

**CITY OF MASON  
COUNCIL MEETING  
JULY 12, 2004**

Mayor Beck called the meeting to order at 7:08 p.m. Pastor Rapier opened the meeting with prayer. Those in attendance recited the pledge of allegiance.

**ATTENDANCE**

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Tom Grossmann, John McCurley, Charlene Pelfrey and Peter Beck.

**APPROVAL OF MINUTES**

A motion to approve the minutes of the June 28, 2004 Council meeting was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

**RECOGNITION OF VISITORS**

Mark Schleidt addressed Council and announced he will be opening a new restaurant on August 5, 2004. It is called "Chick Filet" and it is located on Tylersville Road.

Mr. Gene Nell of 607 Bunker Lane addressed Council to discuss storm water issues. He cited several statistics regarding the number of problems in the area and the size of the City's budget to address the problems. He said there are 100 problem areas in the city and five water shed areas. He said the numbers he is quoting are accurate within 2%. He distributed to Council a history of the storm water problems and a proposal to solve the problems. He said resolving the issues would save money and discourage litigation. Councilmember Grossmann stated we currently have a Storm Water Utility and fees are being collected to pay for improvements. Scot stated the City is also looking at watershed areas that are being studied. Mr. Nell said the income from the storm water utility billing fees is approximately \$750,000. He said expenditures through May have been \$413,000 this year. He said it becomes clear we are running at a deficit in attempting to correct the problems.. He proposes to sell municipal bonds and fix all the projects immediately. He requested this be reviewed by Council for consideration.

**ORDINANCE 2004-72 APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A FUNERAL HOME ON A 2.54 ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF TYLERSVILLE ROAD AND FIRESIDE DRIVE IN AN R-6 RESIDENTIAL DISTRICT**

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

Richard Fair explained to Council this legislation allows for the issuance of a Conditional Use Permit to construct a 7,700 square foot funeral home on a 2.54 acre parcel located at the southwest corner of Tylersville Road and Fireside Drive in an R-6 Residential District. He stated

Planning Commission, at its June 1st, 2004 meeting, voted 6 to 1 to recommend approving the Mueller and Parker Conditional Use application to permit a funeral home in an R-6 District, contingent on the following items:

1. ZBA Variance Approval:

Approval by the ZBA at their June 29<sup>th</sup>, 2004 meeting for the following variances:

- a. 12 parking spaces that encroach anywhere from 1 foot to 12 feet into the required 50' front yard setback next to Tylersville Road.
- b. Overhead entrance attached to the proposed principle structure that encroaches 8.5 feet into the required 50 feet front yard setback to the north.
- c. An interior drive isle that encroaches 30 feet into the required 50 feet front yard setback.
- d. 2 parking spaces that encroach 5 feet into the required 30 feet project boundary setback to the west.
- e. 10 parking spaces that encroach 18 feet into the required 30 feet project boundary setback to the south.
- f. 3 parking spaces and a portion of an anterior drive aisle that encroach 30 feet into the required 40 feet front yard setback along Fireside Dr.
- g. Reduce the number of parking spaces from 122 to 79, which represents 43 parking spaces fewer than required.

2. Site Plan Contingencies:

- a. On-site lighting is 0.5 footcandles or less at the property perimeter.
- b. Please submit a reciprocal parking agreement to the City for the Law Director's review prior to City Council action.
- c. Please provide a crosswalk and pedestrian crossing signage between the funeral home and the church to the east.

3. Landscape Plan Contingencies.

- a. Please add a three-foot high mound along the west property line to add additional screening adjacent to Ms. Ball's residence.
- b. Please add more pine trees in the west landscape buffer yard to provide more opacity.
- c. Please replace the Norway maples proposed as street trees with another species. Norway maples are on the list of unacceptable trees for street tree use.
- d. Please add 5 additional trees to the lot interior.
- e. Please change the parking lot screen materials to provide more opacity.

He concluded by stating Planning Commission determined that the proposed use and plan design is in harmony with existing adjacent land uses. Additionally, any negative impacts associated with the project could be mitigated through proper site controls. He stated the number of required variances does raise concerns, but most are minimal or the impacts created by the variances can be mitigated.

Mayor Beck opened the public hearing at 7:28 p.m. Bob Garlock of Bayer & Becker Engineers

addressed Council and spoke in favor of this project. He stated he is representing the owner of the project. Linda Cann addressed Council and said she was a resident of the condominiums and she has a concern over the zoning change and then the funeral home deciding not to build there. She also stated she would like to request mounding, trees, and a new traffic signal. She expressed concern over the lighting levels being too bright at night and dumpsters attracting animals. Richard Fair addressed her concerns. He stated there are no dumpsters on this site. He said a traffic signal lies in the hands of the County at this point. Bob Garlock agreed to put the mound in if that is what the Homeowners Association would like. Mrs. Ann Ball addressed Council and stated she has concerns over this project as it affects her property. She said the number of variances the project requires is too many. She stated in 1998 the property was zoned R-1. She stated now it is zoned R-6. She asked when did this happen. She also stated concerns over the lighting levels, landscaping and buffering issues. She stated this does not represent low impact, as the traffic will be greater. She said 15 condos would not impact this area as much as this project. She also stated if the project has to use the parking across the street then perhaps the project is too big for the site. Bob Garlock responded on the landscaping, signage and traffic issues; disputing her comments. Mike Mittendorf of 7179 St RT 128 Cleves, Ohio owner of the property, stated he has owned the property since 1991 and it was zoned condos at that time. He stated a funeral home is a far better use for the site than more condos. Scot Lahrmer reported there was some rezoning in 1979 from R-1 to R-6. He stated more research would have to be done to determine more specifics. He added in 1982 rezoning occurred in this area to R-6. Randy Kuvin addressed Council and stated he does not wish to meddle into zoning issues in the City but he is here at the request of the Balls. He stated he thinks there are several concerns that Council needs to review closely. He stated this seems like spot zoning. He requested special consideration be given to adjoining property owners. He suggested tabling this legislation and revisiting this matter. Councilmember McCurley stated Planning Commission turned down the rezoning of this property to business in an effort to control what is built there and protect the adjoining property owners. He stated landscaping has been clarified; cremation has been discussed and will not be allowed. Randy Kuvin mentioned the City's Comprehensive Plan and stated a funeral home is not included in that area. He concluded he would just like to see the adjoining owners concerns are taken into consideration. Bob Garlock addressed Council and clarified the traffic concerns and the numbers presented from the traffic report noting the funerals would not occur at rush hour. Ken Schneider clarified the two conditions to be included in the ordinance would be the prohibition of a crematory and mounding would be required on the south side of the property. Mayor Beck closed the public hearing at 8:32 p.m Councilmember Osborne asked for clarification of the variances requested of the Zoning Board. Councilmember Kidd suggested they use a policy of always using police to assist with traffic leaving the funeral home. Vice Mayor Pelfrey and Mayor Beck mentioned their concerns over traffic safety in this area. Councilmember Bradburn commended them for establishing an agreement with the church for use of their parking lot. He said this is preferential to installing a sea of asphalt. A motion to amend the ordinance to reflect the changes stated by Ken Schneider was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS.

A motion to adopt Ordinance 2004-72 was made by Councilmember Osborne, seconded by Councilmember Bradburn. VOTE: 6 YEAS, 1 NAY (Beck)

**ORDINANCE 2004-82 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WARREN COUNTY TO PROVIDE FOR AN EMERGENCY INTERCONNECTION TO THE CITY'S SEWER SYSTEM FOR ROSEMONT SUBDIVISION AND DECLARING AN EMERGENCY APPROVING THE PRELIMINARY PLAT OF THE ESTATES OF WESTERN ROW SUBDIVISION**

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

Scot Lahrmer explained to Council, the Rosemont Subdivision is situated in Deerfield Township just west of the City of Mason's corporation limit. Utility service for water and sewer is provided through Warren County. A sewer lift station on Rosemont Lane pumps the sewage to the Butler County Sewer System for treatment however; the lift station does not have emergency backup power to cover power failures. Warren County has requested an emergency interconnection to this main to allow them response time to respond to problems at their lift station. Scot stated the matter was brought before Council at the June 28, 2004 meeting and was referred to Utility Committee. He said they have reviewed it and they are recommending approval. Councilmember Grossmann stated the Committee reviewed this proposal and it does not adversely affect our system so they are recommending approval. He stated they do not feel this would be used often and this decision does not set a precedent. Scot stated this is to be used only on an emergency basis if there is a mechanical or electrical failure. Councilmember McCurley said they should be charged a higher rate as our residents pay a fee to tap into our sewer system. He said they purposefully built outside our city limits and one of the reasons was to avoid paying the fees our residents have to pay. Councilmember Osborne suggested they pay an escalating fee structure. Councilmember Grossmann stated this is an unusual situation and they are paying a higher rate than our residents plus the quantity is insignificant for our system. Mayor Beck stated he has a concern over this agreement as it removes any desire for them to improve their system. He stated if we make this available they will use it. Councilmember McCurley asked what happens next time when someone decides not to annex into Mason but comes to the City asking them for services. He stated our policy has always been to provide for our residents only. Councilmember Bradburn stated the Utility Committee reviewed this matter and there is no cost to the City and it will not be used frequently. He stated these situations should always be viewed on an individual basis. Mayor Beck asked if there would be a tap in fee charged. Scot replied it does not appear there will be a tap in fee charged. Councilmember Grossmann stated they did not feel it would be charged, as they are not going to be continually using this service. Councilmember Kidd stated he favors doing this because it does not cost us anything and it helps ours neighbors. He also stated he would not be opposed to charging them a tap in fee. Vice Mayor Pelfrey moved to refer this back to the Utility Committee. The motion failed for lack of a second.

A motion to adopt Ordinance 2004-82 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: 4 YEAS, 3 NAYS (McCurley, Beck and Osborne)

**ORDINANCE 2004-84 AUTHORIZING THE PURCHASE FROM THE STATE OF OHIO OF PROPERTY IN WARREN COUNTY, OHIO AS FULLY DESCRIBED IN SUBSTITUTE HOUSE BILL 269 OF THE 125<sup>TH</sup> GENERAL ASSEMBLY AND DECLARING AN EMERGENCY**

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

Scot Lahrmer explained to Council the State of Ohio owns approximately 33 acres on the west side of US 42 south of Snider Road and the property was originally intended for use by the Mental Retardation and Developmental Disabilities Department. A few years ago, the City began working to have the land conveyed to the City. Approximately one-third of the property is flood plain and the State has determined they no longer have a need for the property. He said this past spring, the State Legislature adopted the necessary legislation (HB 269) conveying the land to the City.

Scot stated the conveyance includes the following conditions:

- The City will retain approximately 22 acres of the 33 acres.
- The property will not be used for residential or commercial uses and cannot convey the land to any other entity for 15 years.
- The City will convey 11 acres to Warren County Mental Retardation and Developmental Disabilities.
- The City shall pay \$105,000 to the State for the land.

In addition, the City has committed the following to the Warren County Mental Retardation and Developmental Disabilities:

- The City shall construct a handicap playground in the amount not-to-exceed \$250,000.
- The City shall provide access to the handicap park at a cost not-to-exceed \$200,000.

Scot further explained the City's intention is to construct a handicap accessible park sometime in the future on this site. Although the land is zoned for business use, the City does not intend to use the property for any commercial purposes but it will be utilized for green space and park purposes. An additional use will be the construction of a water detention facility on the City's 22 acres. The design of the detention basin is currently underway and should be ready for bidding in the fall. The construction of the detention basin coupled with the construction of Snider Road will alleviate the storm water flooding problems encountered at Villas Creek where Davis Run and Little Muddy Creek converge.

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

Mayor Beck stated he would like to see the playground built in the near future. He stated he is familiar with organizations such as A Thousand Hands Project, which uses volunteers to construct community projects such as playgrounds.

A motion to adopt Ordinance 2004-84 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-85 AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE CLEAN OHIO CONSERVATION FUND**

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

Scot explained to Council on July 26, 2001, the Governor signed House Bill No. 3 which created the Clean Ohio Program and as part of that program, the Ohio Public Works Commission will assist in financing the Clean Ohio Conservation Program projects. The commission provides grants for open space and riparian corridors. Scot stated staff is in the process of applying for a grant to purchase approximately 11.66-acres of floodplain along the Muddy Creek. Acquiring this land will preserve floodplain, protect the riparian corridor and create green space for habitat protection and a possible route for a future bike path. He added the area to be acquired will also create a link between Quinn Park and the property the City recently purchased from the State. Scot said staff is applying for \$157,045, which is 49% of the total project cost of \$320,500. Although the grant applications are due July 22 and the Ohio Public Works Commission will issue approval notification in September, money for this grant will not be available until early 2005.

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

A motion to adopt Ordinance 2004-85 was made by Councilmember Grossmann, seconded by Councilmember McCurley. VOTE: ALL YEAS

**ORDINANCE 2004-86 AMENDING ORDINANCE 2004-58 TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT TO SELL THE CITY OF MASON'S FORMER MUNICIPAL BUILDING PROPERTY AT 202 W. MAIN STREET, AND 109 N. EAST STREET TO ART DECO PRESERVATIONS, LLC WITH BUYER'S REDEVELOPMENT COMMITMENTS, AND DECLARING AN EMERGENCY**

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

Scot explained to Council HiFive Development Services has elected to create a separate business unit to manage the purchase, renovation and leasing of 202 W. Main Street and 109 N. East Street. For accounting and legal purposes, HiFive Development Services has created the separate LLC named Art Deco Preservation, LLC for the management of these properties. Scot explained Ordinance 2004-58 authorized the City Manager to enter into a purchase contract and sell the two properties to HiFive Development Services. Ordinance 2004-86 will transfer this

authorization allowing the City Manager to enter into a purchase contract with Art Deco Preservation, LLC, and a business unit of HiFive Development Services. Mark Davis and accompanying investors will remain the same as future owners of 202 W. Main Street and 109 N. East Street.

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

A general discussion took place among Council as to the benefits or liabilities associated with this change in companies. Ken Schneider stated the same amount of money is being invested as with the previous firm. The only difference is the amount of assets each firm currently holds. Councilmember Osborne stated the final recourse available to the City if the project does not comply is the same as was in the original agreement.

A motion to adopt Ordinance 2004-86 was made by Councilmember Osborne, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-87 AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MASON AND KINGS ISLAND COMPANY (PKI)**

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

Scot Lahrmer explained to Council, the City of Mason and Paramount's Kings Island originally entered into a Memorandum of Understanding in August of 1995 when Paramount's Kings Island sought to annex into the City of Mason. Earlier this year, park officials initiated the process to annex the campground property immediately north of the park. At the June 24<sup>th</sup> meeting, and following the Warren County Commissioners unanimous approval, Council accepted the annexation of this property. Scot added it is now appropriate to update and supplement the original 1995 Memorandum of Understanding based on the recently annexed property.

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

A motion to adopt Ordinance 2004-87 was made by Councilmember Grossmann, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-88 AMENDING COMMUNITY REINVESTMENT AREA NO. 6, DESIGNATING A HOUSING OFFICER, ESTABLISHING A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL**

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

Michele Blair addressed Council and stated Mason City Council has an opportunity to attract a very significant development within an entertainment corridor of the City to the east of I-71. The creation of a Community Reinvestment Area enables the City to utilize some of the tools necessary to encourage additional investment into the community. She stated this mechanism is necessary in order to present an incentive package to recruit a resort lodge, indoor waterpark and corporate conference center on the Paramount's Kings Island Campground site. This property was recently annexed into the City. The CRA District currently consists of approximately 50 acres of undeveloped property zoned for high tech or office development which is located at the southeast edge of the corporate limits on the east side of I-71. This district may be amended by Mason City Council to include neighboring properties, such as the Paramount's King's Island Property, zoned for amusement and business type development. The State of Ohio allows local communities to amend existing CRA Districts to include additional properties. The State gives Mason City Council the authority to designate areas where tax incentives may be utilized to encourage revitalization of existing businesses or development of new business facilities. Michele stated amending CRA District No.6 will enable Mason City Council to offer tax incentives to attract developments that may be considering a location within the District. Amending the District only declares these properties to be eligible to have real property taxes abated; the decision to approve tax incentives for individual companies or developments is still decided on a case-by-case basis by Council.

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

A motion to adopt Ordinance 2004-88 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-89 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INCENTIVE GRANT AGREEMENT WITH THE GREAT LAKES COMPANY FOR AN ANNUAL REIMBURSEMENT OF TWO-THIRDS OF THE CITY OF MASON'S THREE PERCENT (3%) TRANSIENT OCCUPANCY (BED) TAX GENERATED FROM THE GREAT WOLF LODGE AND CONFERENCE CENTER DEVELOPMENT SITE IN THE CITY OF MASON**

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

Michele Blair addressed Council and stated City staff and Economic Development Committee of Council began working in January to recruit a project that could set the stage for the economy moving forward for Mason, Warren County and Southwest Ohio. She reported to Council a Mason site location decision by the Great Lakes Company is pending and would mean close to \$100 million dollar investment in a state-of-the-art family entertainment facility and corporate business exposure through the construction of an attached conference and convention center. She also stated the Great Lakes Company proposes construction of a 365-room, 4-story, log-sided, north woods themed indoor waterpark resort and conference center on a 37-acre campus in Mason. They will employ 250 initial jobs, 18 of which are high-salary full-time positions ranging from \$40,000 to \$90,000. The remainder are a combination of full and part-time positions. At



peak season, Great Lakes projects employment of up to 400 employees but averages at approximately 375. The projected payroll is over \$5 million. She further explained the facility will be initially over 300,000 sq.ft. with future planned expansion. The initial development includes 300 family suites, a 90,000 sq. ft. waterpark and approximately 50,000 sq.ft. in the conference facility. The total calculated initial return on investment to the community is over \$5.5 million in the first 10-year period and over \$500,000 each year thereafter. The total economic impact to the region in sales tax revenue is projected to exceed \$2.7 million annually. Michele introduced Mr. John Emory, the CEO of the company, who addressed Council and stated it could open in early 2006. He stated he has reviewed many sites and the partnership with the City and PKI is making this investment possible. He stated this will make this area a year round destination. He said the agreement with PKI be solidified in the near future. Michele stated this ordinance requests Council to approve an incentive grant agreement toward to reimburse a portion of the City's 3% bed tax generated by the Great Lakes development to help underwrite the cost of the development of he business conference center.

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

A motion to adopt Ordinance 2004-89 was made by Councilmember McCurley, seconded by Councilmember Osborne. VOTE: ALL YEAS

Michele Blair said the Economic Development Committee is recommending approval of the Community Reinvestment Area portion of this project by asking Mason City Council approve a , an abatement under the Community Reinvestment Area Program of 100% of real property improvements for 10-years on the value of the new building as authorized by the State of Ohio Community Reinvestment Area Program. This is contingent upon the company, Great Lakes Company, making an annual compensation payment to the Kings Local School District for the term of the abatement period. Councilmember McCurley moved to approve the abatement as read by Michele Blair. Vice Mayor Pelfrey seconded the motion. VOTE: ALL YEAS

**ORDINANCE 2004-90 ACCEPTING THE PUBLIC IMPROVEMENTS FOR THORNGATE AT WINDEMERE, SECTIONS 1 & 4 AND RELEASING THE PERFORMANCE BOND**

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

Richard Fair requested this legislation receive a first reading tonight.

**ORDINANCE 2004-91 APPROVAL OF HE WATERLINE EASEMENT PLAT FOR COLUMBIA COMMONS PUD**

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

Richard Fair explained to Council requesting approval of an easement dedication plat for Columbia Commons PUD. He stated this subdivision is located east of Columbia Road and north of The Ravines at Timber's Edge Subdivision. This plat will dedicate the waterline easement needed for this subdivision.

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

A motion to adopt Ordinance 2004-91 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2004-92 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KNEISEL CONTRACTING CORPORATION FOR THE STRIPING OF VARIOUS STREETS IN THE CITY**

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

Scot Lahrmer explained to Council the purpose of this legislation is to award a contract to the lowest and best bidder to properly paint the City's public streets for continued traffic control and safety. He stated two bids were received with the lowest and best one being received from the Kneisel Contracting Corp. for \$84,975.

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

A motion to adopt Ordinance 2004-92 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: 5 YEAS, 2 Absent (Pelfrey, Osborne)

**ORDINANCE 2004-93 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 0.09 ACRES LOCATED AT 109 NORTH EAST STREET R-4 TO B-1**

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

Scot Lahrmer set the public hearing for this legislation for August 9, 2004 at approximately 7:05 p.m.

**ORDINANCE 2004-94 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 0.125 ACRES LOCATED AT 201 WEST CHURCH STREET FROM R-4 TO B-1**

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

Scot Lahrmer set the public hearing for this legislation for August 9, 2004 at approximately 7:10 p.m.

**ORDINANCE 2004-95 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 8.54 ACRES FROM R-6 TO BUSINESS PUD AND 2.58 ACRES FROM B-3 TO BUSINESS PUD LOCATED AT THE SOUTHEAST CORNER OF THE SNIDER ROAD EXTENSION AND TYLERSVILLE ROAD**

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

Scot Lahrmer set the public hearing for this legislation for August 9, 2004 at approximately 7:15 p.m.

**ORDINANCE 2004-96 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO TO PROVIDE FOR THE REZONING OF APPROXIMATELY 6.5 ACRES LOCATED AT 4291 STATE ROUTE 741 FROM I-2 TO BUSINESS PUD**

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

Scot Lahrmer set the public hearing for this legislation for August 9, 2004 at approximately 7:20 p.m.

**ORDINANCE 2004-97 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 76.96 ACRES LOCATED ON THE WEST SIDE OF STATE ROUTE 741, NORTH OF BETHANY ROAD AND SOUTH OF BUNNELL ROAD FROM I-1 TO RESIDENTIAL PUD**

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

Scot Lahrmer set the public hearing for this legislation for August 9, 2004 at approximately 7:25 p.m.

**CITY MANAGER'S REPORT**

The July issue of *Mason Matters* will be delivered to Mason residents in the July 15 issue of The Pulse-Journal.

City Manager, Scot Lahrmer, also announced that a Council Work Session is scheduled for Monday, July 19 at 6:00 p.m., at which time Capital Improvement Projects will be discussed.

A seven-member Design Review Board has been formed to fulfill the requirement of the preservation district approved last month. The board will follow the guidelines for preservation standards when residents and businesses in the downtown district want to significantly remodel a building's façade. The members are: Elizabeth Waters, Victor Kidd, Jerry Mullins, Dick Staten, Christine DeBaltzo, Jerry Flynn and John Harris. A motion to appoint the members was made by Councilmember Grossmann, seconded by Vice Mayor Pelfrey. Council unanimously approved the motion. Applications for new board members should be sent to Mayor Beck or Scot Lahrmer.

### **COMMITTEE REPORTS**

Councilmember Grossmann reported that, at a meeting of the Finance Committee, discussion was held regarding putting an issue on the ballot in November to allow the City of Mason to continue to tax S corporations as we currently do. This subject will be discussed further at a Council work session in August.

Councilmember McCurley reported that tonight's meeting has several items on the agenda that had been previously reviewed at Planning Commission.

### **COUNCIL OLD AND NEW BUSINESS**

Mayor Beck reported that he and Vice Mayor Pelfrey had been presented with a check for \$15,000 for the Veterans' Memorial by Mildred Curtis of Luxottica.

Ken Schneider announced that the City of Mason had won a decision by Judge Neal Bronson of Warren County Court in the Drees case. Settlement will be in excess of \$400,000.

Councilmember McCurley mentioned that the Farmers' Market had re-opened at the Mason Middle School on Saturday, July 11 but that there were not many crops available this early in the season. He also mentioned that planters had been placed along Main Street by representatives of Mason in Bloom but that the planters were not very attractive and some were located in awkward places along the sidewalks. He asked that the Mason Police Department look into several junk cars that seem to be parked in the Firestone lot on U.S. 42. Councilmember McCurley also asked that the City Manager let someone at Cinergy know that the trees they are trimming on Forest and Church Streets are being done poorly.

Vice Mayor Pelfrey asked that the City look into sweeping Rose Hill Cemetery in the near future. She had requested that this be done prior to the Memorial Day parade but for some reason it had not been taken care of. Councilmember McCurley agreed that this could be considered a good-will gesture on our part but suggested that we send request an agreement from the Deerfield Township trustees and asked the City Manager to handle it. Vice Mayor Pelfrey also indicated she has spoken with an upset resident regarding the GCWW project on Mason Montgomery Road. Richard Fair explained that the project had been delayed to an accident on

the project and that it will be 3 or 4 weeks before paving can be done. Vice Mayor Pelfrey announced she will be on vacation and will miss the July 19 work session.

Councilmember Kidd announced the 25<sup>th</sup> anniversary of the Mason Historical Society that will be celebrated with a cake and ice cream social.

Mayor Beck announced that the Mason Community Players will perform "42<sup>nd</sup> Street" from July 22 – 25. He also thanked Public Information Office, Jennifer Trepal, for her involvement with the Local 12 news team broadcast from the Municipal Center on July 9. He also mentioned the grand opening of the Beach Waterpark's new ride, Volcanic Panic which opened July 10. The Red, Rhythm & Boom celebration on July 3 was a success and he thanked both the Parks & Recreation Department and Mason Police for their involvement. Radio station WGRR would like to co-host this event in the future. Mayor Beck also announced he and Vice Mayor Pelfrey had met with Mayor Amy Brewer of Lebanon and would like to arrange a dinner with the councils of Mason and Lebanon. He also had breakfast with Mayor Greg Sample of Franklin to discuss mutual interests.

**RECOGNITION OF VISITORS** – None

**EXECUTIVE SESSION**


A motion to go into executive session wade made by John McCurley, seconded by Victor Kidd.  
VOTE: ALL YEAS

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

**ADJOURN**

A motion to adjourn was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS  
TIME: 10:01 p.m.

  
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Clerk of Council

  
\_\_\_\_\_  
Mayor