

**CITY OF MASON
COUNCIL MEETING
APRIL 26, 2010**

Vice Mayor Nichols called the meeting to order at 7:01 p.m. Those present recited the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Christine Shimrock, Rich Cox, Tony Bradburn, Charlene Pelfrey, and David Nichols. Don Prince and Michael Gilb were absent.

APPROVAL OF MINUTES

A motion to approve the minutes of the April 12, 2010 Council Meeting was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS

RECOGNITION OF WARREN COUNTY ASSISTANT PROSECUTOR BRUCE MCGARY

Chief Assistant Warren County Prosecutor, Bruce McGary, distributed the annual report of the activities for 2009. He noted the office was responsible for 22,994 court cases. He provided an overview of the type of cases they prosecuted citing some specific situations. He also announced the Child Advocacy Fund Raiser will be held at the Manor House in November.

RECOGNITION OF TIM ABBOTT OF DUKE ENERGY WITH PRESENTATION OF CHECK TO FESTIVALS OF MASON COMMITTEE

Tim Abbott with Duke Energy presented a check to the Festivals of Mason for the Christmas in Mason event and the Heritage Festival. Scot Pierce, President of the Festivals of Mason, announced the Thursday Night Live program will begin on May 6 from 6-9:00 pm. Karen Kilgore with the Festivals of Mason discussed the live entertainment planned for the events and stated the website is www.festivalsofmason.com.

RECOGNITION OF VISITORS

Perry Schwartz of 6309 Tartan Fields Lane addressed Council and asked what the purpose was for reissuing the bond anticipation notes. Eric replied this is done each year as it gives the City more flexibility. He stated the City has a history of accelerated debt payment. Perry Schwartz then asked for clarification on the CAFR report.

Mr. Roemer of 3178 Falcon Ridge Drive addressed Council and thanked them for the efforts to provide a community garden. He noted David Riggs has been wonderful to work with on this matter.

RESOLUTION 2010-05 PROCLAIMING MAY 9-15, 2010 AS NATIONAL LAW ENFORCEMENT MEMORIAL WEEK AND MAY 15 AS PEACE OFFICERS' MEMORIAL DAY

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

Jennifer Heft stated that the City of Mason Police Department, an internationally accredited law enforcement agency, serves a vital function in our community. During this week, all Mason Police Officers will wear a black band across their badges in memory of all the law enforcement officers who have given their lives in the line of duty. Every year an average of 145 American police officers are killed and an average of over 58,000 officers are assaulted in the performance of their duties. She stated this year, the City will conduct a short memorial ceremony on Monday, May 10th at 9:30 a.m. at the front plaza of the Municipal Center. Warren County Chief Assistant Prosecutor Bruce McGary will be the featured speaker.

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

A motion to adopt Resolution 2010-05 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS

ORDINANCE 2010-31 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 13.21 ACRES FROM B-3 ROAD SERVICE COMMERCIAL TO BUSINESS PLANNED UNIT DEVELOPMENT AND APPROXIMATELY 4 ACRES FROM R-2 SINGLE FAMILY RESIDENTIAL TO BUSINESS PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED ON THE EAST SIDE OF S.R. 741 BETWEEN CARMELLE WOODS DRIVE AND US 42 (EVES PROPERTY)

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

Vice Mayor Nichols announced and opened the public hearing at 7:57 p.m.

Brian Lazor stated that the proposed development, on the Eves property is bounded by S.R. 741, Carmelle Woods Drive, the Carmelle subdivision and the Muddy Creek, is approximately 17.21 acres in size and contains an existing residential home. The property is currently zoned R-2, Single Family Residential (4 acres) and B-3 Road Service Commercial (13.21 acres). The request is to rezone the land to a Business Planned Unit

Development. The development includes a credit union, three (3) one-story office buildings ranging in size from 10,000 square feet to 18,000 square feet and two (2) retail/office buildings ranging in size from 11,000 square feet to 22,000 square feet. The credit union will be included in the first phase of the development. The main access point is located directly across the street from Spyglass Hill (Pebble Creek Subdivision) with the secondary access point (credit union) located between the main access point and Carmelle Woods Drive.

Brian stated the Planning Commission recommended approval of the revised concept PUD plan and rezoning provided that the final PUD plan includes specific use restrictions on the credit union property, extra landscape/buffering be added to protect the residential area to the east of the credit union site and future restriction on the second access point is written. He noted the biggest concern staff has is that the 2001 Comprehensive Plan shows the entire area as low density residential, however, the majority of the property is already zoned commercial and only a small percentage is zoned residential. Brookmere Place and Ashbrook Place are the two main areas in the Carmelle Subdivision that would back up to the existing residential area and would be most affected by a change.

Bob Garlock with Bayer and Becker Engineers addressed Council and stated he was representing the owner of the property. He said they are in favor of the rezoning and will answer any questions.

Brian Trumore of 3778 Brookhaven Court addressed Council regarding his concern about geese being a nuisance at the retention basin.

Vice Mayor Nichols closed the public hearing at 8:29 p.m.

A motion to adopt Ordinance 2010-31 was made by Councilmember Bradburn, seconded by Councilmember Cox. VOTE: ALL YEAS

ORDINANCE 2010-32 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 1.4 ACRES FROM HT-1 HIGH TECH LIGHT INDUSTRIAL TO BUSINESS PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED ON THE SOUTH SIDE OF 8060 MASON MONTGOMERY ROAD (TIDE DRY CLEANERS PROPERTY)

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

Vice Mayor Nichols announced and opened the public hearing at 8:44 p.m.

Councilmember Bradburn explained that the proposed development, located on the south side of 8060 Mason-Montgomery Road (south of Walgreen's) is approximately 1.4 acres in size and contains vacant land owned by Procter and Gamble. The property is currently zoned HT-1, High Tech Light Industrial and the applicant is requesting to rezone the land

to a Business Planned Unit Development. The development is proposed to be the second extension of the White Blossom Commercial PUD. The first extension, the Walgreen's site, was approved in 2005. A single story approximately 4,530 square foot commercial building is shown with an associated drive-through for the cleaners. The concept plan further shows that the site will have access from the existing Walgreen's development to the north. Walgreen's access is from a right-in/right-out on Mason-Montgomery Road and a full access point on Socialville Fosters Road. The concept plan also shows the dedication of the required 50' of right-of-way according to the 2005 City of Mason Thoroughfare Plan as well as an extra 24' of right-of-way to match the Walgreen's site. By matching the site to the north, the setbacks are being reduced, which staff does not oppose. Planning Commission recommended approval of the concept PUD plan and rezoning provided that the final PUD plan include easements on the Walgreen's property to allow access for this site as well as an easement for the property to the south to allow access should it be developed in the future.

Vice Mayor Nichols closed the public hearing at 8:45 p.m.

A motion to adopt Ordinance 2010-32 was made by Councilmember Shimrock, seconded by Councilmember Cox. VOTE: ALL YEAS

ORDINANCE 2010-42 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$2,150,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING MASON ROAD IN THE CITY

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

Eric Hansen explained that the original notes were issued for \$2.3 million. The City's 2010 Budget includes \$150,000 towards the principal balance on these notes.

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

A motion to adopt Ordinance 2010-42 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2010-43 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,800,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING REAL ESTATE IN THE CITY

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

Eric Hansen stated that in 2007 and 2008, the City reissued Notes and paid \$500,000 towards the principal (\$150,000 in 2007, \$150,000 in 2008, and \$200,000 in 2009). It is anticipated the land will be available when additional industrial development requires land in the northeast area of the City.

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

A motion to adopt Ordinance 2010-43 was made by Councilmember Shimrock, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2010-44 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,640,000 OF RENEWAL NOTES BY THE CITY OF MASON, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE STORMWATER SYSTEM IN THE CITY

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

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

A motion to adopt Ordinance 2010-44 was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

ORDINANCE 2010-45 AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE CONTRACT CREATING THE LIBERTY TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT

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

Vice Mayor Nichols announced and opened the public hearing at 8:57 p.m.

Eric Hansen explained that this ordinance would approve and authorize the execution of an amendment to the contract creating the Liberty Township Joint Economic Development District (JEDD). The purpose is to amend the geographic boundary to allow the expansion of a daycare within the JEDD, insuring that both buildings can be included in the collection of the JEDD earnings tax. In order to improve the efficiency of the JEDD tax collection, the adoption of an amendment agreement is necessary by all JEDD contracting parties.

The authorization of the amendment is underway by the City of Middletown and Liberty Township with both of their jurisdiction public hearings scheduled for May 4th. Economic Development Committee met to review and is recommending Ordinance 2010-45 for adoption.

Vice Mayor Nichols closed the public hearing at 8:58 p.m.

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

A motion to adopt Ordinance 2010-45 was made by Councilmember Shimrock, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

► The Mason-Deerfield Arts Alliance will host an art exhibit, "Word View", in the Mason Municipal Center atrium from May 3-28. The theme is based on one word, one image – a photograph has the power to evoke a single word or tell an entire story. An opening event will be held on Wednesday, May 5 from 5:30 to 8:30 p.m.

► A primary election will be held on Tuesday, May 4 with voting hours from 6:30 a.m. to 7:30 p.m. The Mason Municipal Center will be a polling place for this election.

► The first Thursday Night Live on the Plaza occurs on Thursday, May 6 beginning at 6:00 p.m. The Sonny Moorman Group, one of the hottest blues groups around, will be featured. There will be food and activities for the kids all evening so bring your lawn chairs and blankets and join the fun.

► City Council and members of the public are invited to attend the 2010 City of Mason Police Department Memorial Service to honor police officers fallen in the line of duty. A ceremony will be held on the front plaza of the Municipal Center on Monday, May 10 at 9:30 a.m. Guest speaker will be Bruce McGary, Chief Asst. Prosecutor for Warren County.

► The NEC Chamber will sponsor its annual Spring Wine Gala Dinner and Auction on Tuesday, May 11 at The Manor House. Cocktails and silent auction begin at 5:30 p.m., the dinner and live auction begins at 7:15 p.m. A motion is in order if Council wishes to authorize attendance by Council Members, City Manager, Assistant City Manager and Economic Development to attend this event on behalf of the City. The City is planning to provide a Community Center pass as an auction item. A motion to approve the attendance of suggested was made by Councilmember Cox, seconded by Councilmember Pelfrey. VOTE: 4 YEAS, 1 NAY (Bradburn)

► A request for a liquor permit was received by the City for 727-729 Reading Road. The name of the business is Lucky Dog Grille. A motion to not require a hearing was made by Councilmember Bradburn, seconded by Councilmember Cox. VOTE: ALL YEAS

COMMITTEE REPORTS

Councilmember Shimrock reported the Community Center Committee met and toured the Community Center expansion.

OLD AND NEW BUSINESS

Councilmember Cox asked for the status of the Williams street property. Richard Fair stated they have selected a contractor and are ready to go however, there has been some indication the owners would like to do it themselves.

RECOGNITION OF VISITORS None

EXECUTIVE SESSION

A motion to adjourn into executive session for the purpose of discussing land acquisition and potential litigation was made by Councilmember Bradburn, seconded by Councilmember Pelfrey. VOTE: ALL YEAS

A motion to reconvene into regular session was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Councilmember Cox, seconded by Councilmember Shimrock. VOTE: ALL YEAS

TIME: 10:04 p.m.


Clerk of Council
Mayor