

**CITY OF MASON
COUNCIL MEETING
OCTOBER 11, 2021**

The meeting was called to order at 7:01 p.m. Chaplain Bob Moertle opened the meeting in prayer. All those present recited the Pledge of Allegiance.

ATTENDANCE

The following members of Council were present: Diana Nelson, Tony Bradburn, Joshua Styrcula, Michael Gilb, T.J. Honerlaw, and Kathy Grossmann. Ashley Chance was absent.

APPROVAL OF MINUTES

A motion to approve the September 27 Council Meeting minutes was made by Councilmember Bradburn, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

Warren County is hosting a ribbon cutting ceremony for the new County Jail & Sheriff's Office on Tuesday, October 12 at 9:30 a.m.

The Lindner Center of HOPE is hosting their fifth presentation as part of the 2021 Community Outreach Series on Wednesday, October 20 from 6:30 p.m. to 7:30 p.m. at the Manor House.

Mason is hosting the Warren County Municipal League at Great Wolf Lodge on October 20 at 6:00 p.m.

The Area Progress Council annual awards dinner is Tuesday, October 26 at 5:30 p.m. at Valley Vineyards in Morrow.

Mason Deerfield Chamber Gems of Excellence Awards Night is on Thursday, October 28 at 6:00 p.m. at the Manor House. Award winners will be announced at the event.

Halloween will be celebrated on Sunday, October 31 between 6:00 p.m. and 8:00 p.m. Rain or shine.

The 7th Annual Mason Corporate Challenge will be held on Saturday, October 16 at 9:00 a.m. at the Mason Golf Center. This is a 5k walk/run designed to engage the Mason corporate community in a city-wide competition that raises funds to "give-back" by donating proceeds to select charities.

RED, RHYTHM & BOOM RECOGNITION

The City uses an Incident Command structure to better organize and manage all aspects of the event. The City committed to making a donation to organizations that provided 10 or more

volunteers for the event in which over 200 volunteers participated totaling over 400 hours. Three organizations provided at least 20 volunteers that will be recognized with a \$200 check from the City which include Mason Softball Boosters, Faith World Outreach Center, and the Mason Manta Rays Swim Team. Mason's CERT Team also helped with the event for emergency planning. The American Legion Post 194 raises funds through beverage sales and splits the funds between the American Legion and the Mason Parks and Recreation Foundation. This year, the American Legion raised almost \$20,000 during the seven Music in Mason concerts and are finalizing their sales for Red, Rhythm & Boom. Dan Chambers was the Incident Commander for the 2021 event and he was shadowed by Steve Johnson who will assume the Incident Commander responsibilities next year. Dan was presented with a gift for his efforts.

Dan Chambers said 27 different City staff members throughout all departments were a part of the Incident Command structure, providing new learning opportunities. Dan passed the torch award on to Steve Johnson as he begins planning for the 2022 Red, Rhythm and Boom event as Incident Commander.

MENTAL HEALTH RECOVERY BOARD PRESENTATION

Rahul Gupta, Chairperson and Colleen Chamberlain, Executive Director of the Warren & Clinton County Mental Health Recovery Board provided an overview of services and programs provided in the community through traditional mental health services. They recommended the renewal of the Mental Health Levy currently being collected. The levy funds crucial services and programs that help individuals and families in crisis, substance abuse prevention efforts targeting teens and young people, crisis call center availability, and more.

A motion to move Ordinance 2021-108 after Recognition of Visitors was made by Councilmember Nelson, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

A motion to move Discussion Topics-c.Sanctuary City Ordinance after Recognition of Visitors and before Ordinance 2021-108 was made by Councilmember Honerlaw, seconded by Vice Mayor Gilb. VOTE: ALL YEAS.

A motion to limit public input dialogue to two minutes per visitor was made by Councilmember Honerlaw. A motion to amend the motion to limit public input dialogue to three minutes per visitor was made by Vice Mayor Gilb, seconded by Councilmember Styrcula. A motion to limit public input dialogue to three minutes per visitor, as amended passed. VOTE: ALL YEAS.

RECOGNITION OF VISITORS

Noble Johnston of 310 S. West Street stated concerns with trash still on an adjacent property. Eric Hansen said he and Kurt Seiler will follow up.

David Meyer of 7821 Clearwater Court had concerns with the affidavit Mayor previously read not being signed yet. Mayor Grossmann apologized and said an updated affidavit is being drafted.

Steve Jones of 913 Leslie Court said Council can disagree with respect, should refrain from making comments about each other and gear discussion towards business.

Caryn Weckstein of 4239 Serpentine Way said prayer during Council Meetings is inappropriate and church and state should be separated.

Dr. Steven Brinn of 9410 Fox Creek Lane shared his personal experience, read a letter he sent to Council and said he is for banning an abortion clinic in Mason.

Brenda Stradley of 6714 Bluefield Lane read from the Bible and does not support abortion stating life begins at conception.

Karen Anderson of 7025 Monongahela in Cincinnati said a Sanctuary City ordinance empowers women to protect their children.

Char Pelfrey of 5499 Mason Road said every child must be protected and leaders have an obligation to protect those that are vulnerable.

Joe Kraimer of 4192 South Shore Drive read a statement from Father Barry Stechschulte at St. Susanna Church stating every citizen even those not yet born have a right to live.

Mark Dickson of 108 West Pirate Avenue in Longview, Texas and founder of Sanctuary City said 39 cities have outlawed abortion and cities challenged have continued to ban abortions. Sanctuary City deals with a health and welfare issue.

Tori Metzger of 1020 Depauw Drive in Fairfield supports Mason becoming a Sanctuary City and providing love and grace to mothers for support.

Grace Walter of 4966 Elizabeth Court supports Mason becoming a Sanctuary City.

Ray Severson of 6506 Rosewood Lane supports life and said to save lives, the City should instead draft legislation banning assault weapons and high powered magazines.

Rabbi George Barnard of 5646 Hunters Lake in Deerfield Township said abortion is a violent act and some abortions are justified. He respects the diversity of the community and said Council should not pass the legislation.

Cathy Elliott of 5322 Crestwood Drive is pro-choice, wants to keep abortion safe, and advocates prevention and access to reproductive healthcare.

Jessica Vick of 7786 Waters Edge Drive stated concerns with legislation being part of political gaming, the timeline of political ballot, social media references, and election being partisan.

Ian Sugerma of 8086 Halyard Court in Maineville is against abortion.

Eva Schneiderman of 3523 Surrey Lane shared her personal experience, is pro-choice, and said Council needs to represent the entire community. Mayor Grossmann said it would be illegal to provide an abortion in Mason today because there are no licensed clinics at this time.

Joe Kraimer of 4192 South Shore Drive said Sanctuary City is a moral choice and it should not be legal to abort a child.

Julie Womack of 6854 Roberts Park Drive stated concerns with large corporations recruiting talent due to turmoil, how being a Sanctuary City benefits Mason, and how political this scenario is. Eric Hansen said no City of Mason Council Members have reached out to adjust sign-in sheets or security arrangements.

Moises Gomez Morante of 5671 Crestwood Drive said Council should reconsider this opportunity for Mason to protect his daughters' and other women's rights.

Nalini Chawla of 3760 Woodburne Drive is pro-choice and against the abortion ban.

Manisha Kelkar Godbole of Spalding Drive is pro-choice and said there are other world crisis' to vote upon versus abortion such as protecting children from gun violence.

Samantha Davis of 2677 Lebanon Road of Lebanon shared her personal experience and said people have the right to choose.

Alan Lirtzman of 7343 Red Oak Court said the ordinance has no enforcement mechanisms or penalties, this is not an emergency, and Council should work through the zoning code to ban abortion clinics.

Susie Lirtzman of 7343 Red Oak Court said abortion is not illegal in Mason just because it is not available, many children up for adoption are not being adopted, and legislation should not be an emergency.

Judith Vermillion of 6271 Lake Front is pro-choice and shared her experience working with women in trauma.

Jeni Keeler of 4321 Shore Drive said people have the right to choose and this ordinance provides discrimination and takes away a support system.

Jason Mohr of 505 W. Church Street said he gives full support of the preservation of life and Mason becoming a Sanctuary City.

Linda Kallschmidt of 1383 Firethorne Drive shared her personal experience, supports the legislation and said women don't need abortions, they need support.

A brief recess was held at 9:03 p.m.

The regular Council Meeting reconvened at 9:15 p.m.

Allie Frasier of 88 E. Broad Street in Columbus supports legislation ensuring the violence of abortion does not occur in Mason City limits.

Becca Kociba of 4518 Margaret Court said as an educator, her priority is keeping students safe. She said Council should explain this legislation to 5th graders on puberty day for health education.

Laura Alesi of 345 McClure Road in Lebanon said abortion is good for politics and provided concerns with someone from Texas creating legislation for Mason and bringing division to Mason.

Mark Haake of 3620 Dunlop Court said the Mayor has divided Council, is now trying to divide the City, and is using the City for political gain.

Maya Rao of 6411 Rosemont Lane said she represents minority groups that are unable to attend, and this is an unnecessary power over women's bodies.

Sidonie Oakland of 2960 Pine Grove Lane urged Council to vote no on Sanctuary City and said she will not spend more money in Mason if it passes.

Britt Huddleston of 5037 West Sand Court in West Chester is anti-abortion and does not want an abortion clinic in Mason.

Veronica Strevel of Clearcreek Township said there is no purpose for legislation due to no clinics in Mason.

Alecia Lipton of 410 E. Mulberry in Lebanon said religion does not belong in public policy and said residents should vote on Sanctuary City.

Laura Strietman of 2324 Park Avenue in Cincinnati said she is pro-life, October is pregnancy and infant loss month and there is no place for abortions in Mason.

Colin Ashle of 4758 Manor Lake Drive said he wants to protect unborn children in Mason because they are innocent victims.

Jordan Moorman of Franklin County, Indiana said he does not support abortions or planned parenthood.

Nichole Leporati of 6400 Amber Court said Ohio abortions are still legal and the Ohio Heartbeat bill has been locked since 2019. She offered to be a safe space for residents,

Ariana Ybarra of 31 W. Markison Avenue in Columbus stated concerns with the legislation being created in Texas for Mason, a potential lawsuit against the City and said abortion is healthcare.

Ellena Privitera of 6403 Edgebrook Court said Sanctuary City legislation impacts access to essential healthcare and drains resources.

Alena Schneiderman of 3523 Surrey Lane said Council cannot get rid of abortion and can only get rid of safe, healthy abortions.

Regina Brewer of 752 Maplewood Lane said she is pro-life and the foundation of Planned Parenthood is racism.

Debbie Williams of 3500 Wrenwood Court said abortion is not healthcare, abortion is murder.

Trisha Hilton-Mills of 535 Shawnee Lane said leaders need to keep religion out of State and City issues.

Elijah Montgomery of 102 Cowan Drive stated religion needs to stay out of politics.

Gina Morrone of 1111 Deerfield Road in Lebanon said women can choose to be a mother or not.

Lori Viars of 41 Springhouse Court in Lebanon said there have been no negative effects in Lebanon as result of becoming a Sanctuary City.

Leslie Niehigyn of 517 Heritage Trace in Lebanon reviewed abortion statistics and said Council does not need to interfere with healthcare decisions.

Karli Andrews of 1526 North Oakley Boulevard in Chicago, Illinois said legislation should not require women to keep an unwanted pregnancy.

Cecil of 977 Belvedere in Lebanon shared her personal experience and said banning abortion helps rapists.

Kia Rossey of 3264 Palamino Trail said people should have a choice and to stop abortion through educating teens of contraception available.

Ana Bolton of 5307 Chateaugay Drive said she is pro-choice and accidents should not hinder dreams.

Eisha S. of Sharonville said women shouldn't be forced, there is a lack of sex education and resource facilities, and encouraged equality for all.

Jennifer Bolton of 5307 Chateaugay Drive said Sanctuary City should not be debated at City Council and money should be spent on education.

Allison Vick of 7786 Waters Edge Drive said she wants control of her own body.

Logan Strunk of 6642 Falling Leaves Court stated concerns with legal repercussions of this legislation and religious views in the legislation.

Susie Lirtzman of 7343 Red Oak Court said men bear responsibility as well.

DISCUSSION TOPICS

Sanctuary City Ordinance

Mayor Grossmann read a statement of what the legislation says to clarify misinterpretations. Council discussed providing an answer to the public, having the Policy and Legislation Committee review legislation, no further committee work needed, the intent of legislation, aligning with the Ohio Heartbeat law, preventing a facility that provides the performance of an abortion locating in Mason, impacting Mason businesses, and receiving additional changes the morning of the meeting. A motion to table Ordinance 2021-108 to allow the Policy and Legislation Committee to review before voting was made by Councilmember Nelson, seconded by Councilmember Styrcula. VOTE: 1 YEA, 5 NAYS (Bradburn, Styrcula, Gilb, Honerlaw, Grossmann).

Councilmember Nelson and Jeff Forbes discussed legislation needing five affirmative votes to pass as an emergency to take effect immediately. Four affirmative votes would be needed to pass legislation and the emergency clause would not take effect. With four affirmative votes, the legislation would take effect after thirty days and during the thirty days it would be subject to referendum.

ORDINANCE 2021-108 ORDINANCE OUTLAWING ABORTION, DECLARING MASON A SANCTUARY FOR THE UNBORN, MAKING VARIOUS PROVISIONS AND FINDINGS, PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND DECLARING AN EMERGENCY

A motion to read by title only was made by Councilmember Honerlaw, seconded by Vice Mayor Gilb. 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 Gilb. VOTE: 4 YEAS, 2 NAYS (Nelson, Styrcula). Jeff Forbes said Ordinance 2021-108 is now a First Reading and legislation will appear as a Second Reading at the next meeting.

Councilmember Styrcula said being a Sanctuary City may change the culture and trajectory of the City. Council discussed this being a community decision, passing as an emergency does not allow for a referendum, the community can complete a referendum if not adopted as an emergency, Council being elected to make these decisions, this being a land use issue, and amending the legislation to remove the emergency clause. Jeff Forbes said five affirmative votes are required to refer to the electors. A motion to refer Sanctuary City to the ballot at the next primary or general election was made by Councilmember Styrcula, seconded by Councilmember Bradburn. VOTE: 3 YEAS, 3 NAYS (Gilb, Honerlaw, Grossmann). Jeff Forbes said this motion failed and Ordinance 2021-108 will be back on the agenda at the next meeting. Mayor Grossmann said the Policy and Legislation Committee will review the legislation prior to the next meeting.

A brief recess was held at 11:28 p.m.

The regular Council Meeting reconvened at 11:35 p.m.

Council discussed a possible Special Council Meeting to address Ordinance 2021-108, making a motion to modify an agenda during the Council Meeting, Recognition of Visitors not being required, and to list Recognition of Visitors once at the next meeting after business items are complete. A motion to limit public input dialogue to 90 minutes followed immediately by the Second Reading of Ordinance 2021-108 was made by Councilmember Bradburn, seconded by Councilmember Styrcula. VOTE: 5 YEAS, 1 NAY (Nelson).

RESOLUTION 2021-24 DECLARING OCTOBER AS MASON MANUFACTURING MONTH

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

Eric Hansen said October is Manufacturing Month and is an opportunity to cooperate with businesses, to highlight businesses in Mason and to attract workforce to manufacturing.

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

A motion to adopt Resolution 2021-24 was made by Councilmember Bradburn, seconded by Vice Mayor Gilb. VOTE: ALL YEAS.

ORDINANCE 2021-101 FIRST READING - APPROVAL OF A REVISED CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR THE VILLAGES OF MASON LOCATED NORTH AND WEST OF BEACH BOULEVARD (VILLAGES OF MASON)

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

A Public Hearing date was set for November 8, 2021.

ORDINANCE 2021-102 FIRST READING - AN ORDINANCE TO REPEAL, AMEND AND ADD VARIOUS SECTIONS AND CHAPTERS OF THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS AND TO AMEND THE ZONING MAP REGARDING DOWNTOWN MASON ZONING

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

A Public Hearing date was set for November 8, 2021.

ORDINANCE 2021-103 APPROVAL OF THE FINAL PLAT FOR LOTS 204 – 215, AND 221 IN THE CROOKED TREE PRESERVE SUBDIVISION, PHASE 3G

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

Kurt Seiler stated the final plat for Crooked Tree Preserve Subdivision, Phase 3G contains 12 single family lots and one open space lot. It is located on the east side of Sentinel Oak Drive, along Maple View Drive. The final plat will dedicate the right-of-way, utilities, storm, and sanitary sewer easements necessary for this development. This is the last section to be platted in Crooked Tree Preserve Subdivision. Planning Commission recommended approval of the final plat contingent upon the submittal of the required Subdivider's Contract and performance bond.

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

A motion to adopt Ordinance 2021-103 was made by Councilmember Bradburn, seconded by Vice Mayor Gilb. VOTE: ALL YEAS.

ORDINANCE 2021-104 APPROVAL OF THE REPLAT FOR LOT 1 IN THE TOWER PARK PUD DEVELOPMENT

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

Kurt Seiler said the replat for the Tower Park - Lot 1 is located at 710 Tylersville Road, on the WLW tower property. Lot 1 is 4.23 acres and is zoned I-PUD, Industrial Planned Unit Development. The replat of lot 1 will create two lots, 1A is 2.39 acres and Lot 1B is 1.84 acres. Both lots will have access off the internal private access road. Planning Commission recommended approval of the replat contingent on the following dedicating the required right-of-way on Tower Park Drive for widening improvements.

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

A motion to adopt Ordinance 2021-104 was made by Councilmember Honerlaw, seconded by Councilmember Styracula. VOTE: ALL YEAS.

ORDINANCE 2021-105 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT OR CONTRACTS WITH A MUSIC ENTERTAINMENT AGENCY OR AGENCIES IN A TOTAL AMOUNT NOT TO EXCEED \$150,000 FOR ENTERTAINMENT ARTISTS FOR THE 2022 RED, RHYTHM & BOOM CONCERT

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

Eric Hansen discussed Ordinance 2021-105 and Ordinance 2021-106 together. The 2022 Red Rhythm and Boom event taking place on Sunday, July 3 and staff will begin planning stages soon. As staff begins the entertainment search process, selections may continue to be limited compared to previous years due to COVID-19 and the changes in the market for the entertainment industry.

Ordinance 2021-105 authorizes \$150,000 for the cost of a headline artist and possible opening act. The ordinance does not specify the vendor in order to maximize flexibility since artists belong to different management groups/vendors. Ordinance 2021- 106 authorizes a contract with Frequency City Sound in an amount not to exceed \$150,000 for stage and sound production needs for the 2022 event. The caliber of artists that the City hosts at the event have specific requirements related to stage, sound, video, and lighting that are outlined in the artists' contracts which demand more technical skill and expertise than City staff can provide. Utilizing a vendor to assist with this coordination offers the City a consistent and professional level of service for the event and allows staff time and resources to be focused on other areas of executing the large-scale event.

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

A motion to adopt Ordinance 2021-105 was made by Councilmember Honerlaw, seconded by Councilmember Nelson. VOTE: ALL YEAS.

ORDINANCE 2021-106 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FREQUENCY CITY SOUND IN AN AMOUNT NOT TO EXCEED \$150,000 TO PROVIDE THE STAGE, SOUND, LIGHTS AND VIDEO SCREENS FOR THE 2022 RED, RHYTHM & BOOM CONCERT

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

Mayor Grossmann complimented the sound engineers at Red, Rhythm and Boom.

A motion to adopt Ordinance 2021-106 was made by Councilmember Bradburn, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

ORDINANCE 2021-107 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH JOURDAN HATCH AND STEPHEN SCHUMACHER

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

Kurt Seiler stated a pre-annexation agreement has been submitted by property owners located Turtlecreek Township. The property is contiguous to the City of Mason and the property owners are requesting to tap into the City of Mason's sewer system prior to annexation. The pre-annexation agreement allows them access to the sewer/water system, but requires them to pay 150% of standard sewer/water rates until the property is annexed. They plan to tie into the sanitary sewer located on the south side of Brewer Road for a home they are looking to build on the lot.

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

A motion to adopt Ordinance 2021-107 was made by Councilmember Bradburn, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

DISCUSSION TOPICS

Downtown Development and MADE CDC

Council discussed MADE CDC reaching out the beginning of November to schedule a meeting, communications between the City and community regarding zoning code updates, completing the zoning code before a master plan, and the majority of local downtown businesses owners requesting a pause on the zoning code. Eric Hansen stated the Zoning Code is proposed to be updated, not the Comprehensive Plan.

Council discussed real estate tax value with the Downtown Development Agreement, an auditor examining an increased value, tax abatements, the developer negotiating tax abatements with the schools, selling the land at fair market value would have resulted in receiving the full tax amount, and misinformation via social media.

Council Ethics

Council discussed filings with the Ohio Ethics Commission and non-payment of taxes.

COMMITTEE REPORTS – None.

OLD AND NEW BUSINESS – None.

RECOGNITION OF VISITORS

Alan Lirtzman of 7343 Red Oak Court provided a suggestion to allow visitors from Mason to speak before visitors who do not live in Mason. Jeff Forbes said Council may organize the agenda as needed.

Eva Schneiderman of 3523 Surrey Lane has concerns with return on investment for the Downtown Development, transparency, and with character attacks on Councilmembers not present. Mayor Grossmann reviewed a CRA allowing for tax abatements and a possible abatement of the value of property improvements through the PILOT agreement with the schools. The return on investment is the stimulus to the Downtown economy.

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Styrcula. VOTE: ALL YEAS. TIME: October 12, 2021 at 12:36 a.m.