

**CITY OF MASON  
COUNCIL MEETING  
JANUARY 9, 2006**

Mayor Pelfrey called the meeting to order at 7:03 p.m. Following a prayer by Pastor Victor Kidd, 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 November 21, 2005 Worksession was made by Councilmember Bradburn, seconded by Councilmember Osborne. VOTE: ALL YEAS

A motion to approve the minutes of the December 12, 2005 Council meeting was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

**WARREN COUNTY DRUG TASK FORCE UPDATE**

John Burke addressed Council and presented a brief overview of the accomplishments of the Warren County Drug Task Force.

**COMMITTEE APPOINTMENTS**

Matt Kline moved to appoint Kevin Jones to Planning Commission. Councilmember Kidd seconded the motion. VOTE: ALL YEAS Mayor Pelfrey presented the oath of office to Kevin Jones.

Councilmember Kidd moved to appoint Bernard Kiessling to the Zoning Board of Appeals. Councilmember Wurzbacher seconded the motion. VOTE: ALL YEAS Mayor Pelfrey presented the oath of office to Bernard Kiessling.

**RECOGNITION OF VISITORS**

Tom Muennich of 206 Short Street addressed Council and said he represents a group of residents that are concerned about the development of the downtown area that shows a street being placed through their properties to Mason Montgomery road. He said living downtown should be encouraged and they do not want it. Mayor Pelfrey responded Council is working with the Downtown Mason Association (DMA) on this area. She said nothing is set in stone. She stated it is a work in progress and really began 6 years ago when he was on Council. She welcomed his comments and suggested he express his thoughts to the Executive Committee of the DMA. Vice Mayor Grossmann stated public hearings would take place before anything is done and he would

have opportunities to voice his concerns. He said they will be fully informed before anything is approved. Tom Muennich stated that is what they want. They don't want to be blindsided.

Brian Grismer addressed Council and explained he will read a letter from the Clerk of Court, William Scherpenberg. He could not be here this evening due to a family emergency. His lengthy comments were directed at criticism they say the court has received from various Councilmembers. He concluded his remarks by asking for an apology from the offending Councilmember and asking Council to publicly censure him. Mayor Pelfrey requested a written copy of this letter and stated the Court Liaison Committee would review the matter. Vice Mayor Grossmann said the Court Liaison Committee has not seen a report from the Supreme Court. Brian responded they were told they would not receive a copy as they were not the ones who originated the request. Councilmember Kidd said he has spoken with a representative of the Supreme Court and they said a report will be coming. He also said the original request was a joint venture between the Court and the Council Court Liaison Committee. He added it was a very cooperative effort and he is surprised by Brian's comments to the contrary.

Frank Miller of 422 Walnut Lane addressed Council and expressed concern over the operating deficit from the Community Center. He asked the following questions:

1. Where can I obtain information on users, members, residents vs non-residents etc.
2. Have you come across any significant expenses that can be cut?
3. In regards to the skate park, can you really imagine senior citizens, especially those on low or fixed incomes, will want to participate in providing a skate park?
4. Where are the minutes of these meetings available?

Mayor Pelfrey stated during tonight's meeting she will be forming an Ad Hoc Committee for the purpose of a total review of the Community Center. She requested a copy of his questions. Scot Lahrmer said the minutes are available on the City's web site.

Noble Johnston of 316 S. West Street addressed Council and asked how you get a copy if you do not have a computer. Terry Schulte, Clerk of Council, told him he is welcome to come to the City building and view them there and request a copy of any he wanted.

**ORDINANCE 2005-175 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 5.48 ACRES LOCATED SOUTH OF LUXOTTICA PLACE WEST OF TYLERSVILLE ROAD AND NORTH OF WESTERN ROW ROAD FROM B-PUD TO HT-1 (LENCRAFTERS PROPERTY)**

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

Mayor Pelfrey opened the public hearing at 7:49 p.m.

Brian Lazor stated Bayer Becker Engineers, representing Luxottica Retail, Inc, is requesting approval to rezone approximately 5.48 acres of Business PUD to HT-1 located on the property. This area is situated between Luxottica Place, Tylersville Road and Western Row Road. The

rezoning is intended to accommodate a parking lot expansion for the facility. This rezoning eliminates the layout for the Business PUD, which was composed of three retail buildings abutting Tylersville Road. This request would rezone the balance of the property, making the entire parcel HT-1.

Brian stated 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 Business Park, the type of development HT-1 zoning encourages.
2. The requested zoning is compatible with surrounding properties.

There were no comments either for or against this legislation. Mayor Pelfrey closed the public hearing at 7:54 p.m.

Vice Mayor Grossmann moved to adopt Ordinance 2005-175. Councilmember Osborne seconded the motion. VOTE: ALL YEAS

**ORDINANCE 2005-176 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 6.71 ACRES LOCATED AT THE EAST END OF SUNNY DRIVE IN THE TYLER STATION SUBDIVISION IN MASON AND ALSO LOCATED WEST OF THE ROSEMONT SOUTH SUBDIVISION IN DEERFIELD TOWNSHIP FROM R-1 TO R-3 (RHEIN INTERESTS)**

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

Brian Lazor reported to Council Rhein Interests is requesting approval to rezone approximately 6.71 acres of R-1, Single Family Residential located at the east end of Sunny Drive. The project is located east of the Tyler Station subdivision in Mason and west of the Rosemont South subdivision in Deerfield Township. The property is currently zoned R-1, Single Family Residential. The applicant has requested to rezone the property to R-3, Single Family Residential. Brian stated the R-1 zoning minimum lot size requirements permits 40,000 square foot lots, while the R-3 zoning permits 15,000 square foot lots. 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-3 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 developer is being required by Warren County to make road improvements to Butler Warren Road at Tyler Court as a result of the Rosemont South Subdivision, which will help alleviate access conflicts at the intersection. The proposed zoning for this site is compatible with the existing zoning of surrounding property.

Mayor Pelfrey opened the public hearing at 7:57 p.m.

Graham Drone with Rhein Interests addressed Council and spoke in favor of the rezoning pointing out the request is consistent with the surrounding property and the City's Comprehensive Plan. Cindy Holiday of 6062 Sunny Drive asked when the access to Tylersville Road would be provided as it is very difficult to enter onto Butler Warren Road now. She stated with increased traffic it will become more of a problem. Graham Drone said a decel lane and a left turn lane will be provided on Butler Warren Road. James Wang of 751 Tyler Court noted the new homes will be a lot higher when built. He said before it was graded it was level. He said he is a civil engineer and the existing homes should not be impacted by the new ones. He said it has saved the builder financially by not removing the dirt but it has substantially increased the elevation. He added in the city of Cincinnati it would not have been approved. Richard Fair stated Mason couldn't control what is in the township. He also said in Mason the developer has to present a preliminary plan and Council can address the elevation then and set a requirement. Mr. Wang stated Cincinnati and Wyoming have a review process that would not allow this to happen. Councilmember Wurzbacher asked if this new section will be consistent with the Rosemont or the Tyler Station area. Mr. Drone said it has bigger lots so it will probably be similar to the Rosemont area.

Mayor Pelfrey closed the public hearing at 8:12 p.m.

Vice Mayor Grossmann moved to adopt Ordinance 2005-176. Councilmember Kidd seconded the motion. VOTE: ALL YEAS

**ORDINANCE 2005-177 AMENDING ORDINANCE NO. 2005-174 ESTABLISHING THE POSITIONS AND RATES OF COMPENSATION FOR EMPLOYEES OF THE MASON MUNICIPAL COURT AND DECLARING AN EMERGENCY**

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

A motion to adopt Ordinance 2005-177 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 NAY (Bradburn)

**CITY MANAGER'S REPORT**

◆ The January issue of Mason Matters will be delivered to residents in the January 12 issue of the Pulse-Journal newspaper.

◆ Christmas tree recycling continues as the City provides year-round brush collection and chipping services.

◆ Governor Bob Taft declared Warren County a Federal Disaster Area because of the snowfall event that occurred on December 22-24, 2004. FEMA's Public Assistance Program reimburses communities that were under an emergency declaration for the communities' snow removal efforts if they pursue submitting the necessary paperwork and attend their meetings. Working

with FEMA's staff, the City of Mason applied for and received a reimbursement check in the amount of \$64,524.66.

◆ The City of Mason has received the GFOA Certificate of Achievement for Excellence in Financial Reporting for its 2004 CAFR. The City has received this award every year since 1997. Everyone in the Finance Department and the CPA firm that assisted the Finance Department has continued to work very hard to achieve excellent financial reporting.

◆ At the January 23, 2006 Council meeting, Council will be addressing legislation that establishes a JEDD with Liberty Township. He stated it is a public hearing and has been advertised for that date.

◆ The City will host a meeting between The Chamber of Northeast Cincinnati Board of Directors and Mason City Council on Monday, January 30 at 5:00 p.m., including dinner and Council will hold a retreat on January 21, 2006 at 7:30 a.m..

◆ A liquor permit request has been received for the property at 7888 S Mason Montgomery Road. Councilmember Osborne moved to not require a hearing. Councilmember Kline seconded the motion. VOTE: ALL YEAS

### **COMMITTEE REPORTS**

Mayor Pelfrey reported on a meeting with the Festivals of Mason which both she and Councilmember Kline attended.

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

Councilmember Bradburn reported on a visit with TEC to observe a computerized traffic signal system. He said cameras located at the intersections can indicate when adjustments should be made and then they can be made immediately. He asked for Council's support to further research this system for the City. Mayor Pelfrey stated the Safety Committee should handle this item and it was agreed by Council to ask Councilmember Bradburn to continue to research the matter.

Mayor Pelfrey recommended Nick Bogen to serve on the Festivals of Mason Committee. The motion to make that appointment was made by Councilmember Grossmann, seconded by Councilmember Osborne. VOTE: ALL YEAS

Mayor Pelfrey recommended Mike Lane to serve on the Festivals of Mason Committee. The motion to make that appointment was made by Councilmember Kline, seconded by Councilmember Grossmann. VOTE: ALL YEAS

Mayor Pelfrey suggested an Ad Hoc Committee be created to review the finances and agreement for the Community Center. Serving on the Committee will be Councilmember Osborne and Councilmember Wurzbacher. A motion to approve the creation of the Ad Hoc Committee and those appointments was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS

**RECOGNITION OF VISITORS**

Kevin Jones of Running Fox Lane addressed Council and volunteered to work on the Ad Hoc Committee if they are asking any residents to participate.

**EXECUTVIE SESSION: PERSONNEL AND LAND ACQUISITION**

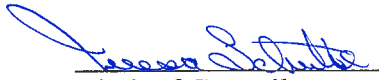
A motion to adjourn into executive session for the purpose of discussing personnel and land acquisition was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

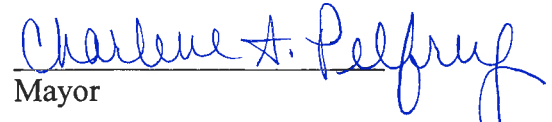
A motion to reconvene into regular session was made by Councilmember Osborne, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ADJOURN**

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

TIME: 10:55 p.m.

  
Clerk of Council

  
Mayor