

**CITY OF MASON
COUNCIL MEETING
MAY 22, 2006**

Mayor Pelfrey called the meeting to order at 7:10 p.m. Those present recited the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Victor Kidd, Steve Osborne, Matt Kline, Todd Wurzbacher and Charlene Pelfrey. Tom Grossmann joined the meeting at approximately 8:00 p.m. Tony Bradburn was absent.

APPROVAL OF MINUTES

A motion to approve the minutes of the May 8, 2006 council meeting was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to approve the minutes of the May 15, 2006 special council meeting was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

SWEARING IN OF TAX BOARD OF REVIEW MEMBERS: ANEITA ZOUTENDAM AND LARRY MITCHELL

Mayor Pelfrey introduced Aneita Zoutendam and Larry Mitchell as the new members of the Tax Board of Review, and presided over the oath of office.

PRESENTATION OF AWARD BY MARINE SGT. BULLARD TO RALEIGH WILSON

Marine Sergeant Bullard presented the NROTC Scholarship award valued at \$150,000 to Mason high school senior Raleigh Wilson. He will be attending Miami University in the fall and be in officer training school.

RECOGNITION OF VISITORS

The following residents spoke in favor of retaining Scot Lahrmer as City Manager: Jim Fox, Donna Ryan, Carl Boltz, Tom King, Tom Plummer (representing the residents of Mason Christian Village), Patti Connor (representing employees) Dick Staten, Bill Girton, Harold Johnson, Ingrid Gutierrez and Ashley Chance. They cited many reasons including his past performance, the dignity with which he serves and his leadership skills.

Rick Inskeep addressed Council and said he was unable to attend the meeting with the Finance Committee to discuss tax abatements. He said his figures were obtained from the information available at the County Auditor's office. Councilmember Osborne said many of Mr. Inskeep's questions were answered at the Finance Committee meeting. He said both the schools and the

city are satisfied with the process that is in place. He offered to meet with Mr. Inskeep and go through the information with him.

Mr. Frank Miller addressed Council and stated any revenue generated from an admissions tax could be placed towards the debt on the Community Center and rates could be lowered. He said it would be a great use of the proceeds.

Councilmember Kidd addressed Council and the residents present and stated he would like to make a statement of support for the Mayor. He apologized for any unintentional hard feelings his previous actions or statements might have caused. He said he realizes the issues before Council can be very difficult. He added the Mayor works very hard for the City and he feels she does a great job. He also said disagreements exist but all members of Council work for the best for Mason.

Mayor Pelfrey thanked Councilmember Kidd for his comments and read article 5 of the Charter that states it takes 5 votes of Council to remove the City Manager. She also noted Section 2D and Section 7A of the Charter which explain how Council has conducted themselves to be in complete compliance with the Charter and Scot's current contract language. Scot said he has enjoyed working for the City of Mason and explained the process his contract dictates must be followed.

RESOLUTION 2006-05 PROCLAIMING MAY 22-26 AS NATIONAL PUBLIC WORKS WEEK

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

A motion to adopt Resolution 2006-05 was made by Councilmember Kidd, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

RESOLUTION 2006-06 COMMENDING PUBLIC UTILITIES SUPERINTENDENT ERNIE STICKLER ON HIS DISTINGUISHED SERVICE

Eric Hansen read the Resolution.

Mayor Pelfrey recognized Ernie Stickler and thanked him for his service to the City.

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

A motion to adopt Resolution 2006-06 was made by Councilmember Kline seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2006-53 APPROVAL OF A REVISED CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED BETWEEN STATE ROUTE 741 AND COX-SMITH ROAD (GLIMCHER)

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

Brian Lazor explained to Council the Glimcher Development Corporation of Columbus, Ohio is requesting a major modification to a previously approved concept plan for a Business PUD located on the north side of State Route 741 near the Kroger Shopping Center. The original PUD encompassed 208 acres of land on both the north and south sides of SR 741. The revised PUD is roughly one-third the size of the original at 69.13 acres. The original City Park and Park Center development included 1.27 million square feet of retail including a lifestyle center on the north side and power retail center on the south side of SR 741. The plan also included offices and hospitality uses. The revised PUD now includes roughly 350,000 square feet of retail located in a power strip center with associated outlots for retail and restaurants along with a proposed residential development.

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

1. Address TEC's traffic engineering issues in their letter dated 3/15/06.
2. The conditions that warranted four traffic signals on City Park/Park Center PUD plans no longer apply due to the reduction in size of the development. Consolidate the proposed and existing traffic signals on S.R. 741 pursuant to the City of Mason Access Management Standards Section 1115.7. Section 1115.7 requires 1,500 feet of separation between signalized intersections on major arterial roads. Provide an access easement on a revised plan to accommodate traffic movements to and from Kroger and adjacent businesses.
3. Make improvements to Cox-Smith Road by upgrading it to Collector Road standards.
4. Combine the two access points for the residential area into one. The eastern entrance point on Cox-Smith cannot be permitted that close to the bend in the road.
5. Revise the access easement to the future parcel so the proposed access comes off of the loop road or adjacent property. Add a note on the plan indicating that no access to this parcel will be provided directly from SR 741.

DESIGN

1. The applicant has been willing to meet the architectural guidelines that staff has requested for the development. The architectural design of the lifestyle component generally meets the intent of the requested design standards. However, the elevation of the large retail store (Target) on the other hand does not fit in with the rest of the development. Revisions are needed to articulate the façade to be more compatible with the architecture of the lifestyle component. It has been the City's goal from the beginning of Glimcher's involvement in Mason that all anchor stores are designed to the highest quality standards that result in a unique and one-of-a-kind development.

2. Revise the plan to make provisions for office development in the retail area, which will provide for the displaced future Business Park shown in the Comprehensive Plan.
3. Limit the density of the residential phase to 4 units per acre.
4. Design the development to take advantage of existing contours and topography to provide variation in the building line form.

CIRCULATION

1. Revise the parking lot design to limit the amount of access on the main access aisles and break up the parking fields with several large green spaces.
2. The applicant may pay a fee-in-lieu for the required ten-foot wide asphalt bike path, but must provide cost estimates for planning, design and construction of the facility. The applicant may also elect to include the construction of the path in the plans.
3. Include sidewalks on both sides of the main entrance road and a sidewalk on the east side of the westernmost access road.
4. Provide two internal walkways/paths that provide safe pedestrian access from the SR 741 road right-of-way to the Target store and the lifestyle component. All walkways shall be elevated or consist of different colors and textures such as brick pavers or stamped concrete.

GENERAL

1. Verify the land area calculations provided on Drawing SP 05A. By our calculations, and sheet EC 01, the area of the entire project including phase 2 is 69.13 acres.
2. Remove the PUD perimeter setbacks from the open space area calculations per Section 1161.6 of the Zoning Ordinance.
3. Label the setbacks along the property lines: 50 foot from the right-of-way, 20 from commercial and 100 from residential.
4. Remove floodplain, detention pond, and existing pond areas from the open space calculations unless site amenities are provided in such areas such as paths, plazas, and pedestrian furniture or similar other treatment compliant with Section 1161.6.
5. Mason Commons has already been used as a Subdivision name in the City of Mason; please revise accordingly.
6. If the dotted lines to the east of the proposed department store are for a building expansion, this must be labeled on the plan as this may interfere with traffic circulation and stormwater management.
7. Staff recommends placing use restrictions on the out parcels located adjacent to Kings Mills Road. Out parcel development has a tremendous impact on the overall quality and desirability of any retail development. Further, many convenience and automobile related uses are currently located on Kings Mills Road. As such, the following uses should be restricted:
 - a. Restaurants with drive through facilities
 - b. Convenience food stores
 - c. Garden supply with outdoor display or storage
 - d. Adult oriented business
 - e. Fraternal and social organizations
 - f. Commercial indoor or outdoor recreation
 - g. Vehicle sales

- h. Automobile repair and body shops
 - i. Vehicle storage
 - j. Gas Stations
8. Two minor comments: Drawing SS 01 references a "cinema" in the title block and drawing SS 01 Section C-C labels a buffer yard as "Parking Area."
 9. Perform a traffic volume and speed study on Fairway Drive including traffic projections and recommended traffic calming measures (added at the Planning Commission meeting).

Brian explained the Comprehensive Plan allows for Community Commercial and Business Park development on the site. The plan is in general conformance with the Comprehensive Plan, but lacks the Business Park development, which has been replaced with residential condominium units on the northern property edge. The new plan shows 68 residential units, which do not connect to the retail center and only have access onto Cox-Smith Road. Higher density residential is often considered an appropriate buffer between single family and commercial developments.

He stated if the concept plan is approved, the applicant will need to submit a final PUD plan to the Planning Commission that addresses items such as: road and building design; landscaping, buffering and mounding; traffic impact; signage; lighting, open space amenities; covenants and restrictions and specifically:

1. A ten-foot wide landscaped buffer strip must be included between the buildings and parking areas.
2. Reduce the light intensity at the property perimeter to a maximum of 0.5-foot candles.
3. Parking lot perimeter and internal landscape islands shall be delineated with concrete curb.

Mayor Pelfrey opened the public hearing at 8:28 p.m. There were no comments in favor of the development. Mr. Richard Miller of 4546 Estate Court addressed Council and spoke in opposition to this development as it adds to the congestion and traffic already a problem in this area. He said he is an engineer and works occasionally with ODOT and he said they will not automatically fix the roads. He said it will come out of the taxpayers pockets. He stated he teaches at UC and he feels if we want Mason to remain a good place, we need to say no to some of this development. He also noted a traffic impact study contains lots of variables that allow you to come up with many different numbers. He concluded that if a development makes a problem with roads they should be made to correct it at their expense. City Engineer Richard Fair stated any impact the developer has on a road, they are expected to pay for an improvement. This does not include fixing a current problem. Vice Mayor Grossmann said some of the public is in favor of development. He said that can be what creates the traffic problem because a lot of people come to the development because they like it. Charlie Maxim of 3281 Palomino Trail addressed Council and asked what the developer's reaction has been to the requested conditions. Richard Fair said they are in agreement with all but two of the conditions. That is the removal of the 90-degree turns on Cox Smith Road and the appearance of the front of Target. Fred Darlington of Peoples Community Bank addressed Council and said the development is substantially different than originally proposed. He requested their parcel be included in the B-3 zoning not the O-1. Richard Fair said B-3 is agreeable with staff if they prefer it. Ken Schneider said Council can amend this ordinance to reflex the change to B-3. Perry Schwartz of 6309

Tartan Fields Lane addressed Council and wanted to make certain Fairway Drive is included in the traffic study. He requested an alternate road be placed on the comprehensive plan and request the study look at how that would impact the traffic in this area. Richard Fair said Fairway Drive will be included in the calming study but a recommendation will not be made to extend Fox Field Drive. He added the city can have the study look at the impact of an alternate route. Ed Lyon of 6178 Fairway Drive said traffic will increase and this is a residential area. Scot Thomas of 4929 Mustang Trail addressed Council and said Cox Smith Road needs to be widened and straightened. He also noted the access to SR 741 is difficult now. Brain Lazor said Cox Smith Road will be upgraded to a two lane road with a standard width. TEC representative Ed Williams noted the study is not complete and they are looking into a signal. Charlie Maxim clarified that if the developer does not comply with the City's conditions, they would be denied? Brian Lazor explained it would go to the Planning Commission for approval. He said if the plan changes, and deemed a major alteration, it would come back before Council. Mayor Pelfrey closed the public hearing at 9:10 p.m.

Council discussion included Councilmember Kline asking for a clarification on the R-6 area. Councilmember Osborne stated he would like to see more issues resolved before taking a vote on this legislation. He asked for clarification on the traffic signals. He said he felt the tenants there now will not be supportive of removing a traffic signal in front of Krogers. He asked why the development has changed so much from the initial design. Brain Lazor stated Glimcher felt the market would not support the original plan. They were unable to secure the tenants they wanted. Councilmember Osborne also clarified if the conditions are not met it must return to Council if it is a major change. Brian said a PUD is a contract between the developer and the City. Ken Schneider confirmed that statement.

A motion to adopt Ordinance 2006-53 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 Kidd, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

Eric Hansen stated as required in the City's charter, it is necessary to periodically have the City's ordinances codified. This accounts for new matter or revisions adopted by Council as well as revisions in other ordaining legislation such as the Ohio Revised Code. The codification was last updated in May 2005.

A motion to adopt Ordinance 2006-58 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-59 AUTHORIZING THE ACCEPTANCE OF THE GRANT OF UTILITY AND DRAINAGE EASEMENTS FOR THE ASHLEY PLACE/HOSEA WOODS PARK DRAINAGE IMPROVEMENT PROJECT BY THE CITY MANAGER

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

Richard Fair explained this legislation authorizes the city manager to accept the Utility and Drainage easements for Lots 99 and 100 of Ashley Place Section Three and Lot 40 of Coddington Reserve Phase IV required for the performance of work necessary in the construction of the Ashley Place/ Hosea Woods Drainage Improvements. He stated over the past several years, staff has been working with several residents in the area where Hosea Woods backs up to Ashley Place and Coddington Reserve subdivisions to alleviate standing water and drainage concerns. Stormwater from the Hosea Woods area is draining into the backyards of residents into an undefined drainage swale and eventually into the storm sewer system in Angeline Lane. Earlier this year staff developed a cost estimate, ranked this project in the Capital Improvement Project (CIP) listing and worked with the residents to design a solution. Richard said this project consists of installing four catch basins, storm sewer and a defined swale to handle the water more effectively. Construction will begin shortly after the easements are accepted. He added Engineering staff has been working with the three property owners adjacent to Hosea Woods and have acquired all necessary easements at no cost to the City.

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

A motion to adopt Ordinance 2006-59 was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

ORDINANCE 2006-60 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 9.1 ACRES FROM B-PUD TO O-1 (PEOPLE'S COMMUNITY BANK PROPERTY), 55.7 ACRES FROM B-PUD TO B-3 (SPORTS EXPRESS LTD, J G HANCOCK LIMITED AND KINGS MILLS FARMS PROPERTY) AND 9.2 ACRES FROM B-PUD TO HT-1 (SEE IDEAS AND COURSEVIEW PARTNERS PROPERTY) ALL LOCATED ON THE NORTH AND SOUTH SIDES OF STATE ROUTE 741 GENERALLY BOUND BY COX-SMITH ROAD, COURSEVIEW DRIVE AND BEACH BOULEVARD (SR 741 PROPERTY)

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

Scot Lahrmer stated the public hearing for this legislation would be held on June 26, 2006 at approximately 7:05 p.m.

COMMUNITY REINVESTMENT AREA #10 SCION COMPANIES DBA PRASCO LABORATORIES

Michele Blair stated this company is seeking a location for their corporate headquarters campus at the Mason Commerce Park on Commerce Drive. Scion is a holding company that includes Prasco Laboratories, Hampton Laine, ST International, ST Technologies, Ignition and the Arington Family Foundation. Each of these entities under Scion specializes in operations connected to the healthcare industry. Prasco Laboratories is the primary business unit within the company and is a leader in sales and marketing of multi-source pharmaceutical products. Prasco has a mission to become the dominant multi-source pharmaceutical company in the world through their expertise in market leadership in authorized generics. She stated recruitment of this company will further strengthen our efforts toward attracting healthcare industry investments and present an opportunity to expand our knowledge and relationships within the life science and pharmaceutical industries.

Michele explained Prasco, has been looking over the past year for a new home to locate the company campus to accommodate current operations and plan for future growth. The company's \$12 million facility will house a 75,000 square foot multi-story corporate office, a training facility, and pharmaceutical warehouse operations. The development will bring over 200 new jobs with a projected payroll of \$18.6 to the City of Mason within a three to five-year period. The 28-acre campus would allow the company to expand up to 300% from its current 54,000 square foot facility to over 200,000 square feet as company growth occurs. The initial construction is 145,000. The campus would also incorporate locations for two additional 24,000 square foot facilities and expansion of the existing facility to be built as the company charts its growth. Michele stated it is the recommendation of the Economic Development Committee to approve an abatement under the Community Reinvestment Area Program a 100% of real property improvements for 10-years on the value of the new building expansion 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 Kidd moved to approve this recommendation. Councilmember Wurzbacher seconded the motion. VOTE: ALL YEAS

CITY MANAGER'S REPORT

- ◆ The final DARE graduation for this school year will take place on Wednesday, May 31 at 7:00 p.m. at the Mason Middle School auditorium. Council is encouraged to attend.
- ◆ The Lou Eves Municipal Pool will open for its 11th season on Saturday, June 3 at noon and will continue daily operation until September 4 from noon to 9:00 p.m. The pool will be closed on July 3.
- ◆ The 12th annual Sunshine Concert Series begins in Pine Hill Lakes Park on Sunday, June 11. This year, the concerts will start and 6 p.m. and end at 8 p.m. The first concert will feature Hot Wax.

◆ The meeting schedule for the Design and Review Board has been cancelled.

◆ A request for a liquor permit has been received from Trans State Development LLC at a location on Kings Mills Road ¼ mile W of Courseview Drive. Scot Lahrmer stated the only information that was supplied is this is part of the Glimcher property and no specific restaurant is noted. Councilmember Kline moved to not require a hearing. Councilmember Wurzbacher seconded the motion. VOTE: ALL YEAS

COMMTTEE REPORTS

Councilmember Kline noted a Downtown meeting will be held at 9:30 a.m. on Thursday May 25, 2006 at 9:30 a.m. in the city building.

Councilmember Wurzbacher noted the Economic Development Committee of Council will be meeting at 7:30 a.m. that same day at the city building.

COUNCIL OLD AND NEW BUISNESS

Councilmember Osborne requested Ken Schneider look into the matter and secure a financial report on the Mason Veteran's Memorial. He said the City has loaned funds to build the project and he has not seen a report indicating the expenses and donations received. He said he is preparing to pay his pledge to the memorial fund but would like to first make certain the payments are being allocated as intended. He ask Ken to report backing two weeks.

Mayor Pelfrey stated she has been involved in numerous activities throughout the community including St Suzanne's DARE graduation to Cincinnati Fan's 50th Anniversary. She also noted the Memorial Day Parade is scheduled for 10:00 Monday.

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 Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

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

Mayor Pelfrey stated Ordinance 2006-61 will be added to the agenda.

ORDINANCE 2006-61 AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF MASON AND SCOT F. LAHRMER FOR COMPENSATION AND BENEFITS RELATED TO HIS SERVICE AS CITY MANAGER, ACCEPTING HIS RESIGNATION AS CITY MANAGER, AND DECLARING AN EMERGENCY

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

Councilmember Kline stated he is opposed to how this is being handled with no public present.

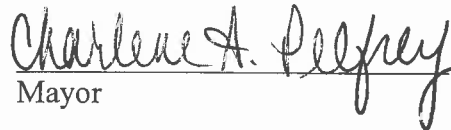
A motion to suspend the rule and allow for adoption after the first reading was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: 5 YEAS, 1 NAY (Kline)

A motion to adopt Ordinance 2006-61 was made by Vice Mayor Grossmann, seconded by Councilmember Wurzbacher. VOTE: 5 YEAS, 1 NAY (Kline)

ADJOURN

A motion to adjourn was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS
Time: 11:52 p.m.


Clerk of Council


Mayor