

**CITY OF MASON  
COUNCIL MEETING  
MARCH 25, 2019**

The meeting was called to order at 7:04 p.m. Associate Pastor Phil Blodgett opened the meeting in prayer. Scout Ethan Hilbert led all those present in reciting 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 February 25, 2019 Council Meeting Minutes was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS.

**CITY MANAGER'S REPORT**

April 4, 5, and 6 are Member Appreciation Days at Mason Community Center. There will be prize drawings, Premier member savings at Symbiosis, bring a friend free without using a guest pass, and a basketball shoot for Premier event.

Mason City Tax Returns are due Monday, April 15. The Mason Tax Office offers assistance to residents in completing their Mason tax return. Regular office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m. The Tax Office is offering residents extended office hours on Saturday, April 13 and Monday, April 15.

City of Mason offices will be closed Friday, April 19 in observance of Good Friday.

Mason's regional economic development partner, REDI Cincinnati hosted the James A. Wuenker Growth Awards. Only five corporate awards are presented throughout the region. Mason is honored to have two companies recognized for this prestigious award: Festo and L-3 Space and Sensors. Both companies have been role model corporate partners to Mason and successful in terms of economic development. A long-time Mason resident active in the Mason Port Authority and in Cincinnati economic development, David Smith was given the first annual Bill Robinson Award for an impactful and long career in economic development.

A motion to not request a public hearing for a liquor agency contract for Nishit Liquor LLC at 740 Reading Road was made Vice Mayor Spaeth, seconded by Councilmember Chance. VOTE: ALL YEAS.

A motion to not request a public hearing for a transfer C1, C2, D6 liquor permit from Lous Pony Keg to Nishit Liquor LLC at 740 Reading Road was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

## **COMMITTEE REPORTS**

Councilmember Gilb advised the Ad Hoc Committee has met and provided recommendations to Chapter 125 with a structural change requiring a minority of Council to request further efforts to be undertaken before proceeding with the mandatory disclosure process. Legislation will be drafted for a future Council Meeting.

Councilmember Grossmann stated the Community Center Committee is reviewing the new outdoor swimming pool plans, how to promptly restore for public use, and operating costs. The Arts and Entertainment Committee continues dialogue on expanding arts in the community.

Vice Mayor Spaeth said the Safety Committee continued addiction crisis conversations with OneCity Against Heroin. OneCity Against Heroin has helped 643 people with a better life in both Butler and Warren County since 2014. Council discussed Governor Mike DeWine's recovery Ohio plan and praised the time, focus, and energy those on the front lines of the community and OneCity Against Heroin put into Mason and surrounding communities.

## **RECOGNITION OF VISITORS**

Randy Chenault of 3053 Portsmouth Avenue in Cincinnati, a representative of Congressman Steve Chabot's office, advised residents may contact Steve Chabot's Cincinnati or Warren County office for help with directing Social Security Administration, Department of Veterans Affairs, IRS, or passport general questions. Councilmember Nelson and Randy discussed how the office can be liaisons for residents and to remind Steve Chabot to push forward with concerns of eliminating advanced refunding.

## **ORDINANCE 2019-31 APPROVAL OF THE FINAL PLAT FOR EVERYBODY'S FARM PHASE 2 PUD, SECTION 1**

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

Kurt Seiler said Lot 1 is comprised of 2.23 acres and Lot 2 is 28.8 acres in size. The final plat will dedicate the utilities, storm, and sewer easements necessary for this development. Planning Commission recommended approval of the final plat contingent upon submittal of a Subdivider's Contract and Performance Bond.

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 2019-31 was made by Vice Mayor Spaeth, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

**ORDINANCE 2019-32 APPROVAL OF THE RECORD PLAT FOR BODENBENDER SUBDIVISION**

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

Kurt Seiler said this plat will consolidate existing lots into two lots and correct minor issues with the existing lot lines from the original plot, including a lot line that bisects the existing building at 212 West Main Street. Lot 1 is 0.22 acres in size and will include the building at 210 West Main Street. Lot 2 is 0.028 acres in size and will include the building at 212 West Main Street. Planning Commission recommended approval of the record plat.

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 2019-32 was made by Vice Mayor Spaeth, seconded by Councilmember Chance. VOTE: ALL YEAS.

**ORDINANCE 2019-33 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE STATE OF OHIO NATUREWORKS GRANT PROGRAM FOR COMMON GROUND PLAYGROUND PROJECT**

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

Eric Hansen stated Nature Works is a State funded grant program administered by the Ohio Department of Natural Resources. The City of Mason received a Nature Works grant previously in 1996. The 2019 grant application will be used for accessories to Common Ground Park such as benches, trash receptacles, and sun screening. The total amount of the grant application is \$38,875 and includes the City's 25% matching funds. Warren County's allocation for distribution totals \$53,475.

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 2019-33 was made by Councilmember Nelson, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

**ORDINANCE 2019-34 ADDING CHAPTER 932 OF THE CITY OF MASON CODIFIED ORDINANCES REGARDING SMALL CELL FACILITIES AND DECLARING AN EMERGENCY**

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

Kurt Seiler advised the State of Ohio passed House Bill 478 which relates to the regulation of Small Cell Facilities in Ohio. Based on the new rules, changes must be made to Mason's rules and procedures to remain compliant with the State. State legislation allows cell facilities to be in the right-of-way. Mason's regulations for cell facilities are in the Zoning Ordinance and will be relocating regulations from the Zoning Ordinance to Chapter 932 of the City's Codified Ordinances in the right-of-way section of the Codified Ordinances. Included with this will be application and administrative approval procedures along with the creation of Design Guidelines for Small Cell Facilities. To remain compliant with new State requirements, some of the more significant changes to Mason's regulations include increasing the allowable maximum height of small cell facilities from 30 feet to 40 feet, allowing co-location of small cell facilities onto existing utility poles within the right of way, and regulating spacing requirements from 2,000 feet to 1,000 feet. He stated consistent with the former Zoning requirements, the new Small Cell Design Guidelines continue to require new small cell facilities to be of a stealth design, to be set away from the property lines of a residential use a minimum of 100 feet, new wood poles may not be installed, and all utility connections are to be underground. The guidelines are designed to be able to be flexible in application and can be modified as technology changes or based on individual merits of a case. An Emergency Clause has been added to the Ordinance due to the requirements of the State of Ohio that the new regulations be in place by April 15, 2019.

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 the City being at the forefront of preserving local control and putting the City in a fortunate position, two companies capable of utilizing one tower dependent on their network, and monitoring a recently introduce federal bill that would override the FCC regulations.

A motion to adopt Ordinance 2019-34 was made by Vice Mayor Spaeth, seconded by Councilmember Chance. VOTE: ALL YEAS.

**ORDINANCE 2019-35 AN ORDINANCE ACCEPTING THE PROPOSAL FOR DESIGN OF THE SENIOR CENTER IMPROVEMENT PROJECT FROM KZF DESIGN, INC., FOR AN AMOUNT NOT TO EXCEED FEE OF \$28,950 AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

Jennifer Heft advised the Community Center Committee of Council discussed several projects ongoing at the Community Center this year. In 2010, the City of Mason in partnership with TriHealth completed the expansion of the Mason Community Center and as part of the expansion, the Senior Center was redeveloped. Requests from the seniors have been the need for additional restroom facilities, additional parking spaces and closer parking. Many seniors use the large double delivery doors on the east side of the Center to access the facility as it is perceived as closer access than the Community Center entrance. With the more recent expansion of TriHealth's operations in the Center, it provides an opportunity to reevaluate the needs of the

Senior Center and make some improvements. She said the design proposal includes both improvements to the interior and exterior of the Community Center. The interior design work will include converting existing area into two new restroom facilities, adding additional storage and provide branding opportunity off of the existing Community Center entrance, for the Senior Center. The exterior design work includes a new Senior Center entrance with vestibule on the east side of the Center, an outdoor patio area, sidewalk/walking path leading from the parking lot to new entrance and the redevelopment of parking.

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 2019-35 was made by Councilmember Nelson, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2019-36 AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE EXISTING AGREEMENT BETWEEN THE CITY OF MASON AND THE KLEINGERS GROUP, FOR DESIGN SERVICES NECESSARY FOR LOU EVES MUNICIPAL POOL REDEVELOPMENT IN THE AMOUNT OF \$84,500**

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

Jennifer Heft stated the City is continuing the process for the redevelopment of a new outdoor pool. Design drawings and construction documents will include a base bid for the pool and several alternates including the consideration of a Competition pool with enclosure. In order to prepare construction documents and evaluate overall costs of the alternate of a competition pool, additional design work related to mechanical, electrical and plumbing for that enclosure is needed. Once construction documents are prepared and bid results received, Council will have the opportunity to decide whether the competition pool moves forward as part of this project. Ordinance 2019-37 authorizes a contract with Duke Energy Ohio, Inc. to extend natural gas services to the Municipal Pool and Corwin M. Nixon Park. She said early in the evaluation of the replacement of the pool, having the ability to heat the pool was determined valuable both in extending the use of the competition pool and improving the user experience. Currently 1-2 weeks prior to opening, the pool is filled from a nearby hydrant in which the water is approximately 55-degrees. Water temperatures are only increased through consecutive warm, sunny days. Currently the nearest gas main is located at Mason-Montgomery Road and Nixon Park Drive. A new 4,000-foot 6-inch gas main would be installed along Nixon Park Drive to the pool site. The gas main would provide the infrastructure for any future development of facilities at Corwin M. Nixon Park. The agreement with Duke also provides partial refund to the City in the event other users connect into this main.

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 Ordinance 2019-36 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

**ORDINANCE 2019-37 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DUKE ENERGY OHIO, INC., IN THE AMOUNT \$91,771, FOR NATURAL GAS SERVICE LINE EXTENSION AT 6249 MASON-MONTGOMERY ROAD (LOU EVES MUNICIPAL POOL)**

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

A motion to adopt Ordinance 2019-37 was made by Councilmember Chance, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2019-38 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INDIANA & OHIO RAILWAY CO., IN THE AMOUNT OF \$40,000, FOR DESIGN SERVICES FOR CROSSINGS FOR THE SR 741 WIDENING PROJECT FROM SPYGLASS HILL TO WELDEN DRIVE**

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

Kurt Seiler said this project will widen SR 741 between Spy Glass Hill and Welden Drive and include two lanes of travel in each direction with left turn lanes at all intersections. The grants were approved for a total of \$6,477,528 in funding toward the overall project cost of \$7,958,021 (including \$500,000 for right-of-way costs). The next phase of the project is coordination with I&O Railway Co. regarding the two crossings within the project limits - SR 741 and Bethany Road. I&O will be providing engineering review and design services to reconstruct both crossings. Services will include plan reviews, signal and surface bid documents, prepare request for bids, bid tabulation, and progress the project to the construction phase. The ordinance has been prepared for \$40,000 to allow for some contingency. A separate contract will be needed with the railroad to authorize the construction of their work in conjunction with the City's roadway construction contract. Construction is currently still on schedule for spring of 2021.

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 Nelson and Kurt discussed Gap project plans to extend the sidewalk on the west side of SR 741 and bike path on the east side up to Weldon Drive. The Gap project could potentially begin between 2021 and 2023.

A motion to adopt Ordinance 2019-38 was made by Councilmember Nelson, seconded by Councilmember Grossmann. VOTE: ALL YEAS.

**ORDINANCE 2019-39 AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE AGREEMENT IN THE AMOUNT OF \$8,000 WITH THE WARREN COUNTY HUMANE ASSOCIATION**

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

Eric Hansen stated the City's partnership with the Warren County Humane Association dates back to 2002 when Council approved the City's participation in the Association's capital campaign to raise funds for a new shelter expansion in Lebanon. As part of the 2019 budget process the Finance Committee recommended reevaluating the charitable contributions program. Council recommended moving toward a service agreement approach for contributions to organizations. Under the approach funds are provided to an organization in exchange for services provided and will result in a demonstrable benefit to the City of Mason that can be substantiated with evidence. He said the Warren County Humane Association's agrees to help homelessness for animals in the City and provide public education/outreach events in Mason as part of recreation, corporate, and Community Center programming.

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 2019-39 was made by Councilmember Nelson, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS.

**OLD AND NEW BUSINESS**

Vice Mayor Spaeth requested residents stop going through red lights to provide for a safer community.

Councilmember Honerlaw commended the Mason Police Awards Gala for recognizing officers and saving lives.

Councilmember Grossmann expressed disappointment of the Ad Hoc Committees recommendations and proposed developing a new ethics policy for the City.

**RECOGNITION OF VISITORS**

Steve Jones of 913 Leslie Court thanked Councilmember Honerlaw for raising concerns with charitable giving and redirecting how the program operates.

**EXECUTIVE SESSION: LAND ACQUISITION**

A motion to adjourn into Executive Session for the purpose of land acquisition was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS. TIME: 8:18 p.m.

A motion to reconvene into Regular Session was made by Councilmember Gilb, seconded by Councilmember Honerlaw. VOTE: ALL YEAS. TIME: 8:50 p.m.

**ADJOURN**

A motion to adjourn was made by Councilmember Honerlaw, seconded by Councilmember Nelson. VOTE: ALL YEAS. TIME: 8:50 p.m.