

**CITY OF MASON  
COUNCIL MEETING  
JULY 8, 2019**

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

**ATTENDANCE**

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

**APPROVAL OF MINUTES**

A motion to approve the June 10 Worksession, June 10 Council Meeting, and June 20 Special Council Meeting Minutes was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS.

**CITY MANAGER'S REPORT**

The next regularly scheduled City Council meeting is Monday, August 12.

The 2019 Music in Mason continues July 12, July 19 and July 26 with a Downtown Block Party. American Legion Post 194, Two Cities Pizza, 16 Lots, and the Keller Williams Weeks Group have participated weekly. During the concerts, the Keller Williams Weeks Group has had a split the profit raffle outside of their business with 50% of the proceeds benefitting Operation 194 with the American Legion.

The Mason TRI-Umphant Triathlon returns to Mason on Sunday, July 28 for this highly anticipated, family friendly competition. The City of Mason will host Women's, Men's and Kid's events at the Mason TRI-Umphant Triathlon. Proceeds will benefit the Mason Parks and Recreation Foundation Common Ground Playground, an all-inclusive playground, and the Mason Community Center Scholarship Fund.

Premier members of the Community Center are invited to the Lou Eves Municipal Pool on Friday, August 9 from 6:00 p.m. to 8:00 p.m. for the Premier Member Pool Party.

The 2019 Western & Southern Open will begin in Mason on Saturday, August 10 at the Lindner Family Tennis Center. This year, the tournament features the world's top ten ranked men and women. The City of Mason will be hosting our economic development partners and governmental partners throughout the event to strengthen our regional relationships and maximize our opportunity to promote economic development in Mason.

The amount of effort, expense and details that go in to Red, Rhythm and Boom does not go unnoticed. Employees across all departments in the City work together as a team. Not only is

Red, Rhythm and Boom utilized for promoting economic development, building sponsorships, and as an emergency preparedness training event, but the event also builds employee culture.

A motion to add Ordinance 2019-85 to the agenda was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

A motion to not request a public hearing for a C1, C2 liquor permit for Dayou International Market LLC at 9604 Mason Montgomery Road was made by Vice Mayor Spaeth, seconded by Councilmember Nelson. VOTE: ALL YEAS.

### **COMMITTEE REPORTS**

Councilmember Nelson reported on local government funding receiving a 17-day extension and the Investing in Our Communities Act, HR 2772, in response to advanced refunding.

### **PRESENTATION BY WARREN COUNTY SHERIFF LARRY SIMS**

Sheriff Larry Sims provided a recap on the year 2018. Warren County Sheriff's Office was able to add an additional resource officer in Kings Schools District. Two K9's retired in 2017 and two K9's have since been brought on the team. He said the Sheriff's Office jail project has begun and is necessary to accommodate the years of overcrowding in the existing jail. Memorial Drive was extended and reconfigured to connect at Cook Road, around the new jail and administrative office buildings. Councilmember Chance and Sheriff Sims confirmed the old office buildings will be used for mental health and drug rehab services.

### **RECOGNITION OF VISITORS**

Steve Jones of 913 Leslie Court complimented Red, Rhythm and Boom in general and Kids Zone wait time improvements.

Larry Wells of 4940 Bethany Road raised concerns of engine braking noise near the roundabout. Kurt Seiler, Mayor Kidd and Larry discussed signage to enforce engine breaking in the area.

### **ORDINANCE 2019-68 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 187.6 ACRES FROM WARREN COUNTY I-1 (LIGHT INDUSTRIAL MANUFACTURING) TO MASON I-1 (LIGHT INDUSTRIAL) LOCATED SOUTH OF BUNNELL ROAD, WEST OF US 42 AND EAST OF AVALON FARMS (MASON R&D PARK EAST)**

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

Public Hearing was opened at 7:29 p.m.

Kurt Seiler stated the property is located south of Bunnell Road, west of US 42 and east of the Avalon Farms Subdivision. The area is slated for future industrial/business park growth. The land is currently zoned as Warren County I-1. The rezoning would increase the minimum lot area from 1 acre to 2 acres and ensure at least a minimum of a 20-foot wide continuous buffer with any adjacent property versus the 10-foot wide buffer allowed by the Warren County I-1 zoning. Planning Commission recommends approval of the rezoning from Warren County I-1 to Mason I-1 as it is consistent with the recommendations of the Comprehensive Plan.

Public Hearing was closed at 7:31 p.m.

A motion to adopt Ordinance 2019-68 was made by Councilmember Nelson, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

**ORDINANCE 2019-69 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 2.7 ACRES FROM B-3 (ROAD SERVICE COMMERCIAL) TO R-6 (CONDOMINIUM AND LANDMINIUM RESIDENTIAL) LOCATED WEST OF 5525 PARKSIDE DRIVE**

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

Public Hearing was opened at 7:32 p.m.

Kurt Seiler said the property is located on Parkside Drive and is situated west of 5525 Parkside Drive. The property is currently zoned B-3, Road Service Commercial and is proposed to rezone to R-6, Condominium and Landominium Residential. The property is identified as neighborhood mixed-use on the City's Future Land Use Map, which recommends attached housing as a secondary use. The parcel is adjacent to existing high-intensity residential to the south and medium-intensity residential to the north and west. Restrictive setbacks and the overhead utility lines limit development potential on the B-3 zone. The proposed R-6 zoning would allow for a maximum of 6 units per acre and is compatible with the surrounding uses. Planning Commission recommends approval of the rezoning from B-4 to R-6.

Angela Taggart of 5376 Dogwood Circle provided concerns with Parkside Drive access. Kurt and Angela discussed using Kings Mills Road and Cox-Smith Road as an option to access Parkside residences.

Public Hearing was closed at 7:36 p.m.

A motion to adopt Ordinance 2019-69 was made by Councilmember Nelson, seconded by Councilmember Vice Mayor Spaeth. VOTE: ALL YEAS.

**ORDINANCE 2019-81 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 0.455 ACRES FROM R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) TO R-4 (SINGLE FAMILY RESIDENTIAL) LOCATED AT 6958 BUTLER-WARREN ROAD**

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

Eric Hansen set a Public Hearing for Monday, August 12.

**ORDINANCE 2019-82 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FOREVERLAWN OF OHIO, INC. FOR THE PURCHASE OF PLAYGROUND SYNTHETIC TURF AND ASSOCIATED MATERIALS FOR COMMON GROUND PLAYGROUND IN THE TOTAL AMOUNT OF \$400,000 AND DECLARING AN EMERGENCY**

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

Eric Hansen said during the previous bid process of the Common Ground Playground - Phase 1B, the bid included alternates for different playground surfacing types. The original design included rubber surfacing for the playground. This is the material used at most playgrounds throughout the City. Due to mixed results on long term durability, an alternate bid was included for synthetic turf. Synthetic turf is a newer product that carries a longer warranty, has increased durability and the aesthetics are better as the product ages. He stated the costs for both products were higher than anticipated in the bids received. This was mainly due to the elaborate nature of the design which resulted in a significant amount of material waste. The design has since been reviewed and engineered to reduce the construction waste and the number of seams necessary in the surface. In addition, City staff was able to secure reduced pricing by leveraging a cooperative purchasing program. He said City staff worked with ForeverLawn of Ohio to obtain further cost savings less than the cooperative purchasing program price. The total cost includes supplying the materials as well as the installation. By leveraging the cooperative purchasing pricing, the synthetic turf cost will result in nearly \$187,000 in savings versus the bids previously received.

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 2019-82 was made by Vice Mayor Spaeth, seconded by Councilmember Nelson. VOTE: ALL YEAS.

**ORDINANCE 2019-83 AUTHORIZING THE CITY MANAGER TO ENGAGE THE SOUTHWEST OHIO PHILHARMONIC FOR THE PERFORMANCE OF A CONCERT IN AN AMOUNT NOT TO EXCEED \$23,000**

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

Eric Hansen said Council has continuously been interested in supporting the arts in Mason and partnering with organizations to foster growth with the arts. Earlier this year, the Arts and Entertainment Committee of Council met with representatives of Southwest Ohio Philharmonic (SWOP) to discuss opportunities of hosting a SWOP performance in Mason. Formerly members of the Middletown Symphony, SWOP is a newly formed professional symphony orchestra. Councilmember Nelson expressed interest in hosting a performance later this year as an opportunity to thank residents and businesses as well as show support of the arts in Mason. Compensation for professional performers is the primary expense. Venue, sound and related expenses are not expected to exceed \$15,000. Staff has explored venue options and Great Wolf Lodge provides the most appropriate setting for an event of this style. Preliminary discussion has taken place with Great Wolf Lodge leadership to partner with the City and reduce the additional cost of renting the venue while also providing a mature and sophisticated setting. He said the City is tentatively holding the venue for an evening performance on Saturday, November 9.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: 4 YEAS, 2 NAYS (Gilb, Honerlaw). MOTION FAILS.

Council discussed creating a vibrant arts community, the Arts and Entertainment Committee providing a recommendation to Council whether the Committee supports or does not recommend the event, supporting legislation without support of the Arts and Entertainment Committee, verbiage used in the legislation, and partnering with the schools to provide a family-oriented performance.

**ORDINANCE 2019-84 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TOWNE CONSTRUCTION SERVICES, LLC IN THE AMOUNT OF \$77,614 FOR BIKE PATH CONSTRUCTION EAST OF MASON HIGH SCHOOL ALONG FOXFIELD DRIVE AND DECLARING AN EMERGENCY**

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

Jennifer Heft said City staff met with school officials regarding the possibility of adding a bikepath connection from Corwin M. Nixon Park to Foxfield Drive and along the east side of Foxfield Drive from Nixon Park Drive to the Lou Eves Municipal Pool. The Schools have an agreement with the City for use of the parking spaces at Corwin M. Nixon Park and Lou Eves Municipal Pool throughout the school year. This path will provide a safe means for the students to get from the parking lot to the school on a paved path instead of the roadway as well as provides residents connectivity for bike paths throughout that area to Mason parks. As part of the 2018 Street Resurfacing Program an alternate bid was included last year that included \$90,000 for this project. She said the work was not performed last year because the schools had several construction projects occurring and needed to delay the work. An emergency clause has been

added to the ordinance to get started as soon as possible and complete the path construction in the first few months of the school year.

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 2019-84 as amended was made by Councilmember Nelson, seconded by Councilmember Nelson. VOTE: ALL YEAS.

**ORDINANCE 2019-85 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH A VENDOR FOR EMERGENCY CULVERT REPAIR IN AN AMOUNT NOT TO EXCEED \$50,000 AND DECLARING AN EMERGENCY**

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

Eric Hansen said an old, metal culvert identified last year under Fairway Drive is deteriorating. It was anticipated to be replaced later this year in conjunction with other work in that area, however rapid, high-intensity rainfall has accelerated the deterioration. A sink hole has developed nearby and before the roadway collapses, work needs to be completed. A vendor has not been identified yet and initial quotes are being reviewed. Once a vendor is identified, the contract can move forward and allows the City to proceed with work before school begins.

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 2019-85 was made by Councilmember Nelson, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

**OLD AND NEW BUSINESS**

Vice Mayor Spaeth said the Abuse and Rape Crisis Center offers programming important to the community. Instead of sponsoring their fundraiser in the fall, she recommends partnering through a service agreement.

Councilmember Chance followed up to Scott Egan's previous speed concern comments and recommended Scott reach out to the City for a representative the next time he meets with his HOA to discuss additional signage, restriping sidewalks and continued speed monitoring.

Councilmember Gilb restated he is not against bringing Arts to the community. He suggests the process be followed where the Committee discusses the topic and brings a recommendation to Council before Council voting.

Council commended Red, Rhythm and Boom and the level of community spirit at the event. Councilmember Honerlaw provided hesitation in regards to money spent for the event.

**RECOGNITION OF VISITORS** – None.

**EXECUTIVE SESSION: LAND ACQUISITION**

A motion to add discussion of employment/compensation of public employees to Executive Session was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

A motion to adjourn into Executive Session for the purpose of discussing land acquisition and employment/compensation of public employees was made by Councilmember Chance, seconded by Councilmember Nelson. VOTE: ALL YEAS. TIME: 8:10 p.m.

A motion to reconvene into Regular Session was made by Councilmember Chance, seconded by Vice Mayor Spaeth. VOTE: ALL YEAS. TIME: 8:50 p.m.

**ORDINANCE 2019-86 AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF INTENT AND TO NEGOTIATE A RELATED PURCHASE AGREEMENT RELATED TO THE SALE OF APPROXIMATELY +/-47 ACRES OF LAND ON STATE ROUTE 741 AND DECLARING AN EMERGENCY**

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

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 2019-86 was made by Councilmember Chance, seconded by Councilmember Gilb. VOTE: ALL YEAS.

A motion to increase the City Manager's base pay by 3% with a \$13,350 bonus was made by Councilmember Gilb, seconded by Councilmember Nelson. VOTE: ALL YEAS.

**ADJOURN**

A motion to adjourn was made by Vice Mayor Spaeth, seconded by Councilmember Honerlaw. VOTE: ALL YEAS. TIME: 8:52 p.m.