



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**FEBRUARY 17, 2015**

**6:30 P.M. - EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (1), PERSONNEL (BOARD & COMMISSION INTERVIEWS).**

MOTION: Councilman Cline moved at 6:30 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (1), Personnel (Board & Commission Interviews). Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved at 7:05 p.m. to adjourn from Executive Session. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

**CALL TO ORDER/ROLL CALL**

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, February 17, 2015 at 7:05 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Richard Cline, Mike Crites and Brian Lorenz. Tom Counts was absent. Also present were Steve Lutz, City Manager; David Betz, Development Director; Chris Huber, Acting City Engineer; Susie Ross, City Clerk; and interested parties.

MOTION: Councilman Cline moved at 7:05 p.m. to adjourn from regular session into a meeting of the Council Committee of the Whole to discuss traffic at the Four Corners Intersection. Councilman Crites seconded the motion. By unanimous consent, the motion carried.

**COUNCIL COMMITTEE OF THE WHOLE**

Mayor Hrivnak said the purpose of this meeting is to discuss traffic at the Four Corners Intersection. They would like to get an idea of the current and future traffic through this intersection, Powell and the surrounding area. They would also like to discuss any possible solutions that may exist. If they have time he would like Council to discuss the steps required to determine a course of action for the intersection.

Steve Lutz, City Manager, introduced Traffic Engineer Doyle Clear who has been engaged to conduct a study of traffic in Powell and the Downtown area. He is one of the consultants for the Comprehensive Plan Update.

Doyle Clear, Trans Associates, said they are working closely with MKSK as they begin to study various alternatives for the transportation system for Powell. They are looking at today's conditions as well as a 20-year horizon so they can define the traffic and transportation/roadway system demands placed on the City of Powell in the future. That process is well underway but the travel demand modeling they are conducting with MORPC is running about two months behind. MORPC will not have their 2040 land use model in place for 9-12 months so they have asked them to work with the 2035 land use data. Once the model has been validated they can look at future scenarios and demands.

Mr. Clear said Staff requested that they look at the data for the Four Corners intersection. The work they have done is preliminary. They have focused on the current issues and how they may be addressed today but they do not want to suggest something that might not be in concert with something the City would like to do in the future. Other solutions for the Downtown will be tested but will not have for another 4-5 weeks.

Mr. Clear provided information to City Council regarding Four Corners Intersection Preliminary Analysis Results (Exhibit A) and Traffic Volume Counts (Exhibit B). He described how to interpret the counts and reviewed the volume counts during the am and pm peak hour. According to the modeling done by EMH&T for the Murphy Parkway study, half of the north to eastbound and westbound volumes may use Murphy Parkway. Mr. Clear provided more detailed information on the way SR 750 traffic flows throughout weekdays versus Saturdays. He said the weekend data was collected in September after school started on a sunny Saturday when the Zoo was busy but the water park was not open.

Mr. Clear described how they currently determine levels of service to determine how well intersections operate:

- First, calculate the level of delay over an hour's time for a typical vehicle
- Grade from A (best) to E (lowest/capacity)
- The plan for intersections to operate at a C-D level of service
- Level of Service D = average of 35 to 55 seconds of delay
- Level of Service F = above capacity or above 80 seconds of delay

Capacity analyses today show B-C level of service at the Four Corners and they should not have any problems at that intersection. The EMH&T study for Murphy Parkway shows the same level of service in their calculations. The 2007 EMH&T study shows lower grades (E-F level of service) but they used a different set of criteria to define how well the intersections operate. The information in that study is right (there are problems at the intersection) but the study mixes apples and oranges. Mr. Clear said they have tried recently to model the intersection and they have concluded that it is not the volume of traffic at the intersection or the left turns by themselves, but there are so many other factors effecting how well the system works. Those include:

- Train activity – how often it comes through and how much it bottles up the system to cause delays
- Friction caused by on-street parking and people moving in and out of spaces
- Driveways at several places along Liberty and Olentangy so people are making turns where there are no left turn lanes, delaying traffic
- Pedestrian traffic (not that high)
- Tight turn radii at the intersection that require stop bars to be set way back for the swing of the turning vehicles. Turns are typically made at 10-15 mph and these reduce them to 6-7 mph
- Slow speeds are inherent to the operations because of the sluggish way the system works and that reduces capacity of the system

Mr. Clear said they can push a lot of traffic through if it is a perfectly smooth condition; as soon as they create kinks or friction, the slower things move and capacity is less. The optimal speed for moving vehicles is 45 mph because they have compressed traffic at safe stopping speeds. The faster the speed, the more distance between cars, lowering the amount of vehicles moved; the slower the speed the lower the capacity. He has concluded that all of those factors cause the system to fail. If they take the same intersection and moved it away from the railroad and the parking, there would be no problems with the intersection.

Mr. Clear discussed how turns affect the operation of the intersection. The data says the intersection is operating at a B-C level but they know that is not what they are seeing in reality. They must look at comparative analyses to distinguish the incremental change if they make certain changes. Their modeling used two trains per hour, keeps the parking, lowers the speeds, lowered the speed of cars making turns and the model tells them they only get queues backing up past the railroad tracks less than 5% of the time. The models available are not replicating what they currently see out there. Mr. Betz is working on getting all of the train data so they have exact numbers. They will have to consider increases in train volume because the queue cutter will have to tie into the existing signal. Over the next 1-2 months they will fine tune this because they cannot accurately model and replicate what they see today.

The current controller at the intersection is two-phase, the simplest one they can install. It does not have flexibility and they do not need that without turn lanes. It was installed in 1999-2000. Staff provided the current timing that has been in place since the 2007 EMH&T study. When Murphy Parkway is extended the data shows they may have a 30% decrease in the eastbound delay. If they eliminate all left turns north and southbound the delay is reduced by 48-49%. Mr. Clear said they looked at a scenario from the EMH&T study to add turn lanes and they do not get the same answer as they do. The addition of turn lanes adds volumes and more conflicts to the intersection; they looked at adding turn lanes and upgrading the controller so it would be more flexible to handle separate movements and it ends up being the worst solution. The two things that improve this intersection are extending Murphy Parkway and eliminating left turns. They believe these two items would result in a very minor improvement and will not solve the problem. Mr. Clear said they believe there are more things to be done and that is what they are working on. Their suggestions/alternatives include widening the road and adding turn lanes but restricting turns at the intersection. This would allow turns at the driveways along the roadway east-west and north-south. They still need to work on integrating the train into the system. If they widen the road on Liberty and Olentangy they might think about increasing the radii at the intersection. They will come back with more information on those options. They believe they must go one step further to add more circulation created in and around the downtown.

They are currently studying the following alternatives:

- Extension of Scioto Street eastward to Grace Drive
- Addition of a circulation system in the southeast quadrant so traffic from the east going to the businesses to the south has flexibility other than Bennett Parkway
- Extending Hall Street or Depot Street to the north
- Extending Depot Street to the south
- Extending Hall Street through the park to provide movement from the southwest quadrant
- Addition of a Seldom Seen overpass

Mr. Clear said the volume of traffic at the Four Corners will continue to stay low as long as the roads nearby are not widened and act as constraints on the traffic. The volume that reaches the intersection is probably low enough that they do not need to do a whole lot more than trying to get rid of the friction at the intersection; they may still want to eliminate turns once Murphy Parkway is extended. If left turns are restricted it will impact other roads and may mean that some of the businesses suffer. They will have to study where those turns will go and more signage will be necessary. As soon as they restrict turns it requires more police enforcement and they only work as well as they are enforced. If they decide to restrict turns, the volumes show they only need to restrict them from 7 a.m. to 7 p.m. Mr. Clear said restricting turns is not the only thing to do and if done he is not sure it would do anything to help the current operation at the intersection unless they have Murphy Parkway extended. He clarified that of the total traffic going through Powell from just west of SR 315 over to just east of the Zoo, less than 25% (3k cars daily) actually goes between those two points. The through traffic on SR 750 is not an enormous amount because 75% of the traffic ends up in Powell general. About 15% of the traffic from the east wants to go south on Liberty and a smaller percentage comes from the west and wants to go south.

Several questions were posed by members of Council and answered by Mr. Clear:

It sounds like there are several contributing factors to the functionality of the Four Corners. Is it fair to say that Murphy Parkway is an important first step to help them address the other contributing factors? That is fair and they feel they need to go a step further to add more circulation systems in the southeast and northeast quadrants so there are alternatives.

They have always heard that the high volumes of traffic are pass-through but actually most of the traffic is not through traffic? That is correct; these numbers are based on census data collected in 2010 by MORPC.

Is he saying there are no steps to take until the Murphy Parkway extension is completed? The restriction of left north and southbound turns on Liberty would help but he is not sure they can successfully do it and still make sure people coming northbound can get to City Hall and the businesses on the west side without causing confusion.

Councilman Bennehoof said the Police Chief has said he has a problem with enforcement of no left turns. He asked if Mr. Clear is familiar with a Stockholm study regarding bridges and how they implemented tariffs. The most interesting point is that the beliefs and behaviors of the drivers was changed and the rush hour traffic patterns were reduced. He said they have to do something but no decision is worse than a wrong decision. It sounds like the models do not reflect reality and the perception is that they have not done anything in over 12 years. He is interested in short term and long term solutions.

Mayor Hrivnak asked when they can anticipate the next report. Mr. Clear said it will be four to six weeks. Mayor Hrivnak said they want to develop a plan for the future as well as one that allows them to step toward the future. He is happy to hear that the Murphy Parkway extension is a good step and that levels of service will be better after it is completed.

Councilman Cline said he would like to hear of any concrete proposals that could make a difference while they are waiting for the extension to be completed. He would also like to know if the data does not support that the proposals would make an appreciable change. Mr. Clear said the controller cycle length was increased from 60 to 120 seconds per a recommendation from EMH&T but that also presents issues. The trains have a significant impact; it is something they have to live with and it will probably get worse. Everything they do makes some incremental change but it will only be an incremental piece of the solution. He cautioned them to not just look at the intersection because it is not the problem in and of itself.

Councilman Lorenz said his gut tells him they need to get rid of left turns altogether. The numbers are interesting and back that up. He asked if they will give thought to eliminating right turns as well during certain time periods because the data shows 209 right turns at the PM peak. Mr. Clear said there are already no turns on red but

they can look at eliminating all turns. The projections say that traffic on Liberty will increase by 70% in next 20 years and traffic on Olentangy will increase by 30% during that period. The demand for traffic movement within the whole study area far exceeds the capacity of all of the roads in the Powell area. There are few ways they are looking at it in the future:

- Can they reduce need for people to drive
- Can they find alternative modes for people to take other than the automobile
- Can they manage Transportation Systems

Councilman Lorenz asked Chief Vest about the possibility of cameras at the Four Corners. Gary Vest, Police Chief said they cannot do photo enforcement. The Four Corners is a nightmare to police because there is no place for a car to park and it is not safe to pull cars over. If a camera is installed and an officer is present they can enforce the law. There is a parking situation for the small businesses and it presents a conflict between local use/needs and moving traffic through the City.

Councilman Bertone asked if they have looked at a three lane cross-section from east of the Four Corners to Sawmill Parkway to see if it would be helpful. Mr. Clear said they will be looking at that as part of their analysis. Right now they are focusing on solutions they could do at this time without major capital investment. They do believe three lanes east/west and north/south could be a good solution in the future. The Council and citizens will have to weigh the issues of better traffic movement versus downsides that come from urban design. The team will show Council the things they might think about, the cost estimates and the possible changes to character.

Councilman Bennehoof said if someone were to make a rash decision to limit left turns at the Four Corners (which could be undone by ordinance at future time) would that be detrimental? Experiments have been tried in the past but discarded. Mr. Doyle said from a pure traffic engineering standpoint it would reduce the number of conflicts and will make the intersection work slightly better but it will not solve the problem. He fears that the elimination of left turns will cause people to find alternate routes that may impact businesses in the downtown. There may be more backlash from not having turns. He would suggest they have advanced signage to direct traffic but even after all of the planning and expense it may not make much of a difference.

Chief Vest asked if they have looked at placing traffic signals at the Grace Drive/Olentangy Street and Grace Drive/N. Liberty Street intersections and adding proper signage to assist with cars that use that bypass. Right now they have a hard time getting off the bypass safely and it is the one improvement they already have in place. Mr. Clear said they are looking at potentially placing signals but the issue is whether they meet the signal warrant. They have not done a study that shows the changing volumes experienced if they eliminate the turns and redistribute traffic. Current volumes do not meet the warrant.

Mayor Hrivnak opened this item to public comment.

Mike Linehan, 711 Pilcher Court, said it looks like the volumes northbound/southbound are about 30% less than the volumes going eastbound/westbound. He asked if the controller has the exact same sequence both directions. Mr. Clear said there are advance detectors on the eastbound/westbound directions that give them the volume of traffic on SR 750 and there are detectors on the northbound/southbound that pick up that traffic and calls it up when there is traffic on Liberty. It adjusts itself in a 120 second period.

Mayor Hrivnak closed the public comment session.

MOTION: Councilman Crites moved at 8:27 p.m. to adjourn from the Committee of the Whole meeting into regular session. Councilman Cline seconded the motion. By unanimous consent, the motion carried.

## **8:27 P.M. - REGULAR SESSION**

### **PLEDGE OF ALLEGIANCE**

### **CITIZEN PARTICIPATION**

Mayor Hrivnak opened the citizen participation session for items not on the agenda.

Brian Ebersole, 215 Squires Court, pointed out an exchange from last week to make a point. He had stated that the Court in the case with the Charter Amendment, had stated that they agreed with the assessment that the City was not defending the Charter Amendment. He said Mr. Cline said he did read the order and did not see that language. Mr. Hollins stated that he did not think that is what it said. With that being said, the order is only two pages long and at the end of the third paragraph it says "The City thus declines to zealously defend the amendment." That does not need interpretation. Mr. Ebersole said it sounds like he is expected to now sit down, listen to an explanation and in this case, listen to lies by two individuals to discredit what he just said. He feels that is abusing the way this process is supposed to work. The real reason he's up here is to talk about the standstill order. He brought it with him and it says that no provisions of the Charter Amendment are severable from the others and the proposed Charter Language is either all in or all out. The standstill order applies to the entire Charter Amendment. It goes on to say that the standstill order applies to the entirety of the Charter Amendment and maintains the status quo. Mr. Ebersole said it is to tell them that either it is all in or all out. The status quo would be that if it was before the passed the amendment on November 4<sup>th</sup> then it would not be in place and they would not be moving forward on a Comprehensive Plan, forming a committee or including a high density housing ban. In that definition a building can still build but they all know and agree that the Court is telling them that the developer cannot build. That tells them that the status quo is that the Charter Amendment is law and they are moving forward with a Comprehensive Plan, putting together the five member committee that is a part of the plan review and there is a high density housing ban in place.

Mr. Ebersole said when he brought this up last week Gene Hollins' interpretation was that it prohibits the City from doing anything in furtherance of the Charter Amendment. That would mean that the Charter Amendment is not law and they know that is not right. Then Mike Crites asked for clarification which Mr. Hollins confirmed by saying it stops the Charter Amendment Comprehensive Plan concept. The point of it was to put together a Comprehensive Plan so not only would their interpretation stop this Committee from being put together, it would also stop them from moving forward on the Comprehensive Plan. Mr. Ebersole said they are contradicting their own definition by having a workshop two weeks ago to move forward with the Plan. He is bringing this up to make the point that there is only one interpretation and that is the one from the Courts: the Charter Amendment is law until the Court says something different.

Mr. Ebersole said he spoke with Brian Lorenz and he thought perhaps there was some movement on creating the Comprehensive Plan Committee but he was not sure. He would like to receive clarification from Council to see if they still stand by their opinion that they cannot put together this Committee because of the standstill order even though it specifically addresses the entire Charter Amendment and is telling them to move forward. If there isn't, for the sake of working together and communicating, he would like Council to request that Dan Downy send something in writing that specifically explains why the Comprehensive Plan Committee is not being put together. Their legal team does not think that is something he can possibly put in writing.

Councilman Lorenz said he did have a phone conversation with Mr. Ebersole a couple of weeks ago. It was his understanding that there was a February 1 deadline to form this committee. Staff did reach out to those named in the Charter Amendment and did not get any response from those individuals charged to be on the committee. Then they received the standstill order. He told Mr. Ebersole that until the standstill order is lifted Council's hand are tied to form the committee. They cannot get people to participate that are not willing to participate.

Councilman Cline said he thinks Mr. Ebersole still misunderstands the concept of a standstill order. It appears to him that Mr. Ebersole believes the standstill order only applies to one side of a lawsuit; either that side stands still or the other side stands still. Councilman Cline said it is his understanding of what the Court intends to do it to freeze both parties in place. The City may not move forward to approve high density housing nor may they move forward to create the Comprehensive Plan Committee.

Mr. Ebersole asked if Mr. Downy would write a letter. Mr. Lutz said he believes Mr. Hollins has already issued a clarification and he does not feel comfortable discussing pending litigation.

Mayor Hrivnak closed the citizen participation session.

#### **APPROVAL OF MINUTES**

MOTION: Councilman Cline moved to approve the minutes of February 3, 2015. Councilman Crites seconded the motion. By unanimous consent, the minutes were approved.



## CONSENT AGENDA

### Item

### Action Requested

*Departmental Reports – January 2015*

*Receipt of Electronic Report*

MOTION: Councilman Cline moved to adopt the Consent Agenda. Councilman Bertone seconded the motion. By unanimous consent, the Consent Agenda was adopted.

## COMMITTEE REPORTS

**Development Committee:** Councilman Lorenz said they met last Tuesday evening; he thanked those who attended that meeting so they could hold a discussion on all of their projects. They will discuss the CIP list in more detail at the next meeting. *Next Meeting: Tuesday, March 3<sup>rd</sup>, 6:30 p.m.*

**Finance Committee:** No report. *Next Meeting: Tuesday, March 10<sup>th</sup>, 7:00 p.m.*

**Operations Committee:** No report. *Next Meeting: Tuesday, March 17<sup>th</sup>, 6:30 p.m.*

**ONE Community:** Councilman Bennehoof said they met last week. The beautification project is moving forward but needs a little more velocity to catch up with the semester. The First Responders are working with Sertoma and other organizations to put together "A Night at the Races" as an annual fundraiser for Sertoma. They are opening it up to ONE Community to bring in a fundraiser to raise funds for distracted driver simulators. Dom Tiberi's Maria's Message will be represented. *Next Meeting: March 9<sup>th</sup>, 7:00 p.m.*

**Planning & Zoning Commission:** Mr. Betz said they had several items tabled at the last meeting. At the next meeting they will discuss an office on Lincoln Street and the requested Sign Code Update. *Next Meeting: Wednesday, February 25<sup>th</sup>, 7:00 p.m.*

**Comprehensive Plan Steering Committee:** Councilman Crites said on February 5 between 7-9 p.m. they held their first public open house and over 60 people were present. It started with an overview of the Comprehensive Plan presented by their consultants and then they broke up in to five groups to discuss traffic, transportation, open space, fiscal health and land use. They received good feedback and ideas. They hope to have even more people at the second open house held within the next 6-8 weeks. *Next Meeting: Tuesday, February 24<sup>th</sup>, 6:30 p.m.*

**Powell Community Improvement Corporation:** No report. *Next Meeting: TBA*

## CITY MANAGER'S REPORT

No report.

## OTHER COUNCIL MATTERS

Councilman Bennehoof said he came tonight prepared to make a motion to limit all left turns at the Four Corners because he feels they have to make some sort of step forward. He heard from Mr. Clear that it will make some difference. This should be in a better form than a motion but Council, as a body, should consider making any incremental change they can. He knows enforcement and signage are issues. He encouraged everyone to listen to the short video he mentioned earlier. They need to look at doing something for the community and for themselves. Councilman Bennehoof said he would like Staff to describe what kind of signage they would propose and a possible time frame. This would not be irrevocable, it shows some effort by Council and it might turn out to be better than expected.

Mayor Hrivnak said the consultants will report back to Council in 6-8 weeks and they should hear that report before they make any changes. Councilman Bennehoof said he does not think Murphy Parkway does anything to limit Council doing anything about the turns. He said he is certain that flow would improve through the Four Corners. Staff will need to report back about signage and marketing to the public before they make a motion.

Mayor Hrivnak said the purpose of the meeting earlier tonight was to make a plan for the Four Corners and suggesting a motion of this type at the first meeting may be premature. Councilman Bennehoof said City Council has been discussing the intersection for a long time. Councilman Lorenz agreed with Councilman Bennehoof to some degree. They have now seen the information and some numbers and they are all on notice that this is a contributing factor and coming down the pipeline. It may be premature to make a recommendation tonight. Mayor Hrivnak said they need to consider the downtown businesses who have voiced a lot of angst before when this has been brought forward; they would be ill advised to make any moves without getting their opinion. Councilman Lorenz said a part of the evidence has been revealed tonight and that have not actually had that before. Mayor Hrivnak said he did not see data about how it would help if they eliminate turns today.

**EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (1), PERSONNEL (BOARD & COMMISSION APPOINTMENTS).**

MOTION: Councilman Cline moved at 8:50 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (1), Personnel (Board & Commission Appointments). Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bennehoof moved at 8:55 p.m. to adjourn from Executive Session. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved at 8:55 p.m. to reconvene in Regular Open Session. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

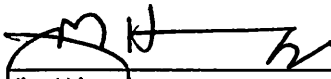
MOTION: Councilman Bennehoof moved to appoint Ed Cooper to the Planning & Zoning Commission for a term ending \_\_\_\_\_. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0 Abstain – Lorenz

MOTION: Councilman Cline moved at 8:56 p.m. to adjourn from Regular Open Session. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

**MINUTES APPROVED: March 3, 2015**

  
\_\_\_\_\_  
Jim Hrivnak  
Mayor

3-17-15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Sue D. Ross  
City Clerk

3-17-2015  
\_\_\_\_\_  
Date

