

**CITY OF MASON
COUNCIL MEETING
NOVEMBER 29, 2021**

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

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the November 8 Council Meeting minutes was made by Councilmember Chance, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

A motion to cancel the December 27 City Council Meeting was made by Councilmember Chance, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

The Jewish Discovery Center is hosting their annual Hanukkah celebration on Tuesday, November 30 at 5:00 p.m. The event takes place outdoors at the Deerfield Towne Center. The City partners with the Jewish Discovery Center to provide the City's mobile stage for the event. The Hanukkah celebration is free and open to the public to enjoy.

The City as well as Mason City Schools is working in partnership with Joshua's Place to adopt families in need this holiday season as part of the Mason Cares program. The program includes adopting families or donating new and unwrapped gifts. Collection barrels are placed at Mason Community Center and Mason Municipal Center. If you are interested in adopting a family in need, please contact the City of Mason to connect you with Joshua's Place.

The Community Center's Shop Local event will be held on Wednesday, December 1, from 9:00 a.m. to 4:00 p.m., featuring Mason area merchants and sales representatives selling gift items.

To kick off the Christmas in Mason season, the City will host the annual Tree Lighting Ceremony this Friday, December 3 at the Mason Downtown Plaza. This event is free and open to the public. The ceremony will take place at 6:30 p.m. on the Downtown Plaza. This annual event will feature holiday music, complimentary photos by the tree, iceless ice skating, train rides for kids, food, beverages, and, new for 2021, a mechanical snowboard until 8:30 p.m.

The Warren County Municipal League annual holiday meeting will be held on Wednesday, December 8 at 6:00 p.m.

Santa will be making a few stops in Mason this Holiday season. Families can register to have breakfast with Santa on Sunday, December 5 at the Golf Center. Then on Saturday, December 11, Santa will be on a Mason fire engine making his way through the City stopping at locations between 9:00 a.m. and 12:00 p.m. Locations include Fire Station 51, Makino, Quinn Park, Fire Station 52, Pine Hill Lakes Park, and the Mason Community Center.

City offices will be closed on Friday, December 24 in observance of the holiday. City offices will be open on Friday, December 31 with limited services. The Community Center will be December 24, December 25, December 31, and January 1 with reduced hours and limited access.

A motion to move Resolution 2021-25 and Resolution 2021-26 up on the agenda was made by Councilmember Styracula, seconded by Councilmember Chance. VOTE: ALL YEAS.

RESOLUTION 2021-25 COMMENDING MICHAEL GILB FOR HIS OUTSTANDING DEDICATION AND SERVICE TO THE CITY OF MASON, OHIO

Jeff Forbes read Resolution 2021-25.

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

Vice Mayor Gilb thanked the community for the opportunity to serve and gave his best regards to new Council-elects. He said Council needs to be leaders to inspire people and leadership is characterized by service, sacrifice and selflessness.

A motion to adopt Resolution 2021-25 was made by Councilmember Styracula, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

RESOLUTION 2021-26 COMMENDING T.J. HONERLAW FOR HIS OUTSTANDING DEDICATION AND SERVICE TO THE CITY OF MASON, OHIO

Jeff Forbes read Resolution 2021-26.

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.

Councilmember Honerlaw said it has been an honor to represent the residents while serving on City Council and is proud to call Mason home. He thanked City staff and will continue to fight for transparency and to keep Mason a Sanctuary City.

A motion to adopt Resolution 2021-26 was made by Councilmember Bradburn, seconded by Councilmember Styracula. VOTE: ALL YEAS.

JOHN CANDLE HOMES, LLC SEWER SERVICE REQUEST

Jeff Forbes said this presentation is based on Section 942.01 of the City's Codified Ordinances where property outside of the City of Mason cannot tap into the City sanitary sewer service without Council approval.

Joseph Trauth with Keating Muething and Klekamp represents John Candle Homes, who has a contract to purchase property in Deerfield Township and Turtle Creek Township. The property is approximately 165 acres and contiguous to Mason. He said Dr. Ghahreman Khodadad was assured by Mason staff in 1998 during a discussion for an easement for sewer, that he could tap into the City sewer service without being annexed into the City. In 2018, Dr. Khodadad donated property to Tufts University for research in the area of neuroscience. John Candle Homes was informed to tap into the City's sewer service, the property would need to be annexed into the City, zoning changed, and to dedicate a right-of-way. Not being able to tap into the City of Mason's sewer service hinders the economic benefit of the property in Deerfield and Turtle Creek Townships.

Sophia Holley with Keating Muething and Klekamp representing John Candle Homes, played a deposition video of Dr. Khodadad. She advised it makes sense to allow the property owner to tap into Mason without annexation due to Dr. Khodadad aging and he would like his wishes fulfilled. In order for Dr. Khodadad's donation to be given its full value, approving sewer tap-in is needed. She provided drafted legislation and said litigation will be pursued if resolution to allow sewer access is not complete tonight.

Matt Fellerhoff with Strauss Troy Law Firm representing Tufts University said Tufts University is the current property owner and accepted Dr. Khodadad's property donation with the expectation it would receive the proceeds of the sale of property. He recommends the City allow Dr. Khodadad's gift of continued research to be implemented and has concerns with the property estimate going down without sewer service access.

Jeff Forbes stated Council has the authority to add legislation to the agenda by motion. He has not had the opportunity to research or discuss legal arguments brought to Council today and would recommend not discussing in this venue due to Keating Muething and Klekamp threatening to sue the City.

A motion to go into Executive Session for the purpose of discussing imminent court action was made by Councilmember Honerlaw. The motion did not receive a second vote.

Council and Jeff discussed the drafted legislation from Keating Muething and Klekamp, allowing time for research and a professional opinion, and the public not having the ability to request legislation be placed on the agenda.

A motion to continue with the regularly published agenda was made by Councilmember Bradburn, seconded by Councilmember Chance. VOTE: ALL YEAS.

RECOGNITION OF VISITORS

Alan Lirtzman of 7343 Red Oak Court thanked Vice Mayor Gilb and has concerns with an article that noted the citizens voted on being a Sanctuary City when it seems the Mayor is opposed to residents voicing concerns and opinions. Mayor Grossmann said she never wants to take away the voice of the public and wants to be a voice for the unborn. Councilmember Honerlaw said the statement was from his interview.

Donna Chilcole of 4577 Place Pointe Drive shared her personal story and said Council is not in place to legislate state and federal laws.

Laura Strietmann of 2324 Park Avenue in Cincinnati said her heart breaks for women who have had an abortion and Mason needs to keep the killing of the unborn out of Mason.

Sophia Holley requested a motion for legislation to be added to this or the next Council Meeting agenda. Council discussed not setting items on the agenda for the new Council. A motion to have the law director review all information before any vote is taken was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

Esther Grubbs of 6422 Turnberry Court thanked candidates for the removal of political signs, requested details be discussed for legislation on the agenda, and said Council needs to compromise.

Julie Smith of 5219 Mason Grand Drive said Council and the community needs to unite and trust one another. She thanked the Mayor for serving and thanked Council for support of the unborn.

Trisha Hilton-Mills of 5353 Shawnee Lane provided abortion statistics for Ohio and said state and federal laws legislate abortion. She said Council is dividing the community based on religion.

Chris Lazuta of 6658 Palmetto Drive said Council can disagree without being disagreeable, Sanctuary City and Downtown development appears politically driven, and Mason Council is a non-partisan party.

ORDINANCE 2021-121 APPROVAL OF THE REPLAT FOR LOTS 22 & 23 IN THE ELKWOOD SUBDIVISION

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

Kurt Seiler said the owners of two lots are requesting approval to adjust the property line between the adjacent lots. Both lots are zoned R-2, which requires a minimum lot area of 20,000 square feet, and would remain in compliance with the zoning code.

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 2021-121 was made by Councilmember Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

A brief recess was held at 8:57 p.m.

The regular Council Meeting reconvened at 9:05 p.m.

ORDINANCE 2021-122 APPROVAL OF THE FINAL PLAT FOR MASON RESEARCH AND DEVELOPMENT PARK

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

Kurt Seiler said this final plat will dedicate the right-of-way for the new Mason Research Parkway that abuts the northern edge of VEGA Americas property and will be the primary road in the Mason Research and Development Park. In addition, the plat creates two lots and includes dedication of right-of-way for the new roundabout and along State Route 741 in conformance with the City of Mason Thoroughfare Plan.

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 2021-122 was made by Councilmember Bradburn, seconded by Councilmember Chance. VOTE: ALL YEAS

ORDINANCE 2021-123 AN ORDINANCE AUTHORIZING THE RE-APPROPRIATION AND TRANSFER OF MONIES AND TRANSFERRING OTHER FUNDS AND APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF MASON: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2020-124 OF THE CITY OF MASON, OHIO, PASSED BY THE COUNCIL OF THE CITY OF MASON, OHIO ON DECEMBER 14, 2020 FOR THE YEAR 2021

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

Eric Hansen discussed Ordinance 2021-123 and Ordinance 2021-124 together and said this legislation is a responsibility due to the State instituting legislation. He referred to these items similar to reconciling 1,000 checkbooks where movement of money from one fund reconciles another checkbook. As the City's priorities change or are modified throughout the year, re-appropriating funds is necessary at years end to close the City's accounts and prepare for the upcoming years' investments. Department Heads review their budget line by line and transfer budget amounts to different line items as part of the re-appropriation process. There will be 21 fund transfers with the most significant being \$17 million re-appropriated to the General Capital Improvement Fund to provide for reinvestment back into the community. He stated supplemental appropriations in Ordinance 2021-124 typically provide opportunities the City didn't anticipate or weren't ready to budget for, such as economic development or tax increment financing.

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 2021-123 was made by Councilmember Nelson, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

ORDINANCE 2021-124 AN ORDINANCE AUTHORIZING THE SUPPLEMENTAL APPROPRIATIONS OF MONIES: THEREFORE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2020-124 OF THE CITY OF MASON, OHIO, PASSED BY THE COUNCIL OF THE CITY OF MASON, OHIO ON DECEMBER 14, 2020 FOR THE YEAR 2021

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

A motion to adopt Ordinance 2021-124 was made by Vice Mayor Gilb, seconded by Councilmember Chance. VOTE: ALL YEAS.

ORDINANCE 2021-125 2022 ANNUAL APPROPRIATION ORDINANCE

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

Eric Hansen said this Ordinance approves the 2022 Annual City Budget, a planning document that sets broad guidelines and approves appropriations for the subsequent project year. The City has continued to keep a conservative budget with flexibility. The City budgets for an equipment maintenance reserve that will provide enough funds to replace fleet needs. He stated the City also has an Economic Sustainability Fund with an outlook for future years. He highlighted a few projects anticipated in 2022 including roundabouts on US 42, a sewer extension on Mason Morrow Millgrove Road and US 42, finance software upgrade, a dog park, golf course infrastructure improvements. He reviewed annual initiatives that will continue throughout 2022 and staffing position adjustments that will continue to be cost effective. Overall debt is aggressively managed and is anticipated to decrease in 2022 by \$4.2 million. He thanked staff and the Finance Committee for the amount of investment and discussion given to the budget.

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 2021-125 was made by Councilmember Chance, seconded by Vice Mayor Gilb. VOTE: ALL YEAS.

ORDINANCE 2021-126 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH COMMERCIAL IRRIGATION & TURF, INC. FOR THE CITY OF MASON GOLF CENTER IRRIGATION REPLACEMENT PROJECT IN THE AMOUNT OF \$3,249,583

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

Kurt Seiler stated the current irrigation system at the Golf Center was constructed in two phases and is 25 and 50 years old and in constant need of maintenance and repair. The City recommends moving forward with the contract to include the Toro Infinity product (Alternate 3) and include Option 1 and Phase 2. The Toro Infinity sprinkler is housed in a sleeve that allows much easier maintenance/trouble shooting of the unit without the need to dig up the sprinkler head. The Toro Infinity System design offers the most flexibility for the future. Option 1 extends irrigation coverage to several high impact areas such as along Fairway Drive and at the entrance to the Golf Center. Phase 2 represents the cost to add a second set of irrigation heads to the tee areas. He said the anticipated completion date for the project is April 2023. However, this timeline is highly dependent on availability of irrigation system supplies and contractor availability.

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

Councilmember Chance and Kurt discussed the new irrigation system is for all 22 holes and will allow for future planning.

Mayor Grossmann stated the current routing is not changing at the golf course right now.

A motion to adopt Ordinance 2021-126 was made by Councilmember Nelson, seconded by Vice Mayor Gilb. VOTE: ALL YEAS.

ORDINANCE 2021-127 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FYDA FREIGHTLINER CINCINNATI, INC. FOR THE PURCHASE OF ONE (1) 2022 FREIGHTLINER M2 DUMP TRUCK IN THE AMOUNT OF \$90,860 AND DECLARING AN EMERGENCY

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

Jennifer Heft discusses Ordinance 2021-127, Ordinance 2021-128, Ordinance 2021-129, and Ordinance 2021-130 together. Fleet maintenance and preparedness is the backbone to delivering a high level of service in the City of Mason. The City continues the strategy developed several years ago to rely on contingency funds to more closely align vehicle replacement. Having replacement equipment on hand and ready to use is significant in delivering City services. She said staff have been monitoring the fleet/equipment environment and as a result of supply chain delays and increasing costs, is recommending moving forward now with the purchase of some 2022 fleet replacements to avoid further cost increases and delays. Ordinance 2021-127 authorizes the

purchase of one Freightliner M2 Dump Truck from Fyda Freightliner Cincinnati. Last year was the first year for a wing plow truck to be added to the fleet and has proved to be more efficient and effective for snow removal on the City's main thoroughfares. Ordinance 2021-128 authorizes the purchase and installation of a truck bed, snowplow, salt v-box and automated ground speed controller for the wing plow truck. Ordinance 2021-129 authorizes the purchase of one Toro Groundsmaster 4000-D mower from Century Equipment for use in the parks to replace an existing 2008 model that is in poor condition. And Ordinance 2021-130 authorizes the purchase of one Toro Sandpro 3040 Diamondmaster from Century Equipment for use in the parks to replace an existing 2008 model that is also in poor condition. Jennifer stated legislation is anticipated in January for the remaining vehicles and equipment for which quotes were not yet available or purchasing contracts have not yet been awarded.

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

A motion to adopt Ordinance 2021-127 was made by Councilmember Chance, seconded by Vice Mayor Gilb. VOTE: ALL YEAS.

ORDINANCE 2021-128 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HENDERSON PRODUCTS FOR THE PURCHASE AND INSTALLATION OF A TRUCK BED, SNOW PLOWS, SALT V-BOX, AND AUTOMATED GROUND SPEED SALT CONTROLLER IN THE AMOUNT OF \$153,357 AND DECLARING AN EMERGENCY

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

A motion to adopt Ordinance 2021-128 was made by Councilmember Chance, seconded by Councilmember Honerlaw. VOTE: ALL YEAS.

ORDINANCE 2021-129 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CENTURY EQUIPMENT FOR THE PURCHASE OF ONE TORO 4000-D MOWER IN THE AMOUNT OF \$71,172 AND DECLARING AN EMERGENCY

A motion to read by title only was made by Councilmember Nelson, seconded by Councilmember Bradburn. 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 2021-129 was made by Councilmember Honerlaw, seconded by Vice Mayor Gilb. VOTE: ALL YEAS.

ORDINANCE 2021-130 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CENTURY EQUIPMENT FOR THE PURCHASE OF ONE TORO SANDPRO 3040 DIAMONDMASTER IN THE AMOUNT OF \$22,502 AND DECLARING AN EMERGENCY

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

A motion to adopt Ordinance 2021-130 was made by Councilmember Honerlaw, seconded by Vice Mayor Gilb. VOTE: ALL YEAS.

CONSIDERATION OF REMOVING ORDINANCE 2021-102 FROM THE TABLE

A motion to remove Ordinance 2021-102 from tabled was made by Councilmember Honerlaw, seconded by Councilmember Bradburn. VOTE: 4 YEAS, 3 NAYS (Nelson, Chance, Styrcula).

ORDINANCE 2021-102 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 Honerlaw, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

A motion to adopt Ordinance 2021-102 was made by Councilmember Honerlaw, seconded by Councilmember Bradburn. Council discussed having a work session to include more discussion with business owners, this zoning update going through a three-year process with a strong consensus, adding value to the community, ensuring stakeholders are invested, work completed through steering committees and the MADE Chamber, zoning code needing to be complete before a master plan, and not adding an extra filter in the process. Eric Hansen said public input will never be at 100%, but more public input is better. He said the City did an aggressive job to cast a wide net of personal contact and this process is dynamic due to changes in property owners. There was nothing flawed or illegal in the Planning Commission process. A motion to table Ordinance 2021-102 to December 13 was made by Councilmember Chance, seconded by Vice Mayor Gilb. VOTE: ALL YEAS.

COMMITTEE REPORTS – None.

OLD AND NEW BUSINESS

Councilmember Nelson said House Bill 458 eliminates August Special Elections. Councilmember Nelson and Jeff Forbes discussed the City’s Charter Section 8.03 overruling HB 458. Councilmember Nelson said the Finance Committee will review applying for the Nature Works

Grant Program through the Ohio Department of Natural Resources (ODNRS). Eric Hansen said the City has received ODNRS grants previously. Councilmember Nelson stated a financial literacy curriculum will be required as a high school curriculum beginning with the 2022-2023 school year.

Councilmember Honerlaw said he appreciates comments from visitors and has concerns with the new Council giving money to the MADE Chamber and CDC. He said Sanctuary City is a land-use ordinance and is the role of government.

Mayor Grossmann requested a motion for appointment of Bernard Kiessling, Mark Burrell, Margie Murray, and Barbara Hogan to Zoning Board of Appeals (ZBA). The ZBA meeting is tomorrow, and she will leave appointments for ZBA to a future meeting. Eric Hansen said individuals on committees/boards have a term and the Charter allows individuals to serve until a new successor is named.

Mayor Grossmann reviewed Council's accomplishments over the past two years including the largest small business recovery plan, Golf Center improvement progress, Mason Municipal Aquatic Center, Makino Park, City park updates, \$600 million in Development, and becoming a Purple Heart City. She said the Sanctuary City decision is based on science and Ordinance 2021-108 does not change women's current options but is necessary to prevent abortions in the future.

RECOGNITION OF VISITORS

Mark Haake of 3620 Dunlop Court said he won the election with integrity and Councilmember Honerlaw should take time for self-reflection instead of creating accusations.

ADJOURN

A motion to adjourn was made by Councilmember Nelson, seconded by Councilmember Chance.
VOTE: ALL YEAS. TIME: 10:45 p.m.