

**CITY OF MASON
COUNCIL MEETING
MARCH 13, 2006**

Vice Mayor Grossmann called the meeting to order at 7:00 p.m. The prayer was led by Deacon Dan Rader of St. Susanna Church. Those present then recited the pledge of allegiance.

ATTENDANCE

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

APPROVAL OF MINUTES

Councilmember Steve Osborne moved to approve the minutes of the February 27, 2006 Council meeting. Councilmember Kline seconded the motion. VOTE: ALL YEAS

RECOGNITION OF VISITORS

Police Officer Jamie Van Wagner was present and introduced students from the DARE program who were DARE Essay Contest Winners. Katie Pilone, Alex McWhirter, and Banshi Savla each read their winning essays.

Frank Miller of 422 Walnut Lane addressed Council and thanked them for inviting him to an upcoming Mason Community Center Committee meeting, which he will be unable to attend. He then stated his concerns with the cost of membership to the Community Center and showed a chart of fees at other community centers in the area. He stated he would like to see more research being done to reduce costs, claiming tax abatements were being given to corporations in Mason but yet the Community Center operated at a deficit. Vice Mayor Grossmann asked Mr. Miller what other centers deficits were but Mr. Miller said he had not talked to any of their financial people. Vice Mayor Grossmann explained the city's position on the Community Center rates and maintained that tax abatements to corporations had no bearing on the rates. Councilmember Osborne addressed Mr. Miller saying he felt betrayed that Mr. Miller would still be questioning the community center policies after having been briefed on those policies and after having been given many documents to substantiate the cost process.

ORDINANCE 2006-28 – APPROVING THE PRELIMINARY PLAT OF ROSEMONT WEST 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 that Mr. Graham Parlin representing Rhein Interests, LLC is requesting preliminary plat approval for a 6.7-acre residential development located east of Tylers Station Subdivision and north of the West Church of Mason. The property, zoned R-3 single

Family Residential, contains 13 buildable lots and has access from Sunny Drive and Rosemont South Way. This project is a continuation of the Rosemont Development, which includes Rosemont and Rosemont South (both in the township) and Rosemont Manor, located in the city. Richard stated there are two proposed detention facilities that will be maintained by the Rosemont Homeowner Association. A left turn lane will be constructed on Butler Warren Road at Tylers Court as part of this development. The proposed lots meet the zoning regulations, however they are shallow in depth and may require variances from ZBA for the additions of decks or morning rooms.

Richard added upon review, Planning Commission and staff recommend approval of the preliminary plat contingent on the following items:

1. Since lots 11, 12 and 13 are corner lots and have no rear yards, the setbacks need to be revised to two front yards and two side yards.
2. The existing trees need to be preserved where possible. This should include the rear of lots 1 and 2 as well as areas between lots. Please show accordingly.
3. The stormwater facilities may be either detention or retention basins, provided they meet all code requirements

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

Councilmember Kline noted the problems with the lack of distance being allowed for decks etc. to be added to the homes in the future. He said the Zoning Board of Appeals has been denying the variances in these cases. He added it is a matter of the builder constructing the largest house possible on a lot and not worrying about the exterior requirements for decks. Vice Mayor Grossmann stated the Planning Commission is aware of this problem and it becomes very important for the developer and the future buyer to be aware of the City's requirements.

A motion to adopt Ordinance 2006-28 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

ORDINANCE 2006-29 – APPROVAL OF THE DEDICATION AND EASEMENT PLAT FOR THE LANDING OF OAKWOOD LAKES SUBDIVISION

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

Richard Fair explained that Shawna Rosemond with Bayer Becker Engineering, representing Grand Communities, Ltd., is requesting the approval of an easement located south of The Landing at Oakwood Lakes, Section 2, Block B and west of the Health Alliance PUD. This plat will dedicate a fifty-nine foot wide access, waterline and utility easement necessary for the next section of the development.

Richard stated upon review, Planning Commission and staff recommend approval of the easement plat contingent on the following items:

1. Submit a subdivider's contract and a performance bond.
2. Extend waterline to eastern property line to provide water availability to the adjacent property.
3. Note that final plat must be approval by Greater Cincinnati Waterworks prior to recording.
4. Add statement and signature block for Planning Commission approval on the plat.

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

Councilmember Kline asked if the water line will be sufficient to handle the Health Alliance project. Richard stated he was not certain but the responsibility will lie with the Greater Cincinnati Water Works.

A motion to adopt Ordinance 2006-29 was made by Councilmember Bradburn, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2006-30 - AMENDING SECTIONS 1301.01, 1301.02 AND 1301.06 OF THE CODE OF ORDINANCES OF THE CITY OF MASON, OHIO AND ADOPTING THE RESIDENTIAL CODE OF OHIO FOR ONE, TWO AND THREE FAMILY DWELLINGS, AS AMENDED BY THE STATE OF OHIO AND DELETING SECTIONS 1301.04, 1301.05, 1301.10 AND 1301.14

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

Richard Fair explained that the State of Ohio has regulated the Building Code for all commercial buildings and multifamily residential beginning with 4-Unit Buildings with a national model since 1979. Local jurisdictions were responsible for adopting building regulations for residential structures of one, two or three dwelling units. With the passage of HB 175, the State of Ohio will also regulate all One, Two and Three Family Dwellings as well as the commercial and multi-family buildings. With this ordinance, the City of Mason will be updating the residential building code in accordance with the new State law.

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

A motion to adopt Ordinance 2006-30 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

ORDINANCE 2006-31 – AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WARREN COUNTY COMMISSIONERS REGARDING MASON MUNICIPAL COURT PUBLIC DEFENDER

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

Eric Hansen explained that both Warren County and the City of Mason are obligated by State statute to provide legal counsel to indigent persons charged with serious offenses in Mason Municipal Court violating either state or local ordinances. A Public Defender is appointed to represent such people and receives compensation from either the County or City according to state statutes.

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

A motion to adopt Ordinance 2006-31 was made by Councilmember Osborne, seconded by Councilmember Kline. VOTE: ALL YEAS

MANAGER'S REPORT

There is a Council Work Session scheduled for Monday, March 20 at 6 p.m. to discuss Mason Parks.

Reporter Erin Hively of the Community Press will be leaving the newspaper but no replacement has yet been named.

Mayor Charlene Pelfrey and City Manager Scot Lahrmer gave the annual State of the City address on Monday, March 6 at 202 West Main Street, formerly the Mason City Building. The program will be aired on ICRC and the times are available on the City's website.

Mason employees held a Bowl-a-thon on Monday, February 20 with proceeds going to United Way.

COUNCIL COMMITTEE REPORTS

Councilmember Osborne noted the Ad Hoc Committee reviewing the operations of the Community Center will meet this Wednesday and when more information is gathered a report will be made to Council.

Vice Mayor Grossmann reported on the outcome of a Court Liaison Committee which was held on Monday, March 13 at 6 p.m. to discuss the request from Mason Municipal Court for the use of a second police vehicle. On recommendation by the Committee, it was agreed that a vehicle would be shared with the Court and the Police Department. A motion was made by Councilmember Bradburn, seconded by Councilmember Kidd to approve the vehicle request. VOTE: 4 YES, 1 NAY (Osborne)

COUNCIL OLD AND NEW BUSINESS

Councilmember Victor Kidd reported on new businesses in town. Advantech Automotive Services and Superior Dental Studios share the same location on U.S. 42. Also, he said a new used bookstore and hangout was going to open next door to Busken Bakery.

Councilmember Bradburn stated he will be meeting with Richard Fair in regards to the use of traffic cameras and will then report to Council

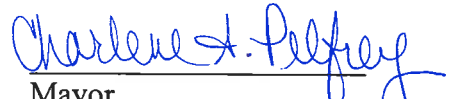
RECOGNITION OF VISITORS - None

Vice Mayor Grossmann took the opportunity to clarify what a tax abatement is and how it assists business but also helps the schools and the City's tax base. He said the tax being abated is something that has not been previously collected. He also noted an abatement does expire and the increased tax amount is fully realized by the City.

ADJOURN

A motion to adjourn was made by Councilmember Bradburn and seconded by Councilmember Kline. VOTE: ALL YEAS
Time: 8:15 p.m.


Clerk of Council


Mayor