City has annually entered into an agreement with Warren County Soil and Water Conservation District (SWCD). SWCD provides educational services including conducting school classroom presentations, coordinating group clean-up activities, and bringing the stormwater trailer to events to educate residents. Some inspection services include construction site inspection, compliance with federal, state and local regulations, and preventative maintenance including over 300 basin inspections within the City. Warren County SWCD has completed a financial evaluation of their fees and has requested fees remain the same as the 2018 fees of \$27,000. He stated in the past, the State has matched up to 75 cents on the dollar and typically the City has completed this legislation by March in order to meet a matching deadline at the end of April. The 2019 Budget included the City's contribution for this program.

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

A motion to adopt Ordinance 2019-16 was made by Councilmember Grossmann, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

ORDINANCE 2019-17 AN ORDINANCE ACCEPTING THE PROPOSAL FOR DESIGN/ENGINEERING FOR THE VAN BUREN DRIVE/WASHINGTON WAY DRAINAGE IMPROVEMENT PROJECT FROM TEC ENGINEERING, INC. IN THE AMOUNT NOT TO EXCEED \$20,642 AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

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

Kurt Seiler said in 2013, the City awarded a contract with TEC Engineering, Inc. for the design and engineering of stormwater improvements in the Van Buren Drive/Washington Way area. During the design process the proposed improvements were evaluated and it was determined the project would have minimal impact on the residential flooding portion of the project. The project was placed on hold for further evaluation. In 2017, staff initiated a larger modeling effort using GIS data to identify priority areas in the City that would benefit from stormwater improvements and updates. The Van Buren Drive, Washington Way and Jefferson Drive area was included as part of this stormwater modeling effort. The stormwater improvements will greatly lower the frequency and amount of water that backs up into the street during major rain event. These improvements will increase safety and improve access to the neighborhood for emergency vehicles during storm events. Staff anticipates this project to be bid this summer with construction expected to begin in the fall.

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 2019-17 was made by Councilmember Honerlaw, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2019-18 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ABC SIGNS FOR LABOR AND MATERIALS NECESSARY TO CONSTRUCT ENTRANCE SIGNS IN AN AMOUNT NOT TO EXCEED \$110,000

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

Jennifer Heft said in 2015, Council approved a program to begin replacing signage at municipal facilities in an effort to provide branding consistency throughout the City. New signage has been installed at Sundin Fields at Heritage Oak Park, Corwin Nixon Park, Pine Hill Lakes Park, Mason Sports Park, and the Water Reclamation Plant. The City plans to install three additional signs at remaining municipal facilities—additional City parks, including the Common Ground Park, and branding and signage in other high profile areas of the City such as the Mason Tech Elevator, North Mason Industrial Park, and Oak Park districts. She said two firms responded to a Request for Proposal for this project in 2015. ABC Signs proposed the lowest cost and was awarded the contract for the initial phase. Staff recommends moving forward with ABC Signs for the second phase of this program as the firm is familiar with the City’s desired product and has already completed the engineering and design work necessary for the installation. She said having a contract in place allows the City to move forward with signage as needed throughout the year, meeting commitments to continue the momentum for projects. This signage may be an opportunity for sponsorships and contributions providing reimbursement to the City for some of these costs. The 2019 budget includes \$275,000 for City-wide monument signs and gateways.

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

Councilmember Honerlaw and Jennifer discussed phases are dependent on how many locations are decided. The intent is to complete the seven City parks and multiple City facilities.

Councilmember Grossmann and Jennifer discussed already identified sign locations with the opportunity for open projects, such as Common Ground.

A motion to adopt Ordinance 2019-18 was made by Councilmember Honerlaw, seconded by Councilmember Chance. VOTE: ALL YEAS.

ORDINANCE 2019-19 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SULLIVAN ENVIRONMENTAL TECHNOLOGIES FOR THE PURCHASE OF ONE RETURN ACTIVATED SLUDGE PUMP AND SPARE PARTS FOR THE EXISTING RETURN ACTIVATED SLUDGE PUMPS IN AN AMOUNT NOT TO EXCEED \$39,620

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

Jennifer Heft stated in recent years, the rate of sludge that is being returned to the Water Reclamation Plant (WRP) has consistently decreased, which is an indicator of a deteriorated

impeller, ultimately impacting the treatment process. The current activated sludge pumps were installed 13 years ago and have recently showed signs of aging and deterioration. In 2018, staff rebuilt one of the sludge pumps which resulted in an increase in the return rate of sludge. As part of the WRP's maintenance program, staff are preparing to rebuild the four other sludge pumps. She said activated sludge pumps are a critical component to plant operations. Sullivan Environmental Technologies is the sole source supplier in the region for this type of equipment and have provided a quote of \$39,620 for this purchase. City staff will be completing the labor involved with installing the replacement parts on the current pumps. The 2019 budget included \$290,000 for the annual Water Reclamation Plant Maintenance and Replacement program.

A motion to adopt Ordinance 2019-19 was made by Councilmember Honerlaw, seconded by Councilmember Chance. VOTE: ALL YEAS.

ORDINANCE 2019-20 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KINGS FORD INC. FOR THE PURCHASE OF ONE FORD F-550 TRUCK CAB AND CHASSIS IN THE AMOUNT OF \$37,390

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

Jennifer Heft discussed Ordinance 2019-20 through Ordinance 2019-25 together. Ordinance 2019-20 is to purchase a truck replacing a 1999 International Dump Truck currently used by the Public Utilities Department that is in poor condition. The F-550 is one of the City's most frequently used vehicles for City services including catch basin repairs, concrete work, and restoration, as well as snow and ice removal. Ordinance 2019-21 is for the dump bed, snow plow, salt v-box and salt spreader equipment needed for the Ford F-550 Truck Cab and Chassis. Ordinance 2019-22 authorizes the purchase of two leaf collection machines from Best Equipment Company in the amount of \$75,378. There are currently five front line leaf machines and one is a reserve machine that is a 1994 model. One of the new machines will replace a 2007 model that is in poor condition. The 2007 model will move to reserve status and replace the 1994 model which has become unreliable due to its age. The second machine will be an addition to the City's fleet in order to meet the increasing demands during leaf collection season. The last time a leaf machine was added to the fleet was in 2012. Ordinance 2019-23 is for the purchase of five 2020 Ford Police Interceptor Utility vehicles from Kings Ford, Inc. in the amount of \$186,273. Two of these new vehicles will replace existing police cruisers that are due to be cycled out of front line use based on mileage and repair history. Three vehicles will be added to the fleet and used by Campus Safety Officers and as a City-wide vehicle before moving into front line Police operations. She stated Ford is redesigning the Police Interceptor Utility Vehicles for 2020. Production of 2019 vehicles has ceased and all future vehicle orders will be delivered as 2020 models. Additional legislation will be needed and presented to Council at a future meeting for the purchase and installation of emergency equipment related to these vehicles. Typically the equipment is requested at the time of purchase of the vehicle; however the redesign has an impact on the configuration of equipment for these vehicles. She said Ordinance 2019-24 authorizes the purchase of two Mobile Light Towers in the amount of \$20,600. Currently, mobile light towers are rented for various special events, including Music in Mason and Red Rhythm and Boom. Purchasing light towers will reduce the rental fee cost and provide greater flexibility

for special events. The light towers can be offered as a rental option for external special events or field rentals taking place throughout the City. Ordinance 2019-25 authorizes the purchase and retrofit installation of electronic ground speed salt controllers on five existing Western Star and International dump trucks. Electronic ground speed controllers accurately dispense salt and liquid calcium or brine at predetermined rates, regardless of the speed of the truck to achieve a consistent salt coverage. Staff anticipates this to be the last retrofit installation. Newer vehicles will be equipped with this equipment at the time of purchase. All proposed replacement vehicles and equipment are available through the State of Ohio purchasing program or NJPA (Sourcewell) cooperative purchasing program. The Finance and Equipment Committees reviewed these requests as part of the 2019 Budget process.

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 2019-20 was made by Councilmember Honerlaw, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

ORDINANCE 2019-21 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HENDERSON PRODUCTS FOR THE PURCHASE OF ONE (1) DUMP BED, SNOW PLOW, SALT V-BOX AND SALT SPREADER EQUIPMENT FOR A FORD F550 TRUCK CHASSIS IN THE AMOUNT OF \$54,141

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 Grossmann, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

A motion to adopt Ordinance 2019-21 was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

ORDINANCE 2019-22 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BEST EQUIPMENT COMPANY INC. FOR THE PURCHASE OF TWO (2) ODB MODEL LCT 600 LEAF COLLECTION MACHINES IN THE AMOUNT OF \$75,378

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

A motion to adopt Ordinance 2019-22 was made by Councilmember Grossmann, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

ORDINANCE 2019-23 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KINGS FORD INC. FOR THE PURCHASE OF FIVE (5) FORD POLICE INTERCEPTOR UTILITY VEHICLES IN THE AMOUNT OF \$186,273

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

A motion to adopt Ordinance 2019-23 was made by Councilmember Honerlaw, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

ORDINANCE 2019-24 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SOUTHEASTERN EQUIPMENT CO. INC. FOR THE PURCHASE OF TWO (2) MAGNUM MOBILE LIGHT TOWERS MODEL MLT4060K IN THE AMOUNT OF \$20,600

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 Chance, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

A motion to adopt Ordinance 2019-24 was made by Councilmember Honerlaw, seconded by Councilmember Gilb. VOTE: ALL YEAS.

ORDINANCE 2019-25 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HENDERSON PRODUCTS FOR THE PURCHASE AND RETROFIT INSTALLATION OF FIVE (5) ELECTRONIC GROUND SPEED SALT CONTROLLERS ON EXISTING TRUCKS IN THE AMOUNT OF \$39,225

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

A motion to adopt Ordinance 2019-25 was made by Vice Mayor Spaeth, seconded by Councilmember Chance. VOTE: ALL YEAS.

OLD AND NEW BUSINESS

Councilmember Chance requested Council to provide amendments to meeting minutes prior to the meeting to allow the option to read amendments. He read a portion of 501(c)(3) and said Council cannot receive money from non-profit organizations.

Councilmember Honerlaw requested a work session to discuss charitable giving and clarified concern receiving support not from organizations, but the individuals serving the organizations. He appreciates the ability to voice his concerns and provide insight to an issue that is important to him. Vice Mayor Spaeth and Jennifer advised a work session will be scheduled when the City Manager returns. Mayor Kidd stated Council votes for items that affect the community in various ways and providing to charities is not an uncommon item. He said Council is community minded and supportive of charitable organizations in the community. Donations are a good topic for a work session and Council wants to be thoughtful and fair on how to proceed and maintain relationships with organizations helping the community. Vice Mayor Spaeth recommended not accepting in-kind support for campaigns if there is concern in regards to being swayed by individuals. Council discussed not giving to additional organizations until a work session to discuss policies is complete.

Councilmember Grossmann thanked Council and staff for participation in the Children Advocacy Center of Warren County's Gala. Attending the Gala provided additional education for professional development. She provided the notion to reframe and track how the City engages with charitable organizations that provide a Mason-centric service. She referred to Jeff Forbes in regards to updates to House Bill 49. Jeff said HB 49 is the State Budget Bill with a provision for centralized tax collection. Mason and other municipalities filed suit to voice concern with the provisions. Court ruled in favor of State, an appeal was filed, but the ruling remained. A request for reconsideration with the Court of Appeals has been filed and the next step would be to file a request to the Ohio Supreme Court.

Vice Mayor Spaeth thanked Mason's First Responders for their ongoing service to the community.

Councilmember Chance noted the American Legion is celebrating their 100th Anniversary this year and advised residents to stay tuned for an upcoming golf outing in June.

Mayor Kidd apologized to Mason's businesses, selling beer and spirits, that the intent is not to initiate liquor control to entrap business owners serving under aged drinkers and advised moving forward the focus should be more on education to local businesses.

RECOGNITION OF VISITORS

Steve Jones of 913 Leslie Court said Council represents the people and should not choose which services to support for the public.

ADJOURN

A motion to adjourn was made by Councilmember Chance, seconded by Vice Mayor Spaeth.
VOTE: ALL YEAS. TIME: 8:13 p.m.