

**CITY OF MASON
COUNCIL MEETING
November 12, 2007**

Mayor Pelfrey called the meeting to order at 7:07 p.m. Pastor Jerry Pelfrey opened the meeting with a prayer. Those present recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

A motion to approve the minutes of the October 22, 2007 meeting was made by Vice Mayor Grossmann, seconded by Councilmember Kline. VOTE: ALL YEAS

RECOGNITION OF WARREN COUNTY SHERIFF TOM ARISS

Mayor Pelfrey read a proclamation recognizing Sheriff Tom Ariss and his years of service. She presented him the proclamation and a parting gift from the City. Chief Ron Ferrell thanked him for his partnership over the years. Eric Hansen also expressed appreciation for his collaboration with the City of Mason. Tom Ariss thanked the City and introduced his wife and Deputy Sheriff Larry Simms.

RECOGNITION OF POLICE OFFICERS NEIL GARLAND AND CRAIG KLINE REGARDING CITIZEN EMERGENCY RESPONSE TEAMS

Chief Ferrell stated at the Mayor's urging, these two officers have taken the lead to create the Citizen Emergency Response Teams. Officer Neil Garland stated is has taken approximately 18 months to reach this point. Officer Craig Kline presented power point presentation illustrating the purpose of the program. He stated it is a training seminar for volunteers who would be the first responders if a disaster hits our area. Councilmember Bradburn said the Safety Committee has heard this presentation and he stated initially it requires 20 hours of training and then 16 hours annually.

Lou Kaplan of Surrey Lane asked which hospital would someone be taken to in an emergency. Officer Garland replied probably Bethesda North.

INTRODUCTION OF EDWARD CASAGRANDE

Mayor Pelfrey introduced Edward Casagrande, the artist selected for the Downtown icon. He addressed Council and provided background information on how he created the concept for the icon. Councilmember Kline stated the Downtown Committee recognized this artist for his energy

and enthusiasm in his work. Mayor Pelfrey said the committee will continue to meet with the artist and bring this icon to the community.

RECOGNITION OF VISITORS

Ed Greve from the Oakwood Lakes Condo Association addressed Council and explained a problem they have with golf balls hitting their homes from the Western Row Golf Course. He said the problem can be easily solved by the golf course moving the tee. He said this would still remain a par five hole but would greatly help their situation. He distributed pictures showing the number of golf balls they have been getting. He requested a letter from the City be sent to the owner asking for this change. He also said they have sent a letter to the owner but have not heard from him. Mayor Pelfrey said she would send a letter with her signature but she wants to be notified if they receive a response from their efforts.

COMMITTEE REPORTS

Councilmember Bradburn reported on a meeting of the Equipment Committee stating they have reviewed the items requested in this year's budget.

COUNCIL OLD AND NEW BUSINESS

Vice Mayor Grossmann congratulated those successful in the election. He also noted the full credit on the income tax issue passed with over 66% of the votes. He said administration is preparing several methods of informing the residents of how this affects them.

Mayor Pelfrey commend on her experiences as Mayor providing details of her activities over the last two weeks. Those included meeting with the artist for the downtown icon, presenting a seminar on illegal aliens in the workforce, attending an event for a Indian Association, attending a Fire Fighters Award Ceremony and dinner, various meetings for the Festivals of Mason and the downtown icon, starting the Mason Mini Marathon, giving a radio interview and 3 television interviews, attending the Veteran's Day Ceremony and preparing research and phone calls for these events. She concluded by thanking the residents for giving her this opportunity and she thanked Councilmembers and staff for their assistance and working as a unified team.

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

- ▶ City offices will be closed on Thursday, November 22 and Friday, November 23 for the Thanksgiving holiday. Waste collection during Thanksgiving week will not be altered due to the Holiday.
- ▶ Steve Waldmann, Kings Schools Manager of School Business Affairs, is requesting a wavier of the building permit and subdivision fees for the new bus garage they are building on Columbia Road. The City has waived similar fees for the Mason City Schools and Kings is asking for the same consideration. Over the years, the City has waived hundreds of thousands of dollars in fees

for Mason Schools' projects. If Council would like to extend this consideration to Kings Schools a motion would be required.

Councilmember Bradburn asked if the City has the authority to waive fees. Jeff Forbes, Law Director, responded he was not sure and asked for it to be postponed until the next meeting. Vice Mayor Grossmann clarified we have done this in the past. Richard Fair said we have done this for the Mason Schools, the Library and the Historical Society. Eric said over the years it has amounted to over \$200,000 waived. Mayor Pelfrey said the matter will be tabled until the next meeting in November.

► The regularly scheduled second meeting in December falls on December 24. It is not anticipated that a second meeting will be necessary.

ORDINANCE 2007-154 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 45 ACRES FROM R-1 SINGLE FAMILY RESIDENTIAL TO RESIDENTIAL PUD WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED AT THE NORTHEAST CORNER OF TYLERSVILLE ROAD AND MASON-MONTGOMERY ROAD (MASON CITY SCHOOLS)

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

Eric Hansen stated a public hearing will be held on this legislation on December 10, 2007.

ORDINANCE 2007-155 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 76 ACRES FROM R-1 SINGLE FAMILY RESIDENTIAL AND R-2 SINGLE FAMILY RESIDENTIAL TO RESIDENTIAL PUD WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED AT THE SOUTHEAST CORNER OF MASON-MONTGOMERY ROAD AND FOXFIELD DRIVE (CITY OF MASON)

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

Eric Hansen stated a public hearing will be held on this legislation on December 10, 2007.

ORDINANCE 2007-147 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TECHNICAL MACHINERY FOR TWO LED VIDEO SCREENS WITH PRODUCTION CREW AND SUPPORTING AUDIO EQUIPMENT, FOR THE RED, RHYTHM & BOOM CONCERT ON JULY 3, 2008 IN AN AMOUNT NOT TO EXCEED \$24,895.00

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

Eric Hansen explained to Council, this ordinance was under consideration at the last meeting but was tabled to allow staff to review what the purchase price would be for one of the screens. Vice Mayor Grossmann said it was several hundred thousand dollars and thus too costly to purchase so he could support this legislation.

A motion to adopt Ordinance 2007-147 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-156 ACCEPTING THE APPLICATION FOR THE ANNEXATION OF 262.967 ACRES, MORE OR LESS, IN UNION TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF MASON, OHIO FILED UNDER THE SPECIAL PROCEDURE OF ANNEXING LAND WITH CONSENT OF ALL PARTIES (OHIO REVISED CODE SECTION 709.022, ET SEQ.), AND DECLARING AN EMERGENCY

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

Eric Hansen explained to Council, Ordinances 2007-156 and 2007-157 allow for the acceptance of annexation of 262.967 acres and authorizes the City Manager to file a petition to detach the territory from Union Township and place it into Mason Township. Eric provided a brief background of this transactions dating back to August 23, 2004.

He further explained due to the annexation laws changing as of March 27, 2002, three special 'expedited' proceedings to annex territory became effective when 100% of the owners desire annexation. He stated when the special 'expedited' proceedings are used, annexed territory must remain in the Township unless the Township formally agrees to detach the territory in the special proceeding known as an 'Expedited Type 1' proceeding. If residential property were to be annexed without detaching the territory from the township, the residents would be subject to real property taxes in both the Township and the city and would be able to vote in both jurisdictions. By executing the agreement, approved by Ordinance 2007-99, future Mason residents will avoid double taxation by not being subject to the township's property taxes. If the ordinance is approved by emergency, the City will provide all services, including police, fire and emergency medical services to the territory upon acceptance of the annexation. This is the City's first expedited Type 1 annexation petition.

Eric further explained the agreement between the City of Mason and Union Township allowed the territory to be annexed and then detached from Union Township and placed in Mason Township. The developer also reached a separate agreement with Union Township, which requires them to make payments to the Township to compensate for lost tax revenues and to dedicate right-of-way on Cox-Smith Road for future road improvements. The developer's agreement removes the City's obligation to compensate Union Township over a 12-year period as provided in the annexation law.

Eric said also on the agenda for City Council to consider are Ordinances 2007-138 and 139 for rezoning the property. The property is adjacent to the City's water reclamation plant on Mason-Morrow-Millgrove Road and straddles both sides of the roadway with the southern track abutting Cox Smith Road. The City of Mason corporation limit is adjacent to the west and south property lines and the City of Lebanon corporation limit is adjacent on the east property line. The property is also in two school districts with 165-acres being in the Kings Schools and 98-acres in Mason Schools.

Ordinance 2007-156 accepts the annexation of the territory and is recommended for adoption by emergency to provide the annexation area with city services at the earliest possible time period and to make those services available immediately after the annexation becomes effective as required by the Annexation Agreement. Ordinance 2007-157 authorizes a petition to detach the territory from Union Township into Mason Township and is recommended for adoption by emergency to relieve Union Township of any obligation to serve the territory, to allow for the immediate change of township boundaries as provided by the Annexation Agreement of the parties, and to permit the inhabitants of the territory to receive City services and vote in the appropriate jurisdiction.

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

A motion to adopt Ordinance 2007-156 was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-157 AUTHORIZING THE FILING OF A PETITION WITH THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO TO CHANGE THE UNION TOWNSHIP LINES OF 262.967 ACRES LOCATED IN UNION TOWNSHIP AND THE CITY OF MASON IN ORDER TO REMOVE THE TERRITORY FROM UNION TOWNSHIP, PLACE IT IN MASON TOWNSHIP AND MAKE THE TOWNSHIP LINES IDENTICAL WITH THE LIMITS OF THE CITY OF MASON, OHIO, AND DECLARING AN EMERGENCY

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

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 2007-157 was made by Councilmember Bradburn, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

ORDINANCE 2007-138 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 166.8 ACRES TO R-PUD (PEBBLE BROOK)

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

Brain Lazor explained to Council, Ordinances 2007 – 138 and 2007 - 139 are approving the rezoning of approximately 263.9 acres and a concept PUD plans for property located on the north and south sides of Mason-Morrow-Millgrove Road, between Cox-Smith Road and the City of Mason Water Reclamation Plant. Brian stated these projects are considered to be the first in a trend of outward growth for the City. The two projects are separate in nature, but are being treated as one cohesive unit. Staff has placed both projects into the same report to reduce the amount of overlap between the cases and to make the overall understanding of the projects easier. He said the property for these projects is proposed to be annexed from Union Township. Specifically, the property is located on the north and south sides of Mason-Morrow-Millgrove Road. Cox Smith Road and the City of Lebanon are on the eastern boundary; the City of Mason Sports Park and Water Reclamation Plant are the northwest boundary; the Muddy Creek is the north boundary; the Carmelle subdivision is the western boundary and the Trailside Acres development is the southern boundary. Brian explained Pebble Brook is approximately 166.8 acres in size. The proposed Residential Planned Unit Development will consist of 265 buildable lots ranging in size from a minimum of 11,475 sf to more than 23,000 sf. Stone Ridge Drive is shown to extend through the south west portion of the site and connect in with Mason-Morrow-Millgrove Road. The development has two connections to Mason-Morrow-Millgrove Road including the extension of Stone Ridge Drive. When complete Stone Ridge Drive will go from Mason-Morrow-Millgrove Road through Pebble Brook; Reserves of Carmelle; Carmelle; S.R. 741; Weatherstone; Marival and connect with US 42. A traffic signal will be added to S.R. 741 when the east side of Stone Ridge Drive is acquired and completed. Brian stated the Thoroughfare Plan requires Stone Ridge Drive to be extended through the northern part of the development to eventually tie into U.S. 42. However, due to the nature of possible future uses on the property to the north and complications with crossing the Muddy Creek flood plain, the developer is requesting a variance to this requirement. Walking trails along with a community center and pool are shown on the plan. The plan is shown to have 22.3% open space, which exceeds the Zoning Ordinance Requirements. The Developer has discussed with the City the donation of approximately 20 acres along the Muddy Creek for park expansion.

Brian stated the Reserves of Carmelle is approximately 97.1 acres in size. The proposed Residential Planned Unit Development will consist of 160 buildable lots ranging in size from a minimum of 12,750 sf to more than 25,000 sf. Stone Ridge Drive is shown to extend through the center of the property which will connect Carmelle and Pebble Brook. Stone Ridge Drive will continue to exhibit the high quality landscaping that was started in the original Carmelle subdivision. The plan shows 17.50% of usable open space, which falls short of the requirement in the Zoning Ordinance. The open space provided is quality space that is usable for all the residents of the development. Because the site has several significant restraints including; Stone Ridge Drive, the Muddy Creek and high tension power lines Planning Commission and staff did not object to this reduction. The plan shows walking trails, a community center and pool and a fitness area along the western property line.

Brian explained the Landscape Code requires 50-foot setbacks along Stone Ridge Drive and Mason-Morrow-Millgrove Road for landscape buffer easements to be maintained by the future

homeowners association. The developer is requesting to reduce this to 40 feet to match Carmelle. Planning Commission and staff do not oppose this.

The Planning Commission recommended approval of both plans contingent on a variance to reduce the buffer easement along Stoneridge Drive from 50 to 40 feet and reduce the open space requirements from 20% to 17.5 %. Brian stated further discussion with the City, developer and the County will need to occur regarding the possible connections of Cox-Smith Road into the site and eliminating the current intersection of Cox-Smith Road and Mason-Morrow-Millgrove Road. He said the County engineer has been contacted about this road improvement and learned he is not interested in doing it at this time.

Mayor Pelfrey opened the public hearing at 8:53 p.m. Alex Tarasenko from Rhein interests addressed Council and spoke in favor of the development. Mark Schraffenberger, with Dixon Builders, also stated it will be a first class development and they are excited about donating 20 acres to extend the park. He also said they agree with the Planning Commission recommendations. A general discussion took place among Councilmembers in which the possibility of an odor problem from the Water Reclamation Plant was addressed. Mark Schraffenberger said it is a state of the art plant and buffering will be provided. It was clarified the abutting land in the City of Lebanon is zoned Industrial. Vice Mayor Grossmann asked if the City would be liable in any way if this is a problem for the residents. Jeff Forbes, from Wood and Lamping, said no, the City would not be liable. Council also discussed the donation of 20 acres from the developer. Richard Fair stated it is a positive move because it allows the City to expand the bike path and the Frisbee golf course. He added it is always good to have the flood plain as part of the green space. Councilmember Osborne pointed out it is then the responsibility of the City to maintain it. Mayor Pelfrey clarified the decision before Council is only the zoning issue tonight.

Mrs. Myrna Kapland from Surrey Lane addressed Council asked what Council was going to do about the increased traffic in this area. Alex Tarasenko responded a traffic study is being done on this area. He said currently a traffic light is to be installed at Wetherington. Richard Fair said Mason Morrow Millgrove Road will be improved at SR 42. Ed Loxterkamp of 4258 Cox Smith Road addressed Council and said he now lives in Washington DC but is building on the corner lot at Cox Smith Road and Mason Morrow Millgrove Road. He asked Council to please look into improving that intersection at this time. He said he is willing to donate enough right of way for a two lane road. He said the sight distance is very poor now and with increased traffic it will become even more dangerous. Richard Fair said it is in the County Engineer's jurisdiction but that is a great idea and he will work with the County Engineer on it. Peggy Sexton of Cox Smith Road addressed Council and said she is not opposed to the development but the area flooded at the rear of their property. She noted she has worked with Richard Fair on this in the past. She stated there is no retention pond where it is needed. She has experienced flooding of her home and has a lawyer representing her in a case going to the Supreme Court. She asked the City to incorporate this into the plans for this development, as the creek in this area cannot take any more water. Mayor Pelfrey closed the public hearing at 9:34 p.m.

A general discussion took place among Council regarding traffic concerns and it was noted those concerns cannot be a basis for deciding a rezoning issue.

A motion to adopt Ordinance 2007-138 was made by Vice Mayor Grossmann, seconded by Councilmember Bradburn. VOTE: ALL YEAS

ORDINANCE 2007-139 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 97.1 ACRES TO R-PUD (RESERVES OF CARMELLE)

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

Mayor Pelfrey stated this is a public hearing and opened it at 9:45 p.m. There were no comments either for or against this ordinance. Mayor Pelfrey closed the public hearing at 9:46 p.m.

A motion to adopt Ordinance 2007-139 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-158 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PROVIDE MEDICAL INSURANCE BENEFITS TO ALL PART-TIME AND TEMPORARY EMPLOYEES OF THE CITY OF MASON

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

Jennifer Heft explained to Council, Ordinances 2007-158 and 2007-159 would provide health insurance coverage to part-time employees and implement an incentive/retention program for part-time and seasonal Parks and Recreation staff. She said the purpose is to provide incentives for recruitment and retention of part-time and seasonal staff. She added the recruitment/retention program was designed to offer additional incentives and benefits to part-time employees, who are willing to work additional hours to assist with filling vacant shifts. This will ensure there is staff to adequately address the operational needs and provide more consistent coverage for the department. She added this plan is based on the plan that was developed for the Fire Department. It rewards employees that commit to a schedule and work a progressively higher number of hours each week. The estimated cost of this additional incentive is \$20,000 per year, but if successful will be offset by reduced turn-over, administrative tracking, consistent staff coverage, and will ensure that revenue generating programs are fully staffed. The second part of the plan includes offering a health insurance plan to part-time employees throughout the organization. She noted the plan is of no cost to the City but will be a potential benefit to staff that chooses to participate. The City organization would provide group access to the plan, while individuals could choose to participate and purchase coverage at a rate lower than what they could purchase individually. Over the years, several part-time employees, within the Fire Department and Community Center, have indicated a desire for such a program. Jennifer concluded by stating the Community Center Committee and the Employee Relations Committee have had an opportunity to review these items.

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

A motion to adopt Ordinance 2007-158 was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

ORDINANCE 2007-159 AUTHORIZING THE CITY MANAGER TO IMPLEMENT AN EMPLOYEE INCENTIVE/RETENTION PROGRAM FOR PART-TIME RECREATION EMPLOYEES OF THE CITY OF MASON

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

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 Ordinance 2007-159 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2007-160 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SALE AND PURCHASE OF REAL PROPERTY WITH ROSEANN MOSS COSTELLO AND DANIEL M. COSTELLO FOR AN AMOUNT NOT TO EXCEED \$145,000.00

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

Richard Fair explained to Council, over the past several years, the Engineering and Building Department staff has been working with the property owners of 108 S. East Street to acquire an easement for the Forest Ave. to Muddy Creek Storm Sewer and Sanitary Sewer Improvements. This property is located west of 113 Mason-Montgomery Road, the Lexington Square Apartments. City staff was able to acquire a 30-foot Temporary Easement and to update the existing 10-foot Permanent Sanitary Sewer Easement to a combined Sanitary and Storm Sewer Easement. But, constructing both utilities in this proposed narrow area would be difficult and the City would realize an increase in construction cost. Although the property owners would not grant an additional permanent easement to the City, they did express an interest to sell the whole parcel. Purchasing this parcel allows the City to redesign the storm and sewer improvements with the intention of reducing construction costs. The property also provides a good investment for future parking lot access and provides the opportunity to remove the Lexington Square Apartments access drive off Mason-Montgomery Road. He reported the purchase price for this parcel has been reduced to \$145,000 from the \$169,000 original asking price. The current owners would like to close on the property on or before Jan. 2nd, 2008. While there are no immediate plans for development of the acreage, the home could continue as rental property, as it is already rented, or split off for resale as appropriate.

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 2007-160 was made by Vice Mayor Grossmann, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2007-161 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 Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

Eric Hansen stated this is a first reading on this legislation to allow time for advertisement as required. He said it will come before Council again for adoption at the November 26, 2007 meeting.

RECOGNITION OF VISITORS NONE

EXECUTIVE SESSION

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

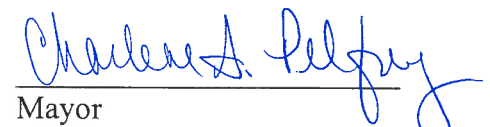
A motion to reconvene into regular session was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

ADJOURN

A motion to adjourn was made by Councilmember Kline, seconded by Councilmember Osborne. VOTE: ALL YEAS

TIME: 10:30 p.m.


Clerk of Council


Mayor