



**City of Powell, Ohio**  
**City Council**

**MEETING MINUTES**  
**MARCH 5, 2013**

A regular meeting of the Powell City Council was called to order by Mayor Cline on Tuesday, March 5, 2013 at 7:30 p.m. City Council members present included Jon Bennehoof, Tom Counts, Mike Crites, and Jim Hrivnak. Sara Marie Brenner and Brian Lorenz were absent. Also present were Steve Lutz, City Manager; David Betz, Development Director; Rob Rice, City Engineer; Gene Hollins, Law Director; Anne Vogel, Deputy City Clerk, and interested parties.

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

Mayor Cline opened the meeting to Citizen Participation for items not on the agenda.

Jennifer Sweet, 235 Oakham Ct., spoke about her concern regarding the deer population. She said she has lived in Bartholomew Run in Powell since 2002 and when she first moved here, she would see one or two deer in her yard. Ms. Sweet said now they see nine or ten deer in their yard and they keep populating because there is nothing to stop them. She said the deer have caused a lot of property damage and their yard is completely trampled. Ms. Sweet said they have a four year old and a swing set in their yard that is right where the deer are. She said their neighborhood can only have fences that are 4-5' high and she is worried about installing a fence only to find out it will not solve the issue. Ms. Sweet said she knows a couple of people in the area that have hit deer with their cars and her husband was almost run over by a deer when he took out the garbage one night. She said the deer are over-populated and she is bringing this to the attention of Council because this is something to consider. Ms. Sweet provided a photo to Council (Exhibit 1). She said the deer are so desensitized to humans that they are no longer afraid and this poses a concern for the safety of children and drivers on the road. She said it is a very large problem now and she can see it will get worse if it is left unchecked. Ms. Sweet asked if City Council can change the fence restrictions or provide other manners to control the population and help the problem in the community.

Mayor Cline thanked Ms. Sweet for bringing this to their attention. He said they have all seen deer within the community and they don't have animal control officers or game wardens within the City that have the capacity to address this problem.

Steve Lutz, City Manager, said several years ago one of the neighborhoods was concerned about coyotes in the area and that resulted in the adoption of an ordinance to allow individual residents to hire licensed animal control companies to work with the residents on their property. He said it is not financially feasible for Powell to approach this on a city-wide basis but the residents can try to address the situation on their own property. He said he will forward a copy of the ordinance to Ms. Sweet.

Councilman Counts said the Operations Committee discussed the coyote issue and they found the problem is much bigger than Powell. He said even if Powell wanted to do something and had the financial resources it would not solve the problem because they cannot put a big wall around the City. He said they all share in her frustration but there is not much of a practical manner that can be done.

Ms. Sweet asked about being able to put up a fence that would be taller than allowed. Dave Betz, Director of Development, said their neighborhood has a certain design requirement for split-rail fencing with a restriction on height. Gene Hollins, Law Director, said there is a process for requesting a variance from the City. Mr. Betz said a five foot fence is the maximum.

Councilman Bennehoof said he has lived all over the country and has seen deer clear very tall fences of six feet or more. He said a fence is not her solution but there may be other mitigation strategies he is willing to discuss offline. Mayor Cline said discharging a firearm within the City limits is an offense so they do not want to

suggest that but they do understand the problem. Ms. Sweet asked if she could apply for a variance. Councilman Bennehoof said it will be a waste of money unless the fence is over eight feet tall.

Hearing no further comments, Mayor Cline closed the Citizen Participation session.

#### **APPROVAL OF MINUTES**

MOTION: Councilman Counts moved to adopt the minutes of January 29, 2013 as submitted. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt the minutes of February 5, 2013 as submitted. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

#### **CONSENT AGENDA**

##### Item

- Monthly Building Report - January
- Monthly Development Report - January
- Monthly Financial Report - January
- Monthly HDPI Report - January
- Monthly Police Report - January

##### Action Requested

*Receipt of Electronic Report*  
*Receipt of Electronic Report*  
*Receipt of Electronic Report*  
*Receipt of Electronic Report*  
*Receipt of Electronic Report*

MOTION: Councilman Counts moved to adopt the Consent Agenda. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

#### **FIRST READING: ORDINANCE 2013-13: AN ORDINANCE ESTABLISHING CERTAIN REQUIREMENTS FOR THE DESIGN OF THE MURPHY PARKWAY EXTENSION SOUTH PROJECT AND REPEALING ORDINANCES 2001-19 AND 2007-06.**

Mr. Lutz said tonight is the first reading of this ordinance and a second reading will take place at the March 19<sup>th</sup> City Council meeting; no action will take place on the ordinance this evening. Mr. Lutz said in November 2012 the voters of Powell approved a ballot issue to provide funds for various capital improvement projects throughout the City. He said one of those projects was the extension of Murphy Parkway to South Liberty St. He said this road extension has been in the planning stages for over 15 years and they have gone through various plans throughout those years. Mr. Lutz said since the November election the Development Committee has met over several months to discuss the proposed ordinance. He said Mr. Betz will provide a review of the history of Murphy Parkway, present the recommendations of the Development Committee and review the proposed preliminary design. Mr. Lutz said this ordinance is important because they need to know exactly how the road will be configured before they can go out to bid for engineering services.

Mr. Betz said in 1995 the concept of Murphy Parkway was originated, based on an overall transportation plan that was created long before that time. He said in 1999 and 2000 the City did other studies based on the fact that they had a proposed change to the City's Comprehensive Plan for the Murphy Parkway extension. Mr. Betz said in the 1995 Comprehensive Plan it called for the full closure of South liberty Street at the CSX crossing and then Murphy Parkway would extend into and become Liberty Street as a continuous movement. He said Liberty north of the railroad tracks would be cut off in its entirety. He provided a map of that proposal (Exhibit 2). Mr. Betz said at the request of City Council the Planning & Zoning Commission, along with Traffic Engineering Services, a consultant hired by the City, studied the extension and made recommendations to City Council. He said several alternatives with differing alignments were examined and at the end an alignment was chosen where Liberty became continuous to Murphy Parkway but Liberty Street remained open and "T'd" into Murphy Parkway. Mr. Betz said Ordinance 2001-19 amended the Comprehensive Plan to allow for this alignment. He said at that time there were some that preferred that S. Liberty remain open as the through street and Murphy Parkway form the "T" but the plan shown was approved. Mr. Betz said in 2005 City Council asked Staff to hire another transportation consultant to look at the Four Corner intersection and Murphy Parkway extension. He said recommendations were made regarding the Murphy Parkway extension alignment where Murphy Parkway would "T" into S. Liberty Street and provide a left-turn lane from Liberty to Murphy Parkway. Mr. Betz said that is the 2005 preferred alignment for the extension. He said no formal adoption was made on this realignment from Ordinance 2001-19. He said this allows the north-south movement to remain on Liberty Street and does not overtly encourage traffic to utilize Murphy Parkway or encourage traffic away from the downtown business district. He said it may minimize impacts on adjacent neighborhoods and traffic volumes are not anticipated to exceed capacity of a two-lane roadway. Mr. Betz

said there were two alternatives shown (Exhibit 3). He said in 2009 City Council conducted several public meetings to receive input on all aspects of Murphy Parkway and S. Liberty, including the connection alignment. Mr. Betz said the City retained another traffic engineer, Burgess and Niple, to look at this project and at that time the consideration of a roundabout was introduced and in 2010 Staff looked more closely at that alternative. He said that was an idea that did not receive favor from an engineering standpoint.

Mr. Betz said there are two ordinances that relate to the Murphy Parkway extension and both are proposed to be repealed. He said Ordinance 2001-19 is the original legislation and Ordinance 2007-06, established some means by which they would look at traffic control, the ability to provide access management and traffic calming measures. He said some specific measures proposed were medians on Murphy Parkway and a gatehouse at Sawmill Road and Presidential Parkway. Mr. Betz said it also dealt with the opening up of Murphy Parkway to the north; at the time it was built, the parkway was connected but closed off from traffic. He said the City then removed the barriers, studied the traffic, and found there were no ill effects from its opening. He said some of the items were implemented and some were not; the proposed ordinance is meant to set forth some parameters by which the Murphy Parkway extension will be designed. Mr. Betz said that includes this preferred alignment where Murphy Parkway will "T" into Liberty. He said the ordinance requires traffic studies to be performed before the construction begins and again 180 days after it is completed. He said the City Engineer can then measure the impact on the adjoining streets to determine if further traffic calming measures are necessary. He said the parkway will be designed so future traffic calming measures can be implemented. Mr. Betz said the Liberty Street rail crossing will remain open and as of this date it has not been a part of the ordinances.

Mayor Cline opened this item to public comment.

Kevin Cull, 345 Safreed Way, said he has lived here for ten years. He said he is shocked at the large increase in traffic and the speed of the traffic on his street and Murphy Parkway. He said he is behind on the reason that this extension was started in the first place. He said he does not see why traffic should be kept from going through Powell and diverted through a neighborhood via Murphy Parkway. He said the traffic is not just coming through Murphy Parkway and then out to Powell Road. Mr. Cull said it is coming through Murphy Parkway, Grey Oaks and then out to Sawmill Road. He said as he was coming home tonight, east on Attucks, he noticed that at 5:40 he was behind seven other cars waiting to cross Sawmill Road. Mr. Cull said that is kind of ridiculous and that will now become a traffic signal area. He said he does not know if speaking about his concern will do any good and he does not know why it was planned in the first place and what they hope to achieve. Mr. Cull said he does not know why anyone in the downtown would want to divert traffic away because if they are going to go around the City via Murphy Parkway the restaurants and retailers will lose business. He said in the ten years he has been in this area he has seen traffic cutting through the areas to the east and he is quite surprised at the amount of traffic in that area. Mr. Cull said the infrastructure tax he pays in Murphy Park costs him \$1k per year and if he is not mistaken, that tax paid for some of the roads in his neighborhood. He said it is a shame they will be paying for roads that will be torn up by cut-through traffic and they will have to shoulder the expense for it. He said he does not know if the parkway extension is a done deal but he is against it.

Allison Kelly, 418 Rosewood Ct., Woods of Sawmill, said her backyard bumps up to Presidential Parkway. She said she is unaware of any other neighborhoods in Powell where so many children walk or ride their bikes to school. She said they have Tyler Run School that is centered right in the middle of Lakes of Powell and thousands of children from Grandshire, Murphy Parkway and Woods of Sawmill walk or bike to school. She said the bikepaths are very nice but she is concerned about the safety of those kids if this extension is put through. Ms. Kelly said it will also devalue her home because of the traffic in her back yard; she, like Mr. Cull, feels that people will cut through from SR315 to the neighborhoods off of Sawmill. She said there are not any children walking through downtown Powell to school and she does not understand why they would want to divert and increase traffic in neighborhoods where people specifically buy homes for the bikepaths and great school in the area.

Stacey Haney, 135 Gainsway Ct., said she lives in the newer section of Grandshire and her house was built in 1997. She said she realizes that 15 years ago this might have sounded like a great idea but that was before many of these homes were built. She said none of the homes on Presidential Parkway were built at that time. Ms. Haney said it was her understanding that the plan for Murphy Parkway was tossed aside before the newer section of Grandshire was built. She said she lives on a court that backs up to what is Murphy Parkway at this time. She said when she bought her home, Murphy Park did not exist because the Party Barn was there. Ms. Haney said she and her kids walk to school and on three or four evenings she runs on the streets of Powell.

She said she has seen a significant increase in traffic since the barrier was taken down and that was without it being connected to Liberty. She said she has a great concern about her children and the other children in her neighborhood who play outside and/or walk to school. Ms. Haney said they are very spoiled and used to not having a lot of traffic and the kids cross the street without worrying about it. She said her dog has crossed the street and has not been hit. Ms. Haney said this will expose their neighborhood to more traffic on Murphy Parkway, Presidential Parkway, Donerail and the other streets in Murphy Park and it will cause total chaos. She said she wonders why they came back with this plan if that old plan was scrapped and the houses built. She said those facts may not be accurate. Ms. Haney said with all of those homes they should take the traffic up Liberty and through the downtown. She said she travels that way all of the time and traffic is not that bad at 6:00 p.m. Ms. Haney said if it is not that bad at that time of night it does not make sense to make the extension. She said she will tell her kids to be traffic engineers when they grow up because it sounds like the City has talked to at least four and City Council does not seem to have the confidence that even the last plan is a good plan.

Hearing no further comments, Mayor Cline closed the public comment session.

Mayor Cline said he would like to give his reactions to points raised by the speakers. Councilman Hrivnak asked Mr. Betz to put on the overhead a map that shows the different plans. Mr. Lutz said Mayor Cline has been on City Council since 1996 so he has a good perspective on this issue.

Mayor Cline said it is not accurate that they discarded the plan. He said there was a plan to connect Bennett Parkway with a 200' overpass that would go over the railroad tracks, Presidential Parkway would be a four-lane highway and it would go to Sawmill Road. He said that was the plan that was discarded. Mayor Cline said it was only after that plan was discarded that the houses on Presidential were allowed to be built. He said at the same time they scrapped the overpass, they continued to look for a way to alleviate the traffic at the Four Corners and they developed a quadrant system. Mayor Cline said they devised the north/south/east/west quadrants, each of which has a bypass to the four corners. He said in the southeast quadrant where he lives it is Bennett Parkway, in the northeast quadrant it is Grace Drive, in the northwest quadrant it is Seldom Seen and the final leg of the quadrant system is the Murphy Parkway extension. Mayor Cline said it was asked why they want to divert traffic from the Four Corners. He said he has been on Council since 1996 and the only constant he has ever heard is that at least four times a year someone comes in and tells Council they are all idiots because they cannot solve the traffic problem at the Four Corners. He said it may not appear to some to be a problem but it is a recurring theme in the minds of residents and through feedback in the Community Surveys conducted. Mayor Cline said the quadrant system was designed to spread the pain to all four quadrants, not just the downtown area. He asked Mr. Rice if he remembers the rating of the intersection in the last traffic study.

Rob Rice, City Engineer, said the Four Corners were rated level of service "F." He said that is the lowest possible level of service. Mayor Cline said there are some steps they hope to take to improve the level of service at that intersection and part of those steps include turn lanes at the intersection. He said if City Council decides that is appropriate they will have to have the ability to shut down that intersection. He said they cannot do that if they do not have viable alternative routes. He said those are the two reasons he is aware of regarding diverting traffic from the Four Corners. He said the problem with cut-through traffic and the safety of children were mentioned and those are really the same issue: are they going to be putting the children at risk because of increased traffic. Mayor Cline said there is no question in his mind that when they connect Murphy Parkway there will be people who want to get from south on Liberty Road to northwest on Sawmill Parkway who will take Murphy Parkway to get there. He said he is much less convinced that those people will automatically drive through the neighborhoods to get to Sawmill Road or Sawmill Parkway rather than stay on Murphy Parkway until it hits Olentangy Street. He said the traffic engineers have tried their best to model that behavior but it is as much art as it is science. He said the modeling they have seen says that if drivers behave the way they normally behave, some of them will want to use those cut-throughs. He said at this time if he wants to go from his home in Falcon Ridge to Presidential Parkway he can go the back way past the school to get there. Mayor Cline said the traffic studies have told them that most of the people will stay on Murphy Parkway. He said the danger of the cut-through traffic is less than they might expect because of the history of how people drive.

Mayor Cline said this ordinance requires them to not just assume that this is the case; they are required to study and verify the statistics. He said traffic studies will be done before the construction to use as a baseline and then they will do studies six months after it opens. He said if they find that his assumptions are incorrect, they will have the capacity to put in traffic diverting measures. He said prohibiting turns off of Murphy

Parkway onto Presidential is an example. Mayor Cline said he is reluctant to see that happen at the beginning of this process because of the law of unintended consequences: the people who live in that neighborhood are the ones most inconvenienced by those kinds of traffic control measures.

Councilman Hrivnak said the Development Committee spent quite a bit of time looking at the alternatives of how they can make a bypass through this quadrant without encouraging traffic. He said this ordinance requires that Murphy Parkway "T" into Liberty. He said if someone driving north on Liberty is not from the area they would have to take additional action (left turn) to go through the neighborhood. He said of all of the choices, this was the plan MS Consultants brought this to Council in 2005. Councilman Hrivnak said in this manner they are only diverting those who consciously want to go that way. He said the studies before and after the project are also within the requirements of the ordinance. He said they plan on designing the roadway in such a way that they can easily add future access management/traffic calming measures. He said that could include narrowing the road and/or restricting turns. Councilman Hrivnak said they did not want to take those measures in the beginning because they may not be required and may tend to make people go past where they need to go and through the neighborhoods to be able to get to their home. He said the ordinance states that the grade crossing at Liberty will remain open. Councilman Hrivnak said they tried to take all of the work they have done throughout the years and put the ideas down so they can do the detailed engineering that is required. Councilman Hrivnak said the Development Committee recommends this as the preferred arrangement. He said they worked with City Staff and spent many hours working on this project.

Councilman Counts addressed the comment regarding keeping traffic moving past the downtown businesses. He said he goes through that intersection regularly and he has seen traffic backed up in all directions. He said they have heard from the businesses that there is so much traffic that it does not help their businesses. He said they have to achieve the balance of having enough traffic that pass by the businesses against having way too much traffic for the area to handle. Councilman Counts said they now have so much traffic at the intersection that people say it is not worth frequenting those businesses. He said through the traffic study at the Four Corners they also learned that the worst movement and worst backup they have is the northbound Liberty traffic movement onto westbound Olentangy Street. Councilman Counts said those turns are not going downtown because once across the tracks, the downtown is over. He said those vehicles are going to the west side of Powell or Liberty Township. He said that turn is alleviated by the Murphy Parkway extension. Councilman Counts said it is unfortunate that Ohio tends to build its infrastructure after the people are here. He said if the Murphy Parkway extension had been fully built before any resident had come, he sincerely doubts they would have the concerns they have today. He said it should have been built 10 years ago but they did not have the funds at that time. Councilman Counts said Bennett Parkway serves as a major alternative movement that works. He said residents use the bike path, can safely cross, and the speed was reduced from 35 mph to 25 mph. He said Murphy Parkway is designed to be 25 mph. He said they can use Bennett Parkway as an example of something that does work. Councilman Counts said they must have this extension for the betterment of the community so they need to now determine how this can be completed that removes some of the deleterious effects that traffic brings when they start to move in a different way. Councilman Counts said by having the extension "T" into Liberty and the other requirements in the ordinance, they can eliminate many of the concerns.

Councilman Bennehoof said the Parkway had never been abandoned; it was always in the plans but there were not funds at that time.

Mayor Cline said this ordinance will be taken to a second reading on March 19<sup>th</sup>. He said he anticipates that City Council will vote at that meeting. He said the comments of the residents will be captured in the minutes and Council members not present this evening will read them. He thanked the speakers for their input and encouraged them to return to the next meeting.

Mayor Cline closed the public comment session and closed the first reading on Ordinance 2013-13. It was taken to a second reading.

#### **COMMITTEE REPORTS**

**Development Committee:** Councilman Hrivnak said tonight's meeting was cancelled and they will meet prior to the next Council meeting. *Next Meeting:* March 5<sup>th</sup>, 6:30 p.m., East Room

**Finance Committee:** Councilman Counts said the audit is currently underway and they look forward to a successful conclusion. *Next Meeting:* March 12<sup>th</sup>, 7:00 p.m.



**Operations Committee:** Mr. Lutz said the Committee will move their meeting to another date since the Development Committee is meeting on the 19<sup>th</sup>. *Next Meeting:* TBD

**Planning & Zoning Commission:** Mr. Betz said the P & Z held another hearing for the Lifestyle project. He said it was tabled again so they may receive more information. He said the Commission also reviewed another Development Plan for Epcon for the Murphy/Geld properties on Sawmill. He said the annexation of the property is underway. *Next Meeting:* March 6<sup>th</sup>, 7:00 p.m.

**Powell CIC:** Councilman Hrivnak said they may reschedule their next meeting because it falls in the week of Spring break. *Next Meeting:* TBD

#### 2012/2013 CITY COUNCIL INITIATIVE UPDATES

There were none.

#### CITY MANAGER'S REPORT

No report.

#### OTHER COUNCIL MATTERS

There were none.

#### EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (3) IMMINENT LITIGATION, AND SECTION 121.22 (G) (1) PERSONNEL/COMPENSATION.

MOTION: Councilman Counts moved at 8:20 p.m. to adjourn to Executive Session in accordance with ORC Section 121.22(G)(3), to discuss Imminent Litigation and Section 121.22(G)(1), to discuss Personnel/Compensation. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved at 8:50 p.m. to adjourn from Executive Session. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

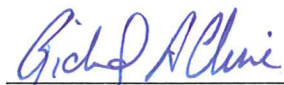
MOTION: Councilman Counts moved to reconvene in Regular Open Session at 8:55 p.m. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adjourn from Regular Open Session at 8:59 p.m. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

#### DATE MINUTES APPROVED: March 19, 2013



Richard Cline  
Mayor

4/2/13

Date



Sue D. Ross  
City Clerk

4/2/2013

Date



#### City Council

Richard Cline, Mayor

Jon Bennehoof

Sara Marie Brenner

Tom Counts

Mike Crites

Jim Hrivnak

Brian Lorenz