



City of Powell, Ohio
City Council

MEETING MINUTES
APRIL 16, 2013

A regular meeting of the Powell City Council was called to order by Mayor Cline on Tuesday, April 16, 2013 at 7:35 p.m. City Council members present included Jon Bennehoof, Sara Marie Brenner, Tom Counts, Mike Crites, Jim Hrivnak and Brian Lorenz. Also present were Steve Lutz, City Manager; David Betz, Development Director; Rob Rice, City Engineer; Megan Canavan, Public Information Office; Gene Hollins, Law Director; Susie Ross, City Clerk, interested parties and member of the Press.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Cline opened the meeting to Citizen Participation for items not on the agenda. Hearing none, he closed the Citizen Participation session.

APPROVAL OF MINUTES

MOTION: Councilman Hrivnak moved to adopt the minutes of April 2, 2013 as written. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

SECOND 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. Tabled from March 19, 2013

Steve Lutz, City Manager, thanked the audience for their attendance. He said this has been reviewed a couple of times so this evening will not be a detailed history. He said Staff will try to clarify some of the statements made at past meetings so everyone knows the facts.

David Betz, Development Director, gave a brief history of the Comprehensive Plan - Roadway Master Plan (Exhibit 1). He said Murphy Parkway has been a part of the overall Roadway Master Plan since said the 1990's. He said the plan includes Four Corners avoidance routes in the four quadrants of the City; Murphy Parkway is that route for the southwest quadrant. Mr. Betz said turn lanes at the Four Corners are also part of the solution. He said the voted levy in 1998 to fund the Grace Drive extension also funded Murphy Parkway land acquisition and four properties were purchased by the City for the extension. He said a levy passed in 2012 will generate \$7.1 million for many projects including the Murphy Parkway extension. Mr. Betz said Staff recommends the extension be done first to help the traffic flow when the Four Corners turn lanes are installed. He said it is not a matter of which project will be done; it is a matter of which project will be done first. He said the Murphy Parkway extension enhances community connectivity and provides for the ability of alternate routes to and from various areas of town so as to not overburden any one public street. He said it also enhances pedestrian connectivity and provides for another connection to Tyler Run School at Liberty Road, provides a safe crossing of Liberty Road at a signalized crosswalk and intersection, and provides a safe crossing of the railroad tracks at a marked and gated pedestrian crossing. He said this allows access to the Library and Library Park. He provided a map of the 2013 Murphy Parkway Area (Exhibit 2) and indicated the crossings, pathways and location of school and amenities.

Rob Rice, City Engineer, referenced the MS Consultants report (Exhibit 3) which recommends studying traffic after the connection is made. He said it listed eight items ordered from least restrictive to more restrictive as possible traffic calming measures. He said the consultants also recommended the "T" intersection alignment that is currently proposed so Murphy Parkway "T's" into Liberty. He said when looking at traffic calming measures it is good practice to first do a study to understand what the extent of the problem is, if any, and to see what tools to use in terms of traffic calming measures. Mr. Rice said within six months of connection of the extension, traffic analysis will be performed to identify any problems, if any, and if so, will recommend installation of traffic calming measures designed to mitigate those problems. He said they look at a study within six months because it will have given an opportunity for traffic to normalize so the study will provide better traffic data. Mr.

Rice said they will be in a position to take immediate steps if there is an unanticipated problem identified that they need to address immediately.

Mr. Lutz said as part of engineering for the Murphy Parkway Extension, they will study the need for widening State Route 750 west of Murphy Parkway as part of this project. He said they have discussed the Four Corners intersection quite a bit and the preliminary engineering for that project has been completed and they have funding for the project through the Downtown TIF. He said both projects are needed. Mr. Lutz said as they design Murphy Parkway it will be done in a manner to accommodate future traffic calming measures so if problems do arise the City will be in a position to address them quickly.

Mr. Betz discussed future traffic projections that have been based on a regional land use model that takes into account the build-out of future development with the current comprehensive plans within the area. He said those studies indicate that the traffic volumes on Murphy Parkway will not exceed the capacity for a two-lane roadway. Mr. Betz said the Delaware County Engineer plans for how Sawmill Parkway is utilized and what improvements might be necessary to that roadway. He said at the last meeting environmental concerns were introduced. He said the conservation area designation was done through the Olentangy Watershed Plan that this Council reviewed in coordination with MORPC; the plan only relates to a 100-year flood plain area and the related setbacks which are at the area of the culvert on Liberty. He said it only includes a very small portion of the property. Mr. Betz said this designation is based upon the existing regulations set forth by the Ohio EPA Olentangy Watershed Permit. He said they will need to meet or exceed the requirements of this permit through the design. Mr. Betz said the Clean Water Act 401 and 404 Permits are required and the City will also need to meet or exceed those requirements. He said this is all a part of their normal process for the design and engineering of roadways. He said the City is very cognizant in the need to improve landscaping along Murphy Parkway. He said as part of this design, a landscaping plan will be created for the entire length of the parkway to enhance any plantings deemed necessary through the process and input from the community. Mr. Betz said he looked at plat books for all three subdivisions along the two parkways and they show that rear yard setbacks along Murphy Parkway are similar to Bennett Parkway. He said builders and property owners along Murphy Parkway have not landscaped along rear yards as much as was done along Bennett Parkway and it is more recent and not as mature. He said on Murphy Parkway the distances between the edge of pavement and the roadway and the distances between the edge of the roadway and the pedestrian path are the same if not greater than that on Bennett Parkway.

Mr. Lutz said quality of life is a very subjective issue to discuss. He said it is based on factors like where one person lives and what sort of route they typically drive, and Murphy Parkway does incorporate design elements to hopefully improve quality of life for many people. He said they have discussed the increase in pathway connectivity to the school, parks and library. He said the extension will decrease some of the traffic that currently uses Salisbury Drive in front of the elementary school because it will provide an alternate route. Mr. Lutz said the extension is part of the City's overall traffic plan which was developed years ago but it just happens the City did not have funding for this extension until the issue was approved by the voters in November.

Mr. Rice said in the last meeting concerns were identified regarding sight distances in regard to the "T" intersection at Murphy Parkway and Liberty Street. He said through the design process they will meet or exceed engineering good practice standards to ensure that sight distances are met or exceeded and that may be by raising the roadway in certain locations. He said that is part of any normal design process. Mr. Rice said part of South Liberty Road is in Delaware County and the City will take the lead on the design effort and coordinate anything that involves the County property with the County Engineer's office. He said the pre- and post-engineering studies will compare distributions, speeds and volumes to determine the correct type of traffic calming measures that are needed, if any. Mr. Rice said some are very restrictive and some are not restrictive at all. He said they can include signage, speed humps, platforms or chicanes to restrict turns or they can include the dead-ending of a road.

Mr. Lutz said at the last meeting there were questions whether the City Council has the authority to install traffic calming measures. He said the City of Powell is a Home Rule municipality so the Fire Department, schools and other agencies will be asked for their input on the matter. He said it is the City Council's authority to install the calming measures if they so desire. He said if a problem arises the City will be in a position to address it quickly because the design of the road will accommodate any measures and they can use stop-gap measures such as barricades or temporary structures before permanent ones can be constructed.

Mr. Rice provided two cross-sections of Murphy Parkway as they exist within the Murphy Park subdivision and the Grandshire subdivision (Exhibit 4). He said both consist of a 24' pavement section from edge-to-edge, side ditches, split rail fences and pathway offset from the road. He said these generally parallel the road. He said

within Murphy Park the pathway is an 8' path that varies from 30' to 36' from the edge of the road to the edge of the path. Mr. Rice said when they get into the Grandshire subdivision the pathway hugs the road a little closer but it is still 23' from the edge of the road to the edge of the path. He said in the future connection, since the City owns the property that would encompass the entirety of the parkway it may be possible to meander the path because it does not necessarily have to parallel the roadway. Mr. Rice said generally speaking the cross-section will resemble the two shown. He said in Bennett Parkway the pathway is 21' from the edge of the road to the edge of the path and it varies from a 6' to an 8' wide path. He said they propose to have at least 30' in the new section and an 8' path in Murphy Parkway.

Mayor Cline opened this item to questions from Council.

Councilman Bennehoof asked if this ordinance establishes the engineering and design approval of the road but not the construction. Mr. Lutz said this ordinance provides guidance regarding engineering; once they define the broad parameters about how they want the parkway to align, they will go through a process to select an engineering firm and there are certain State laws regarding that process. He said they will have to hire an engineer who will then begin the design work and that will be done by City Council approval of an ordinance. Mr. Lutz said once an engineer completes design work for the parkway, the City will have to go out for bids for construction and another ordinance will be required to award that contract. Councilman Bennehoof said he met with a number of concerned citizens and since that time he has found there is a concern about the distance from the intersection to the railroad crossing. He asked if the engineering study will also focus on those safety factors and needs. Mr. Lutz said there are guidelines about the distances from the railroad tracks and that would be coordinated by CSX. He said if they are within a certain distance the signal will have to be preemptive to tie in with the railroad tracks and there are existing guidelines that would have to be followed.

Councilman Hrivnak asked if Staff will review the map of the area that was made available in packets (Exhibit 2). Mr. Betz said the map shows the southwest quadrant area of Powell; Murphy Parkway as it exists is shown in red and the blue shows the area as proposed. He identified other major roadways. He said the map shows the collector streets that run east and west between Murphy Parkway and Sawmill Parkway. He said it also shows but does not highlight Salisbury Drive, which currently serves as a way to go around in the same manner that Murphy Parkway does. Mr. Betz said Murphy Parkway provides a second alternative for the south-to-west, west-to-south movement. He said the map shows the existing condition.

Councilman Crites said the design criteria in Ordinance 2013-13, Section 1(3), also referenced in the presentation tonight, says "That Murphy Parkway shall be designed to incorporate the ability to provide future access management, and/or other traffic calming measures, that shall be designed to decrease negative impacts upon adjoining neighborhoods." He asked how that will be accomplished and what it will entail. Mr. Lutz said this means that when the Murphy Parkway extension is constructed, it will be built of sufficient width so if they determine that medians need to be installed in certain locations they will not have to go back to widen the parkway. Mr. Rice said the portion of Murphy Parkway they would widen simultaneously with the new portion would be the existing portion near the intersections of Presidential Parkway and Donerail. He said they would be widened enough so that if a problem of a severe nature arose they could rapidly place temporary barricades to restrict turns down those side streets.

Councilwoman Brenner asked what they mean by "barricades." Mr. Lutz said they have discussed turning movements onto Presidential and Donerail and if they want to prohibit turning movements on those streets in the future they can use barricades. He said they could be concrete structures, landscaped structures or other physical barriers to block the movement of traffic. Councilwoman Brenner asked if they would be temporary until something else was installed. Mr. Lutz said the road would be designed so if a problem exists they can quickly put temporary barricades in place but the road would already be designed to accommodate permanent barricades. Mr. Rice said barricade may be the wrong term to use as he would anticipate they would likely use the temporary breakaway posts that are on rubber mountings. He said he would envision a permanent measure of a raised concrete curbed median with plantings. Councilwoman Brenner said she does not want to spend the money to build a road and then have it totally blocked off. Mr. Rice said they would not totally block it off but if medians were placed in the middle of and running parallel to the center of Murphy Parkway at the intersections of Donerail and Presidential, that would restrict movements to right-in and right-out. Councilwoman Brenner said they would have to take it north to Powell Road or go up to Grey Oaks. Mr. Rice agreed.

Mayor Cline said Ordinance 2001-19 was the first time the concept of medians was introduced in legislation and that ordinance required medians to prevent left-hand turn movements for northbound traffic at

Presidential and Donerail. He said it appears that if northbound traffic wants to go west and the medians are in place, they can use Wagon Trail to circle and come south or take Grey Oaks as an alternative. Mr. Rice said someone may do that but he would not predict Wagon Trail as a turnaround. He said he can anticipate that Grey Oaks would be used by residents but they won't know until after a traffic study. Mayor Cline asked about the scope of future studies. Mr. Rice said they will have to envision where the traffic distribution is likely to go once the connection is made. He said they want to determine the impact of the connection on the anticipated relief on traffic at the Four Corners and they will also be interested in looking at points along Salisbury Drive. He said currently many residents use that roadway to get to their neighborhoods from South Liberty Road, taking them past the elementary school and through the Liberty Lakes subdivision. Mr. Rice said they will work carefully with the traffic engineer to identify locations that make sense to examine pre-connection so they may follow up in those locations post-connection. He said that will allow them to draw reasonable conclusions and have the ability to compare apples to apples. Mayor Cline asked if they will use the same locations in the pre-connection and post-connection studies. Mr. Rice said they will. He said they have not identified all of the areas at this time and they have not discussed this with a traffic engineer. He said this will be a comprehensive study that will allow the City to obtain meaningful data that is reliable and will tell them what kind of traffic calming measures could be put in place if needed. Mr. Betz indicated the specific locations of currently installed stop signs.

Mayor Cline opened this item to public comment. He reminded the audience that they have three minutes to speak and the time rule will be enforced to ensure that everyone has an opportunity to speak.

Kenneth Cornell, 220 Tiller Drive, said one of the most important sections is the location of the railroad tracks. He said due to the two crossings, Jewett Road becomes a very dangerous area. He said sometimes people block the area and now they propose adding another road to add more traffic and congestion in the area. He said from Jewett Road to the crossing it is one-tenth of a mile and from Jewett to the crossing to the east it is about one-tenth of a mile. Mr. Cornell said that will cause a problem because they are diverting traffic from one area and creating a worse congestion area. He said the elevation of the current track area and vision line would be restricted for any vehicle over a normal SUV. Mr. Cornell said when one comes over the track area they will come down right on top of the turn lane. He said if someone is pulling out they will not be seen because the vision sight will be restricted. He said due to current concerns at Jewett Road and the speed of the train he has seen people often backing down from the track area. He said the speed limit coming up to that area is 35 mph and on an average during a two-hour period, a radar gun estimated current vehicular speed at 42-46 mph. Mr. Cornell said the speed limit on the north side of the tracks is 25 mph. He said this will put more traffic in an area where there is now a park, a school and a library. He asked how that can be safer at that crossing. He said cost estimates are very low due to the current lowland areas. He said he does not know where they did the study but the estimates are way too low due to the location of the wetlands. He said they will need far more aggressive speed monitoring by the police because people will find a way to get around. He said the Powell Police do an excellent job and have been there whenever they have needed them but they have been very lenient on people who speed. Mr. Cornell said his son attends Village Academy and during drop off time people speed and run right up on his vehicle. He asked how much the City paid for the four properties required to accomplish the extension and could they be resold to the public at a profit. He said the City is considering something that doesn't need to be done and the Four Corners is the biggest change they can make. Mr. Cornell said he does not want this to end up like Sawmill Parkway when it initially started and the value of houses dropped dramatically because of the amount of traffic.

William Kelly, 418 Rosewood Court, said he is a 4th grader at Tyler Run elementary and his mom finally lets him ride his bike to school. He asked why the Council wants to put his life at risk by making their neighborhood streets busier.

Allison Kelly, 418 Rosewood Court, said she is here to voice opposition to Ordinance 2013-13 as it is currently written. She said many of the resident have repeatedly been told by Council members that the Murphy Parkway extension is going to happen no matter what, for the following reasons:

- It is part of the 1995 Comprehensive Plan;
- The Powell residents must want the extension because they approved the 1.8-mill, ten-year levy;
- It must be built at this southwest location to complete the quadrant system;
- Per Tom Counts on the March 5, 2013 Council meeting minutes, they must have this extension for the betterment of the community.

Ms. Kelly said they fully understand that the Murphy Parkway extension is a high-priority for the City Council and in the ThisWeek paper dated July 14, 2010, Mayor Cline stated "In my lifetime, I would like to see the Murphy Parkway built" and he further states that one of the advantages of engineering this now is to put an end to the

endless cycle of "Let's re-negotiate what the end of Murphy Parkway will look like. I have seen seven iterations, all of which were equally as good as the other." She said she disagrees with those statements and wonders if the members of City Council fully understand that this extension is not the highest priority for their electors. Ms. Kelly said she read the 1995 Comprehensive Plan and first and foremost it is just a plan. She said its authors recognized this fact when they recommended that the plan be reviewed for its continued relevance within five to seven years. She said the 1995 plan and its recommendations were obviously made prior to the development of most of their neighborhoods, Tyler Run Elementary School and many Sawmill Parkway developments. Ms. Kelly said on page 21 the community goals with regard to traffic are to "minimize through-traffic, link neighborhoods with multi-purpose paths and walkways, and reconfigure the use of parkways for the use of Village residents." She said per page 25, the street network "must provide internal links for residents and simultaneously discourage the use of these roads for through traffic." She said the latter has already been shown to compromise the safety of residents. Ms. Kelly said the plan does not say parkways should be used to connect major arterial roads. She said the planners stated that current threats to the Village are construction of Sawmill Parkway (done), possibility of widening Powell Road (done), and the possibility of new parkway connections through the Village (occurred as Sawmill Parkway connects to Presidential Parkway which connects to Murphy Parkway). Ms. Kelly said the plan goes on to say that the Village is predominantly a residential community and wishes to remain so and because of this goal the Planning Commission did traffic counts and studies, finding that the Village two-lane roads could handle future traffic if the parkways are not connected and configured instead to serve the neighborhoods.

Ms. Kelly said if they fast forward 18 years they can see that this plan has not been followed very well. She said the planners recommended reserving parkways for neighborhood access, not to alleviate downtown traffic. She said Ordinance 2013-13 does not include medians on Presidential Parkway and Donerail as currently proposed. She asked why they were taken out of Ordinances 2001-19 and 2007-06. Ms. Kelly asked if the cost of a pre-emptive railroad crossing was included in the rough estimate of \$1.8 million. She said CSX stated that there are 6,000 at-grade crossings in Ohio and only four pre-emptive signals because they are expensive new technology. Ms. Kelly said after speaking with Fire Chief Jensen, she believes Presidential Parkway will become the primary emergency route for Station 322 once the Murphy Parkway extension opens to Liberty. She requested assurances tonight from City Council that they will not apply pre-qualification number 7 of Ordinance 2001-19, known as the Powell Traffic Calming Policy, to Murphy Parkway. Ms. Kelly asked that this City Council work with them as parents and not against them as politicians. She said she is pretty sure that Mayor Cline and Councilman Counts have already made up their minds based on past comments and votes so the rest of City Council should be reminded that there is no shame in adopting a better, safer ordinance. Ms. Kelly asked that they consider what is presented this evening with an open mind and take the stance of "better safe than sorry." She asked that they do their job and let their vote reflect not their own will but the will of their residents. Ms. Kelly asked that they responsibly vote "no" on the adoption of Ordinance 2013-13 in its current form.

Sara Minto, 497 Eagleview Court, Woods of Sawmill, said the extension of Murphy Parkway will be extremely expensive and clearly faces tremendous opposition within the City and Township. She said in Council's near obsession to ram this through, they are ignoring cheaper, reversible and more highly recommended options. She said a 2007 study showed that by modifying the traffic light at the Four Corners, the eastbound and northbound queues were decreased by 30% and 40% respectively. She said EMH&T said left turn lanes would further decrease those numbers. She said Mr. Lutz said they have tried many experiments at the intersection which resulted in very large backups and unacceptable delays. Ms. Minto said this statement ignores the 2007 study that shows significant improvement in traffic flow. She said Council said that the Four Corner turn lanes and Murphy Parkway projects will be completed, one after another, but Mayor Cline said in 2000 that he disagrees with the concept of revisiting turn lanes at the Four Corners and no expert can change his opinion that turn lanes are not an option. Ms. Minto said she hopes he has changed his mind. She said left turn arrows were considered at the intersection in 2009 but despite costing only \$6,200 they were never implemented. She said these are low cost remedies; why are they still considering the Murphy Parkway extension that will cost over \$1 million. Ms. Minto said if the extension is in close proximity to Jewett Road it will create a convenient east-west route to and from Sawmill Parkway to SR 315 via Presidential Parkway and the Murphy Parkway extension. She said TES stated in 2000 that Presidential Parkway, with an already high traffic volume will need counter-measures such as speed bumps to reduce the even larger flow of traffic they are certain will come with the extension. She said they all know Presidential will not get speed bumps if it becomes a primary emergency route for the fire department. She said despite what these experts say, proposed Ordinance 2013-13 states safety measures will only be added if needed. She said safety should be the primary subject in the completion of Murphy Parkway. Ms. Minto said "if" implies "maybe" so it puts safety in the back seat of this project. She said Council says residents want the small town feel of downtown Powell but they see traffic as the biggest problem. Ms. Minto said the proper answer to Four Corners traffic is not extending Murphy Parkway, but

dealing directly with the Four Corners. She said just because this is part of an outdated plan and Council sees it as a priority does not mean they should waste taxpayer dollars and create an unsafe environment for their neighborhoods. Ms. Minto said the community has spoken and they should consider that and the comments within the Community Survey; there are other improvement projects that need to be done to maintain their property values and quality of life. She asked that they get cost estimates on these projects and complete them, and then see what funds are left for the Murphy Parkway extension. She asked that they show fiscal responsibility and good moral judgment by not ignoring the wishes of the community and completing the projects identified by the residents. Ms. Minto said if they choose not to listen they should not give any more impassioned declarations about serving the good of the community because their actions will speak louder than their words.

Councilwoman Brenner asked what Ms. Minto sees as the top one or two projects. Ms. Minto told her to read the comments; people want to maintain what they have before they build new. She said it is right in the survey comments and they should do the things that maintain their property values and community. She said they live in this area because it is a nice area with high standards where they feel safe but it is ridiculous to not take care of it.

Stacey Haney, 135 Gainsway Court, said Council continues to tell them this plan has been on books since 1995, but City Council has made poor decisions to ensure the viability of this plan. She said they allowed homes to be built extremely close to the road on Presidential Parkway, Gainsway Court and Hartfield Court. Ms. Haney said the Comprehensive Plan says it will be reviewed for continued relevance and revised every five to seven years but she wonders when the last review took place. She said it needs to fit the current needs of the City and the growth that has or may occur such as the Target store, Lifestyle Community apartments and other big boxes that decide they need to come into our small town and destroy the small town community that the residents enjoy. Ms. Haney said that Council says that Murphy Parkway must be built first, even though the traffic studies the City has paid for strongly recommend fixing the Four Corners first with turn lanes in addition to widening Scioto Street. She said Council says this is what the residents want and voted for when they approved the November ballot issue, but they know that Murphy Parkway was not even mentioned on the ballot. Ms. Haney said it was mentioned among several other capital improvements on marketing materials that were sent out regarding parks and bike paths. She repeated the information regarding the priorities of projects as stated by residents in the 2012 Community Survey. She said the Council says they care about resident and child safety yet they removed each and every traffic calming measure and safety feature on the 2013-13 ordinance they are trying to pass this evening. Ms. Haney said Council continues to ignore their pleas and refuses to believe that not only will traffic increase on Murphy Parkway, but Presidential Parkway will be equally if not more affected, especially with the building of a Target store. She asked that Council prove to the citizens that they really do care. She said Council has said that other roads that serve as bypasses are just like Murphy Parkway, yet one can tell immediately that the three roads are greatly different. Ms. Haney said they are wider and Grace Drive and Seldom Seen are commercially zoned and no houses face those roads. She reminded them that their neighborhood includes an elementary school that has the largest number of children walking to school in the City. She said there are no schools on Bennett Parkway, Grace Drive or Seldom Seen Road. Ms. Haney said Mr. Lutz sent her an email saying they tried many experiments at the Four Corners and based on the documentation he provided, May 2007 Council passed a resolution authorizing signal timing modifications for the three-head signal that exists at that intersection. She said the green traffic signal time was extended from 65 to 125 seconds in all directions and the modifications were implemented on July 17 and observations made on July 18. She said this was just on one day for one hour between the hours of 5 - 6 p.m. but during that hour the eastbound queue saw a 30% decrease in the maximum queue length and the northbound had a 40% decrease. She said that seems like a significant decrease in wait time. She said the study also suggested that if turn lanes are installed it would also significantly reduce traffic waits. Ms. Haney suggested they install a five-head traffic signal at the cost of \$6,200 and add a turn arrow for left turns. She said they have mentioned the expensive cost of the project due to the perennial streams, endangered bats, spanned bridge and massive retaining wall. Ms. Haney said the amount of tax dollars alone should scare Council away from this project as simply fiscally irresponsible to build. She said Mayor Cline has stated in the past that "This is a community that can afford taxes but will only approve them if the voters are assured of receiving a good value for their tax dollar." She said Council is trying to put a project through that will cost the City taxpayers millions of dollars but they should keep in mind this quote from Mayor Cline and get ready for the taxpayers to vote "no" on the next tax levy. Ms. Haney provided a quote from her neighbor Bob Burgett. She said she has thought about this and their surrounding communities. She said Dublin has gone to great lengths to deter traffic out of the neighborhoods around the downtown and how Worthington businesses seem to thrive with High Street cutting right through it yet their neighborhoods are not cut-throughs for traffic. She said even in Lancaster, one drives through the downtown area. Ms. Haney wished City Council and Mayor Cline good luck if this is the project they want to be known for; she said she would not personally want her name to be associated with it.

Evelio Rozario, 286 Watson Way, said he built a house here about five years ago and all of the traffic has gotten worse year-in and year-out. He said it is on their surveys and they need to do something about it. Mr. Rozario said his concern is that if they don't start to do something about it, as the housing market strengthens and population growth increases, they will all be complaining to Council about why they did not act soon enough. He said they need to grow the City in a smart manner and when they look at the map there are not many options. Mr. Rozario said he understands the concerns of those who live in the neighborhoods but they are all in it together and if they do not make improvements their property values will go down. He said Powell will be known as a place where the traffic is horrendous and the commute is terrible. Mr. Rozario said he sees this as smart growth and they need the plan that is in place. He said they should not delay it but get it done before the housing market recovers. He said they cannot complete the Four Corners without completing this project because of the traffic flow caused by the size of that project. He said they have to do one so they can alleviate traffic and then do the other. He asked that Council think about all of these things.

Mayor Cline reminded the speakers to direct all of their comments to Council and stay within the three minute limit.

Mark Pringle, 84 Hartfield Court, said they should take a look at downtown Dublin where they widened the roads. He said Council has their minds are already made up but the residents will continue to try to change the minds of Council. He said he heard they have been called "selfish" for not wanting a connector through their neighborhoods. Mr. Pringle said if "selfish" means being concerned about the safety of their children, the increased noise level in their community, and the plummeting values of their homes then yes, they are selfish. He asked if the people of Wedgewood were selfish when they opposed the WalMart or the people of Golf Village selfish when they opposed the Target. He said they were and Council would be too if this was coming through their neighborhood. Mr. Pringle said this will be an extreme detriment to the people on Presidential Parkway because of the way the street was developed but Council is determined to fit a giant's foot into a baby's shoe. He said Murphy Parkway is not the equivalent of Bennett Parkway and it in no way compares to Seldom Seen or Grace Drive. Mr. Pringle said Council knows this but there is continued pursuit of disrespect for his neighborhood. He said at one point there was an ordinance to put this road in at 35 mph and he wonders how it ever got to that speed limit in the first place. He said they have gotten used to a world of impatience where sitting in traffic for five or ten minutes at peak times has become a huge inconvenience but they are really very lucky when it comes to traffic. Mr. Pringle said it has been said many times that the issues are caused by vehicles turning left at the Four Corners but he was on Liberty Road near the Beehive Bread Company today at 6:04 p.m. He said at 6:09 he was going through the intersection and he would have gone through sooner if there were not three cars turning left at the Four Corners. Mr. Pringle said a left turn lane would have eliminated the delay. He said the centers of other suburbs are bustling and vibrant and reconstructed to accommodate the growth in traffic and those areas are looked upon favorably due to their appearance in their main areas. He said they would be hard-pressed to find any of those suburbs with a parkway constructed through a neighborhood to alleviate traffic after the neighborhood was developed. Mr. Pringle said most of the residents here are making a plea to stop this project and they will continue to do so. He said whether they live in the neighborhood and want to preserve it, or whether they are for the extension to get another way around, they are all "selfish."

Bruce Dorstewitz, 450 Salisbury Drive, said he is one of the silent majorities to let Council know that not everyone is against the extension. He said he has heard many times tonight that everyone is concerned about their children. He said a lot of the traffic that will end up on Murphy Parkway currently goes down Salisbury Drive, directly in front of Tyler Run elementary school. Mr. Dorstewitz said the kids walk along Salisbury, with all of that traffic, and if they complete the extension, much of that traffic is going to go away. He said if they are concerned about the safety of their children that is something to consider. He said everyone is concerned about noise and he has lived on many noisy streets. He said there is a fair amount of traffic on Salisbury and he does not really notice it. Mr. Dorstewitz said these may be minor points but he wants Council to know that not everyone is against the project.

Mickey Hawk, 101 Presidential Parkway, said he opposes this connection and has for years. He said it was a poor decision to put houses on Presidential Parkway if they were going to connect the parkway and the same is true on Salisbury Drive. Mr. Hawk said this will put through traffic in residential neighborhoods. He said a reference stated that Murphy Parkway is plenty large enough to support the traffic but he wonders if there was a comparison of Presidential Parkway to other collector streets and engineering specs. Mr. Rice said there were some comparisons done in the TES study in 1999 or 2000. He said he does not have the numbers before him but he recollects that Bennett Parkway in 2000 conveyed about 2,600 vehicles per day and Presidential Parkway was currently significantly less than that. Mr. Hawk said he is mostly concerned about other streets that have curb cuts on them. He said in the past when they have done traffic and speed checks on Presidential Parkway,

they have been between the intersections of Donerail and Salisbury where there is a curve and two very close stop signs. Mr. Hawk suggested they perform a study where the curb cuts are located and there is a straight-away because one cannot get up to speed on the curve without getting to a stop sign. He said people do travel faster than the speed limit in that area. Mr. Hawk said he likes that they have Murphy Parkway forming a "T" into Liberty but they will need to install the traffic calming as agreed to in 2001.

Ron Minto, 497 Eagleview Court, said the Murphy Parkway extension dates back to development plans from 1995 and based on what he heard a month ago it looks like what Council believes in 1995 they still will believe in 2013 no matter how much has changed over the past 18 years. He said in 1995 there were no plans for houses on Presidential Parkway, no elementary school, no Liberty Township Fire Station on Sawmill Parkway, and no plans for a Target on Hampton Drive. Mr. Minto said the 1995 plan said it should be reviewed every five years and not be considered in isolation from what is going on around the City and the Township. He said the 1995 plan specifically said that none of these parkways should be used for cut-through traffic yet that is exactly the reason that is being used to justify the project. Mr. Minto said almost every other study recommended building turn lanes at the Four Corners first, not at the same time. He said in spite of the overwhelming evidence that the 1995 plan is now obsolete, in isolation, and ignoring the lessons from Pickerington, tonight's ordinance sticks to the 1995 plan with some minor tweaks. Mr. Minto said one of those tweaks is quite sinister, removing the parts of all of the other ordinances that called for traffic calming measures to be in place immediately on Presidential Parkway and other streets. He said Staff and Council have pointed out that they will study and add future measures within six months, if needed, but he wonders why they were taken out at all. He said some are concerned that engineering and budgeting them up front will delay the project through added costs or fire route restrictions. Mr. Minto said if they really want to do the right thing they need to be specific in the ordinance and budgeted for calming measures from the beginning, before this becomes a problem or they learn that the money needed for them is gone. He said after an hour of pleading by residents at the last meeting, Mayor Cline and Councilman Counts tried to pass the ordinance with only four members of Council present. He said luckily Councilmen Bennehoof and Hrivnak prudently moved to table the vote. Mr. Minto said tonight they have demonstrated that it would be irresponsible and malfeasance to pass the ordinance as it is currently written. He asked that Council do the right thing and take the time to amend this ordinance before it passes. He said he hopes they prove him wrong and show they are reasonable.

Shawn Boysko, 317 Donerail Avenue, said he comes here not as a member of the Planning and Zoning Commission but as a homeowner, father of two kids and someone who is directly impacted by this extension. He said it is his belief and the belief of many of the City's paid consultants that Murphy Parkway is not the solution to downtown traffic; the solution is fixing the Four Corners and that should be the priority. He said if Council would recommend that as the priority it would go a long way to rebuild the trust between the citizens and City Council. Mr. Boysko said the past reports, studies and engineering recommendations have a lot of validity and there are a lot of concepts that are still very true and important and need to be heeded. He said the extension of Murphy Parkway will likely cause more problems than it will solve. He said Council asked a lot of questions of Staff regarding impacts and it is clear to him that the proposed Ordinance 2013-13 is poorly written and needs to be revised. Mr. Boysko said the information provided by Staff is great and should be included in the amended ordinance rather than the ambiguous, generic language in the current legislation. He recommended that City Council reject the ordinance and take it back to Planning and Zoning where it started in 2001. Mr. Boysko said they are more able to develop a more detailed solution before it goes to through the legislative process and engineering/permits/bid. He asked that City Council consider an alternate ordinance that will be proposed.

Ray Critchett, 307 Donerail Avenue, distributed written materials to the members of City Council (Exhibit 5). He this is additional language that he and others would like to see in the current proposal. He said these are things that could be put in place and should be considered. Mr. Critchett said the current ordinance does not include any of these things. He said he is an attorney and he knows that if wording is not within a contract, it will not happen because no one is obligated to do it. He said they have heard that prior studies commissioned by City Council and using taxpayer money have been completed by experts and these experts came back and provided recommendations and Council, along with City Staff, put together Ordinance 2001-19 as well as the 2007 amendments that adopted the traffic calming measures. Mr. Critchett said the current ordinance does not include any of them but it does say they are a possibility after more studies are done. He said the studies in 1995, 1999 and 2001 all required these traffic calming and mitigation measures up front because they are necessary. He said these things were mandated and Council agreed to them but now what is currently proposed repeals all of those items and proposes a new diagram. Mr. Critchett said he agrees with City Council that the diagram currently in place should be repealed but they can amend rather than repeal the entire 2001-19 ordinance. He said they should keep all of the language they worked on so hard and spent money on through the studies and only amend the diagram. Mr. Critchett said the Figure 2 ("T" intersection) diagram

could be the amendment. He said he appreciates the efforts of Mr. Lutz to meet with the homeowners where they were told that there is enough money to complete this project. He said if there is adequate funding, they should not take out the safety measures that were recommended by the City's experts. Mr. Critchett suggested that instead of amending Ordinance 2013-13, they should make the following amendments to Ordinance 2001-19:

1. Median to prevent left-turn movements be constructed on Murphy Parkway at Presidential Parkway and Donerail Avenue prior to the opening of the extension;
2. Gatehouse or similar treatment be constructed on Presidential Parkway at Murphy Parkway and Presidential Parkway and Sawmill Road to create a "gated" community feel;
3. Traffic studies be completed on the following streets within 90 days after the opening of Murphy Parkway to Liberty Road: Presidential Parkway, Murphy Parkway, Grey Oaks Drive, and Salisbury Drive.
4. Speed limit on Murphy Parkway remain at 25 mph;
5. Stop signs be erected on Murphy Parkway at Wagon Trail, Safreed Way, and Grey Oaks Drive;
6. Traffic control device be installed at Murphy Parkway and South Liberty;
7. Placement of crosswalks/pathways/traffic control signals at the following intersections be coordinated with the Olentangy Local School District: Murphy Parkway and South Liberty, South Liberty and railroad pedestrian crossing;
8. "Children at Play" signs be placed on the south side of Presidential Parkway prior to Donerail Avenue and on the north side of Presidential Parkway near the Murphy Parkway intersection;
9. "No Thru Trucks" signage be installed on Presidential Parkway at Murphy Parkway and on Presidential Parkway at Sawmill Road;
10. Murphy Parkway extension south be connected to South Liberty Street so the new Murphy Parkway "T's" into South Liberty Street;
11. Liberty Street at-grade rail crossing remain open and a pre-emptive signal be added to the crossing prior to the extension opening, in coordination with the new traffic signal at the "T" intersection and new crossing gates and lights;
12. Street lights of consistent style, character and height with those on Murphy Parkway be installed at the following intersections: South Liberty and CSX pedestrian rail crossing, Murphy Parkway and South Liberty Road, Murphy Parkway and Presidential Parkway, Murphy Parkway and Donerail Avenue, Presidential Parkway and Donerail Avenue, Presidential Parkway and Sawmill Road;
13. White rail fencing and asphalt pathways be extended along Murphy Parkway to South Liberty Street and include mound grade changes that are consistent with Murphy Parkway and Bennett Parkway and include dense conifer landscaping in specific areas to obscure vehicular traffic lights, and extend pathways along South Liberty Street to connect to the existing pathways at the school as coordinated with the school system;
14. Applicable CSX "Quiet Zone" requirements (including CSX Supplemental Safety Measures, Alternate Safety Measures, periodic inspection/repair/maintenance of such measures) be implemented at the South Liberty crossing;
15. Design and engineering of Murphy Parkway Extension occur simultaneously with the design and engineering of the Four Corners turn lane improvement project, based on MS Consultants study, Figure 1;
16. Construction of Murphy Parkway extension occur simultaneously or after the construction of the Four Corners turn lane improvement project.

Mr. Critchett asked the Council members to take time to read over the proposed ordinance, being aware that the suggestions have come from legislation previously approved by City Council. He said he has not seen justification to show why the traffic calming measures and mitigation should be removed from the ordinance.

Jon Mutter, 213 Wagon Trail South, said Murphy Parkway is only a couple of hundred feet from his house. He said he appreciates the concerns of his neighbors and loves their passion but he disagrees with their statements and stance. He said he does not necessarily see it as a cut-through but instead sees it as a way to use Murphy Parkway to connect to the neighborhoods to the south of Powell. He said he really likes the ability to use Murphy Parkway as an access to South Liberty Street and the churches that are in that area. Mr. Mutter said he is one of the folks that uses Salisbury Drive as easy alternative and by completing this extension, he and many of his neighbors would not need to use Salisbury Drive. He said he understands the concerns about safety but he loves the idea that his son will be able to ride his bike to the library when he is older. Mr. Mutter said he would much rather have him take that route than go up to Powell Road and through downtown Powell where it would be much more dangerous. He said he appreciates his neighbors' love that their kids can walk to school and he would love that also but his son would have to cross Powell Road and that will not happen. Mr. Mutter said recent property sales in the area suggest that property values will not decrease. He said the traffic calming measures have been removed from the plan and he likes that because the City Council should fund the project for "X" amount and set some money aside for future calming measures and emergency maintenance. Mr. Mutter said not all residents in the quadrant are against this project.

Donna Liggett, 131 Hartfield Court, said she appreciates the passion of her neighbors. She said she bought her lot in 1995 and she was told that the road was never going to go through and it was out of the question. She

said they cut out and filled in and the builders said it would never happen. Ms. Liggett said they said the extension would never go through because of the railway crossing and other items that came up at that time. She said when she first moved there Salisbury did not connect as it was all woods and the folks that have curb cuts along Salisbury bought those houses knowing it was going to connect. She said removing parking from one side of Olentangy Street in the downtown is an option that would be much cheaper and allow the City to use the money for purposes the community approves of. Ms. Liggett said in Dublin they took out the parking on one side of the road and put turn lanes in; it cost next to nothing and traffic now flows through the downtown. She said the community is happy and they did not route any traffic through their neighborhoods. Ms. Liggett said she would like to put Powell on the same level as a community like Dublin, where we would not put our citizens and children at risk when there are other alternatives. She said this could be done very quickly and would solve the problem. She asked that the Council members drive through Dublin to see how this works as it is a very viable option versus putting Murphy Parkway through.

Shreya Sirivolu, 297 Donerail Avenue, said this will impact pretty close to his home. He said he has tried to envision how Murphy Parkway would look if it is approved and completed. He said they do not need any expensive engineering because they just need to go down Liberty Road/Smoky Row, looking at the stretch between the gas station and Hard Road. Mr. Sirivolu said the houses on both sides of the road are just how their subdivisions will look once the extension is built. He said that is not a pretty picture and he does not want to live right by the road. He said he does not want to see this as a possibility of how their neighborhood would look.

Bob Forrest, 111 Presidential Parkway, said they have lived there since 1997 and they are right in the middle of the issue. He said when they moved in they knew about a possible connection of Presidential Parkway and Bennett Parkway but they heard it would not happen because of the curb cuts. Mr. Forrest said Salisbury used to be a parkway and at that time they heard that Salisbury Parkway would tie into Presidential Parkway, past the curb cuts. He said that did not work out and that option was taken off of the table. Mr. Forrest said there are a lot of people who are not aware of that history. He said that could have been a pretty decent option but now there are curb cuts and the Tyler Run Elementary School and everything has changed. Mr. Forrest said he agrees with those who say they really need to do something about this and probably change the turn lanes in downtown Powell. He said his wife also mentioned that they could remove parking from one side in the downtown to solve the problem. Mr. Forrest said this issue has been all over the place – Salisbury to Presidential, Presidential to Bennett, Murphy Parkway extension – and nothing seems to work. He said they should move off of the Murphy site and put in turn lanes at the Four Corners. He said they have said they cannot move traffic if they work on that intersection but they detoured traffic when the railroad crossing was rebuilt in the downtown and everyone lived through it. Mr. Forrest said if they have driven over that railroad crossing lately Council should know they need to spend some money there.

Mayor Cline closed the public comment session and opened the ordinance to discussion by Council.

Councilman Counts said he heard comments that state they know where he stands. He assured the audience that one of the most important things in making this series of decisions, not just this one, is the fact that they need to make sure that this project is done in a responsible manner and public input is very helpful in that. He said from his standpoint, the bottom line is that traffic is a terrible problem in the City of Powell and it has been for a long time. He said if Council has done something wrong, it is that they have not been able to address that problem. He said if he could apologize for something, it would be that this extension was not built when it was originally planned because then they would not be discussing it now. Councilman Counts said the comments heard would pen in this project and make all of the decisions tonight, but the most important point is that there are a lot of decisions to be made in this process. He said they are decisions that are dependent upon the experts that know more than anyone about traffic, roadbeds and environmental matters. He said he needs that information and this ordinance will allow them to make a series of decisions. Councilman Counts said the only decision they are making tonight is to decide how this intersection is going to be engineered within a series of provisions that require them to take steps to take into account the effects that will play into this. He said with respect to the proposed amended ordinance, it is something he cannot support because it really hems them in and does not take into any potential effects. He said if they were to adopt this they would be amending it time after time. Councilman Counts said he cannot support the proposed amendments to the ordinance because Ordinance 2013-13 can, over a period of time, allow for continued input from the residents. He said this ordinance is what they need to approve for the betterment of the community, balancing this with the interests of the surrounding residents.

Councilman Lorenz thanked the audience for their comments and apologized for his absence at the last discussion as he was out of town. He thanked them for coming back and said he has also personally discussed this topic with residents. He said it resonates with him that these neighborhoods are such a close-knit community

and Council needs to be cognizant that this is an impact to their area. He said it is a benefit at the expense of a few but holistically this ordinance leads in a series of steps Council needs to take to ensure traffic calming throughout the entire community. Councilman Lorenz said he appreciates the information received tonight and there are a lot of good details within the proposed amended ordinance. He said as a member of the Development Committee they have spent a great deal of time reviewing this ordinance to draft language that gave them enough control to be flexible but also have all of the standards of traffic calming and mitigating issues. He said they have done that with this legislation. Councilman Lorenz said one of the items in Section 4 discusses traffic calming on adjoining streets and that gives them the opportunity to be responsible so if they get into those situations Council can responsibly work with the public to make sure they are safeguarding their best interests.

Councilman Bennehoof said he appreciates the articulate, passionate comments and input. He said he attended the prior session and he has received a variety of emails, phone calls and input. He said he made the assertion that this is an engineering study with a lot of steps that have to follow this ordinance to make the parkway opening a reality. He said this ordinance is not the final, end all, be all, but it is an important first step to understand the impact on wetlands, neighborhoods, etc. Councilman Bennehoof said some of the previous ordinances called out specific calming measures and the rationale in Section 1 (3), where the ordinance sets forth the requirement that the parkway "be designed to incorporate the ability to provide inter-access management and other traffic calming measures that may be designed to decrease negative impacts on adjoining neighborhoods." Councilman Bennehoof said he believes in the veracity and commitment of this Council and City Staff to the safety of the entire community and he believes that if it were deemed that blocking off Presidential completely was appropriate, that would happen. He said he believes in the entire Council's commitment to the safety of these neighborhoods and children. Councilman Bennehoof said opening the parkway would relieve the traffic on Salisbury Drive and allow another pathway for a finite number of cars coming up South Liberty. He said he appreciates that the residents are here to participate in democracy and he hopes they will work with Council on the safety measures they believe need to be put in place.

Councilman Crites apologized for not being able to hear their comments at the first meeting as he was out of town. He said in preparation for tonight he listened to a copy of the conversation that occurred at that meeting. He said he may be new to City Council but he is not new to public bodies and was the President of the Olentangy School Board ten years ago when the district was growing rapidly. Councilman Crites said he has come to learn during his public life that one can never undervalue the importance of the contribution of public thought. He said he looks at this ordinance in the context that it allows them flexibility to be able to accomplish many of the things the residents have laid out if there becomes a necessity. Councilman Crites said he sees people shaking their heads and that is not the case; if there turns out to be a safety issue, and safety is paramount, he will be the first one here to say these things need to be done within the basic design criteria for Council to approve. Councilman Crites thanked the audience for their concerns and his concern is also for the safety of this community and their children; he assured them he will always be guided by that in decisions of that kind.

Councilwoman Brenner said it has been interesting because when there are controversial things she usually hears from people and throughout this issue she has only heard from three people. She said those here tonight have valid issues but she hopes in the future the public will feel more open to calling the members of Council because it does make a difference. Councilwoman Brenner said in regard to this issue they basically have two alternatives that are being proposed: don't do this at all, or do it and make sure the traffic issues are taken care of in advance, in writing so the community feels comfortable. She said one of her big problems with the 2010 tax issue was that the only thing that tied the funds to the capital improvements was the ordinance and who knows what decisions can be made by a future Council. Councilwoman Brenner said she supports reviewing the various forms of mitigation and adding at least some of them. She said the cost of a quiet zone is in the six figures so they have to be careful to not approve costs without consideration. She said she supports taking a step back, looking at which mitigation factors that are reasonable and put those into the legislation. Councilwoman Brenner said she is not making accusations, because this may be something on which she is not educated, but she would like to know from Staff why was this project selected first and why it wouldn't make sense to try things at the Four Corners first to see what happens.

Mr. Lutz said they have been talking about the various topics within Council Committees and the Murphy Parkway extension rose to the top as the first priority. He said this and the development of a new City park will take the longest to plan and if Council adopts an ordinance for Murphy Parkway, it will take many months before they select an engineer to complete the design which will likely make it 2014 before they can even consider going out to bid for construction. Mr. Lutz said it is also one of the more expensive of the projects and once they get a firm price on engineering Murphy Parkway they will know exactly how much funds are left

over before they plan projects such as the new park. He said that has always been the plan of Council. Councilwoman Brenner asked about completing this project before the Four Corners. Mr. Lutz said they have discussed for quite a while that it is not a matter of which project should be done because both projects need to be done. He said they can get into the "chicken or the egg" discussion but they have studies that say each project should be done before the other due to valid reasons. Councilwoman Brenner said she heard comments regarding the seven projects and the way the residents ranked their importance during the survey. She said they refer to the survey frequently during Council meetings and that is part of why they are trying to address the traffic issues. She said they need to see if the traffic mitigation issues will work first because if there is another alternative and it is something the residents want as a priority over this project, they may want to take a look at that. Councilwoman Brenner said she is concerned that if they go through the amended ordinance provided tonight by the residents and look at the specifics, they will need to look into it to see how much the project will cost. She said if they still think at that point that this is an affordable project and they have worked together as a community to include enough of the mitigation issues, she thinks they can move forward. Councilwoman Brenner said if they add some of them and it makes it too expensive, they can always start with the Four Corners project. She said that is a more prudent use of tax dollars. She said they should step back and look at these issues and see if they can be implemented into the ordinance prior to its passage.

Councilman Hrivnak thanked the speakers for their insight and opinions. He said he heard that safety was key and it is also important to each of the City Council members. He clarified that with the traffic calming measures, early renditions of Murphy Parkway and Liberty had it so if one was travelling northbound on Liberty they would automatically be funneled into the neighborhood. Councilman Hrivnak said that is how it stands today and the early studies were based upon the fact that everyone would wind up in the neighborhood. He said Ordinance 2013-13 takes care of that by making this a "T" intersection with a traffic signal and one will have to make a conscious decision to go into the neighborhood. Councilman Hrivnak said traffic will be greatly decreased and the safety will improve over the plan discussed earlier. He said projects like street and sewer repairs are ongoing; they have new monies now and the Engineering Staff is already working on street and sidewalk repairs. Councilman Hrivnak said those programs have easily moved forward and the other projects are underway. He said the Development Committee is already looking at how bike paths can be connected, expanded and repaired. He said they are starting some sewer work in the City later this month and the timing for these types of projects is relatively short. Councilman Hrivnak said the City has engineering services in-house and those times frames cannot be compared to the time frame for a project like Murphy Parkway.

Councilman Hrivnak said the Four Corners have been studied and they have preliminary designs on that project. He said City Council has been allocating property and frontages downtown so some parking spaces will be removed. He said the funding for the Four Corners comes from a completely different funding source and the project is already further along than Murphy Parkway. He said they have drawings, renderings and concepts. Councilman Hrivnak said he is convinced that the solution to the traffic has to involve both projects. He said both projects will take a long time and they have to start on both and get them moving. Councilman Hrivnak said they all agree that safety is important and the "T" intersection is best. He said Mr. Critchett provided a lot of good information regarding what they can do to improve the safety of Murphy Parkway and now that they understand that there will be less traffic than originally planned, they can let the engineers that design these things decide what they need and what they do not need. Councilman Hrivnak said they can tell them the cost of each and how to plan for them ahead of time. He said each of these things requires more information so they can understand all of the questions and the proper answers. He said these engineers do that for a living and those are the people they have to rely upon. Councilman Hrivnak said Ordinance 2013-13 will allow them to start the engineering so they can find answers to their questions. He said they need to move forward with the engineering and more ordinances will follow that will determine more design criteria such as how to build it, when to build it, and who will build it. Councilman Hrivnak said it is important to move forward with the engineering and this ordinance allows them to proceed, and that is what they need to do.

Mayor Cline thanked everyone for their comments and he was struck by the passion and civility of the residents. He said in his view the vote tonight is on a very narrow question: do they like the alternative on the left or do they like the alternative on the right. Mayor Cline said he likes the alternative on the right and selecting that alternation in no way prevents consideration of the other issues brought forward tonight; it simply makes the decision so the Engineering Department can move forward with design criteria and selection of an engineering firm to start the engineering process. He said that process allows them to create bid specifications which allow them to bid the project and that will allow them to someday actually award the project.

MOTION: Councilman Counts moved to adopt Ordinance 2013-13. Councilman Crites seconded the motion.

Councilwoman Brenner said she completely agrees that an engineer needs to evaluate these things. She asked if it is possible to create a separate ordinance that would permit Council to do that and if they find through that process that the cost is still feasible, come back and adopt Ordinance 2013-13 with those things within it. Mayor Cline asked if she is asking if they can take Ray's ordinance, have it reviewed, determine whether they agree with the proposed modifications in it, do a cost analysis once they decide which modifications they agree with and have a cost-analysis completed. He said after that analysis if they conclude that it is a project they want to go forward with they can adopt Ordinance 2013-13. Councilwoman Brenner said she agrees except that cost of the modifications must be a part of the evaluation process so they can choose which ones and those modifications will have to be included in the ordinance. Mayor Cline said he believes Council can proceed in that manner if they so choose but in order to do that Council would have to have a different motion pending before Council. He said the motion pending before Council is to adopt Ordinance 2013-13. Councilwoman Brenner asked if Robert's Rules allows her to make another motion. Councilman Counts said the main motion may be amended. Councilwoman Brenner said she is not sure she would want to amend the ordinance but rather move to table it. Councilman Crites said a new motion to table takes precedence over the primary motion. Mayor Cline said if she wants to make a motion to table, it is within her right to do so. Councilwoman Brenner said she wants to make a two part motion. Councilman Counts suggested she start with the motion to table. Gene Hollins, Law Director, suggested that she make a motion to table and Council understands her intent to amend the ordinance.

MOTION: Councilwoman Brenner moved that they table Ordinance 2013-13. Councilman Lorenz seconded the motion.

Councilman Counts said one of the things that needs to be done to get to her ultimate result of cost estimates is to start down the road of doing some design work. He said within that design work, they can ask about those options, if and how they can be done, and what will they cost. He said she is trying to decide if the modifications are worth it and he feels if they go ahead with Ordinance 2013-13 it is the appropriate thing to get to the ultimate answers to her questions.

Councilman Bennehoof said he thinks Councilwoman Brenner wants to strengthen Section 1(3) in such a way that it did not enforce specific traffic calming measures but rather that it allowed for and provided for appropriate traffic calming measures. He said he believes that Section 1(3) says that but he understands the concern for safety. He said he is good with strengthening this section to some extent to address that there will be traffic calming measures rather than there may be traffic calming measures. Councilwoman Brenner said the problem is that then they don't know what measures to strengthen and they don't know their cost, so they are voting to spend money for things that may not be what they want to do and for which they have no idea of the cost.

Councilman Counts said Section 1(3) states that Murphy Parkway "shall be designed" and "traffic calming measures that may be designed to decrease negative impacts on adjoining neighborhoods." He said the things in Ray's ordinance that speak to Murphy Parkway are mandatory to be considered within this section. Councilman Hrivnak said the idea of learning more before they make a final decision is a sound one but the only way they are going to learn more is to hire an engineer to tell us more. He said that is what Ordinance 2013-13 does. He said the use of the word "shall" means they are required to do something. Councilman Hrivnak said it would be appropriate to instruct the engineering firm to look at the items listed and provide feedback regarding the cost and feasibility of those items and he is not sure they can learn any more if they simply table this item. Councilwoman Brenner said they would have to approve a second motion to do something else. She said in Section 1 she sees the use of the term "shall" but later in the ordinance they state that the parkway "may" be designed to decrease negative impact. She said that is where she has an issue because technically they could not implement the measures because they are not required. Mayor Cline confirmed that the motion currently before Council is to table Ordinance 2013-13.

VOTE: Y 1 N 6 (Counts, Crites, Hrivnak, Lorenz, Bennehoof, Cline)

Mayor Cline described Ray's ordinance for the record: three pages marked "1-", "2-", and "3 of 3" captioned "Revised Ordinance 2013-13" with attachments marked "MS Consultants Figure 2," "Diagram A," "Diagram B," "Diagram C," "Figure 1." He provided his copy to the City Clerk so it will become part of the permanent record (Exhibit 5).

MOTION: Councilman Lorenz moved to amend Ordinance 2013-13, Section 1(3), second line, to strike the word "may" and insert the word "shall." Councilman Bennehoof seconded the motion.

Councilman Lorenz said that language bolsters and gives confidence that the City Council will in fact implement traffic calming measures. Councilman Hrivnak asked if those would be determined by the engineer. Councilman Lorenz said that is correct. Councilwoman Brenner asked to clarify that they are not saying that any certain one or collection of traffic calming measures have to be designed, they are saying that something is required and that is yet to be determined. Councilman Lorenz said the amendment allows them to go down the path and determine what is appropriate. He said this amendment shows the commitment that City Council is serious about making this as safe as possible.

Mayor Cline said the motion made by Councilman Counts and seconded by Councilman Crites is still before Council; the motion is to adopt Ordinance 2013-13.

VOTE: Y 7 N 0

Email correspondence to City Council regarding this ordinance was entered into the record as Exhibit 9.

SECOND READING: ORDINANCE 2013-14: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 43.88-ACRE TRACT, MORE OR LESS, TO THE CITY OF POWELL.

Mr. Lutz, City Manager, said this ordinance and the following ordinance (2013-14) are annexation ordinances. He said this ordinance received a tremendous amount of discussion two weeks ago. He said these ordinances are in regard to annexing land and have nothing to do with proposed zoning. Mr. Lutz said both of these annexations do not have development plans for Council to review. He said this annexation permits Council to review and approve/disapprove future development plans at a future meeting. Mr. Lutz said by annexing the land it gives City Council the control over the development as opposed to it being out of their hands if the land is not in the City. Mayor Cline opened this item to Council discussion.

Councilwoman Brenner asked if they have determined if there is a financial obligation on the City if the property owner were to detach. Mr. Hollins said they did not find any basis for financial obligation on the City based on detachment. He said it would be a voluntary detachment at the request of the property owner.

Councilman Lorenz asked if this ordinance can be tabled or if they have to act on it this evening. Mr. Hollins said they must act on it this evening. Mayor Cline gave the applicant the opportunity to speak. He asked if Mr. Fisher agrees with the City's assessment that if this falls apart and the client decides to detach after having annexed, there would be no financial obligation on the part of the City for that decision.

David Fisher, Kephart Fisher, LLC, on behalf of Lifestyle Communities, introduced the Chairman of Lifestyle Communities Mike DeAscentis and Project Development Director Chase Miller. He said they do agree with the Law Director's analysis; if no development plan was brought forth by Lifestyle Communities or the owner of the property, then no development would occur and the request would simply be a request to detach the property. He said no taxes would be collected other than the standard real estate taxes. He said it would simply be a series of legislation.

Mr. Fisher said there is nothing new to add tonight but they do appreciate the City's continued interest in the project. He said it is the subject of a Pre-Annexation Agreement on the property that they worked on collaboratively with Council. He said everything being done to date is in furtherance of the agreements reached at that time. Mr. Fisher said they are still working with the Powell Planning Commission to try to arrive at a zoning and development plan that is acceptable to bring forward to Council. He said there are still a number of issues they are working through that they hope to accomplish successfully so they can bring to Powell a very exciting project that all are proud of.

Mayor Cline opened this item to public comment.

Dale Miller, 60 Sanderling Avenue, said he has spoken with many different agencies about this project and a lot of his information comes from the County Engineer. He asked about the developer and builder of this project and it was confirmed that both are Lifestyle Communities. Mr. Miller said variances for this site have been discussed and a lot of people want clarification on the 8-unit density and if it is higher than the Powell code. He said he has heard that means they would be allowed 472 units under the code. He said he does not approve of granting variances. Mr. Miller said they moved here seven years ago from Toledo. He provided a copy of the rental pamphlet (Exhibit 6) where they lived when they first moved to this area; they rented for \$1100/month at that time. He said the average parking space per unit and tenants per unit are noted. Mr. Miller said this project could be four times the size of Big Bear Farms and the density is unbelievable. He said they do not have any five-level parking garages in Powell but that is probably what they will have to do to get all of the needed parking spaces in. Mr. Miller asked why they are going for all of these variances in an act of desperation. He

said he cannot find anyone who is for this project and he is sure that Council has received many emails in opposition. He said the Delaware County Sheriff and the schools are very concerned and they expressed that Powell helping to finance roadways is not a good idea. He said they are concerned that Powell will come out on the short end of the stick on this. Mr. Miller asked if the project attorney would have the exact same comments he made in the newspaper if one of these complexes was across the street from his home. He said the apartments in New Albany are on SR 161 and can be seen from the expressway; he is not against the apartments themselves but he is against going after this huge variance. Mr. Miller said they will have to have pretty good-sized roads to get 60- to 70-foot school buses in there as well as garbage disposal and retention ponds in the area required. He said they even want an easement to get to the railroad for track work and he does not see how they can get all of this on the acreage. Mr. Miller said he talked to a CPA and retirement people do not pay Powell income tax. He said they know they are looking for revenue generation but he would like to see a dollar figure based on what amount of money the City thinks they can reap. He provided other handouts to City Council (Exhibits 7 & 8).

Mayor Cline said the only issue tonight is should the land annex or should it not annex. He asked that Mr. Miller continue with closing comments. Mr. Miller said he does not know how it can because they are putting a carrot out there and promising the variances too soon. He said Councilman Counts made statements to the paper about the process and maybe Council is putting the "cart before the horse" by annexing before the zoning is approved. Mr. Miller said this project has been through a lot but they do not want to potentially waste money that may not reap a lot for the City. He said there are lots of issues affecting the schools and it will take two big school buses, completely filled, just to handle the kids.

Mayor Cline said if this ordinance passes, the applicant will continue to work with Planning & Zoning to make decisions about the density to see if it is the level that Mr. Miller is afraid of, what size the roads will be and things of that nature. He said Mr. Miller's comments will be captured in tonight's minutes but he may find that he is better served to present those comments at the Planning & Zoning meetings.

Councilman Counts said when he made the comments published in the paper there was a discussion going on at the last meeting about zoning. He said that was not the decision before Council then and it is not the decision before Council now. He said they were supposed to be talking about annexation and to talk about zoning was "getting the cart before the horse." He said if Mr. Miller wants to discuss variances, traffic and those matters he should attend the next Planning & Zoning meeting. Mr. Lutz said many of the questions raised are the things that the Planning & Zoning Commission asked the developer to clarify; their next meeting is scheduled for May 8th. He said traffic studies have been performed and the County Engineer will be present when the studies are discussed. Mr. Betz said he would be happy to set a time to discuss these issues with Mr. Miller.

Mayor Cline opened this item to public comment.

Vincent Margello, 1900 W. Powell Road, said he is a 34-year resident of the area. He said every member on this Council talked about traffic and safety when talking about Murphy Parkway. He said they are talking about annexation tonight and the proposed development is talking about a lot of traffic. He said he does not understand why these developers who don't own the land won't wait on annexation until after the zoning is approved. Mr. Margello said the only reason this developer wants to be in the City of Powell rather than in Liberty Township is because the developer knows he cannot get this type of density in Liberty Township. He said this project affects the schools, infrastructure and fire department/EMS. Mr. Margello said they probably pay more in real estate taxes on their homes than this developer will pay on their apartment rent. He said they have a school system that is already overcrowded. Mr. Margello said the annexation has to take place after the zoning has been approved and not before because they are putting pressure on their Zoning Commission. He said it is just like when CVS was before Council and they promised a sign that had not received zoning approval before it was annexed in. Mr. Margello said there is no reason for the developer to be here tonight unless he is going to get a lot more from the City of Powell than he could ever think of getting from the Township. He said that is what he wants Council to consider on the annexation. He said the City and the Township need to work together because they are all one community; they do not need to prostitute the land from the Township and grant more density than they have ever seen in the City of Powell. Mr. Margello said Council lives here and the developer does not and they are creating something that the community will have to deal with. He said there will be a real estate tax burden on the taxpayers to pay for the schools and infrastructure. Mr. Margello said he is trying to keep people in this community and people say they are out of here as soon as their children graduate because the taxes are too high. He said City Council needs to understand that they do not need to give the store away.

Mayor Cline closed the public comment session and opened this subject for Council comments.

Councilman Bennehoof said at the pre-annexation discussions this was presented as being a contemporaneous approval of the zoning and the annexation. He said at those discussions he chose to go forward because he felt the landowner has the right to a day in court so they can proceed to P & Z. He said the approvals are no longer contemporaneous and there is a gun to somebody's head because there is a timeline for the annexation. Councilman Bennehoof said the density issues have been slightened but not fully addressed and not yet within code and the height is not within code. He said there are other variances being pursued. He said it is not yet in conformance with City code and because of that they should not annex this property without knowing the eventual product. Councilman Bennehoof said he knows it is accurate to say that the Township would never entertain this proposal.

Councilman Lorenz said he has asked about tabling this on several occasions because he does not like being pressed into a decision. He said he agrees that these were two separate items that although voted on differently, will come together at the end. He said that is not happening and it makes him very uncomfortable. Councilman Lorenz said he understands there are safeguards in this ordinance and he understands the importance of having his track within the City's control and the economic viability it may bring to the City. Councilman Lorenz said from what he has seen he is not comfortable approving this tonight. He said it is a good project but he is not convinced it is good for their City.

Councilman Crites said it is preferable that the zoning issue and annexation come before the legislative authority at the same time but over the years he has seen that it is not an uncommon practice for them to not come to the floor at the same time for a myriad of reasons. He said he is uncomfortable in this regard. Councilman Crites said it is not something he will be able to support; he would have liked to see them come back simultaneously so they could act upon them. He said he understand they are separate issues but is because of the nature of the project he is concerned about moving ahead with an annexation without the opportunity to see the approved zoning plan.

Councilwoman Brenner concurred with the other Council members. She said she specifically asked at time of the pre-annexation agreement, if that was contingent upon the zoning and the answer she got was "yes." She said putting the annexation before them now is the exact opposite of what they were told would be the process. Councilwoman Brenner said she is sorry it didn't work out within the time frame but from another standpoint that should give hint that this is taking so long to gain zoning approval because they are receiving so many calls and concerns. She said by passing this they will put more pressure on P & Z than already exists. Councilwoman Brenner said it is the nail in the coffin to say that P & Z has to get this done. She said if this project can be done within the City zoning code without so many variances then they can explore it but so far the variances are not looked upon favorably by the citizens.

Councilman Counts said he will not comment on his position on the proposal before Planning & Zoning because he feels that is not appropriate. He said what they are doing tonight is no different than a parcel that is already in the City or was annexed into the City two years ago and now has a proposal before Planning & Zoning. He said there is a small exception that this applicant/landowner has the right to detach and the City cannot say anything about it. Councilman Counts said to say that because a property is already in the City before it receives zoning approval it puts pressure on P & Z to make a certain decision makes no sense. He said all they are doing is allowing this property to be annexed into the City; they cannot develop it as they propose until they complete the Planning & Zoning process. He said the two decisions are entirely different. Councilman Counts said he sees no reason why this property cannot be annexed; there is a similar situation in the next ordinance before Council so he must assume there will be the same viewpoint on that property as they have on this property. Councilman Counts said accepting the annexation sends a message that the City is willing to consider this kind of annexation; there is no risk in the City doing this.

Councilman Hrivnak said if this annexation were to fail this evening, what ramification does that have for the applicant and what timing is involved. Mr. Hollins said there will likely be contractual ramifications outside of their control. He said if Council does not accept the annexation by the 120-day State statute the annexation is considered rejected. Mr. Hollins said if the property owner still desires to have the property annexed he will have to restart the annexation procedure. He said they would make a second request, wait a month to take it before the County Commissioners, wait 60 days after the Commissioners vote on it, and then lay it before Council where they must make a decision within 120 days.

Mayor Cline said he is a little confused by the concern of his colleagues. He said when they approved the pre-annexation agreement they knew the process; they agreed it would be best if the annexation and zoning

occurred simultaneously. He said that is often the case but sometimes it is not the case. Mayor Cline said this applicant came to Council with a very transparent plan as to the appropriate way to develop this land within the City and they cautioned the applicant that the proposal would meet with resistance and they would have a job to do at P & Z to present their rationale for their proposal. Mayor Cline said there is always give and take in the Planning & Zoning process. He said he has not attended those meetings but he understands that the applicant has worked diligently with Staff and the Commission to identify and address the resident concerns. Mayor Cline said because of the diligent response of the applicant they are now against the deadline for annexation. He said it is inappropriate to say to applicant "Sorry about your luck but if you are still interested, start over" when they have before them tonight the option that protects the City by requiring the applicant to satisfy Planning & Zoning and then satisfy Council. Mayor Cline said if that process fails, the property owner can simply detach from annexation. He said he understands and respects the comments of his colleagues but he respectfully disagrees. He said the ordinance before Council is appropriate and it provides both the applicant and the residents the opportunity to continue a dialog that has been ongoing and reported as productive. Mayor Cline said he is not sure if the dialog will ever result in a proposal that Planning & Zoning can accept and the applicant is comfortable with, but a "yes" vote on the annexation ordinance will allow the applicant to continue that discussion. Mayor Cline said they can continue the discussion if this ordinance is defeated, but defeat of this ordinance imposes financial burdens and other issues on the applicant that may or may not encourage them to stay engaged with the City of Powell. He said it is important for the City to have input and control over this land and he regrets that the statutory deadline makes this their decision point and cuts off the opportunity for further review before they vote.

Councilman Bennehoof said he does not understand why asking for the applicant to reapply for annexation and delaying another 90 days is problematic. He said he has listened to the citizen comments on this project and he appreciates the developer's work with the immediate neighbors but he is standing on the initial point that this was to be contemporaneous. He said there is such a lack of community support for this development. Councilman Bennehoof said at the initial plan he proposed they have a business value proposition on any development that comes forward so all stakeholders can provide input. He said the Fire Chief said last week that his comments were misconstrued that he approved of the project because he didn't.

MOTION: Councilman Counts moved to adopt Ordinance 2013-14. Mayor Cline seconded the motion.

VOTE: Y 3 N 4 (Bennehoof, Brenner, Crites, Lorenz)

FIRST READING: ORDINANCE 2013-15: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 67.49-ACRE TRACT, MORE OR LESS, TO THE CITY OF POWELL.

Mr. Lutz, City Manager, said this is the first reading and the proposed second reading will take place on May 7. He said this annexation falls into the category of the ordinance just defeated. He said this site is located on the southwest corner of Home Road and Steitz Road. He said they do not have an approved plan from the Planning & Zoning Commission and he does not anticipate one prior to the second reading of this ordinance.

Councilwoman Brenner said it is never a plus for the City to annex land just for the sake of annexing land; it should be a net gain to the City. She said she is being consistent and as they look at properties in the City they should have an idea of what they are going to be and the variances requested before they can annex it in. Councilwoman Brenner said if it was already in the City they would know what they are getting and there would be no buyer's remorse. She said if they have a pre-annexation agreement as they have done in the past she is totally fine with those but to annex property without knowing what it is going to be is a hazard.

Mr. Lutz said this property also has a pre-annexation agreement. Councilwoman Brenner said when they have a pre-annexation agreement she wants confirmation they are not completing the annexation before they have the zoning piece. She said if there is a problem where they cannot get the two processes to line up, that is something that should be considered by one of the Committees.

Councilman Lorenz asked if they have considered having this property incorporated into the LCIFA. Mr. Lutz said the developer has contacted the LCIFA and asked if they want the property in or not; they will let the LCIFA decide. He said he does not know when that decision will be made.

Councilman Bennehoof said he thought Council saw a plot plan for this project for density for single family homes. Mr. Lutz said the pre-annexation agreement came with an idea of what the development would look like. Councilman Bennehoof said that plan was far more developed and within zoning.

Mr. Betz said Planning & Zoning Commission reviewed a Sketch Plan and are working toward a Preliminary Development Plan that will include the entire tract with final plans on each specific phase. He said the project

is within density and open space requirements. He said it is still too early to determine specific setbacks and other issues. Councilman Bennehoof he is much more comfortable with this. Mr. Lutz said they have not done a cost-impact study and getting all of the government agencies to comment will be very difficult. He said most will not take the time or effort to respond.

Mr. Betz said they did have a CEDA Review Committee meeting as required in the CEDA and everyone was fine with this proposal, pending final details worked out through the process. Councilman Hrivnak asked if they are running short on time because the Planning & Zoning did not meet or was it other issues. Mr. Betz said Staff has not yet received an application because there were some issues with regard to sanitary sewer capacity to be worked out with the County. He said that is now worked out and the applicant is ready to submit to P & Z soon. Councilman Hrivnak asked him to summarize the comments on the Sketch Plan. Mr. Betz said they talked about making lots in one area larger so they are more in line with the lots in the adjacent neighborhood. He said they talked about bike paths and a connection with City pathways, a possibility of a dead-end street so it could continue to Steitz Road, and an area to be made into a City park rather than just open space for the development. He said the developer is considering all of those and will bring back plans incorporating those comments.

Councilman Counts said he will be looking to those members that voted against the last ordinance to tell him how, if they choose to vote in favor of this ordinance, it is different. He said he does not believe that it is because it has the same issue of zoning and annexation not aligning as Ordinance 2013-14. Councilman Counts said the underlying statement in the last discussion is that they did not like the proposed zoning but that is an issue for the Planning & Zoning Commission and then City Council at a later session. He said if the members vote for this because they think it is okay, they are not being consistent in how they view these decisions. He said he will look to them to provide a rational explanation of why these are different. Mayor Cline said he will be interested to hear that discussion at the second reading.

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

Ordinance 2013-14 was taken to a second reading.

FIRST READING: ORDINANCE 2013-16: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO NEWCOMER CONCRETE SERVICES, INC. IN THE AMOUNT OF \$22,724.80 FOR THE 2013 NORTH LIBERTY STREET IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Mr. Lutz, City Manager, said last year the City Council authorized and funded an improvement out of the TIF fund to correct some drainage problems on the east side of North Liberty Street. He said the Engineering Department has engineered the project and they went out to bid. Mr. Lutz said they recommend awarding it to the low bidder, Newcomer Concrete Services, in the amount of \$22,724.80.

Councilwoman Brenner asked if this project will include the sidewalk as well. Mr. Rice said the project will incorporate taking out the area where people walk that is now in disrepair and replacing it with new asphalt and a better side slope. Mr. Lutz said the thought process was to use asphalt and not install pavers because they will have to be removed when the Four Corners streetscape is installed.

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

Mr. Margello said he likes the idea of Newcomer doing this work because one of the owners is a Powell resident. He said they should strive to hire people who live in the community because they will make more effort toward the project.

Mr. Lutz said there will be three weeks before the next meeting so Council may want to suspend the rules.

MOTION: Councilman Bennehoof moved to suspend the rules in regard to Ordinance 2013-16. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Hrivnak moved to adopt Ordinance 2013-16. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2013-17: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.

Mr. Lutz, City Manager, said the City receives estate settlements from the State of Ohio. He said they received a settlement in the amount of \$6,320 from an individual who did not live within the corporate boundaries and this ordinance allows them to refund that amount.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-17. Councilman Bennehoof seconded the motion.

VOTE: Y__7__ N__0__

MOTION: Councilman Counts moved to adopt Ordinance 2013-17. Councilman Crites seconded the motion.

VOTE: Y__7__ N__0__

FIRST READING: ORDINANCE 2013-18: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.

Mr. Lutz, City Manager, said at the last Council meeting residents informed Council they had raised over \$15k to fund the City's canine program. He said this ordinance allows City Staff to deposit the funds into the account established at the last meeting.

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

MOTION: Councilman Bennehoof moved to suspend the rules in regard to Ordinance 2013-18. Councilman Hrivnak seconded the motion.

VOTE: Y__7__ N__0__

MOTION: Councilman Counts moved to adopt Ordinance 2013-18. Councilman Hrivnak seconded the motion.

VOTE: Y__7__ N__0__

FIRST READING: ORDINANCE 2013-19: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.

Mr. Lutz, City Manager, said this ordinance will correct an error identified in the City's 2013 Budget. He said it actually reduces the budget by \$10k. He said over the past several years they have created a special fund to hold funds donated from groups to fund special events. He said this year they made a change and budgeted \$10k in the Parks budget and are collecting funds; this ordinance will unappropriate that \$10k from the Special Events Fund and also transfer the \$2,645 currently held in Special Events Fund to the new fund.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-19. Councilman Hrivnak seconded the motion.

VOTE: Y__7__ N__0__

MOTION: Councilman Counts moved to adopt Ordinance 2013-19. Councilman Crites seconded the motion.

VOTE: Y__7__ N__0__

COMMITTEE REPORTS

Development Committee: No report. *Next Meeting:* May 7th, 6:30 p.m.

Finance Committee: No report. *Next Meeting:* April 23rd, 7:00 p.m.

Operations Committee: No report. *Next Meeting:* April 16th, 7:00 p.m.

Planning & Zoning Commission: No report. *Next Meeting:* April 24th, 7:00 p.m.

Powell CIC: No report. *Next Meeting:* July 23rd, 6:00 p.m.

2012/2013 CITY COUNCIL INITIATIVE UPDATES

There were none.

CITY MANAGER'S REPORT

Mr. Lutz introduced Megan Canavan, the City's new Public Information Officer.

OTHER COUNCIL MATTERS

There were none.

ADJOURNMENT

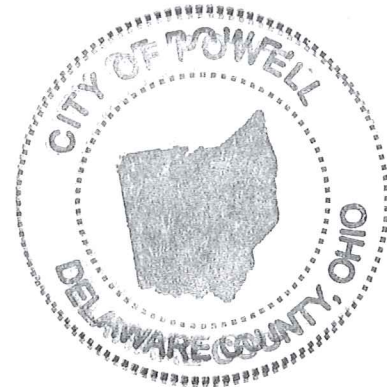
MOTION: Councilman Counts moved at 10:54 p.m. to adjourn the meeting. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

MINUTES APPROVED: May 21, 2013

Richard A. Cline 6/3/13
Richard Cline Date
Mayor

Sue D. Ross 6/4/2013
Sue D. Ross Date
City Clerk



City Council

Richard Cline, Mayor

Jon Bennehoof

Sara Marie Brenner

Tom Counts

Mike Crites

Jim Hrivnak

Brian Lorenz