

**CITY OF MASON  
COUNCIL MEETING  
JANUARY 14, 2013**

The meeting was called to order at 7:16 p.m. Chaplain Rick Huff opened the meeting in prayer. All those present recited the Pledge of Allegiance.

**ATTENDANCE**

The following members of Council were present: Victor Kidd, Barbara Spaeth, Rich Cox, Tom Grossmann, Charlene Pelfrey, Don Prince, and David Nichols.

**APPROVAL OF MINUTES**

A motion to approve the December 10, 2012 Council Meeting Minutes was made by Vice Mayor Kidd, seconded by Councilmember Pelfrey. VOTE: ALL YEAS.

**DEPUTY FIRE CHIEF CRAIG BRYANT SWEARS IN LIEUTENANT BRYAN BRUMAGEN AND LIEUTENANT JOHN SCHAUERER**

Chief Bryant introduced Lieutenant Bryan Brumagen and Lieutenant John Schaurer. Mayor Nichols swore in Lt. Brumagen and Lt. Schaurer. The new Lieutenants introduced their families. Mayor Nichols expressed deep appreciation for the important work the Fire Department does serving the community.

**RECOGNITION OF VISITORS**

Corinne Bly, a Mason first grade student, read a letter she had written in class regarding litter in the City. Council asked Ms. Bly some questions and thanked her for addressing Council on this important topic.

**ORDINANCE 2012-72 2<sup>ND</sup> READING: APPROVAL OF A REVISED MIXED USE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED BETWEEN STATE ROUTE 741 AND COX-SMITH ROAD (MASON GRAND)**

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

Brian Lazor reviewed the Concept Plan Unit Development for approximately 70 acres between S.R. 741 and Cox-Smith Road. He stated that the property is currently zoned Business Planned Unit Development and since 2004 this property has been the subject of several PUD plans that have not developed. The property is located between S.R. 741 and Cox-Smith Road, east of Kroger. He explained that proposed access to the site is from the existing traffic signal at Kroger Drive and a new right-in/right-out on S.R. 741. Unlike previous proposals, no permanent access is planned for Cox-Smith Road, an emergency access point may be required. Brian stated that the proposal is for a mixed-use development that incorporates residential, office, and commercial

into a single development. Approximately 126,000 square feet of retail and office and 294 residential units are proposed for the site. The residential portion contains buildings that range in size from 4 units to 10 units with a density of 6.49 units per acre. No office, retail, or residential building will exceed two stories in height. He stated that a PUD requires a minimum of 20% open space and the plans show 44.4%. Brian stated that Planning Commission recommended approval of the revised concept plan with two conditions: (1) working with the City on the beautification of S.R. 741 and; (2) adding a note that fast food restaurants will not be permitted within the development.

The Public Hearing was opened at 7:42 p.m.

Gary Schottenstein, of Schottenstein Real Estate Group at 2 Easton Oval in Columbus, Ohio, stated that they recognize and appreciate Mason's high standards and look forward to the opportunity to build in Mason. He stated that they are excited to build this Class A community in this great location, that has stood vacant for many years, as one of the gateways to the City of Mason. Mr. Schottenstein stated that they have been working with City staff for over a year to develop the proposed plan. The development is less invasive to the environment and should generate less traffic problems than developments proposed for this property in the past. He thanked Council for the opportunity to be considered and stated that if approved, a development will be created that everyone can be proud of.

Mike Klein of 5832 Fairway Drive expressed his concerns regarding the impact this development will have on Fairway Drive traffic. He asked why a traffic impact study had not been conducted since 2009. Bob Garlock of Bayer Becker stated that traffic engineers prepared a traffic impact study that showed significantly less traffic generated from the proposed Mason Grand Project compared to the Glimcher Project proposed in 2009. He stated that recommended roadway improvements to alleviate traffic impact are under review and when approved, would be incorporated into the construction of this property. To Councilmember Grossmann's question, Richard Fair stated that these traffic studies indicate additional 30-40 vehicles on Fairway Drive at peak hours. Mr. Klein stated that he counted 17 vehicles on Fairway Drive as he traveled to this meeting from his residence. Mayor Nichols discussed the problematic nature of determining how many vehicles are driven by non-residents. Council discussed ways the City has worked and continues to work with residents in the Fairways of Pine Run to improve traffic safety along Fairway Drive. They stated that this proposed development is expected to have minimal impact on Fairway Drive traffic and that property owners have the right to develop their property.

Greg Raiff of 5861 Fairway Drive thanked the Mason Police Department for slowing down traffic with patrols along Fairway Drive. He expressed his fear of a fatal accident in this area, as he has observed numerous properties damaged by vehicles and vehicle accidents and requests that an alternate route be established to reduce traffic through this residential area.

Asuk Krishnamurthy of 6197 Fairway Drive would like to see that a roadway improvement agreement be in place as part of this proposal to increase safety on Fairway Drive.

Lenox Cornett of 4960 Cox-Smith Road stated that he has safety concerns regarding the location of the proposed emergency access from Cox-Smith Road.

Brian Hoy of 4977 Cox-Smith Road expressed his concerns regarding trespassing and increased litter in the area generated by the rental units. Mr. Schottenstein addressed these concerns by stating that the development would have fulltime maintenance staff to attend the grounds and that property managers are on site seven days a week to address any complaints. He said that there is no entrance to the property from Cox-Smith Road and that there are buffers in place to discourage trespassing. Bob Garlock described the 50 foot mounded and landscaped buffers in addition to existing vegetation. He said that the buildings would be 1 and 2 story, residential in character, with an attached garage for each unit. A state-of-the-art trash compactor on the property would reduce litter.

John Paul Case of Sports Express at 5280 SR-741 had concerns regarding additional congestion at the traffic signal for cars turning left onto SR-741. Bob Garlock stated that most of Mason Grand traffic would be entering, not exiting, at these peak evening hours and should not add to the congestion of cars exiting from Sports Express.

The Public Hearing was closed at 8:23 p.m.

During Council discussion, Eric Hansen gave an update on Fairways of Pine Run HOA representatives meetings with City staff. He explained that ideas were categorized into four tiers, with Tier I representing the easiest and least costly to implement and Tier IV representing items such as the long term solution of a full interchange at I-71 and Western Row. Tier I items include improving stop signs at Cloverwood Drive, signage on SR-741 directing traffic towards I-75, covering of roadway striping with a slurry-seal, installation of improved striping, "25 mph" painted on pavement, additional signage at the Cloverwood crosswalk, and a neighborhood speed watch program. Tier II items included construction of medians and raised crosswalks. The HOA is discussing these items with residents in an effort to build consensus. Councilmembers commended the Police Department for the effectiveness of patrols along Fairway Drive, suggested improved signage in other locations of the City, applying traffic calming provisions to other areas in the City, and the need to communicate the importance of safe driving to our residents. Councilmember Cox asked the developer about construction materials on the buildings. Gary Schottenstein stated that buildings would be constructed of masonry, upgraded premium vinyl and shake siding, and dimensional shingles. The residential units average between 1200-1300 square feet and market studies project rentals ranging between \$900-\$1700. Richard Fair responded to Councilmember Pelfrey's question regarding speed bumps by explaining that a speed table is a raised crosswalk and that the installation of speed tables are being considered at the Cloverwood intersection. He stated that the addition of islands in the median of Fairway Drive is also being considered between Cloverwood and Tylersville. Councilmember Pelfrey suggested that residents contact the Fairways of Pine Run HOA or Mason Fire Chief John Moore regarding this issue. Mayor Nichols commented that Fairway Drive is a thruway, that property owners have the right to develop their land, and that this land will be developed. He stated that Council and City staff cares, appreciates community input, and makes every effort to minimize any negative impact to residents. He believes that the proposed project represents the best scenario for development of this property at this time for the City of Mason.

A motion to adopt Ordinance 2012-72 was made by Vice Mayor Kidd, seconded by Councilmember Spaeth. VOTE: ALL YEAS.

**ORDINANCE 2013-1 FIRST READING: AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 124 ACRES FROM R-2 SINGLE FAMILY RESIDENTIAL TO MIXED-USE PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN GENERALLY LOCATED SOUTH AND EAST OF THE INTERSECTION OF WESTERN ROW ROAD AND MASON-MONTGOMERY ROAD AS WELL AS 7076 MASON-MONTGOMERY ROAD AND 4699 & 4649 WESTERN ROW ROAD (ALVERTA)**

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

Eric Hansen announced that a Public Hearing regarding this ordinance is scheduled for February 11, 2013.

**ORDINANCE 2013-2 APPROVAL OF THE RECORD PLAT FOR PEOPLE'S BUILDING LOAN CENTER**

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

Richard Fair addressed Council and stated that this building is located at the corner of 225 Reading Road and 2<sup>nd</sup> Street. The People's Building Loan Center owns six different lots and would like to consolidate those lots into one lot to allow for expansion of the existing building. Planning Commission has reviewed and recommends approval of Ordinance 2013-2.

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

A motion to adopt Ordinance 2013-2 was made by Councilmember Prince, seconded by Councilmember Spaeth. VOTE: 6 YEAS, 1 ABSTAIN (Cox).

**ORDINANCE 2013-3 AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT LETTER WITH AUDITOR OF STATE FOR AUDIT SERVICES**

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

Eric Hansen stated that annually, the City of Mason is required to undergo an audit of its financial records as required by the Ohio Revised Code and the State of Ohio Auditor's Office is responsible for determining how that audit is performed. The City successfully completed an audit conducted by the Auditor of State last year and in December the Auditor's Office issued a

letter of arrangement for the City's 2012 audit. He stated that the State Auditor provides an estimate of hours and fee which the City is responsible for. In years past, the Auditor has permitted the City to enter into a five-year contract with an independent public accountant (IPA). Ordinance 2013 - 3 authorizes a contract with the State Auditor for audit services as mandated by state law.

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

Council discussed the State Auditor's decision to conduct the annual audit two years in a row. Eric Hansen explained that when the State Auditor allows the City to bid out the contract, private firm hours are about half the hours estimated when the State Auditor conducts the audit. Additional City staff time is then required to provide information, answer questions and resolve issues. Eric stated that when an IPA accepts the agreement, the hours and fee is fixed and additional cost and time must be absorbed by the IPA. The Auditor of State's Office, who is not required to bid on the services, can take as much time as they feel is necessary while passing the cost onto the City. Mayor Nichols expressed his opposition to the audit being conducted by the State Auditor's Office for the second year, when the City passed last year's audit. He said that the State Auditor ties up city staff, is an open-ended contract with no competitors, and is less efficient than the private sector. Councilmember Pelfrey suggested that a letter be written expressing opposition to consecutive audits being conducted by the State Auditor and requesting some understanding as to the criteria used when determining this.

A motion to adopt Ordinance 2013-3 was made by Councilmember Pelfrey, seconded by Councilmember Cox. VOTE: 6 YEAS, 1 NAY (Nichols).

**RESOLUTION 2013-1 REQUESTING THE COUNTY AUDITOR TO MAKE TAX ADVANCES DURING THE YEAR 2013 PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE**

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

Eric Hansen stated that when taxes are collected by the County, the County Auditor has several months after the due date to distribute the funds owed to local governments. During this delay, the County will earn interest from funds owed to local governments. State law allows local governments to request payments of the taxes prior to the required settlement. He explained that cities and school districts receive the dollars sooner and receive the interest earnings off those dollars. This will be the third year the City has taken this action. Eric stated that a correction be made to the agenda on this item from Ordinance 2013-4 to Resolution 2013-1.

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

A motion to adopt Resolution 2013-1 was made by Vice Mayor Kidd, seconded by Councilmember Prince. VOTE: ALL YEAS.

## **CITY MANAGER'S REPORT**

► The 2013 Ohio Municipal League Legislative Luncheon will take place on February 6 in the Statehouse Atrium. Please RSVP to the City Manager's office if you plan to attend.

► Representative Steve Chabot will be hosting a Town Hall Meeting on January 29<sup>th</sup> at 7:00 p.m. The meeting will be held in the Mason Municipal Center.

► Intelligrated held a grand opening of their 122,000 square foot expansion last week.

► Mason Community Center has an increased level of activity including Special Olympics events and partnerships with the private sector creating a successful center that builds a sense of community. The Community Center also has played an important economic development role in attracting companies to Mason.

## **COMMITTEE REPORTS**

Councilmember Spaeth reported that at the January Park Board meeting, Ginny Sundin was elected to serve her 36<sup>th</sup> year as the Chair of Park Board and Mike Mumma was elected as Vice Chair. She announced that the February 14 Park Board meeting has been cancelled and a Work Session is scheduled for February 21 to discuss the scheduling policy for parks usage. The Mason Heritage Festival date and location has changed for 2013. It will be held at the Mason Municipal Campus and Pine Hill Lakes Park on September 14, 2013. She stated that Christmas in Mason also will move to the Municipal Campus.

Councilmember Pelfrey stated that the Bicentennial Committee of Council met with Festivals of Mason Board members to discuss the signature event planned to honor Mason's 200 year anniversary. Festivals of Mason will be organizing this event and would like any volunteers or other community groups to please contact them if interested in participating. Festivals of Mason representatives will be addressing Council at the January 28 Council Meeting.

Mayor Nichols, Economic Development Committee Chair, reported that Intelligrated's 122,000 square foot expansion with underground parking has a target of attracting highly trained hi-tech employees to the facility. He commends the Economic Development staff, Mason City Schools, and City Council for continuing the vision of creating a hi-tech corridor in the City of Mason. The City is listening and breaking the model on how business and community work together and is realizing a good return on investment.

Vice Mayor Kidd stated that he is saddened to hear that the festival is moving from downtown. Council discussed reasons for this move. Councilmember Prince explained that the Festivals of Mason Board made the decision to move the festivals from downtown after much consideration.

## **OLD AND NEW BUSINESS**

Councilmember Prince announced that Congressman Chabot is opening an office in Lebanon.

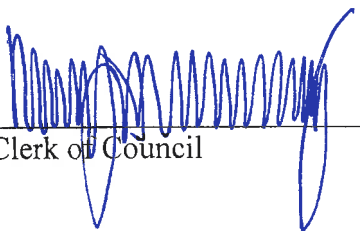

Mayor Nichols thanked the many people that contributed to the funeral for LaShawn Daniels. He expressed special thanks to Shorten and Ryan Funeral Home, Hope Church, Kings Chapel, Grace Baptist, and Deerfield Township. He said that community and business leaders are coming together to identify and assist Mason youth in high risk groups.

### **RECOGNITION OF VISITORS**

Scott Pierce, Festivals of Mason Board Member, announced that Karen Kilgore is the new Board President for Festivals of Mason, Inc. He also explained that some of the reasons for moving the festivals to the Municipal Campus included improving attendance, managing costs, involving the parks, and utilizing city resources. He stated that they are working with downtown businesses regarding the move. The date change was considered when the Arts Festival date opened up in September. He explained that the parade route is still being discussed.

### **ADJOURN**

A motion to adjourn was made by Councilmember Cox, seconded by Councilmember Pelfrey.  
VOTE: ALL YEAS. TIME: 9:59 p.m.

  
Clerk of Council  
Vice Mayor