

**CITY OF MASON  
COUNCIL MEETING  
MAY 8, 2006**

Mayor Pelfrey called the meeting to order at 7:05 p.m. Following a prayer by Rabbi Kalmanson, those present recited the pledge of allegiance.

**ATTENDANCE:**

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Matt Kline, Todd Wurzbacher, Tom Grossmann and Charlene Pelfrey.

**APPROVAL OF MINUTES**

A motion to approve the minutes of the April 24, 2006 Council meeting was made by Councilmember Kidd, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

**PRESENTATION BY WARREN COUNTY PROSECUTOR RACHEL HUTZEL**

Warren County Prosecutor Rachel Hutzel presented to Council an update on the efforts of the Prosecutor's office. She distributed reports illustrating the types and number of crimes in which her office has been actively involved.

**RECOGNITION OF VISITORS**

Lori Shutrump of 5347 Wheatmore Court addressed Council and thanked the Fire Department for their quick response to a fire in her home. She stated the house had been struck by lightning and that was the cause of the fire. She said the personnel risked their lives and she was proud of them and proud to live in Mason.

Tom Plummer of 7390 Village Drive spoke representing several residents present from Mason Christian Village. He expressed confidence in Scot Lahrmer as City Manager. He said he was unhappy about what was being reported in the papers regarding his contract. He said Scot meets monthly with the residents and keeps them informed. He said his information is always factual and honest. He concluded by saying he hopes Council renews his contract.

Leslie Peters of 6298 Fairway Drive addressed Council and stated she is disappointed by how Mr. Lahrmer is being treated. She requested Council be public with the specifics and give Scot an opportunity to address the issues. She also stated the contract should be longer than one year.

Brian Grismer, Mason Municipal Court Representative, thanked the City for their participation in "Law Day". He said he has received a lot of positive feedback.

**RESOLUTION 2006-03 COMMENDING ROD RUSSELL FOR HIS DISTINGUISHED SERVICE TO THE CITY OF MASON, OHIO**

The resolution was read by Eric Hansen.

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 2006-03 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

**RESOLUTION 2006-04 PROCLAIMING THE WEEK OF MAY 14-20, 2006 AS EMERGENCY MEDICAL SERVICES WEEK**

The resolution was read by Eric Hansen.

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

A motion to adopt Resolution 2006-04 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2006-37 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 28.5 ACRES FROM HT-1 TO INDUSTRIAL PUD WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED AT THE WEST END OF COMMERCE COURT (PRASCO)**

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

Brian Lazor reported to Council that Cincinnati United Contractors, Inc. is requesting a concept PUD plan and rezoning approval so they can construct the corporate headquarters for Prasco Laboratories on 28.55 acres located at the west end of Commerce Court. The plan includes one main multi-story office building with associated warehouse totaling 145,000 square feet. A future 70,000 square foot addition is also proposed. Two additional 24,000 square foot buildings are shown and proposed to house a sports rehabilitation clinic and a high-tech business. Brian stated greenspace on the site totals approximately 44% including a running/walking track with associated field and a baseball field. In phase 1, a baseball field is proposed at the southern end of the site. Brian said the corporate culture of the company focuses on health and exercise, which is exemplified in their proposed facility. He added a fence also is shown to encompass the entire property.

Brian reported the Planning Commission recommended approval of the concept PUD plan and rezoning with following conditions:

1. The 2005 Thoroughfare plan calls for the extension of Commerce Court across the railroad tracks to the west and end in a connection to Castle Drive in the Castle Park Industrial Subdivision. The applicant is requesting a variance from this requirement.
2. Please add the required 50-foot setback along the right of way for Commerce Court and remove it from the open space calculations. The "Required Setback Area" and "Open Area" labels in the key are reversed.

Brian also reported the after concluding a review of the project, staff believes the property is divided into four separate lots with access onto Commerce Court. The proposed Industrial PUD would allow the development to be more creative in design and more flexible with regulations. The comprehensive plan indicates this area as Business Park, which supports this concept plan. The requested zoning is similar to the zoning that is in place on site; therefore impacts of a new development should be equal to what is permitted on site now. Parking calculations show that there is enough space to accommodate the required number of spaces for this development.

Brian reported a group of people attended the Planning Commission meeting to express their opinions about the locations of the buildings, buffering, lighting and traffic. He said Planning Commission will address many of the concerns during the final PUD review. One of the main concerns brought up by residents and business owners is the amount of traffic that is currently on Snider Road and the increase that this campus will bring. Staff is recommending that the applicant perform a traffic study for the final PUD, which would help determine if any improvements will be needed at the Commerce Court and Snider Road intersection.

Mayor Pelfrey opened the public hearing at 7:40 p.m. Jay Ritter with the development team, addressed Council and spoke in favor of this project. He stated Prasco has outgrown their existing location and will comply with the comments from Planning Commission. Beverly Massey, President of Issac Fluid Power, spoke in favor of the project. She stated one concern they have is if Prasco leaves the site in the future, would the site remain a PUD. Brian Lazor replied, the site would remain in a PUD and acceptable uses will be listed. Lee Faulk of 6342 Trailwood Court addressed Council and stated she lives in the residential development adjacent to this project. She requested an exaggerated buffer and a nice fence be installed instead of a chain link fence. She said they have been meeting with residents but would not be able to state what fence would be selected until the final plans were completed. Jay Ritter responded they have met with residents. He said there is a 75-foot setback required on the building. He added a wood slat fence instead of a chain link is what they are considering. He said he knows they must provide a six foot screen. Brian Lazor said the code requires a six-foot screen. He said Planning Commission has the ability to require a berm and a fence if they desire. He added Council's approval could be contingent on Planning Commission review the buffer requirement. Joe Johnson of 6296 Trailwood Court stated he would like to request a mound and trees rather than a fence. Judy Vanerheust of 6230 Trailwood Court addressed Council stated she also prefers a berm and trees over a fence. She also asked what materials will be used on the building. Jay Ritter stated there will be no metal siding facing the residential district. He read a letter sent to the residents. He also said mechanical equipment will be screened from the roof top view. He noted those changes are not included in the concept plan before Council tonight. Mr. Ritter

stated a fence is required for this firm for security reasons. Mayor Pelfrey closed the public hearing at 8:00 p.m.

A general discussion took place among Councilmembers and it was determined Planning Commission should have the ability to decide the details on the mounding and fence. Richard Fair noted a six-foot fence will not screen a 90 foot building. He stated a fence should be on top of a mound so people could not climb the fence. He recommended the building material be included in any amendment or condition. Jay Ritter stated Prasco is not interested in mounding because some of the residents mentioned drainage problems and that might increase the problem. Mayor Pelfrey stated Planning Commission will have the authority to address these issues.

A motion to adopt Ordinance 2006-37 was made by Councilmember Kidd, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

**ORDINANCE 2006-54 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH GEORGE, ROBERT AND DONALD EBERHARD FOR THE ACQUISITION OF PROPERTY AND EASEMENTS LOCATED AT 4753 SOCIALVILLE-FOSTERS ROAD, MASON, OHIO AND DECLARING AN EMERGENCY**

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

Richard Fair explained to Council on November 2, 2004, a site and landscape plan was approved for an office development on the Eberhard Farm. One condition of the approval was for the developer to dedicate right-of-way to comply with the Thoroughfare Plan. Richard stated the developer has still not closed on the property and has recently delayed the closing to on or before September 1, 2006. It is now necessary to acquire a portion of the Socialville-Fosters Road frontage to construct the Socialville-Fosters Road Improvement Project, which is why an emergency clause has been added to the ordinance. Richard reported the right-of-way acquisition consists of a 5' wide strip of property (0.079 acres) along the road frontage, 0.166 acres of temporary easement and 0.005 acres of storm sewer easement. The Eberhards have agreed to the amount of \$14,764 for the right-of-way and easements, which is based on an appraisal that is 4 years old.

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 2006-54 was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2006-55 APPROVAL OF THE EASEMENT PLAT FOR FALLING BROOK SUBDIVISION**

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 owner's representative is requesting approval of the easement plats for Falling Brook Subdivision. The subdivision, zoned R-6, is located between Fairway Drive and the Grizzly Golf Center. He stated the Falling Brook easement plat, Ordinance 2006-55, will dedicate the on-site utility, access and waterline easements needed for this subdivision. Richard said this plat is consistent with the site plan approve by Planning Commission on May 3<sup>rd</sup>, 2005.

He further explained the Falling Brook off-site waterline easement plat, Ordinance 2006-56, provides the easements required by Greater Cincinnati Waterworks. This plat includes the dedication of a twenty-foot wide waterline easement from The Greenery to the Falling Brook Subdivision. Richard said the purpose of this easement is to provide a secondary source of water for this subdivision.

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

A motion to adopt Ordinance 2006-55 was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2006-56 APPROVAL OF THE OFFSITE WATERLINE EASEMENT PLAT FOR FALLING BROOK SUBDIVISION**

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

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

A motion to adopt Ordinance 2006-56 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2006-57 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SPECTRA CONTRACT FLOORING FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT**

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

Scot Lahrmer reported to Council the small playground at Corwin Nixon Park is over 11-years old and needs to be replaced due to its small size and incompliance to current safety standards. City Council approved the purchase of the playground equipment through the US Communities joint purchasing program for \$100,184 at the April 10 City Council meeting. Included in the 2006 capital budget is \$169,000 for playground replacement at Corwin Nixon Park. Scot stated Ordinance 2006-57 is the last

step in the process to replace the Nixon Park playground, which includes installation of the playground already purchased by the City and the installation of the pour-in-place rubber surfacing. Scot further stated the City did solicit proposals to install the playground equipment and pour-in-place safety surfacing by certified installers and received one bid. If this ordinance is approved by City Council, the total costs of this playground project will be just under the \$169,000 amount budgeted. Scot said if approved, installation is expected to begin later this month and may be installed in time for the Red, Rhythm & Boom celebration on July 3rd.

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 2006-57 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2006-58 ADOPTING THE REVISION, CODIFICATION, RECODIFICATION, REARRANGEMENT AND PUBLICATION OF THE ORDINANCES AND RESOLUTIONS OF THE CITY OF MASON, IN BOOK FORM, FOR THE CURRENT SUPPLEMENT**

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

Scot Lahrmer stated a public hearing on this legislation would take place at the May 22, 2006 Council meeting.

**CITY MANAGER'S REPORT**

- ◆The next DARE Graduation is scheduled for Thursday, May 11 at 9:30 a.m. at St. Susanna. Council is invited to attend.
- ◆The Citizens Police Academy will graduate its class on Thursday, May 11 at The Courseview Restaurant at the Golf Center beginning at 7:00 p.m. Council is invited to attend.
- ◆The Community Press has assigned a new reporter, Rob Dowdy, to cover events in Mason. He is planning to attend the May 8 Council meeting.
- ◆The Police Department's re-accreditation concluded last week. The assessment went extremely well and the final report will likely note that our Police Department is in compliance with all applicable standards. This is quite a compliment to the City and an affirmation of the standards that our Police Department practices. Final word on our re-accreditation will occur in July.
- ◆A request for a liquor permit has been received from Trans State Development LLC located at Kings Mills Road ¼ mile West of Courseview Drive. After a general discussion, it was agreed the City would like more information on this request and will act on it at the next council meeting.

## **COMMITTEE REPORTS**

Vice Mayor Grossmann reported the Finance Committee met with the Treasurer of the Mason City Schools to discuss tax abatements. He reported it was a good meeting and some of the information given to Council from Rick Inskeep was not accurate. He also stated the meeting was an open meeting but unfortunately Mr. Inskeep was unable to attend. He reported the calculation for tax abatements are complicated but the schools are satisfied with the way they are being handled. He said the bottom line is increased tax revenue to the City and the schools.

Councilmember Kline stated there will be a meeting on Tuesday night at 7:00 p.m. for the Downtown Committee. It will be held at the municipal building.

Councilmembers Osborne reported the Ad Hoc Committee of Council reviewing the Community Center operations has received information. He said they need time to review the data. Another meeting will be scheduled and Mr. Miller will be invited to attend. He also stated a contract has been awarded to a local company to provide food for the city refreshments areas.

## **COUNCIL OLD AND NEW BUSINESS**

Councilmember Osborne reported the admissions tax previously mentioned by a Councilmember is just an idea and the Finance Committee, which he serves on, has no immediate plans to research it. There have been no conversations on it to date. He said if that changes, the City's business partners would be included.

Councilmember Bradburn addressed the addition to the budget for the Mason Sports Park. He said it is something he would like to discuss before the final decision is made. He suggested the next Council meeting it be addressed.

Mayor Pelfrey asked Council their preference for moving ahead on the proposed crosswalks by the ball fields at the school. Councilmember Bradburn, Chair of the Safety Committee, stated the City should proceed with the installation.

Mayor Pelfrey noted the number of Volunteers that assist the City with various duties exceeds 50,000 hours per year. She noted she assisted with Law Day and the Mayor's Prayer Breakfast. She also noted she has met with the Great Wolf Lodge officials and the Deerfield Township officials.

**RECOGNITION OF VISITORS** None

## **EXECUTIVE SESSION**

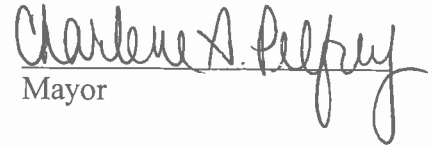
A motion to adjourn into executive session for the purpose of discussing land acquisition was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

A motion to reconvene into regular session was made by Councilmember Bradburn, seconded by Vice Mayor Bradburn. VOTE: ALL YEAS

**ADJOURN**

A motion to adjourn was made by Vice Mayor Grossmann, seconded by Councilmember Kidd.  
VOTE: ALL YEAS  
TIME: 9:30 p.m.

  
\_\_\_\_\_  
Clerk of Council

  
\_\_\_\_\_  
Mayor