

**CITY OF MASON
COUNCIL MEETING
DECEMBER 13, 2021**

The meeting was called to order at 7:02 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 Nelson, Ashley Chance, Tony Bradburn, Marke Haake, Kathy Grossmann, Joshua Styracula, and Barbara Spaeth.

A moment of silence was had for those experiencing devastating losses due to the tornadoes.

APPROVAL OF MINUTES

A motion to approve the November 29 Council Meeting and December 1 Organizational Meeting minutes was made by Councilmember Chance, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

CITY MANAGER'S REPORT

A motion to appoint Clerk of Council Lisa Ahr as the elected official designee for all council members for public records law training as required by Ohio Revised Code 149.43(E)(1) was made by Councilmember Grossmann, seconded by Councilmember Styracula. VOTE: ALL YEAS.

City offices will be closed on Friday, December 24 and Friday, December 31 in observance of the holiday. The Community Center will be open December 24, December 25, December 31, and January 1 with reduced hours and limited access. There will be no delays with waste and recycling collection.

The City will begin Christmas tree pick-up the first week in January. Residents should place their trees at curbside for pickup. Trees placed in bags at the curb will be removed by Rumpke.

A motion to not request a public hearing for a D1 liquor permit for Thai Terrace LLC was made by Councilmember Chance, seconded by Councilmember Styracula. VOTE: ALL YEAS.

A motion to not request a public hearing for a D5 liquor permit for Zundo Mason Inc was made by Councilmember Chance, seconded by Councilmember Styracula. VOTE: ALL YEAS.

Mayor Spaeth appointed and swore in Don Williams to the Mason Public Library Board of Trustees.

Resolution 2021-27 was moved up on the agenda.

RESOLUTION 2021-27 ENCOURAGING SANTA TO VISIT ALL LOCAL CHILDREN TO SPREAD CHRISTMAS JOY, MAGIC, AND CHEER

Council member's children read Resolution 2021-27.

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 Resolution 2021-27 was made by Councilmember Bradburn, seconded by Councilmember Styracula. VOTE: ALL YEAS.

RECOGNITION OF VISITORS

A motion to limit public input dialogue during Recognition of Visitors to three minutes per guest within a 60-minute time frame was made by Councilmember Chance, seconded by Councilmember Haake. VOTE: ALL YEAS. Mayor Spaeth stated City of Mason residents will be given the opportunity to speak first.

Minda Bower-Cornett of 5083 Concord Hills Circle inquired if Ordinance 2021-102 has new changes from a few months ago and encouraged inviting residents for public input on Downtown development. Eric Hansen stated there are no adjustments to Ordinance 2021-102.

Cathy Elliott of 5322 Crestwood Drive said she is pleased Sanctuary City will be repealed and is being handled at the state and federal levels. Sending to electors is redundant because voters spoke during the election.

Joy Bennett of 1054 Willow Lane requested Council repeal Sanctuary City legislation and reviewed state law and supreme court opinions on lawsuits and complications with an abortion ban.

Katie Hauer of 5405 Harvestdale Drive shared concerns with some Council member's opinions on Sanctuary City and is in favor of repealing Sanctuary City legislation.

Mark Campbell of 5167 Lakeside Drive said he is speaking for those who do not have a voice and being a Sanctuary City is noble. He said abortion is not healthcare.

Jose Contreras of 4618 Braid Lane said he looks forward to Council working for the community and not for those guiding Council from other cities or states. He would like to see continued growth for Mason.

Patrick Madigan of 9203 Knightsridge Lane in Deerfield Township said Council should direct women to places of care instead of towards abortion and to obey God instead of man.

Mark Burrell of 6370 Caddies Way supports Sanctuary City and reviewed the Declaration of Independence's reference to moral laws.

Trisha Hilton-Mills of 535 Shawnee Lane said there needs to be a separation of church and state and urged Council to rescind Ordinance 2021-108.

Josh Beckmann of 422 Lake Front Drive in Lebanon supports legislation applied to children before birth and sees the City as anti-family if Sanctuary City legislation is repealed.

Lori Viars of 41 Springhouse in Lebanon represents the Warren County Right to Life and said repealing Ordinance 2021-108 is a pro-abortion vote. She said Lebanon has not seen any lawsuits.

Melissa Pallotta of 479 Bunchberry Drive in Maineville is pro-life and shared a proverbs verse. She said Mason should be seen as a City of life, not a City of death.

Alan Lirtzman of 7343 Red Oak Court said electors had a chance to speak with the referendum and abortion is not a city issue.

Nichole Leporati of 6400 Amber Court said she is happy to see a Sanctuary City repeal on the agenda and wants Council to get back to other issues.

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

Eric Hansen said this Ordinance has been read a couple times and had been tabled. Based on discussions with Council members, a Work Session would be appropriate. A motion to have a Council Work Session on Monday, January 24, 2022 and table Ordinance 2021-102 until the February 14 Council Meeting was made by Councilmember Bradburn, seconded by Vice Mayor Nelson. VOTE: ALL YEAS.

ORDINANCE 2021-131 ESTABLISHING THE 2022 FEE SCHEDULE FOR THE CITY OF MASON AND DECLARING AN EMERGENCY

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

Jennifer Heft said at the November 8 meeting, Council adopted Ordinance 2021- 116 authorizing a Cost-of-Living Adjustment effective January 1, 2022. The COLA increase is applied to all City fees and charges for service to cover the cost of City services. New in the Fee Schedule are rates related to the Mason Municipal Aquatic Center including season pass rates for individuals and families based on residency status as well as updated daily pass rates. The 2022 Fee Schedule also includes updated rates for the Mason Community Center effective January 1, 2022. Moving forward, both the Community Center and Aquatic Center rates will follow the annual COLA adjustment to better align with operational costs.

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

A motion to adopt Ordinance 2021-131 was made by Councilmember Bradburn, seconded by Councilmember Styracula. VOTE: ALL YEAS

ORDINANCE 2021-132 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LASER IMAGING AND DESIGN, INCORPORATED FOR THE PURCHASE AND INSTALLATION OF A GOLD STAR MEMORIAL AND DECLARING AN EMERGENCY

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

Jennifer Heft stated the Board of Veterans Affairs has been evaluating and discussing improvements to the Mason Veterans Memorial including the addition of a Never Forget Garden, the development of a Gold Star Families Memorial adjacent to the Veterans Memorial and completing needed maintenance to the existing memorial. The Mason Veterans Memorial will celebrate its 20th anniversary in 2023. She said the Never Forget Garden and plaque were established in June 2021 to represent America’s unwavering commitment to the sacred duty to recognize, remember, and honor veterans, many who continued to serve as first responders, as well as their families. While final design for the Gold Star Families Memorial is still being discussed, for the monument to be delivered, engraved, and installed by Memorial Day 2022 the granite needs to be purchased now.

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

Council thanked the Board of Veterans Affairs for ongoing Memorial planning and discussed raising visibility of the Never Forget Garden and encouraging residents to purchase a brick to memorialize and honor their family.

A motion to adopt Ordinance 2021-132 was made by Councilmember Styracula, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

ORDINANCE 2021-133 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LAKE ERIE GOLF CARS, LLC FOR THE PURCHASE OF EIGHTY (80) 2022 E-Z-GO RXV LITHIUM GOLF CARS WITH GPS UNITS INCLUDING THE TRADE-IN OF ONE HUNDRED (100) OBSOLETE 2015 CLUB CAR PRECEDENT GOLF CARS IN AN AMOUNT OF \$598,560

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

Kurt Seiler said after seven years of use, repair and maintenance costs have risen to the point that it is most prudent to replace the existing fleet of golf cars purchased in 2015. Staff evaluated the

three options for the replacement of the golf cars and recommends the purchase of 80 golf cars, with 5-year parts and labor warranty, and current fleet trade-in value. The 2022 model golf car comes with a guaranteed trade-in after 5 years. Based on current course offerings, 80 cars will be adequate to service the Golf Center for all 22 regulation holes, including most outings. He said the proposed cars use lithium batteries that charge much faster and last longer. New to the fleet with this purchase would be a Global Positioning System (GPS) which would offer a variety of player amenities and tools to help increase the level of service and provide a more enhanced experience.

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

Councilmember Chance said during large outings some cars aren't lasting through an outing. He complimented Kurt Seiler's efforts to understand the needs of the golf course.

A motion to adopt Ordinance 2021-133 was made by Councilmember Chance, seconded by Councilmember Styracula. VOTE: ALL YEAS.

ORDINANCE 2021-134 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KINGS FORD INC. FOR THE PURCHASE OF FOUR (4) FORD INTERCEPTOR UTILITY VEHICLES IN THE AMOUNT OF \$155,100 AND DECLARING AN EMERGENCY

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

Jennifer Heft said historically, within the first two months of a new year, staff prepares legislation for Council's consideration for the purchase of vehicles and equipment. Staff has been monitoring the fleet/equipment environment and as a result of supply chain delays and increasing costs, Council authorized moving forward this year with the purchase several pieces of equipment included in the 2022 Budget. Staff is again recommending moving forward with authorizing the purchase of four police cruisers that are included in the 2022 Budget. She said Council authorized the purchase of two police cruisers in February of this year and staff are still awaiting delivery of those cruisers. The approval of Ordinance 2021-134 places the City of Mason on the waiting list ahead of those agencies that wait until 2022 to authorize the purchase. Jennifer stated in addition to these fleet purchases, 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 Vice Mayor Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

A motion to adopt Ordinance 2021-134 was made by Councilmember Chance, seconded by Councilmember Styracula. VOTE: 6 YEAS, 1 ABSTAIN (Bradburn).

ORDINANCE 2021-135 REPEALING ORDINANCE 2021-108 REGARDING DECLARING MASON AS A SANCTUARY CITY FOR THE UNBORN AND DECLARING AN EMERGENCY

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

Council discussed passing legislation that cannot be enforced, passing the original ordinance going against federal law and City Charter, enacting legislation would not change women's choices or current access in the City limits, government overreach, misconceptions of Ordinance 2021-108 stopping abortions in Mason, negative ramifications due to Ordinance 2021-108, Life Forward being a resource for women, and considering the future of Mason's community.

A motion to adopt Ordinance 2021-135 was made by Vice Mayor Nelson, seconded by Councilmember Chance. VOTE: 6 YEAS, 1 NAY (Grossmann).

ORDINANCE 2021-136 REPEALING ORDINANCE 2021-92 REGARDING A DOWNTOWN MASON DEVELOPMENT AGREEMENT WITH KEYSTONE LOT, LLC AND DECLARING AN EMERGENCY

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

Councilmember Grossmann discussed missing an opportunity to implement infrastructure and bury utility lines, passing a repeal would not give the public a chance to speak as voters, this infrastructure being an anchor to downtown, losing a \$20 million investment, and being transparent during development.

Mayor Spaeth said Council should listen to the citizens and move forward with the repeal.

A motion to adopt Ordinance 2021-136 was made by Vice Mayor Nelson, seconded by Councilmember Chance. VOTE: 6 YEAS, 1 NAY (Grossmann).

RESOLUTION 2021-28 A RESOLUTION REPEALING A POLICY RELATED TO NON-PROFIT CORPORATIONS ENGAGED IN POLITICAL ACTIVITY AND DECLARING AN EMERGENCY

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

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

Council discussed the resolution cutting new business owners off from resources, not using public funds to promote political activity, and the MADE Chamber being a critical part of the community.

A motion to adopt Resolution 2021-28 was made by Vice Mayor Nelson, seconded by Councilmember Chance. VOTE: 5 YEAS, 2 NAYS (Bradburn, Grossmann).

COMMITTEE REPORTS

A motion to terminate engagement with Alan Abes and Dinsmore Law Firm related to investigative services regarding alleged leaks of confidential information was made by Councilmember Haake, seconded by Councilmember Styracula. VOTE: 5 YEAS, 2 NAYS (Bradburn, Grossmann).

OLD AND NEW BUSINESS

Mayor Spaeth appointed Council Committees and Councilmember Grossmann to Park Board, Councilmember Haake to Planning Commission, Councilmember Grossmann to The Ohio-Kentucky-Indiana Regional Council of Governments, Vice Mayor Nelson to the Warren County Municipal League, and Vice Mayor Nelson, Councilmember Haake, and Councilmember Styracula to the Board of Veterans Affairs. A motion to approve those appointments and the chart of Council committees was made by Vice Mayor Nelson, seconded by Councilmember Bradburn. VOTE: ALL YEAS.

Vice Mayor Nelson said a participation agreement is needed to pass the Johnson & Johnson National Opioid Settlement which would bring additional funding to combat the opioid epidemic. This agreement needs to be passed by December 17, 2021. A motion to add Resolution 2021-29 to the agenda was made by Vice Mayor Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS.

RESOLUTION 2021-29 A RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE JOHNSON & JOHNSON NATIONAL OPIOID SETTLEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A RELATED PARTICIPATION AGREEMENT AND DECLARING AN EMERGENCY

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

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

Council discussed no expenses being used by the City, Ohio potentially receiving funds, and utilizing money specifically for the opioid endemic.

A motion to adopt Resolution 2021-29 was made by Councilmember Chance, seconded by Councilmember Styrcula. VOTE: ALL YEAS.

Mayor Spaeth stated Come Together e-gift cards are still available to support local businesses. She thanked staff for their conservative budgeting and being able to lower outstanding debt.

RECOGNITION OF VISITORS

Josh Beckmann of 422 Lake Front Drive in Lebanon said it is disheartening the City wants to repeal Sanctuary City legislation.

Susie Lirtzman of 7343 Red Oak Court thanked Council for treating women like adults.

Laura Strietmann of 2324 Park Avenue in Cincinnati said she works in the pro-life movement and is sad by the repeal situation.

EXECUTIVE SESSION

A motion to adjourn into Executive Session for the purpose of discussing imminent litigation was made by Vice Mayor Nelson, seconded by Councilmember Chance. VOTE: ALL YEAS. TIME: 9:12 p.m.

A motion to reconvene into Regular Session was made by Councilmember Chance, seconded by Councilmember Bradburn. VOTE: ALL YEAS. TIME: 10:07 p.m.

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Styrcula. VOTE: ALL YEAS. TIME: 10:07 p.m.