

**CITY OF MASON  
COUNCIL MEETING  
November 8, 2004**

Mayor Beck opened the meeting at 7:06 p.m. The American Legion color guard presented the colors. Pastor Tom Moll, from the Chaplains Program, opened the meeting with a prayer. Those in attendance recited the Pledge of Allegiance. Mr. Tom Britton stated the American Legion holds a contest for high school students each year and awards a prize of up to \$18,000 for the national winner.

**ATTENDANCE**

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Tom Grossmann, John McCurley and Peter Beck. Charlene Pelfrey joined the meeting at 7:55 p.m.

**APPROVAL OF MINUTES**

A motion to approve the minutes of the October 25, 2004 Council meeting was made by Councilmember Kidd, seconded by Councilmember McCurley. VOTE: ALL YEAS

A motion to approve the minutes of the October 26, 2004 Council Worksession was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS

**PRESENTATION OF PROCLAMATION TO AMERICAN LEGION IN RECOGNITION OF POPPY DAY**

Mary Lou Shields and Robin Oliver addressed Council and explained the purpose of the poppy sale in recognition of Veterans Day. Mayor Beck presented her with a proclamation.

**RECOGNITION OF VISITORS** None

**ORDINANCE 2004-129 ACCEPTING THE PUBLIC IMPROVEMENTS FOR OAKS OF CROOKED TREE, SECTIONS 6A, 6B, 6C AND 7, 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 explained to Council the purpose of this legislation is to release the performance bond and accept the public improvements as recommended by staff. He stated sections 6A, 6B, 6C and 7 of the Oaks of Crooked Tree subdivision include the eastern section of Heartwood Lane, Lost Willow Drive, Spire Oaks Drive, Songwood Drive, Wrenwood Court and Larkspur Lane. The Public Utilities, Public Works, Engineering Department and Greater Cincinnati Water Works have inspected the public improvements. He said the utilities and other public improvements will become the City's responsibility upon acceptance. He concluded by stating staff recommends acceptance of the public improvements, contingent on the submission of a one-year maintenance bond.

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

Councilmember Bradburn asked Richard Fair about the portion of the road in this subdivision that has sunk and needs repaired. A general discussion among Council members resulted in a decision to allow this to be a first reading. Councilmember McCurley moved to make this a first reading. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

**ORDINANCE 2004-130 APPROVAL OF THE SANITARY SEWER EASEMENT PLAT FOR FOUNTAINS OFFICE PARK**

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

Richard Fair explained to Council Lois A. Brunty with Zande and Associates, Inc., representing Fountains Office Park, LLC, is requesting approval of an easement dedication plat for Fountains Office Park. He stated the office park is located north of Cedar Village Drive and west of Mason-Montgomery Road. This plat will dedicate the sanitary easements needed for this office park. Richard said Planning Commission approved the plat contingent on the following comments:

1. Increase the sanitary sewer easements to 20'-0" wide and insure that the easements are centered on the installed sanitary lines.
2. Provide a subdivider's contract and performance bond.

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

A motion to adopt Ordinance 2004-130 contingent on compliance with the Planning Commission comments was made by Councilmember Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2004-131 VACATING APPROXIMATELY .0699 ACRES OF AN ALLEY SOUTH OF FIFTH AVENUE BETWEEN LOTS 291/292 AND 304**

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

Richard Fair explained to Council Beverly Barr of 600 Reading Road is requesting the approval of the vacation plat for a 184.5-foot long and 16.5' wide alley. The alley, consisting of .0699 acres, is located south of 5th Avenue between Lots 291/292 and 304. He stated Beverly Barr owns the properties to the east and west of the alley and has submitted a signed vacation petition with the necessary signatures from the surrounding property owners. He added Planning Commission recommends approval of the vacation plat contingent on the following:

1. Remove the dedication statement and notary from plat.
2. Add the right of way vacation petition with signatures to the vacation plat.
3. Note that an easement will be necessary for any utilities located within the area to be vacated.

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

Councilmember Bradburn clarified the vacating process required of the City. Councilmember Osborne clarified the owners responsibility for notification regarding utilities.

A motion to adopt Ordinance 2004-131 contingent on compliance with the Planning Commissions comments was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2004-132 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MCKENNA ASSOCIATES, INC. TO COMPLETE THE DOWNTOWN OVERLAY DISTRICT AND DESIGN GUIDELINES FOR THE DOWNTOWN PRESERVATION**

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

Paige Bryan addressed Council and stated the Engineering and Building Department has identified the need for a Downtown Overlay District and Design Guidelines for the Downtown Preservation District. She explained currently, the City's zoning and landscape codes do not adequately address new development or reinvestment in the central business district. Additionally, the City's establishment of a preservation district, earlier this year as a requirement to apply for CDBG Tier Two funds, charges the Design Review Board to determine if a building is historically or architecturally significant, but it does not provide guidance for standards of rehabilitation. She said upon passing the preservation district legislation, Council asked that clearer guidelines be established to provide property owners with clear direction for façade renovations. As a result of that request, three firms were invited to answer a request for proposal that identified the following scope of work to be completed:

1. Compare current zoning elements defined in our B-1 district to the proposals made in the Downtown Mason Revitalization Plan.
2. Provide suggestions for new elements that allow for the implementation of the recommendations in the revitalization plans.
3. Address the zoning elements of parking, landscape, signage, setbacks and land use planning.
4. Create design recommendations to guide building renovations and new construction. The design elements for existing structures will direct how to maintain a building's historical and architectural elements by complying with the Secretary of Interior's Standards for Rehabilitation. The design elements for new structures will direct how to complement current structures but utilize today's architectural styles.
5. Develop a design guideline handbook to communicate the assistance.

Paige further explained an internal team consisting of the City Planner, the Downtown/Small Business Coordinator, the President of the Design Review Board and two members from the Design Subcommittee of the DMA evaluated all three firms. The evaluation considered: the understanding of the project; approach to the scope of work; key personnel; and capability and experience of the consultants. After conducting reference checks and evaluating the feedback from the Overlay Committee, staff is recommending that McKenna Associates, Inc. receive the contract to complete this necessary project. Paige concluded by stating the Downtown Committee of Council is supportive of securing a professional planning and historic preservation team to help move our redevelopment initiatives forward. By approving Ordinance 2004 – 132 now, work will begin

immediately and guidelines will be in place by July 2005. These guidelines will provide property owners direction when completing façade improvements in the Preservation District.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember McCurley, seconded by Councilmember Bradburn.

Councilmember Kidd stated he has concerns over this legislation and he prefers keeping the guidelines less defined. He asked if the downtown property owners had been contacted. Paige Bryan responded no, but there will be meetings inviting the public in the future. Councilmember Kidd stated he does not want to see it become more restrictive and he asked why we need this additional layer of rules. Paige responded this legislation will be helpful to the property owners because it will eliminate the the uncertainty of what they can do. She stated this will define if the buildings are architecturally and or historically significant. This actually provides direction for those wanting to work on their properties. Councilmember Grossmann stated he would like the owners of the properties, through their board, to make this decision. He said the owners should be asked if they want these guidelines. Mayor Beck asked if this was part of the grant requirement. Paige said it was not.

A motion to allow this to be the first reading of this legislation was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

### **CITY MANAGER'S REPORT**

Scot Lahrmer stated the regularly scheduled second meeting in December falls on December 27. It is anticipated that a second meeting will not be necessary since all the final action of Council will occur on December 13. A motion to not hold the second meeting in December was made by Councilmember Osborne, seconded by Councilmember McCurley. VOTE: ALL YEAS

A Liquor License Permit request has been received for the proposed Red Lobster Restaurant located in the new Glimcher development. A motion to not hold a hearing was made by Councilmember Bradburn, seconded by Councilmember McCurley. VOTE: ALL YEAS

Vice Mayor Pelfrey joined the meeting at this time.

### **COMMUNITY REINVESTMENT AREA #7: People's Community Bank**

Michele Blair addressed Council and stated Mason City Council has the opportunity to recruit the corporate headquarters of an aggressive young company and jumpstart an interest in office development in Mason along the I-71 corridor at Kings Mills Road. She stated People's Community is a publicly traded financial institution that is setting record levels of growth of over 400% in the last five years. Their rapid growth resulted in a site search for a new corporate headquarters location that started over a year ago and involved dozens of sites across the region. The Mason location, along SR 741, rose to the top for several reasons including the quality and amount of residential development, the recognizable quality of the proposed retail lifestyle center as an adjacent land use, a noticeable high-level of infrastructure investment, and ultimately a competitive incentive package. She said it is their plan to construct a four to five story class "A" multi-tenant corporate office facility on a 10-acre site at the corner of SR 741 and Cox-Smith Road, to the north of Kroger. The proposed development will contribute an estimated total capital investment valued at nearly \$20M. The planned facility will be approximately 100,000 square foot corporate office building and bring a current employment base

of 100 fulltime employees with an initial payroll of \$5 million and an average salary of over \$50,000. Initially, the bank would occupy 25,000 square feet and lease out the remainder to companion financial institutions. In addition, growth projections for the company will likely take their occupancy of this facility to full capacity and expand services to include insurance, financial advisory and brokerage. Within a three to four year period, this would create up to a total of 400 financial industry sector positions. She introduced Jerry Williams, People's Community Bank President who stated they have looked to combine their operations to one location for approximately 18 months. He said the growth of the I-71 corridor was very attractive to them. He said they are planning to include in the new facility a community room for use by nonprofit organizations. Councilmember Grossmann asked him if the Glimcher development was what attracted them to this area. Mr. Williams responded absolutely.

Michele Blair stated the Mason Economic Development Committee recommends that Mason City Council approve a motion to grant to People's Community Bank, an abatement under the Community Reinvestment Area Program a 100% of real property improvements for 15-years on the value of the new building as authorized by the State of Ohio Community Reinvestment Area Program and contingent upon the company making an annual compensation payment to the Mason City School District for the term of the abatement period. Councilmember Osborne asked what process is in place to ensure the promises are kept by the companies receiving abatements. She responded the abatements are reviewed annually for compliance.

Councilmember Grossmann moved to abate 100% of real property improvements for 15 years on the value of the new building contingent upon the company making an annual compensation payment to the schools. Vice Mayor Pelfrey seconded the motion. VOTE: ALL YEAS

### **COMMITTEE REPORTS**

Vice Mayor Pelfrey reported on a ceremony she attended for the Fallen Fire Fighters. She also reported on the Leadership Warren County program in which she is participating.

Councilmember McCurley reported on the Southwest Warren County Transportation Study that is currently being conducted. He distributed to Council a handout explaining in more detail what the group is discussing.

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

Councilmember Kidd mentioned the new business in town called the Mad Potter. He stated they were previously located in Madeira.

Vice Mayor Pelfrey asked about the status of the land previously used for the Marathon gas station. She would like to see a turn lane expedited there to facilitate the flow of traffic better in the area. Scot Lahrmer stated the tanks have been removed. He said it is necessary for the soil to be remediated and due diligence must be completed. He stated upon closing on the property, the building will be torn down. Richard Fair added utility poles could hinder adding new lanes quickly and the curb cuts will have to be removed. Councilmember McCurley stated a request for additional parking has also been received for that area. Scot stated the street scape plan should be before Council within a month.

Councilmember McCurley congratulated the Mason Football team and Cross Country team.

Mayor Beck mentioned he has attended the County Auditors Association meeting as he has recently been appointed to that organization. He also noted on Veteran's Day there will be a ceremony at the Warren County Administration Building at 11:00 a.m.

Councilmember Osborne thanked Councilmember Grossmann for all of the effort he put into the presidential election.

Councilmember Bradburn asked Richard Fair if the repaving of SR 741 from Parkside has been delayed to the change in plans for that area. Richard Fair responded yes.

**RECOGNITION OF VISITORS** None

**EXECUTIVE SESSION**

A motion to adjourn into executive session for the purpose of discussing land acquisition and personnel was made by Councilmember Bradburn, seconded by Councilmember 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 Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS  
TIME: 9:45 p.m.

  
Clerk of Council

  
Mayor