



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**JUNE 2, 2015**

**CALL TO ORDER/ROLL CALL**

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, June 2, 2015 at 7:35 p.m. City Council members present included Richard Cline, Tom Counts, Mike Crites and Brian Lorenz. Jon Bennehoof and Frank Bertone were absent. Also present were Steve Lutz, City Manager; David Betz, Development Director; Chris Huber, City Engineer; Megan Canavan, Communications Director; Gene Hollins, Law Director; Susie Ross, City Clerk; and interested parties.

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

Mayor Hrivnak opened the citizen participation session for items not on the agenda. Hearing none, he closed the citizen participation session.

**PRESENTATION – Powell Sertoma**

David Betz and Larry Coolidge of the Powell Sertoma presented a check in the amount of \$2,049.70 to representatives of the Powell-Liberty Historical Society. Powell Sertoma is still out there raising money for the community; they have given out over \$300k to local charities since 1997, with the Sertoma Foundation providing equipment for Delaware Speech and Hearing Center through grants. Mr. Betz said they are happy to present a check to the Historical Society for the continued restoration of the 1949 Fire Truck. Mr. Coolidge said \$1,000 of this donation was raised at their annual Cruize-In and this is the tenth year they have been able to donate those funds to the Society. They also raised funds at the Pancake Breakfast where they were assisted by four Liberty Township Firefighters. Marge Bennett of the Historical Society accepted the check on behalf of the Society and thanked the Sertoma Club for their generosity.

**APPROVAL OF MINUTES**

Several corrections to the minutes were noted.

MOTION: Councilman Cline moved to amend the minutes of May 19, 2015. Councilman Counts seconded the motion. By unanimous consent, the minutes were amended.

MOTION: Councilman Cline moved to adopt the minutes of May 19, 2015. Councilman Counts seconded the motion. By unanimous consent, the minutes were adopted.

**FIRST READING: ORDINANCE 2015-24: AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR 7.226+/- ACRES AT LOTS 5124 & 5125 AT LIBERTY CROSSING FROM LIBERTY TOWNSHIP PC, PLANNED COMMERCIAL DISTRICT TO CITY OF POWELL PC, PLANNED COMMERCIAL DISTRICT.**

Steve Lutz, City Manager, said this is the first reading of this ordinance of this proposed development. The advertised public hearing is scheduled for the second reading on June 16th. They will note that one of the biggest changes in this proposal is that as a result of Planning & Zoning review, the front rather than the rear of the building will now face Sawmill Road.

David Betz, Development Director, reviewed the location of the site and surrounding uses and zoning districts. The development includes the lot with the pond and the vacant lot to the west of the pond. Spectrum Communities is proposing an assisted living/memory care facility placed on the lot with the existing pond in the front. The access is from Attucks Drive and Liberty Crossing Drive and it proceeds around the building. This is an "L" shaped building with a memory garden and patio in the back and extensive walkway around the building. They will also be continuing the bikepath system around this site. Mr. Betz said they flipped the building to face Sawmill Road and are purchasing the lot with the pond so another landscape plan will come forward with the Final Development Plan. The architecture of the building is similar to their previous building that will start construction soon on Sawmill Parkway. The Planning & Zoning Commission reviewed the Preliminary

Development Plan and approved it with several conditions; they will come back with the Final Development Plan through the Commission and then on to City Council. Right now Council is seeing the Zoning Map Amendment and the annexation of the property is addressed in the next ordinance.

Glen Dugger, Attorney, 37 W. Broad Street, said he is typically accompanied by representatives of Spectrum Communities but their representative was unable to attend this evening. The proposal is exactly as described by Staff. They struggled a little at the Sketch Plan review with Planning & Zoning Commission but once the building was flipped to face Sawmill Road many of the questions about the site were resolved. Because the front of the building now faces the pond and Sawmill Road it is the gateway to the development. The landscape plan they submitted to P & Z was just for the west side of the pond and the Commission asked them to submit further landscape plans since the pond will become a part of their property. At this time it looks like a normal detention pond but they intend for it to be much more than that.

Mr. Dugger said this will be an assisted living and memory care facility and they tend to run about 75-80% assisted living with 20-25% memory care. It does have a small outdoor area for use by the memory care residents. Spectrum is excited about this site due to its proximity to all of the restaurants and shopping opportunities nearby. From a planning perspective, this is a terrific transition between the back side of the shopping center and the residential on the east side of Sawmill Road. Mr. Dugger said this facility will have 84 units and 60 parking spaces. At P & Z they discussed that 364 days per year that is more than enough parking for their needs but on Mother's Day it may not be. One of the things they have to do is indicate how they will provide additional parking on the days during the year that they have a higher visitor count. That may be accomplished on Liberty Crossing Drive where there is on-street parking and low road usage. Mr. Dugger said they also discussed whether this one needs to be differentiated in color from the other Spectrum but that has not yet been determined. They may see a slightly different color palate for this building. The number of remaining issues is very small; they have to do the larger landscape plan, define colors and indicate holiday parking overflow. With the exception of the flip in the building to face Sawmill Road, this building is exactly what they presented as a part of the pre-annexation agreement several months ago. The next item before Council is the annexation of this property. Mr. Dugger said this development is where they hoped it would be at this point in the process; there is no reason not to attach this and go forward to approve this and the annexation ordinance. They can then come back to the Planning & Zoning Commission with the Final Development Plan.

Gene Hollins, Law Director, said the public hearing for this ordinance is scheduled for the next Council meeting so they should take this ordinance to a second reading. Unless there is an objection from Mr. Dugger, they should also table the annexation to the next Council meeting so they can handle them in tandem. Councilman Counts asked what type of legislation they will see in the future after the Final Development Plan review. Mr. Betz said Council will see an ordinance to approve the Final Development Plan, which is the last step before the developer can start construction.

Councilman Cline asked for clarification on the elevation directions. Mr. Betz said the directions on the elevation drawings are incorrect; the south should say west, the north should say east, the east should say south and the west should say north. Councilman Cline said flipping the building is absolutely the correct decision because it fits the lot better, will make the product better and it will look better for the community as well as give the applicant a much stronger incentive to keep the pond looking good.

Mr. Dugger said they would like them to hold the annexation until the June 16<sup>th</sup> meeting. Mayor Hrivnak asked when the Final Development Plan may come before P & Z again. Mr. Betz said they have some work to do on the plans so it will probably be August or September. Mr. Dugger said Spectrum has authorized their engineer and architectural staff to proceed and that is probably a 30-45 day process; they should see it come back to Planning & Zoning Commission later this summer.

Councilman Lorenz said they are happy that Spectrum is proposing another facility in this community. He asked about the economic benefit to the City from the amount of staffing they may anticipate at this center. Mr. Dugger asked to defer this question until the representative from Spectrum is present to give a fully accurate answer.

Mayor Hrivnak opened this item to public comment. Hearing none, he closed the public comment session.

Ordinance 2015-24 was taken to a second reading.

**SECOND READING: ORDINANCE 2015-14: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 7.226 ACRE TRACT, MORE OR LESS, TO THE CITY OF POWELL. (Tabled from April 21<sup>st</sup>)**

Mr. Lutz said this is the proposed annexation for the Spectrum II property just discussed. Staff recommends Council table this ordinance until June 16<sup>th</sup> so it may come forward with the zoning map amendment.

Mayor Hrivnak opened this item to public comment. Hearing none, he closed the public comment session.

Mr. Hollins said there is no problem with the timeline for annexation; they will be well within the requirements.

MOTION: Councilman Cline moved to table Ordinance 2015-14 to the next regularly scheduled meeting of City Council on June 16, 2015. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

**SECOND READING: ORDINANCE 2015-22: AN ORDINANCE ADOPTING THE UPDATED PERSONNEL MANUAL FOR EMPLOYEES OF THE CITY OF POWELL.**

Mr. Lutz said they discussed this ordinance in detail at the last Council meeting. This is a complete revision to the manual to make sure it is consistent with all state and federal laws. Very few substantive changes were made. At the last meeting they were asked to take a look at the non-discrimination section to see if they are required to add any language regarding sexual orientation. Under current laws there are no such requirements.

Councilman Cline said on pages 10, 21, 24 and 65 there is language related to discrimination. It appears the City is taking inconsistent positions with respect to whether or not discrimination based on sexual orientation is a practice the City intends to either prohibit or discourage. He is not sure if the City has ever expressed a policy one way or another but they should be consistent in whatever that policy is. Councilman Cline asked that they consider that issue. On pages 61 & 62 they are talking about a substance abuse process which may be intended to approximate an employee assistance program but he does not understand if a self-report means no discipline or that discipline is still possible. He asked if Mr. Hollins has any input on these issues. Mr. Hollins said he defers those questions to the City.

Mr. Lutz said they can table this ordinance to the next meeting and he can follow up on these specific items.

Mayor Hrivnak opened this item to public comment. Hearing none, he closed the public comment session.

MOTION: Councilman Cline moved to table Ordinance 2015-22 to the next regularly scheduled meeting of City Council on June 16, 2015. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

**PRESENTATION - ANNUAL STREET MAINTENANCE AND REPAIR PROGRAM**

Chris Huber, City Engineer, reviewed the Annual Street Maintenance & Repair Program Document (Exhibit A). He said Staff completed their inspection of the streets and determined pavement condition ratings. They compared this year's findings to previous years and the pavement condition rating (PCR) average in 2012 was 84.07 and in 2013 it was 83.46. In 2014 it was 83.07 and they can see that they went down for three straight years. Last year they had a little more aggressive program and they increased the PCR average percentage in the very good to excellent rating. They also introduced a large slurry seal program last year that brought a lot of streets up in the rating system.

This year's program will be very similar to last year with Mill and SAMI overlay and some intersection improvements. They will have far less money spent on intersection improvements because they have been completed in previous years. They will move those funds to allow them to provide Mill and SAMI overlay on more streets. The program will also include some curb and gutter replacement, some pedestrian pathway replacements, crack seal, slurry seal and pavement markings.

Mr. Huber said the base bid will include overlay in the Briarbend/Bartholomew Run area, Aspenknoll Drive in Falcon Ridge, Paddock Circle in Olentangy Ridge and slurry seal in the other half of a section of Golf Village. It also includes a significant amount of crack seal and they will crack seal the entire length of SR 750 in the City as night work. The program will include the right-in and right-out at Depot Street which is a requirement for the queue cutter that will be installed this fall. They will continue with slurry seal in the earlier sections of Lakes of Powell. They have the pathway reconstruction south of Grandshire Drive as an alternate this year. Alternates for overlay this year include Shelby Court and Hopewell Court in Grandshire, and Cellar Court.

Mr. Huber said the budget allows for a base bid with contingency of about \$623,000.00. They will try to utilize some bond funds that were not previously used but they may need to appropriate a small amount of additional funds to complete all of the work. They anticipate preparing the big books and advertising next week, award the contract in late June and then start work in July with completion at the end of fall. That was their timeline last year and the contractors preferred to have school in session because it is less chaotic when kids are in school.

Mayor Hrivnak said the bar graph shows they are doing a good job to make sure the streets are not getting any worse. He asked if they are spending enough to keep their PCR score even. He said they have done a good job with the funds allocated by Council and it would be good to know they are spending the right amount of money. Mr. Huber said a few years ago they did a model forecast of what they thought they would need to do to keep the PCR at 80. They are currently at 84 but the model showed them ticking down gradually over the years. The model they used at that time simply utilized mill and overlay remedies for the street program which gave them a fixed amount of street which could degrade over time. The model did not contemplate the use of slurry seal (which they have used for 20 years) but with re-introduction of that process they extend street life for seven more years and allow a larger window to be able to get to the streets for repair. Mr. Huber said they usually do from \$500k to \$1million per year and they will stay within that while adjusting the street ratings. Mayor Hrivnak asked if the current program as described will keep them on a level par.

Mr. Huber said he believes it will. They have to remember that when they do the slurry seal the rating goes down quicker than it would with an overlay; the number they see is a good number but if he rated it today and not last fall it may be the same and not better in rating. The rating after slurry seal drops quickly and then levels off for seven years. The tick up is a result of when the ratings were done. Mayor Hrivnak said the model showed it dropping off and Council allocated more funds and it looks like that has paid off. Councilman Counts said when he looked at the street ratings he was surprised that the dark green went up and the yellow remained about the same. He asked what he would attribute that to and what do they need to do to make the yellow drop and the lighter green larger. Mr. Huber to get the yellow ratings smaller they must complete more mill and overlay; it is much more expensive but it will increase the rating. The streets in the 80-85 ratings (light green) did slurry seal and that pops the rating up temporarily. That is the first time they treated that many streets in that manner. Councilman Counts asked if they expect that in a couple of years they will be able to devote more money to mill and overlay. Mr. Huber said eventually they will have all of the streets slurry sealed and they may go into a cycle where they do more mill and overlay. That happened about five years ago. It goes in cycles.

Mr. Lutz said that is the issue that the Finance Committee continues to wrestle with; in certain years they have to increase the amount of mill and overlay and the revenues for street maintenance have remained stagnant and will continue to do so. They need to look for alternatives to be able to increase the budget to complete that type of work. Councilman Cline asked about closures on Liberty Street and Olentangy Street. Mr. Huber said they will maintain one lane while the work is completed in the evenings after 9 p.m. Councilman Lorenz said on Exhibit A-1, the area to the east of S. Liberty shows pavement repair that looks like it is in Library Park. Mr. Huber said in the drive to the Library there are two base failures that need to be cut out and completely rebuilt. This is not a substantial area and at some future date they will mill and overlay the entire area. Councilman Lorenz asked if the City will bear all of the responsibility for the cost. Mr. Huber said the library portion of that section is only about 5' x 5' and the majority of the repair is on the City area.

Mayor Hrivnak thanked the Engineering Department for their work on this project. Council will look forward to seeing the bids in the near future.

## **COMMITTEE REPORTS**

**Development Committee:** Councilman Lorenz said they met earlier this evening and heard a presentation from Staff about the Murphy Parkway Extension. They have the 90% engineering plan completion and they spent the entire meeting on that subject. They discussed safety of crossing and landscaping is a big concern. They explained the general timeline and process and what to expect as this moves forward. Mr. Lutz said they may look at cancelling the first Council meeting in July due to the holiday so they may schedule a special Development Committee meeting so this project does not lag. *Next Meeting: TBD*

**Finance Committee:** No report. *Next Meeting: Tuesday, June 9<sup>th</sup>, 7:00 p.m.*

**Operations Committee:** No report. *Next Meeting: Tuesday, June 16<sup>th</sup>, 6:30 p.m.*

**ONE Community:** No report. *Next Meeting: Monday, June 8<sup>th</sup>, 7:00 p.m.*

**Planning & Zoning Commission:** Mr. Betz said at the next meeting the Commission will review the Powell Grand Preliminary Development Plan. A public hearing was held regarding the changes to the sign code and Planning & Zoning Commission made a recommendation which will come forward to Development Committee and then for another public hearing with City Council. *Next Meeting: Wednesday, June 10<sup>th</sup>, 7:00 p.m.*

**Comprehensive Plan Steering Committee:** Mr. Betz said they had a great meeting and are starting to come up with land use and transportation scenarios. They are looking at economics based on those scenarios and how they would economically effect the City. They are coming to a point where some policy development will come forward to the Committee at the next regular meeting. *Public Open House: Wednesday, June 17<sup>th</sup>, 7 p.m.*

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

**CITY MANAGER'S REPORT**

Mr. Lutz said as they know, the City's website is going through a re-design. This is a six month project which is nearing completion. The new website will roll out in late July/early August and Megan will preview it to Council at the July 21<sup>st</sup> meeting.

**OTHER COUNCIL MATTERS**

Councilman Lorenz expressed thanks to the Police Department and City Staff for another great Memorial Day parade and celebration. It was a great success.

**EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (1), PERSONNEL MATTERS (EMPLOYMENT/COMPENSATION).**

MOTION: Councilman Cline moved at 8:30 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (1), Personnel Matters (Employment/Compensation). Councilman Crites seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Lorenz moved at 8:56 p.m. to adjourn from Executive Session. Councilman Counts seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved at 8:56 p.m. to reconvene in Regular Open Session. Councilman Cline seconded the motion.

VOTE: Y 5 N 0

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

VOTE: Y 5 N 0

**MINUTES APPROVED: June 16, 2015**

  
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Jim Hrivnak  
Mayor

7-6-15  
Date

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

7/7/2015  
Date

