

**CITY OF MASON
COUNCIL MEETING
October 25, 2004**

Mayor Beck opened the meeting at 7:06 p.m. Victor Kidd led us in a prayer. Those in attendance recited the pledge of allegiance.

ATTENDANCE

The following members of Council were in attendance: Victor Kidd, Steve Osborne, Tony Bradburn, Tom Grossmann, John McCurley, Charlene Pelfrey and Peter Beck.

APPROVAL OF MINUTES

A motion to approve the minutes of the October 11, 2004 Council meeting was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: 6 YEAS, 1 ABSTAIN (Osborne)

PRESENTATION BY MASON KNOTHOLE BASEBALL

Bob Paola of 5897 Squire's Gate Drive and Bernie Kingsolver of 6781 Lexington Park Boulevard addressed Council and thanked Don Allen, Steve Gayfield and Michael Hecker, of the Parks and Recreation Department, for their guidance in maintaining the ball fields for this year's season. He explained how they were unaware they would have to perform those duties and the help they received from the Parks and Recreation Department was very valuable to them. On behalf of the Mason Knothole Baseball Organization, they were presented with a plaque.

RECOGNITION OF VISITORS None

ORDINANCE 2004-97 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 76.96 ACRES LOCATED ON THE WEST SIDE OF STATE ROUTE 741, NORTH OF BETHANY ROAD AND SOUTH OF BUNNELL ROAD FROM I-1 TO RESIDENTIAL PUD

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

Mayor Beck stated a request from the applicant has been received to table this legislation until the November 22, 2004 meeting allowing them more time to prepare for their presentation..

A motion to table Ordinance 2004-97 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

ORDINANCE 2004-113 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY: 8.42 ACRES FROM R-1 TO BUSINESS PUD; 156.72 ACRES FROM B-3 TO BUSINESS PUD; AND 43.855 ACRES FROM HT-1 TO BUSINESS PUD AND APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR A MIXED USE OFFICE AND RETAIL DEVELOPMENT INCLUDING A LIFESTYLE CENTER (CITY PARK) AND SHOPPING CENTER (PARK CENTER)

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

Richard Fair stated since the last meeting his department has met with the homeowners of Trailside Acres, Fairways of Pine Run and ODOT. He stated every item on the lists were addressed but some items will take action by Council or further dialogue with the Glimcher Company. He stated these items could be covered within the PUD Covenants and Restrictions or within a separate developer agreement. Richard said should City Council agree to this procedure, the project can move forward with contingencies such as the ones added by Planning Commission. Approval of the project with contingencies will permit Glimcher to begin design and final plans. Richard explained there are some issues that should be addressed before approval is given to the mall PUD rezoning. First, Glimcher has agreed to improve S.R. 741 from Parkside to Cox-Smith Road, widen Cox-Smith Road, add a traffic signal at Cox-Smith Road, and provide engineering design of an improvement to S.R. 741 from Cox-Smith Road to Bethany Road. However, they will not participate in the construction of this improvement beyond Cox-Smith Road. This is a minor concession from their previous commitment, but it leaves the City responsible for a major road improvement. City Council should negotiate with Glimcher on this item. Second, Glimcher has agreed to improve the I-71 interchange, but only to the extent impacted by their development, and to complete the Interchange Modification Study. Again this is another concession by Glimcher; however, City Council must be aware that the timing of this improvement may lag behind the 2006 opening and a funding split between Glimcher and the City has not been determined. Also, ODOT must be incorporated into the equation for final approval of the interchange improvements, even though they have indicated that financial help is not available. Finally, issues such as right-of-way landscape maintenance, street light maintenance and lighting districts, big box reuse strategies, etc. must be agreed to in a development agreement or within the PUD covenants and restrictions.

Richard stated staff feels there is a need to set expectations and future performance standards regarding the timing and financing of road and interchange improvements and requisite conditions for Phase 2 approvals. This can be handled through a separate development agreement or within the PUD covenants and restrictions between the City and Glimcher. The agreement would identify timing of capital/infrastructure improvements by phase and Glimcher's contributions. Council should approve this agreement before the applicant receives Final PUD Plan approval by Planning Commission. This strategy will give City Council and Administration adequate time to consider these complex issues in full without withholding timely action on the applicant's PUD rezoning request.

Richard also said City Council, with the Law Directors' approval, could include other provisions

in the development agreement, including: Reuse plan and strategies to possibly include provisions for shopping center/ big box conversions or demolition; maintenance of vacant lots; sign removal; mowing and pruning schedules; and aggressive marketing. Create a special assessment district to offset long-term lighting and landscape maintenance costs that would otherwise be taken out of the general fund. Expenditures that could be partially offset include mowing, watering, pruning, planting in the right-of-way, replacing decorative light fixtures, and paying for electricity used in conjunction with signal operations and street lighting. As an alternative to an assessment district, the city could give the applicant an easement to allow the developer to maintain the landscaping in the right-of-way. Add a condition giving Planning Commission the ability to revise the south side layout to create a more cohesive and desirable design without changing land use floor area ratios or amounts.

Mayor Beck opened the public hearing at 7:18 p.m.

Mr. Douglas Campbell representing Glimcher Development addressed Council and stated he feels there are three items that need to be discussed. They are land use approval, identification of incremental road improvements needed as a direct result of the development and the extent of contribution from the developer to assure the required improvements are completed. He stated it is important to receive approval as soon as possible as the market is very competitive.

Amy Bruno and Perry Schwartz addressed Council and stated they are representing the Safety Committee of the Fairways of Pine Run. They listed their concerns which include preparing a traffic study for Fairway Drive, providing a citywide calming policy for controlling speed in all areas of the city and providing alternate parallel street. See exhibit A. Richard Fair stated the developer has agreed to do the traffic study on Fairway Drive although no time line has been established. He said he agrees there should be a citywide calming policy and that is not the responsibility of the developer. He said the best solution is to remove the volume of traffic from Fairway Drive by providing an alternate street. He mentioned the road on the comprehensive plan shown going through the Westerkamm property from Kings Mills Road to Mason-Montgomery Road. He said there are no plans to pursue that now. He said the other alternative for a road involves the Cintas property and there is opposition from the owner on this proposal. John McCurley said there have been discussions of a full interchange at Western Row Road but it is still in the discussion phase.

Charlie Maxim of 3281 Palomino Trail addressed Council and stated he was representing the Steering Committee of the Trailside Acres Subdivisions. He distributed a list of their concerns. See exhibit B. While discussing his list of issues, he stated they would like to see a firm time line associated with providing the improvements to the area. His comments included improvements to SR 741, signal at Appaloosa Trail, Cox-Smith Road mall entrance, I-71 improvements, big box retail and cinema and lighting concerns. He said he would like to see these items contingent on the development moving forward. Richard Fair responded staff is in agreement with these items but the developer must comment on the big box retail item. He said it will take a speed study to determine if the speed limit can be reduced along SR 741 past the mall. Douglas Campbell commented on all items stating they are willing to pay their fair share of road improvements that are needed a result of the development. He stated the big box is vital to the economic projections of this project. He stated the revenue would finance many of the

infrastructure requirements. He stated small box retail are not as effective and don't generate the same amount of revenue. He stated the architecture can be designed to adhere to the north development. He also stated their fair share can be determined by several means and one of those would be to do a traffic impact study. This would include a review of the current roadway and determine if it is in a perfect condition. He said no road is usually in a perfect condition so you then assign a percentage on how far off of perfect it is today. That can then be used as a tool to set the fair share amount for the future improvements. Mayor Beck and Councilmember Osborne discussed the traffic signal requested at Appaloosa Trail. They said while Council may want to move forward on this, it is important to work through the process, which includes a traffic study. Councilmember Grossmann discussed the different possibilities that might occur as a result of the traffic study for a signal at Appaloosa. He stated he will look at the study but he will also view the situation independently and make a decision. Ken Schneider suggested a representative of the homeowners association could work with the City as this study is being completed. Vice Mayor Pelfrey stated she was concerned about the results of the study when the mall is not opened yet. She stated the results of the study will certainly be different once the mall is open. Mr. Saleh with TEC Engineering stated if it is done now, it may not meet the warrants under current conditions. He also stated typically traffic studies must meet warrants before they are approved. He said the need to meet one or more of the warrants but not all of them. Councilmember Osborne asked him if they had the software to run simulations. Mr. Saleh responded yes. Councilmember Osborne stated that several simulations could be run with the future traffic count to determine if a signal is warranted. He stated Council is committed to ensuring the residents have a safe access to the subdivision. Councilmember Kidd stated it would not be responsible for Council to make a definite decision tonight without going through the process. Vice Mayor Pelfrey agreed a representative from that subdivision should work with the City as they go through the process. Mrs. Kathy Thomas of Mustang Trail addressed Council and asked if this could be expedited. She said it took three to five years to get the signal at Bethany Road. Councilmember McCurley stated the Bethany Road signal was held up by the design and funding. He said that shouldn't occur at this site.

Mr. Craig Easterlay of 5877 Fairway Drive addressed Council and asked for clarification on the alternate collector street. He suggested it be installed prior to the mall opening.

Mr. Jerry Strohmer of 3135 Pin Oak Trail asked if there was adequate right of way to widen the road if necessary in the future. It was determined another 10-12 feet would be required for additional road widening in the future. He suggested it be included in the current negotiations. Richard Fair showed a plan illustrating the developer is installing right and left turn lanes at all of the entrances to the mall. Councilmember McCurley stated the City's ability to limit curb cuts will also help control traffic. Councilmember Bradburn asked if there were to be an additional lane needed, is the right of way adequate. Richard Fair said no. Councilmember Bradburn asked Mr. Campbell if that would be a possibility now of getting the right of way. Mr. Campbell said he could not answer that now but he did not see that would be necessary in the future. Doyle Clear with Trans Associates stated the City dictates intersections operate at a "C" level of service. He said they have looked at the roads to make sure they are a "C" level in 2016.

Councilmember Osborne asked Richard Fair how long will the study take for the I-71 interchange and then how long it will take to complete the changes. Richard said first it must be

on the long-range plan for ODOT. Doyle Clear stated the process is already started for an evaluation of the interchange. They know they will not be asking for state or federal funds and that will shorten the time line. He also said they will not impact the main line. They are proposing a two-stage improvement process. He said phase one includes adding an extra turn lane on the exit ramps. This will be done by 2006 and does require approval from the state. The second phase includes the bridge widening and this will take longer for approval. He stated it would take approximately 6 months to complete the modification package. He said the developer will pay for all phase one improvements. He then said phase two would be a fair share arrangement. Councilmember McCurley said the plan for the Southwest Ohio Transportation Study would take approximately one year for the input. Councilmember Grossmann asked when the bridge would be built. Doyle stated as soon as we start to go into the second phase with the office space, you need to have the bridge widened. He also said that once phase one is done they would automatically go into completing phase two including the bridge. Douglas Campbell said it is to everyone's best interest to complete the road improvements as soon as practical.

Councilmember Grossmann clarified that if this is approved tonight, it will still mean the City has control over the development with a separate agreement that will be approved by Council before it is complete. Richard Fair stated that is correct. He said normally it would be in the hands of Planning Commission but for this project, staff has required the agreement come before Council. Councilmember Kidd asked how many times the City has deviated from the comprehensive plan. He said only once since 2000. Brad Schwab stated this is a minimum deviation from the comprehensive plan. Councilmember Kidd asked if Mr. Campbell knew of any other development that had one point of access. Mr. Campbell said no. Councilmember Kidd stated he is concerned this development may displace the inertia that has been created for the downtown area. Mr. Campbell stated it has been his experience the mall will compliment the downtown area. He also stated they have made contributions in the past to downtown civic organizations as a matter of policy and he believes the Downtown Mason Association would fall into that category.

Mayor Beck asked what the normal spacing of traffic signals was at various speeds. He asked if the plan is a deviation from the code. Richard Fair stated the plan is a deviation from the current code but he is recommending approval of the conceptual design. Councilmember Osborne mentioned the number of capital improvements that would be needed to complete this project may not be on the City's current capital improvement list. He asked Mr. Campbell if he was concerned the City may not be able to do all of them. Mr. Campbell stated he is confident the City will find a way. Councilmember McCurley stated this is a growing community and the City is constantly adjusting to the demands. He stated currently there is 156 acres at this location that is zoned B-3. He added five or six big boxes could be built there now. Councilmember Grossmann stated he feels this is the best alternative because the development will come to this location and these people are willing to participate in the cost of the infrastructure improvements.

Kelly Riccetti of 4946 Carriage Drive addressed Council and stated this development is 1000 spaces short. She also stated the hi-tech acreage has been dispersed with this plan and may be less attractive for that kind of development thus the city would lose future revenue.

Mr. Mel Brock of 620 Bunker Lane stated Fairway Drive has not been included in the traffic study. He said to date only Kings Mills Road and SR 741 have been considered. He stated the city should not approve this project until a traffic study is completed for Fairway Drive. Doyle Clear addressed Council and stated the developer is willing to look at Fairway Drive and identify ways to calm the traffic in this area. He stated the development here will generate less traffic than if the property was developed with current zoning. Amy Bruno stated they have been told to expect an additional 450 cars per day.

Mr. Jeff Lucas of 4496 Devon Court addressed Council and stated his primary concern is noise. He asked this be included in the traffic study. Richard Fair said this is not usually included in a traffic study. Mr. Lucas asked that it be this time. He also asked for a cost benefit analysis for this project. Mayor Beck stated one has not been done only preliminary estimates.

Mr. Dan Straus of 403 St. Andrews stated he is upset there is not one plan for Fairway Drive and this discussion has been occurring for three years.

Ms. Linda Verlay of 3139 Palomino Trail asked how many cars per day will this project generate. She stated she has heard 60% from I-71, 15% from SR 741 and 20% from the west. She read a report from the County Engineer stating how they miscalculated the traffic planned for Mason-Montgomery Road. Mayor Beck closed the public hearing at 9:51 p.m.

Councilmember McCurley made a motion to approve Ordinance 2004-113 including the recommendations and contingencies stated in the October 22, 2004 letter from Richard Fair. Councilmember Osborne seconded the motion. VOTE: 6 YEAS, 1 NAY (Beck)

ORDINANCE 2004-128 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH CAMBRIDGE INVESTMENTS, FOR THE ACQUISITION OF PROPERTY LOCATED AT 1100 SNIDER ROAD, MASON, OHIO

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

Richard Fair stated as part of the Western Row and Snider Road Intersection Improvement Project, it is necessary to acquire a portion of the Snider Road and Western Row Road frontage owned by Cambridge Investments at 1100 Snider Road for right-of-way. This property is also known as the Cambridge Park Apartments. Richard said the owners have agreed to a purchase price of \$38,433.48 for the 0.699 acres of right-of-way and additional utility and temporary easements. He stated the owner is Jack Thornton.

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

A motion to adopt Ordinance 2004-128 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

**CITY OF MASON
COUNCIL MEETING
October 25, 2004**

Mayor Beck opened the meeting at 7:06 p.m. Victor Kidd led us in a prayer. Those in attendance recited the pledge of allegiance.

ATTENDANCE

The following members of Council were in attendance: Victor Kidd, Steve Osborne, Tony Bradburn, Tom Grossmann, John McCurley, Charlene Pelfrey and Peter Beck.

APPROVAL OF MINUTES

A motion to approve the minutes of the October 11, 2004 Council meeting was made by Councilmember Kidd, seconded by Vice Mayor Pelfrey. VOTE: 6 YEAS, 1 ABSTAIN (Osborne)

PRESENTATION BY MASON KNOTHOLE BASEBALL

Bob Paola of 5897 Squire's Gate Drive and Bernie Kingsolver of 6781 Lexington Park Boulevard addressed Council and thanked Don Allen, Steve Gayfield and Michael Hecker, of the Parks and Recreation Department, for their guidance in maintaining the ball fields for this year's season. He explained how they were unaware they would have to perform those duties and the help they received from the Parks and Recreation Department was very valuable to them. On behalf of the Mason Knothole Baseball Organization, they were presented with a plaque.

RECOGNITION OF VISITORS None

ORDINANCE 2004-97 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 76.96 ACRES LOCATED ON THE WEST SIDE OF STATE ROUTE 741, NORTH OF BETHANY ROAD AND SOUTH OF BUNNELL ROAD FROM I-1 TO RESIDENTIAL PUD

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

Mayor Beck stated a request from the applicant has been received to table this legislation until the November 22, 2004 meeting allowing them more time to prepare for their presentation..

A motion to table Ordinance 2004-97 was made by Councilmember McCurley, seconded by Vice Mayor Pelfrey. VOTE: ALL YEAS

ORDINANCE 2004-113 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY: 8.42 ACRES FROM R-1 TO BUSINESS PUD; 156.72 ACRES FROM B-3 TO BUSINESS PUD; AND 43.855 ACRES FROM HT-1 TO BUSINESS PUD AND APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR A MIXED USE OFFICE AND RETAIL DEVELOPMENT INCLUDING A LIFESTYLE CENTER (CITY PARK) AND SHOPPING CENTER (PARK CENTER)

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

Richard Fair stated since the last meeting his department has met with the homeowners of Trailside Acres, Fairways of Pine Run and ODOT. He stated every item on the lists were addressed but some items will take action by Council or further dialogue with the Glimcher Company. He stated these items could be covered within the PUD Covenants and Restrictions or within a separate developer agreement. Richard said should City Council agree to this procedure, the project can move forward with contingencies such as the ones added by Planning Commission. Approval of the project with contingencies will permit Glimcher to begin design and final plans. Richard explained there are some issues that should be addressed before approval is given to the mall PUD rezoning. First, Glimcher has agreed to improve S.R. 741 from Parkside to Cox-Smith Road, widen Cox-Smith Road, add a traffic signal at Cox-Smith Road, and provide engineering design of an improvement to S.R. 741 from Cox-Smith Road to Bethany Road. However, they will not participate in the construction of this improvement beyond Cox-Smith Road. This is a minor concession from their previous commitment, but it leaves the City responsible for a major road improvement. City Council should negotiate with Glimcher on this item. Second, Glimcher has agreed to improve the I-71 interchange, but only to the extent impacted by their development, and to complete the Interchange Modification Study. Again this is another concession by Glimcher; however, City Council must be aware that the timing of this improvement may lag behind the 2006 opening and a funding split between Glimcher and the City has not been determined. Also, ODOT must be incorporated into the equation for final approval of the interchange improvements, even though they have indicated that financial help is not available. Finally, issues such as right-of-way landscape maintenance, street light maintenance and lighting districts, big box reuse strategies, etc. must be agreed to in a development agreement or within the PUD covenants and restrictions.

Richard stated staff feels there is a need to set expectations and future performance standards regarding the timing and financing of road and interchange improvements and requisite conditions for Phase 2 approvals. This can be handled through a separate development agreement or within the PUD covenants and restrictions between the City and Glimcher. The agreement would identify timing of capital/infrastructure improvements by phase and Glimcher's contributions. Council should approve this agreement before the applicant receives Final PUD Plan approval by Planning Commission. This strategy will give City Council and Administration adequate time to consider these complex issues in full without withholding timely action on the applicant's PUD rezoning request.

Richard also said City Council, with the Law Directors' approval, could include other provisions

in the development agreement, including: Reuse plan and strategies to possibly include provisions for shopping center/ big box conversions or demolition; maintenance of vacant lots; sign removal; mowing and pruning schedules; and aggressive marketing. Create a special assessment district to offset long-term lighting and landscape maintenance costs that would otherwise be taken out of the general fund. Expenditures that could be partially offset include mowing, watering, pruning, planting in the right-of-way, replacing decorative light fixtures, and paying for electricity used in conjunction with signal operations and street lighting. As an alternative to an assessment district, the city could give the applicant an easement to allow the developer to maintain the landscaping in the right-of-way. Add a condition giving Planning Commission the ability to revise the south side layout to create a more cohesive and desirable design without changing land use floor area ratios or amounts.

Mayor Beck opened the public hearing at 7:18 p.m.

Mr. Douglas Campbell representing Glimcher Development addressed Council and stated he feels there are three items that need to be discussed. They are land use approval, identification of incremental road improvements needed as a direct result of the development and the extent of contribution from the developer to assure the required improvements are completed. He stated it is important to receive approval as soon as possible as the market is very competitive.

Amy Bruno and Perry Schwartz addressed Council and stated they are representing the Safety Committee of the Fairways of Pine Run. They listed their concerns which include preparing a traffic study for Fairway Drive, providing a citywide calming policy for controlling speed in all areas of the city and providing alternate parallel street. See exhibit A. Richard Fair stated the developer has agreed to do the traffic study on Fairway Drive although no time line has been established. He said he agrees there should be a citywide calming policy and that is not the responsibility of the developer. He said the best solution is to remove the volume of traffic from Fairway Drive by providing an alternate street. He mentioned the road on the comprehensive plan shown going through the Westerkamm property from Kings Mills Road to Mason-Montgomery Road. He said there are no plans to pursue that now. He said the other alternative for a road involves the Cintas property and there is opposition from the owner on this proposal. John McCurley said there have been discussions of a full interchange at Western Row Road but it is still in the discussion phase.

Charlie Maxim of 3281 Palomino Trail addressed Council and stated he was representing the Steering Committee of the Trailside Acres Subdivisions. He distributed a list of their concerns. See exhibit B. While discussing his list of issues, he stated they would like to see a firm time line associated with providing the improvements to the area. His comments included improvements to SR 741, signal at Appaloosa Trail, Cox-Smith Road mall entrance, I-71 improvements, big box retail and cinema and lighting concerns. He said he would like to see these items contingent on the development moving forward. Richard Fair responded staff is in agreement with these items but the developer must comment on the big box retail item. He said it will take a speed study to determine if the speed limit can be reduced along SR 741 past the mall. Douglas Campbell commented on all items stating they are willing to pay their fair share of road improvements that are needed a result of the development. He stated the big box is vital to the economic projections of this project. He stated the revenue would finance many of the

infrastructure requirements. He stated small box retail are not as effective and don't generate the same amount of revenue. He stated the architecture can be designed to adhere to the north development. He also stated their fair share can be determined by several means and one of those would be to do a traffic impact study. This would include a review of the current roadway and determine if it is in a perfect condition. He said no road is usually in a perfect condition so you then assign a percentage on how far off of perfect it is today. That can then be used as a tool to set the fair share amount for the future improvements. Mayor Beck and Councilmember Osborne discussed the traffic signal requested at Appaloosa Trail. They said while Council may want to move forward on this, it is important to work through the process, which includes a traffic study. Councilmember Grossmann discussed the different possibilities that might occur as a result of the traffic study for a signal at Appaloosa. He stated he will look at the study but he will also view the situation independently and make a decision. Ken Schneider suggested a representative of the homeowners association could work with the City as this study is being completed. Vice Mayor Pelfrey stated she was concerned about the results of the study when the mall is not opened yet. She stated the results of the study will certainly be different once the mall is open. Mr. Saleh with TEC Engineering stated if it is done now, it may not meet the warrants under current conditions. He also stated typically traffic studies must meet warrants before they are approved. He said the need to meet one or more of the warrants but not all of them. Councilmember Osborne asked him if they had the software to run simulations. Mr. Saleh responded yes. Councilmember Osborne stated that several simulations could be run with the future traffic count to determine if a signal is warranted. He stated Council is committed to ensuring the residents have a safe access to the subdivision. Councilmember Kidd stated it would not be responsible for Council to make a definite decision tonight without going through the process. Vice Mayor Pelfrey agreed a representative from that subdivision should work with the City as they go through the process. Mrs. Kathy Thomas of Mustang Trail addressed Council and asked if this could be expedited. She said it took three to five years to get the signal at Bethany Road. Councilmember McCurley stated the Bethany Road signal was held up by the design and funding. He said that shouldn't occur at this site.

Mr. Craig Easterlay of 5877 Fairway Drive addressed Council and asked for clarification on the alternate collector street. He suggested it be installed prior to the mall opening.

Mr. Jerry Strohmenger of 3135 Pin Oak Trail asked if there was adequate right of way to widen the road if necessary in the future. It was determined another 10-12 feet would be required for additional road widening in the future. He suggested it be included in the current negotiations. Richard Fair showed a plan illustrating the developer is installing right and left turn lanes at all of the entrances to the mall. Councilmember McCurley stated the City's ability to limit curb cuts will also help control traffic. Councilmember Bradburn asked if there were to be an additional lane needed, is the right of way adequate. Richard Fair said no. Councilmember Bradburn asked Mr. Campbell if that would be a possibility now of getting the right of way. Mr. Campbell said he could not answer that now but he did not see that would be necessary in the future. Doyle Clear with Trans Associates stated the City dictates intersections operate at a "C" level of service. He said they have looked at the roads to make sure they are a "C" level in 2016.

Councilmember Osborne asked Richard Fair how long will the study take for the I-71 interchange and then how long it will take to complete the changes. Richard said first it must be

on the long-range plan for ODOT. Doyle Clear stated the process is already started for an evaluation of the interchange. They know they will not be asking for state or federal funds and that will shorten the time line. He also said they will not impact the main line. They are proposing a two-stage improvement process. He said phase one includes adding an extra turn lane on the exit ramps. This will be done by 2006 and does require approval from the state. The second phase includes the bridge widening and this will take longer for approval. He stated it would take approximately 6 months to complete the modification package. He said the developer will pay for all phase one improvements. He then said phase two would be a fair share arrangement. Councilmember McCurley said the plan for the Southwest Ohio Transportation Study would take approximately one year for the input. Councilmember Grossmann asked when the bridge would be built. Doyle stated as soon as we start to go into the second phase with the office space, you need to have the bridge widened. He also said that once phase one is done they would automatically go into completing phase two including the bridge. Douglas Campbell said it is to everyone's best interest to complete the road improvements as soon as practical.

Councilmember Grossmann clarified that if this is approved tonight, it will still mean the City has control over the development with a separate agreement that will be approved by Council before it is complete. Richard Fair stated that is correct. He said normally it would be in the hands of Planning Commission but for this project, staff has required the agreement come before Council. Councilmember Kidd asked how many times the City has deviated from the comprehensive plan. He said only once since 2000. Brad Schwab stated this is a minimum deviation from the comprehensive plan. Councilmember Kidd asked if Mr. Campbell knew of any other development that had one point of access. Mr. Campbell said no. Councilmember Kidd stated he is concerned this development may displace the inertia that has been created for the downtown area. Mr. Campbell stated it has been his experience the mall will compliment the downtown area. He also stated they have made contributions in the past to downtown civic organizations as a matter of policy and he believes the Downtown Mason Association would fall into that category.

Mayor Beck asked what the normal spacing of traffic signals was at various speeds. He asked if the plan is a deviation from the code. Richard Fair stated the plan is a deviation from the current code but he is recommending approval of the conceptual design. Councilmember Osborne mentioned the number of capital improvements that would be needed to complete this project may not be on the City's current capital improvement list. He asked Mr. Campbell if he was concerned the City may not be able to do all of them. Mr. Campbell stated he is confident the City will find a way. Councilmember McCurley stated this is a growing community and the City is constantly adjusting to the demands. He stated currently there is 156 acres at this location that is zoned B-3. He added five or six big boxes could be built there now. Councilmember Grossmann stated he feels this is the best alternative because the development will come to this location and these people are willing to participate in the cost of the infrastructure improvements.

Kelly Riccetti of 4946 Carriage Drive addressed Council and stated this development is 1000 spaces short. She also stated the hi-tech acreage has been dispersed with this plan and may be less attractive for that kind of development thus the city would lose future revenue.

Mr. Mel Brock of 620 Bunker Lane stated Fairway Drive has not been included in the traffic study. He said to date only Kings Mills Road and SR 741 have been considered. He stated the city should not approve this project until a traffic study is completed for Fairway Drive. Doyle Clear addressed Council and stated the developer is willing to look at Fairway Drive and identify ways to calm the traffic in this area. He stated the development here will generate less traffic than if the property was developed with current zoning. Amy Bruno stated they have been told to expect an additional 450 cars per day.

Mr. Jeff Lucas of 4496 Devon Court addressed Council and stated his primary concern is noise. He asked this be included in the traffic study. Richard Fair said this is not usually included in a traffic study. Mr. Lucas asked that it be this time. He also asked for a cost benefit analysis for this project. Mayor Beck stated one has not been done only preliminary estimates.

Mr. Dan Straus of 403 St. Andrews stated he is upset there is not one plan for Fairway Drive and this discussion has been occurring for three years.

Ms. Linda Verlay of 3139 Palomino Trail asked how many cars per day will this project generate. She stated she has heard 60% from I-71, 15% from SR 741 and 20% from the west. She read a report from the County Engineer stating how they miscalculated the traffic planned for Mason-Montgomery Road. Mayor Beck closed the public hearing at 9:51 p.m.

Councilmember McCurley made a motion to approve Ordinance 2004-113 including the recommendations and contingencies stated in the October 22, 2004 letter from Richard Fair. Councilmember Osborne seconded the motion. VOTE: 6 YEAS, 1 NAY (Beck)

ORDINANCE 2004-128 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE WITH CAMBRIDGE INVESTMENTS, FOR THE ACQUISITION OF PROPERTY LOCATED AT 1100 SNIDER ROAD, MASON, OHIO

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

Richard Fair stated as part of the Western Row and Snider Road Intersection Improvement Project, it is necessary to acquire a portion of the Snider Road and Western Row Road frontage owned by Cambridge Investments at 1100 Snider Road for right-of-way. This property is also known as the Cambridge Park Apartments. Richard said the owners have agreed to a purchase price of \$38,433.48 for the 0.699 acres of right-of-way and additional utility and temporary easements. He stated the owner is Jack Thornton.

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

A motion to adopt Ordinance 2004-128 was made by Councilmember McCurley, seconded by Councilmember Kidd. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen reported on the following items:

In the past, City Council has authorized the purchase of a ham, or turkey, or a gift certificate for full-time City employees during the holidays. A motion is required if Council wishes to continue this activity. Councilmember McCurley moved to repeat the activity this year. Vice Mayor Pelfrey seconded the motion. VOTE: ALL YEAS

The Festivals of Mason Committee has requested an increase in the City of Mason's sponsorship of Christmas in Mason from \$7,500 to \$10,000. Councilmember Bradburn moved to contribute \$10,000 to the festival. Vice Mayor Pelfrey seconded the motion. VOTE: ALL YEAS

The City of Mason Fire Department will sponsor an awards recognition and fallen firefighters event to be held at the Municipal Center Community Room on Saturday, October 30 from 2:00 to 4:00 p.m. A light brunch of appetizers and desserts will be provided. City Council members are welcomed to attend.

This year's United Way employee campaign ended with a luncheon on Thursday, October 7. City employees contributed over \$15,000. Kendra Taylor of Engineering & Building led a city committee of employees who donated time, supplies, as well as money, to ensure this year's campaign was both successful and motivating.

A request from the Ohio Department of Liquor Control has been received requesting anew permit be issued for 5948 Snider Road. A motion to not require a hearing was made by Councilmember Osborne, seconded by Councilmember McCurley. VOTE: ALL YEAS

A Council Work Session will be held on Tuesday, October 26 beginning at 6:00 p.m. in the Community Room. Dinner will be provided.

COMMITTEE REPORTS None

COUNCIL OLD AND NEW BUSINESS

Ken Schneider provided an update on a lawsuit with the Oakwood Homeowners Association. This is the previously owned Erpenbeck development located on Western Row Road.

Mayor Beck reported on the "Make a Difference Day" thanking those involved. He also stated the Western Southern Tennis Tournament starts this year with the women's tournament on July 16 through July 24, 2004.

Vice Mayor Pelfrey reported on the financial status of the Festivals of Mason stating a profit was realized of \$14,759.62. She also commented on the Downtown Mason Design and Review Board.

RECOGNITION OF VISITORS

Robin Oliver addressed Council and stated the American Legion is selling poppy seeds in remembrance of all veterans.

EXECUTIVE SESSION


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

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

ADJOURN

A motion to adjourn was made by Councilmember Grossmann, seconded by Councilmember Kidd. VOTE: ALL YEAS
TIME: 10:45 p.m.


Clerk of Council


Mayor