

**CITY OF MASON  
COUNCIL MEETING  
SEPTEMBER 26, 2005**

Mayor Beck called the meeting to order at 7:07 p.m. Those present recited the pledge of allegiance.

**ATTENDANCE**

The following Councilmembers were present: Victor Kidd, Steve Osborne, Tony Bradburn, Tom Grossmann, Charlene Pelfrey and Peter Beck. John McCurley was absent.

**APPROVAL OF MINUTES**

Councilmember Kidd moved to approve the minutes from the September 12, 2005 Council meeting. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

Vice Mayor Pelfrey moved to approve the minutes from the September 19, 2005 Council Worksession. Councilmember Bradburn seconded the motion. VOTE: ALL YEAS

**FESTIVAL OF MASON FLOAT AWARD PRESENTATION**

Tom Kaper from Festivals of Mason addressed Council and announced the winner of the David Lyons Float Award from the Heritage Festival. Vice Mayor Pelfrey and Councilmember Kidd presented Micky Hammer of Portion Pac with the award.

**DOWNTOWN OVERLAY UPDATE**

Paige Rothstein gave a brief overview of the path the downtown revitalization effort has taken. She explained the goal of incorporating both business and residential into the final concept. She presented a visual of the concept plan that is currently being presented to the public at various meetings. The next public meeting is October 19, 2005 at 7:00 p.m. in the Municipal Building.

**RECOGNITION OF VISITORS**

Meredith Raffle of 5253 Farmridge Way addressed Council and presented an update on the effort to establish a Mason Area Arts Center. She stated it will be created in the next few weeks and will be applying for a 501C3 status. She said 50 volunteers have shown interest in this project and it is their hope to bring the Cincinnati Pops to Mason. She said the Arts Council is a community organization and should be funded by the community. Councilmember Osborne said while the City is receptive to this idea and feels it would add to the quality of life in our area, it should not be interpreted that the City will totally fund this venture. He said the City currently gives modest financial assistance to the Tree

Committee, Mason in Bloom and the Historical Society and he would expect the same could be done for the Arts Council.

**RESOLUTION 2005-14 PROCLAIMING THE WEEK OF OCTOBER 9 TO 15, 2005 AS NATIONAL FIRE PREVENTION WEEK**

Ken Schneider read the ordinance in full.

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

A motion to adopt Resolution 2005-14 was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS.

**ORDINANCE 2005-108 AUTHORIZING AN INCENTIVE GRANT AGREEMENT WITH HEALTH ALLIANCE OF GREATER CINCINNATI IN AN AMOUNT NOT TO EXCEED \$500,000.**

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

Richard Fair stated the applicant has requested this legislation be tabled until November 14, 2005. Councilmember Grossmann moved to table Ordinance 2005-108, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2005-69 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 1.577 ACRES FROM R-1 RESIDENTIAL TO BUSINESS PUD, 1.544 ACRES FROM HT-1 TO BUSINESS PUD WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR WHITE BLOSSOM PUD EXPANSION (WALGREENS); AND TO PROVIDE FOR THE REZONING OF APPROXIMATELY 1.688 ACRES FROM R-1 RESIDENTIAL TO HT-1**

Councilmember Kidd moved to read by title only. Vice Mayor Pelfrey seconded the motion. VOTE: ALL YEAS

Brian Lazor explained to Council, Mr. Nate Stark with Anchor Properties, requests to rezone: (1) 1.577 acres of R-1 Residential District to Business PUD at the southeast corner of the Mason-Montgomery and Socialville-Fosters Road intersection; (2) 1.688 acres from R-1 Residential District to HT-1 High Tech Light Industrial District on the south side of Socialville-Fosters Road, east of the same intersection; and (3) 1.544 acres from HT-1 to Bus PUD located on the east side of Mason-Montgomery Road, south of the same intersection.

He stated the 3.121 acres being collectively rezoned to PUD is being considered as an extension of the White Blossom Business PUD. White Blossom's design standards and restrictive covenants will be used to review the applicants final PUD Plan. The requested 1.688-acre rezoning from R-1 to HT-1 will not be considered as part of the White Blossom PUD extension. The entire Socialville-Fosters Road frontage will be zoned as HT-1 or PUD, if the zoning requests are approved.

Brain explained the plans have changed from the submission of this project since last year, which was denied by Planning Commission and Council. The 50-foot setbacks from the right-of-way have now been included in the project. Previously the parking was set back 25 feet from the right-of-way. The most significant change is the inclusion of common green space in the project. This area has been supplied along the Socialville-Foster road frontage. This area would work well with the green space located in front of the gas station and restaurant in the White Blossom PUD.

He also stated the Planning Commission recommended approval of the concept PUD plan and rezoning by a vote of 5-0 with following conditions:

1. The applicant has provided the required 20% green space, however adjustment of the proposed green space along the eastern property line towards Mason-Montgomery Road would be beneficial as it adds space to the proposed pocket park.
2. Extend the bike path to the southern property line.
3. Building exterior to resemble "Chicago Store" sample as submitted to the Planning Commission during the May 3, 2005 Meeting which includes a fountain.

Brian stated as requested by the Mason City Council, Anchor Properties has submitted a traffic impact study prepared for the proposed Walgreens development located on the southeast corner of Mason-Montgomery and Socialville-Foster Roads. He said there are three intersections within the study area:

Intersection of Mason-Montgomery Road and Socialville-Foster Road (signalized)  
Intersection of Mason-Montgomery Road and West Drive  
Intersection of Socialville-Foster Road and North Drive

Brian reported the intersection of Mason-Montgomery Road and Socialville-Foster Road is currently operating at a Level of Service (LOS) C in the AM peak hour and LOS D in the PM peak hour. The study shows that while the new facility will increase traffic in this area, the intersection will continue to operate at these same levels of service. Therefore, the study recommends no improvements for this intersection.

For the intersections at the western drive and northern drive, the study refers just to the LOS for the vehicles exiting the Walgreens site. The Western drive is a right-in/right-out access with an acceleration and deceleration lane. This drive will provide a LOS A in the

AM peak hour and LOS C in the PM peak hour for vehicles exiting the site. No improvements are recommended for this intersection.

For vehicles exiting the northern drive, there is a LOS D in the AM peak hour and LOS F in the PM peak hour. This drive includes an eastbound deceleration lane for vehicles accessing the site, but does not include a left turn lane. The study has increased the access drive at 36'-0" wide to allow a dedicated right turn out of the site. This would reduce waiting times for vehicles exiting the site, however, it would create a conflict with vehicles exiting the White Blossom access drive.

Mayor Beck continued the public hearing and Bruce McGary addressed Council stated he was representing Anchor Properties. He introduced two representatives from American Consultant Inc. who provided additional information on the traffic study. Richard Fair stated the study revealed Walgreen's would have a minimal impact on the traffic congestion in the area and therefore staff recommends approval. A general discussion took place among Council and Bruce McGary on what Mr. McGary referred to an extra territorial improvement which places a burden on his clients. Richard Fair stated because this is a PUD the can request additional requirements and has consistently done so in the past from other developers. Bruce stated the developer will dedicate additional right of way to widen Mason Montgomery Road. Mayor Beck closed the public hearing at 8:22 p.m. Councilmember Osborne stated his only concern over this project is it is inconsistent with the Comprehensive Land Use Plan. It was clarified the fourth statement on the traffic study comments should state they are agreeing to dedicate a total of 24 feet of right of way. **It was also agreed Council would not require a right turn lane from Socialville Foster Road**

Council member Grossmann made a motion to approve Ordinance 2005-69 to expand the White Blossom PUD to include the Walgreen's site contingent on the Planning Commission conditions and the following four staff conditions based on the Walgreen's traffic study plus requiring the developer to dedicate 24 ft. along Mason-Montgomery Road for future road widening and granting a variance to reduce the setback along Mason-Montgomery Road based on the right-of-way dedication.

1. Reduce the north drive width from 36'-0" to 24'-0" per the City of Mason Entrance Standards.
2. The City of Mason Access Management Regulations require a left turn lane and deceleration lane to be provided at access points along all major arterials. Socialville-Fosters Road in this case.
3. Eliminate the 3' concrete median at the west drive (right-in/right-out) and extend the current median in Mason-Montgomery Road to the north to match up with the end of the acceleration lane. .
4. Add a northbound right turn lane onto Socialville-Foster Road from Mason-Montgomery Road.

Vice Mayor Pelfrey seconded the motion. VOTE: ALL YEAS

**ORDINANCE 2005-104 AMENDING THE ZONING CODE AND ZONING MAP TO PROVIDE FOR THE REZONING OF APPROXIMATELY 5.5 ACRES FROM R-1 TO R-4, LOCATED AT 228 NORTH MASON MONTGOMERY ROAD (COWAN PROPERTY)**

Councilmember Osborne moved to read by title only. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

Brian Lazor explained to Council the owner of the property is requesting rezoning approval for approximately 5.5 acres located at 228 N. Mason-Montgomery Road. The property is more specifically located east of Mason-Montgomery Road, north of E. North Street and south of the Indiana and Ohio Railroad tracks on the north side of downtown. The property is currently zoned R-1, Single Family Residential. The applicant has requested to rezone the property to R-4, Single Family Residential. The R-1 zoning minimum lot size requirements permit 40,000 square foot lots while the R-4 zoning permits 12,750 square foot lots. Brian stated the Planning Commission recommended approval of the rezoning based on the following findings:

1. The land use map for the City of Mason designates this property as Low-Density Residential, which is consistent with R-4 zoning.
2. The requested zoning is compatible with the surrounding properties.

Brian also stated the Future Land Use Map designates the property as “Low Density Residential.” The requested zoning would allow around 3.4 units per acre, which is consistent with the Comprehensive Plan. The plan also calls for “Higher-Density Residential” in the Downtown area. The requested zoning is compatible with the surrounding zoning and serves as a transition between downtown and uses to the north.

Mayor Beck opened the public hearing at 8:40 p.m. Mr. Jeff Benson spoke in favor of the project. Valerie Miller of 106 E. North Street spoke in opposition of the project. She stated the traffic congestion in this area is very bad now. She stated you cannot get onto Mason Montgomery Road at certain times of the day. She also noted the School Bus Garage contributes to the traffic in the area. Richard Fair stated nothing has been submitted yet regarding the access of their project onto Mason Montgomery Road but he said it would be difficult due to the site distance requirement and the flood plain that exists in the area. Frank Miller of 422 Walnut Lane addressed Council and asked what does low density and high density mean. Brian Lazor replied high density is R-6 or R-7 which is condominiums or apartments. Frank Miller said R-4 is 3 times more density than R-1, which means more students in the schools. Mayor Beck closed the public hearing at 8:54 p.m. A general discussion among Council members took place in which is was clarified by Mr. Benson he intends to build 10 or 11 units.

A motion to adopt Ordinance 2005-104 was made by Councilmember Bradburn, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

**ORDINANCE 2005-105 AMENDING THE ZONING CODE AND ZONING MAP TO PROVIDE FOR THE REZONING OF APPROXIMATELY 4 ACRES FROM R-2 TO B-3, LOCATED ON THE EAST SIDE OF STATE ROUTE 741 BETWEEN 4434 STATE ROUTE 741 AND CARMELLE WOODS DRIVE (EVES PROPERTY)**

Councilmember Kidd moved to read by title only. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

Brian Lazor explained to Council the applicant is requesting rezoning approval for approximately 4 acres located at 4434 State Route 741. The property is more specifically located east of State Route 741, north of Carmelle Woods Drive and southeast of Spyglass Hill in the Pebble Creek Subdivision. The property is currently zoned R-2 Single Family Residential. He explained the applicant has requested to rezone the property to B-3, Road Service District. The B-3 district is a commercial district with a minimum lot size of 40,000 square feet and a restrictive setback of 100 feet from any residential district. Brian stated the Planning Commission recommended denial of the rezoning based on non-compliance with the Comprehensive Plan. However, they would consider a B-3, PUD assuming the property is combined with the existing B-3 zoned property. Brian also stated the Future Land Use Map designates the property as "Low Density Residential." The prominent characteristics of low density residential are larger single-family building lots, pedestrian friendly roads, open space, religious institutions, road connections between subdivisions and bikeways. The future land use map shows the future regional commercial designation (which is consistent with a B-3 zoning) only at the intersection of US 42 and S.R. 741, which is north of this site.

Mayor Beck opened the public hearing at 8:55 p.m. Jeff Benson spoke in favor of the rezoning. He stated it is their intent to join this with the other B-3 property in the area and have one parcel of 17 acres with one curb cut. Councilmember Kidd asked him how the owner feels about rezoning to a PUD. Jeff replied at this time he is not interested. Deborah Wright addressed Council and stated she is a resident of the Carmelle Subdivision and does not support this rezoning. She wants to preserve the residential feel of the surrounding property. Luke Weyland stated he will soon be building in Carmelle Subdivision and said he is opposed to the rezoning. He would like to see it remain residential. Mr. Dorn Dalrymple of St. Lawrence Homes addressed Council and stated this rezoning would hurt his home sales in the Carmelle Subdivision. Mr. Bob Hauser stated he resides in Trailside Acres and he wants to see the Carmelle Subdivision be successful as it impacts his property. Mr. Dick Kent of 3942 Granite Court stated he moved in one year ago and checked the zoning of the surrounding property. He said he has small children and is worried the zone change would affect the safety of the area. Mayor Beck closed the public hearing at 9:12 p.m.

A Council discussion followed in which many members stated if this is not consistent with the comprehensive plan and has a negative impact to the surrounding area, they could not support it.

A motion to adopt Ordinance 2005-105 was made by Vice Mayor Pelfrey, seconded by Councilmember Bradburn. VOTE: 5 NAYS, 1 YEA (Kidd) Ordinance defeated.

**ORDINANCE 2005-115 ACCEPTING THE PUBLIC IMPROVEMENTS FOR BIRCHWOOD SOUTH SECTION 6 AND RELEASING THE PERFORMANCE BOND**

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

Richard Fair explained to Council Section 6 is the last section of Birchwood South Subdivision to be accepted. It includes Westfield Court and parts of Running Fox Lane. The delay in accepting this section with the previous sections was due to a flooding issue, which the developer has since corrected. He said the Public Utilities, Public Works and Engineering Departments have inspected the public improvements, with all items being complete. The streets, utilities and other public improvements will become the City's responsibility upon acceptance. He added staff recommends acceptance of the public improvements.

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

A motion to adopt Ordinance 2005-115 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: 5 YEAS, 1 ABSENT (Grossmann)

**ORDINANCE 2005-116 APPROVAL OF THE FINAL PLAT FOR GREENBRIER COMMERCIAL PUD**

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

Richard Fair explained to Council Tom Vanden Bosch of McGill Smith and Punshon, representing One Mason Company, LLC is requesting approval of the final plat for Greenbrier Commercial PUD Subdivision. He stated this subdivision is located northwest of the intersection of Snider Road and Tylersville Road. This development contains a total of four lots on 24.18 acres. Sites, which have been approved for this section of Greenbrier, include the Drug Mart/retail, Tylersville Dental (Equity Property), the Tylersville Retail (northwest corner of stub road/Tylersville) and Office Condos (Lots 3 and 4). This plat is consistent with the approved Final PUD plan and currently approved site plans. He added this plat will dedicate the right of way, utility, sanitary and water easements needed for this subdivision.

Richard stated Planning Commission recommends approval of the final plat contingent on the following:

1. List the "Storm Sewer and Stormwater Detention/Retention Easement" as a private easement.

2. Include a statement referring to the recorded Covenants and Restrictions for the Greenbrier PUD.
3. Provide a name for the road between Thornberry Court and Tylersville Road
4. Increase the radius of the right-of-way to 40'-0" at the intersection of the unnamed road/Tylersville. This is necessary for keeping the proposed traffic signal equipment within the right of way.
5. Included a sidewalk/bike path easement restriction and included a bike path easement for areas where the bike path is located outside the right of way.
6. Obtain the necessary right of way at the corner of Thornberry Court and Snider Road to meet the 2005 Thoroughfare Plan. Currently shown as a sidewalk easement
7. Please submit subdivider's contract and performance bond.

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

A motion to adopt Ordinance 2005-116 was made by Vice Mayor Pelfrey, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2005-117 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TREND CONSTRUCTION FOR THE CONSTRUCTION OF THE HERITAGE OAK PARK AND BIRCHWOOD FARMS DRAINAGE IMPROVEMENTS**

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

Richard Fair stated Ordinances 2005-117 and 118 are regarding the same project which is construction of the Heritage Oak Park and Birchwood Farms Drainage Improvements. The first project is Heritage Oak Park where Richard explained, during an inspection, the Heritage Oak Park box culvert showed signs of severe structural cracking and buckling of the floor. The culvert drains a 480-acre watershed and is located within Muddy Creek Branch No.1. During a 100-year storm event, the culvert has approximately 11 feet of backwater behind it. With 15 to 20 feet of existing fill located above the existing culvert, if this structure were to collapse, severe flood damage could result upstream of the culvert. Along with the poor condition of the culvert, severe erosion is causing trees to fall and block the stream.

He stated the second project is Birchwood Farms. As part of the Mason Road widening project, engineering design included two phases of construction. This first phase of construction includes improvements to the drainage channel located just east of Birchwood Farms Drive. This improvement takes into account the expanded roadway and storm sewer system improvements expected with the future widening of Mason Road.

Richard said three bids were receive for this project with the lowest and best bid coming from Trend Construction. He stated Ordinance 2005-117 authorizes a contract with



Trend Construction in a not-to-exceed amount of \$764,078.25 for construction of the Heritage Oak Park and Birchwood Farms Drainage Improvements. He also stated Ordinance 2005-118 authorizes the City Manager to enter into a contract with Fuller Mossbarger, Scott & May in a not-to-exceed amount of \$25,095 for the construction administration; embankment inspection and testing required during construction of the Heritage Oak Park and Birchwood Farms Drainage Improvements. Their work includes shop drawing review as well as contract administration and all testing.

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

A motion to adopt Ordinance 2005-117 was made by Vice Mayor Pelfrey, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2005-118 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FULLER, MOSSBARGER, SCOTT & MAY ENGINEERS, INC., FOR THE EMBANKMENT AND CREEK INSPECTION AND MATERIAL TESTING SERVICES FOR THE CONSTRUCTION OF THE HERITAGE OAK PARK AND BIRCHWOOD FARMS DRAINAGE IMPROVMENTS**

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

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

A motion to adopt Ordinance 2005-118 was made by Councilmember Grossmann, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2005-119 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 7.8 ACRES LOCATED AT 3920 US 42 FROM R-1 TO I-1 AND APPROXIMATELY 1.68 ACRES LOCATED AT 3960 US 42 FROM B-3 TO I-1 (CITY OF MASON PROPERTY)**

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

Mayor Beck stated a public hearing will be held on November 28, 2005 regarding this legislation.

**CITY MANAGER'S REPORT**

Richard Fair , acting City Manager, commented on the following items:

The Public Works Department will be conducting its annual leaf pick-up program from Monday, October 10 through Friday, December 16. Bright orange and black temporary signs will be posted at the entrances to each neighborhood at least two days prior to leaf collection.

A Council work session is scheduled for Monday, October 3 at 6:00 p.m. The meeting will be held at the Mason Municipal Center and will include dinner.

Richard Fair reported a request for a liquor permit has been received by the City for Thorntons Inc. located at 1030 Reading Road. Councilmember Bradburn moved to not require a hearing. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

#### **COMMITTEE REPORTS** None

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

Councilmember Kidd stated there is a new business in town that does very good work and he would encourage others to try them. He said Advantec is the name of the company.

Vice Mayor Pelfrey stated she is frustrated Council, in her absence, did not pass the authority to proceed with the "Trees of Mason" art work that was planned for the wall in the lobby of the City Building. She said she had spent 5 to 6 months on this project and taken up much time with the vendor. She stated she had mentioned it numerous times to Councilmembers with no negative feedback and was frustrated it was defeated.

Vice Mayor Pelfrey read an article that had appeared in the newspaper honoring Mayor Beck for being recognized by the Ohio Society of CPA's for his public service.

Mayor Beck stated he would like to appoint Derek White of 4046 Ivygrove Lane to the Zoning Board of Appeals. Vice Mayor Pelfrey moved to approve the appointment, seconded by Councilmember Bradburn. VOTE: ALL YEAS

Mayor Beck reported on a sports complex that he has been discussing in meetings with the Warren County Commissioners. He said phase 2 of a study is due in October. He also stated he continues to participate in the reading program at the library. He said he has received a request to rename the alley by the Peoples Building and Loan Savings "Ruth Chesney Way". Council unanimously agreed to the request.

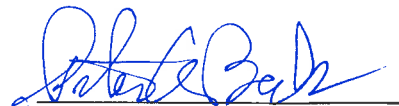
#### **RECOGNITION OF VISITORS**

Perry Schwartz addressed Council and asked if there was any way a resident could have some input into the selection of the capital improvement projects. Mayor Beck replied they are discussed at worksessions, which are public meetings. He also said he could contact the City Manager.

**ADJOURN**

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Grossmann. VOTE: ALL YEAS TIME: 9:45 p.m.

  
Clerk of Council

  
Mayor