



City of Powell, Ohio
City Council

MEETING MINUTES
MAY 7, 2014

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Wednesday, May 7, 2014 at 7:30 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Richard Cline, Tom Counts and Brian Lorenz. Mike Crites was absent. Also present were Steve Lutz, City Manager; David Betz, Development Director; Jeff Snyder, Director of Parks, Recreation and Public Service; Megan Canavan, Communications Director; Debra Miller, Finance Director; Rob Rice, City Engineer; Gene Hollins, Law Director; Susie Ross, City Clerk; and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

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

APPROVAL OF MINUTES

Ms. Ross noted two corrections within the draft minutes.

MOTION: Councilman Cline moved to adopt the minutes of April 15, 2014 as amended. Councilman Bennehoof seconded the motion.

VOTE: Y 6 N 0

CONSENT AGENDA

Item

Action Requested

- *Liquor Permit Request*

Waive request for hearing

Thai Orchid Enterprises, 8736 Moreland Street – D5I & D6

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

RESOLUTION 2014-07: A RESOLUTION ADOPTING A TRAFFIC SIGN MAINTENANCE POLICY IN THE CITY OF POWELL.

Steve Lutz, City Manager, said this item went through the Operations Committee at their last meeting. The Federal Highway Administration (FHA) has enacted legislation that requires the City to adopt a policy regarding traffic sign reflectivity.

Jeff Snyder, Director of Parks, Recreation and Public Service, said in December, 2007 the FHA introduced new regulations pertaining to traffic and street signs. The regulations address retro reflectivity (night vision) and raised the standard for new signage throughout the country. The regulations were adopted by the State of Ohio. Since 2007 the regulations were relaxed a bit and the timelines for implementation were dropped but the City still has to have this policy in place to make sure they are staying on top of the new requirements. The proposed policy combines two of the recommended formats: the blanket replacement will be paired with the annual Street Maintenance Program and then there would be inspections/replacements based on a ten year sign life.

Councilman Bertone asked if homeowner associations who have adopted their own style of sign are subject to this policy. Mr. Snyder said they will have a permitting process with the associations to ensure they meet the guidelines. The policy allows room for their individual designs but the HOA will be responsible for the expense of their sign replacements.

Councilman Bennehoof said some of the neighborhoods have wood posts for their signs. Mr. Snyder said as those signs fail (fall over or break) they must be replaced with the new signs.

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

MOTION: Councilman Cline moved adopt Resolution 2014-07. Councilman Counts seconded the motion. By unanimous consent, Resolution 2014-07 was adopted.

RESOLUTION 2014-08: A RESOLUTION ADOPTING AND IMPLEMENTING THE DELAWARE COUNTY MULTI-HAZARD MITIGATION PLAN.

Mr. Lutz said the plan for this resolution was provided to Council electronically because of its length. The Federal Emergency Management Agency (FEMA) requires counties to adopt plans from time to time and Delaware County's plan was updated and approved by that agency. Now the local municipalities within the County need to adopt this plan by resolution and the County Commissioners will adopt it for the townships. Councilman Cline asked if Staff anticipates any fiscal impact to the City for adopting the County's plan. Mr. Lutz said he does not anticipate any impact.

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

MOTION: Councilman Cline moved adopt Ordinance 2014-08. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

SECOND READING: ORDINANCE 2014-09: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 5.072 ACRE TRACT, MORE OR LESS, TO THE CITY OF POWELL.

Tabled from April 1, 2014

Mr. Lutz said this is the second reading of this proposed annexation by Spectrum for an independent senior living community. Staff recommends that Council table this reading to the next meeting on Tuesday, May 20th so the proposed annexation coincides simultaneously with the second reading of the proposed Final Development Plan.

Mayor Hrivnak asked if Council is on a timeline crunch with this annexation. Gene Hollins, Law Director, said Staff tracks each annexation individually to make sure they do not go past the statutory 120-day time period from the date of the first reading. Mr. Lutz said that date is June 17th.

Councilman Bennehoof asked about the particular type of annexation. Mr. Hollins said this is one of the expedited methods in the 2001 version of the annexation law. There is a requirement of 100% owner participation and they may not drag along any unwilling property owners as well as contiguity and a few other requirements. Powell does not remove annexations from the township because of the fire and emergency services provided. Mr. Lutz said under the CEDA this is the form of annexation they are contractually obligated to follow. Councilman Bennehoof asked if this is one of the concurrent development and annexation initiatives. Mr. Lutz said it has been the City's practice to approve both on the same night so if Council does not approve the development plan, it does not annex the property and vice-versa. Councilman Bennehoof said he has issues with the concurrence when some of it is not finished.

Mike Longfellow, Senior Vice-President of Construction and Development, Spectrum Retirement Communities, 200 Spruce Street, Suite 200, Denver, CO, said they would like to see this matter tabled two weeks so it is concurrent with the Final Development Plan.

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

MOTION: Councilman Cline moved table Ordinance 2014-09 to the next regularly scheduled Council meeting of May 20, 2014. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2014-21: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR SPECTRUM RETIREMENT COMMUNITIES FOR AN INDEPENDENT SENIOR LIVING COMMUNITY ON PROPERTY BEING ANNEXED INTO THE CITY OF POWELL, BEING LOTS 2972 and 2973 OF WEDGEWOOD COMMERCE CENTER SECTION 3 ON THE EAST SIDE OF SAWMILL PARKWAY SOUTH OF PRESIDENTIAL POINTE SHOPPING CENTER.

Mike Longfellow, Spectrum Communities, provided a presentation regarding their business (Exhibit A):

- Owner/Operators foremost, Developers.
- 1500 employees with a dozen in development for their properties.
- Good neighbor that makes promises they want to keep; here for the long term.
- Home offices in Denver with 2600 units within 21 communities in nine states - and growing.
- Eight currently under construction and eight more breaking ground in 2015.
- Comparison shown between independent living and conventional multifamily environment.
- First class facilities, designed to look like residential environment.
- Studio, one bedroom, two bedroom units. No buy-in fee. Monthly rental at 100% private pay.
- Independent living lifestyle that is about residents coming outside of their rental units to join into the community.

- Many group activities, trips into community and attractions, seasonal events.
- Many services provided as part of rental. Multiple on-site amenities that use 40% of the common area space.
- Third-Party Home Health Agency within the building.

Mr. Longfellow provided elevation drawings of other Spectrum communities in other states. He said they do everything they can to make this a residential environment and each site is designed to fit into its community.

Mr. Betz said the Planning & Zoning Commission completed a thorough review over the past several months. He reviewed the location, surrounding areas and uses. This proposal is close to medical offices as well as the Mt. Carmel Health Center. The site is currently vacant. The Final Development Plan shows access from the south and north but the Commission approved the access plan from the Preliminary Development Plan that shows right-in/right-out from Sawmill Parkway. A condition for approval requires the examination of a possible decel lane during review of the engineering plans. The building contains three levels with common spaces in the core surrounded by different types of residential units as shown on the floor plans. The building is mostly brick with detailed elements of Hardi-Plank siding. The Architectural Advisor and Planning & Zoning Commission reviewed all of the details and Spectrum updated the plans as requested by the Commission and Architectural Advisor. A high-end landscaping plan (shown) was taken from the Preliminary Development Plan, indicating street trees and trees and plantings around the site. The stormwater basin will be in the front of the site and landscaping will be added around the building. The Commission looked at moving the garage from the south to the north end so the building is within the setback, eliminating the need for a variance. The development plan for this site was approved in the Township and this sub-area was first set forth for planned office uses within the Wedgewood Development Plan. Changes to that plan have been made over time, especially in sub-areas such as this one. The Planning & Zoning Commission very much liked this plan and set forth some conditions which are established within the body of the ordinance.

Mr. Betz identified two variances within the plan:

- **Maximum Building Height:**
City Code requires a maximum building height of 35'. The Commission asked that the applicant change the roofline to break up the massing so they allowed a variance for the roofline to go to no higher than 38' to the midpoint between the roof ridge line and the eave line (indicated). That is how height is defined within the zoning code. The design of the building is at 37 feet, 7.5 inches.
- **Parking Spaces:**
City Code requires 150 parking spaces for this plan. Due to the nature of this development, the average age of the residents expected in this facility, and the number of residents who will not have vehicles due to the services offered, the Planning & Zoning Commission allowed for a reduction of parking spaces from 150 to 88 as shown on the site plan.

Councilman Counts asked if the roof heights on the application came in at the 35' and as a result of comment from the Commission to create a varying roof it was increased to the height shown, or did they come in requesting a variance. Mr. Betz said the building height in the Preliminary Development Plan was not shown to the midline of the ridge because the roofline was more flat and at 44' to the top of the ridge. They reduced some of it and raised the highest roof area up a little bit. Councilman Counts asked what buildings in the area would be comparable in height. Mr. Betz said the Bridgewater Conference Center may be similar; Staff will identify that clearly at the next meeting.

Councilman Lorenz said this looks like it is an almost 40% variance on parking spaces and given the clientele he understands the reasoning. He asked if the Commission considered asking the applicant to do anything with cross-access parking agreements. Some residents may have vehicles and he is not sure about the staff numbers, but if the whole family comes to visit on weekends the parking lot will fill up quickly and cause conflicts and headaches for staff and adjacent property owners. He encouraged the pursuit of those types of agreements.

Councilman Bertone asked for clarification about the garages. Mr. Betz identified one in the back toward the east side of the lot and one in the south that will move either to the north or be arranged in the back with the other garage.

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

Councilman Bennehoof said on pages 5, 6 and 7 the drawings say the building is three stories, 130 units and 91 parking spaces while in the ordinance it talks about 88 units of parking. He shares the concerns about visitor

parking but was unsure how to estimate the number of residents with vehicles. He asked that the applicants share their experience with the number of cars per unit from the other facilities they have built. The height on the color rendering may be mislabeled because it says the highest roof element is 149 feet, 1.5 inches. Mayor Hrivnak clarified that it is actually only 49 feet, 1.5 inches. Councilman Bennehoof said he has a concern about density which he has brought up in the past, concerns about the parking density, and concerns about the open-ended sewer issue listed in the conditions within the ordinance. There are 130 units on this site and more units proposed across the street being added to a sewer system that is overtaxed at this time and that needs to be resolved prior to any approvals. They will be ahead of themselves if they approve something with no solution to the sewer issues. This is a nice looking plan and a needed use but he has a concern about density because he sees this similar to apartments. The conditions state that a signage plan will be brought back in the future but that should be more concrete. All of the final plans should be final before Council approves them and these should be resolved prior to the second reading.

Mayor Hrivnak invited the applicant to come forward to speak regarding the outstanding items within the conditions.

Mr. Longfellow first clarified that they have 2600 cumulative individual units around the country within 24 properties. They still own and operate the first building they developed and they are very much committed to being an owner/operator business. He said this a significant variance request for parking. Within all of their communities, regardless of the type, they have similar parking demand because there is corresponding higher staffing. The building staff and visitors require most of their parking. They would love to have too many visitors for the number of parking spaces but typically there are only a few visitors during the week and a dozen at a time on Sundays. The problems they have are predictable and Mother's Day, Christmas and Easter are big days for visitors. In all of their communities throughout the country they have set up an agreement with a local business or school to contract for additional parking during certain events. They have never had a problem on the other days. Schools and certain businesses work well because they do not need parking on Sundays. They have commuter vehicles on site and a driver or two on staff so they can easily transport visitors. The ratio they use for parking in all of their communities is from 0.5 to 0.8 spaces per unit. They are very sensitive to good parking ratios to attract residents and visitors but they don't want a huge empty parking lot either. They try to be somewhat conservative and 88 parking spaces is equivalent to 0.68 spaces per unit. They are comfortable with that but they are open to the idea of adding more parking; they do want to limit the amount added so they can keep as much green space as possible for landscaping and the enjoyment of their residents.

Mr. Longfellow said he understand that they could be concerned about density but even though these units have small kitchenettes for convenience, they serve three meals per day in their main dining room out of a central kitchen. These units are not the same size as apartments; where there may be the same number of units as an apartment building, the vast majority of their units are rented to single ladies and their population is probably 145 residents in 130 units.

Councilman Cline asked how residents interact and pay for the services of the independently contracted Home Health Care services. Mr. Longfellow said the payment varies by location/state but it is largely individual pay to contract for assistance. The rent is 100% private pay and the price point will be based on what the competition is doing a year from now when they open. The smallest studio to the largest unit could be in the general range of low \$2k to high \$3k to \$4ks. Councilman Cline asked about the average age of the residents. Mr. Longfellow said the average is around 82 in their independent living portfolio but each community has its own personality. The operations in their buildings promote a youthful active senior lifestyle. Councilman Cline asked about the staffing estimates. Mr. Longfellow said they have 24 hour staffing and for this building type they are looking at total employment of 60-65 FTE, not including the home health care employees. At a changeover, they anticipate approximately 22 FTE, including office staff, executive director, billing office and kitchen/housekeeping staff. Their traffic generation is extremely low compared to almost every other use. The shift turnover is not typical because of the variety of services they provide; the maximum cars devoted to employees in a 24 hour period would be 22.

Councilman Counts asked how long they have been in business. Mr. Longfellow said they have been in business since 2004. One of the two principals was involved in senior living development and operation for 15-20 years and was involved in the real estate side prior to that time. The other of the principals has been in multi-family and commercial real estate for a number of years. The two met and joined their experience to meet this need for senior living. Councilman Counts asked if there are statistics on how long a residents would stay at one of their facilities. Mr. Longfellow said the statistics include all three types of facility and have varied a little over the past year but the average stay is 30-36 months. He said an independent living facility like this one will probably take 12-14 months to stabilize the rentals. Councilman Counts asked if Powell is typical of the

markets/communities they look for. Mr. Longfellow said Powell is very representative of the vast majority of the other communities they are in and they have considered Central Ohio for a couple of years. They choose sites and markets in an extremely deliberate way. Powell's demographics are a perfect fit for them and their Denver and St. Louis markets are very similar. Unlike a lot of companies in this industry, they have their own in-house marketing and financial analysts so they have accurate demographic statistics about their residents. The information varies; some residents want to stay in their community and some are brought to the area by their grown children who want them close by. They think there will be a nice amount of folks in Powell who want to age in place. There is a very strong adult-child demographic here.

Councilman Cline asked for an estimate of the annual payroll costs for a facility similar to this one. Mr. Longfellow said they are probably in the \$2 million range.

Councilman Bennehoof asked about the lease arrangements. Mr. Longfellow said from the beginning it is a month-to-month lease. He said the occupancy rate is in the mid 90% rate which is very strong in the industry. The monthly rent covers all of the meals, trash, activities, and housekeeping services but not the Home Health Care services.

Mr. Lutz asked about how the applicants are working on the sewer issues. Mr. Longfellow said the sewer issue has been a top priority that they have been working on for several weeks. He appreciates the assistance from Staff. Currently they are working with Delaware County and their engineer is communicating with them daily. There are four different routing options and they are extremely comfortable that of those two or three options are financially viable for them. If that was not the case they would have tabled this tonight. They are meeting again with the Sanitary Engineer tomorrow. They wholeheartedly agree they will not be back for a second reading unless they have assurance from the County that they will have sewer service. They are in contract for the land but will not close on it without sewer service.

Ordinance 2014-21 was taken to a second reading.

FIRST READING: ORDINANCE 2014-22: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO _____ IN THE AMOUNT OF \$ _____ FOR THE SAWMILL PARKWAY TRAFFIC SIGNALS PROJECT, AND DECLARING AN EMERGENCY.

Mr. Lutz said as part of this year's capital improvement program they budgeted funds to install traffic signals at Sawmill Parkway and Village Club Drive, at Sawmill Parkway and Galloway, and to make improvements along the ramps and add "ped heads" at Sawmill Parkway and Rutherford Road. Four bids were received and bids were opened on Friday. Staff recommends awarding the bid to the low bidder, Jess Howard Electric, in the amount of \$412,013.48. The three lowest bids fell within a very tight spread.

MOTION: Councilman Cline moved to amend Ordinance 2014-22 in the following particulars: first, in the title of the ordinance after the words "award a bid to" insert the words "Jess Howard Electric Company" and after the words "in the amount of" insert the number "\$412,013.48" and second, in the second "Whereas" clause in the blank space insert the name "Jess Howard Electric Company" and third, in Section 1 in the blank space insert the phrase "Jess Howard Electric Company." Councilman Counts seconded the motion.

Councilman Bennehoof asked if there will be a "ped head" at either of the two new locations and how long will it take for installation. Mr. Betz said one will be installed at the intersection of Village Club Drive and Sawmill Parkway, at the intersection of Galloway Drive and Sawmill Parkway and one to cross Galloway Drive. Mr. Lutz said after they award the bid, they have to manufacture the mast arms to specific dimensions which will probably be a four month period, allowing a fall installation.

VOTE: Y 6 N 0

MOTION: Councilman Bennehoof moved to suspend the rules in regard to Ordinance 2014-22. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

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

MOTION: Councilman Cline moved adopt Ordinance 2014-22. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2014-23: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH DOGWOOD ENTERPRISES LIMITED PARTNERSHIP AND GANZHORN REAL ESTATE OF POWELL, LLC, AND DECLARING AN EMERGENCY.

Mr. Lutz said this proposed annexation is 5 acres in size on the west side of Sawmill Parkway immediately south of Presidential Parkway and just north of the Mt. Carmel site. The proposal is for an Alzheimer's care facility. This parcel is a little different from the last parcel discussed because this most likely has the sewer capacity for the proposed facility.

Mr. Betz said the original plan for this property was for office condominiums similar to those to the south and it was all one project at one time. The original property went into foreclosure and was purchased by Dogwood Enterprises and now they are selling it to Ganzhorn. The property includes the parcel to the south of the entrance drive. They are proposing a facility which specializes in mid- to late-stage Alzheimer care. They are proposing a 64-unit building which has four different "households" that have shared living room and kitchen facilities. They are proposing a single story brick and stone structure and the Sketch Plan review has already taken place at the Planning & Zoning Commission. The applicant is awaiting on the annexation process to continue before they move forward.

Mayor Hrivnak said this is pre-annexation agreement that allows the Planning & Zoning process to continue. Councilman Bennehoof asked why this is emergency legislation. Mr. Hollins said the annexation and planning & zoning processes have lengthy timelines and there are a couple of waiting periods within the annexation process. He said the purchase agreement between Ganzhorn and Dogwood would not be an infinite amount of time so they are requesting consideration of a pre-Annexation agreement that goes into effect immediately. They can hold two readings of the ordinance but the emergency clause allows it to go into effect upon adoption rather than waiting another 30 days. This will allow them to start the annexation process.

Councilman Bennehoof said he understands this will be rezoned as Planned Commercial District but they have to get to the point where they understand what they are doing in that district; it seems they are giving latitude to do anything the developer wants. In condition #4 it talks about contemporaneous acceptance of the annexation and that is a concern because they have gotten ahead of themselves in the past. They may be abrogating some of the City's rights and responsibilities in providing all help, aid and assistance for any permits outside of their control; this is probably a good development for the area and a good idea but there is concern about some of the wording in the agreement. That will be up to the judgment of the Law Director. Councilman Bennehoof asked how the sewer capacity can be a problem across the street and not on this site. Mr. Betz said the sewer capacity for this project is almost equal to what would have been approved if this had been developed the same as the original plan. Mr. Hollins said they have assigned a certain capacity to each site based on "x" number of units per acre in the entire Wedgewood development; this applicant ran this proposed size/acreage/flow through the calculations and they are within the capacity the Delaware County Sanitary Engineer has allocated. Councilman Bennehoof asked what prompted a TIF here because when they decrease the denominator they increase the burden on the general public. Mr. Lutz said they have always instituted that every commercial development the City has approved in the Sawmill corridor area is made part of the Sawmill TIF. If this is something Council does not want to institute they can remove that language. The Sawmill Corridor TIF was created to fund infrastructure the City will need in the future.

Mr. Hollins said he is unsure of the wording that causes concern about the City giving up rights. The annexation and development processes are going forward hand in hand and there are several points within the text that allow the applicant to withdraw if they are not getting the zoning they want, or the City to turn down the zoning if it is not getting a project that meets the standards that are appropriate for the City. Councilman Bennehoof said they have been doing contemporaneous annexation and development planning but had threats of litigation and that makes him apprehensive. Mr. Hollins said the City was very strong in telling that developer that they had no right to sue the City and they have not moved forward at this point.

Councilman Cline made several comments to clarify the intentions within the agreement. The purpose of paragraphs 3, 4 & 5 of the agreement do not allow them to get into the position where the annexation vote is going to occur without City Council knowing the plans for the final development. That will help them avoid the problems they have had in the past by getting ahead of themselves. The second point is that if City Council concludes that the Final Development Plan is not appropriate for the City of Powell, nothing in the pre-annexation agreement would in any way prohibit the City from rejecting that plan. Mr. Hollins said those comments are correct; they cannot contract away the Council's authority to grant or deny zoning or annexation. Councilman Cline said the third comment is about how this relates to the TIF issue: his understanding of paragraph 5 is that they are going to burden this land with the payment of the TIF which means it will generate income that can be used for other purposes but that will not in any way increase the

burden on someone else. Mr. Hollins said in this case the burden is on the land and a benefit to the City. Councilman Bennehoof asked if this parcel will pay the same amount into the TIF they would have paid in property taxes. Mr. Hollins said that is correct. Councilman Counts said there are not specific improvements that Council is agreeing to on this parcel to be paid by the TIF.

Councilman Cline said his last point is that they have clearly communicated to the applicant that in no way does the City's approval of the pre-annexation agreement indicate even a preliminary position as it relates to zoning because until it is considered by Planning & Zoning and presented to Council they do not know where they are. Mr. Hollins said that is fully understood by the applicant and they are willing to go through this process. Mayor Hrivnak said if Council enters into this agreement they should not at a later date say they are not at all interested in this type of project at all. Councilman Cline said they have had a similar debate in the past and he believes that if the majority of Council makes a policy decision that says under no circumstances would they ever consider an Alzheimer's facility appropriate for Powell, it would be appropriate for Council to reject this pre-annexation agreement. If Council as a whole or an individual Council member says there are some reservations about that but they are willing to let it run the process and listen with an open mind, it is perfectly appropriate to vote for the agreement. Councilman Lorenz agreed. Councilman Bennehoof asked if they should adopt some sort of language in future ordinances stating that the applicant understands that the pre-annexation does not guarantee consummation of the agreement at a later date. Councilman Bertone said Section 1 may already address that. Councilman Lorenz said Section J (6) also carries language for severability. Mr. Hollins said stronger language in the ordinances could help; he will look for model language.

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

Councilman Cline asked if Staff has a recommendation regarding taking this to a second reading. Mr. Hollins said the applicant had a lengthy waiting process to get their annexation plat and description through the County Engineer's map room. The annexation has been filed and the Resolution of Services will be before Council at the next meeting. The new language can be inserted before it comes back to Council.

Ordinance 2014-23 was taken to a second reading.

FIRST READING: ORDINANCE 2014-24: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2014.

Mr. Lutz said this ordinance appropriates the additional funds necessary for the traffic signals they approved earlier tonight. The amount of \$26,200 will come out of the Sawmill TIF Fund to pay for the actual cost for the Galloway signal and the Rutherford Road "ped heads." Staff had plugged in an amount for the Village Club Drive signal and the actual bid was \$28k higher than the estimate. This appropriation is for an additional \$28k from the voted Capital Fund.

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

MOTION: Councilman Cline moved to suspend the rules in regard to Ordinance 2014-24. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bennehoof moved adopt Ordinance 2014-24. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

CITY COUNCIL INITIATIVES

Updates were provided on the following Initiatives:

Operations Committee

- Adopting the Traffic Sign Maintenance Policy was the first public safety related item completed.

Finance Committee

- The Committee has considered the items in their initiative but has not moved forward in action yet.

Development Committee

- They are monitoring the bikepath connections, extensions and construction. Preliminary engineering is back for the bikepath along Rutherford Road. Staff is still working on easements. The survey work has been contracted and they are working on preliminary alignments. They will continue to press to make more connections, making use of the voted funds.

Comprehensive Plan Update

- There have been several meetings of the Comprehensive Plan Review Committee. Staff has done excellent work in putting together a work plan identifying various experts that can assist in telling the

group how much money will be needed. The plan integrates annexation, downtown revitalization and economic development as factors to be included in the review. They have set up a schedule and a plan for the structured process which they anticipate will take 18 months. A set of public input sessions and online input will be a part of the process.

ONE Community

- Monthly meetings have been held and guidelines have been identified, drafted and approved. Sawmill Parkway Beautification, First Responders' Appreciation Event, Bikepath Endowment and Appearance Standards initiatives have been identified and people assigned. (Attachment A)

COMMITTEE REPORTS

Development Committee: Councilman Lorenz said the Committee met earlier this evening and discussed the ongoing installation of a queue cutter and how it relates to traffic mitigation on Depot Street. They discussed the Depot Street parking lot and gave Staff the green light to start discussion of an agreement with CSX. They do not have a formal application but they have been approached by Verizon to install a cell phone tower somewhere in Arbor Ridge Park. The mechanism for approval and public involvement was discussed; Verizon will have to obtain a Conditional Use Permit which is issued by the Board of Zoning Appeals. Council will not act on an application if one comes forward in the future but would act on a lease agreement for the property. Staff now has the authority to begin discussion with the Ohio Rail Commission regarding construction and funding and queue cutter. Legislation will be coming to Council in the future. *Next Meeting: Tuesday, June 3rd, 6:30 p.m.*

Finance Committee: Councilman Cline said they will discuss the design and engineering proposal for Murphy Parkway and then it will go on to Council. The meeting will start at 7 in executive session so they may meet with the State Auditor to review the annual audit and the regular open session will follow. All Council members were invited to attend. *Next Meeting: Tuesday, May 13th, 7:00 p.m.*

Operations Committee: No report. *Next Meeting: Tuesday, May 20th, 6:30 p.m.*

ONE Community: Councilman Bennehoof said they hope to receive a presentation about bikepath endowments and other initiatives. *Next Meeting: Monday, May 12th, 7:00 p.m.*

Planning & Zoning Commission: Mr. Betz said they will review the Preliminary Development Plan for the Santer two-unit condominium and commercial building proposal on S. Liberty Street. They will also review a proposed branding change and sign plan for Mt. Carmel Health. *Next Meeting: Wednesday, May 14th, 7:00 p.m.*

CITY MANAGER'S REPORT

Mr. Lutz said the Community Attitude Survey will be conducted by Saperstein & Associates and will begin on May 12th. The agenda for the next Council meeting will include the second reading of Powell Crossing development.

OTHER COUNCIL MATTERS

Mayor Hrivnak congratulated Councilman Bennehoof for being selected to represent Powell Precinct J on the Delaware Central Committee.

Councilman Lorenz said he and Mr. Lutz attended a meeting with one of the Township Trustees and several other members of the Ohio Board of Building Standards to discuss the ongoing utilization of the City Building Department for review of Township commercial buildings plans. The meeting did not yield a change in the previous outcome; the City is still facilitating those reviews.

The Memorial Day parade will kick off at 10 a.m. near the post office and Council may be riding in a Buckeye Painting trolley. City Staff is prepared for the parade but the number of units is down significantly due to the early end of the school year.

Councilman Cline confirmed that the deadline for the Financial Disclosure filing is May 15th.

Touch-A-Truck was well received and many different vehicles were there, including a helicopter. Parks & Recreation Staff was commended for their work.

Staff support for the Shred Day was acknowledged. This was a Chamber event and over the years it has grown so they now host a Habitat for Humanity truck, an electronic recycling truck and document shredding services. They had steady lines from 9 a.m. to 1 p.m. for the event. The Chamber will sponsor this event again in the fall.

EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (1), PERSONNEL, SALARIES & BENEFITS.

MOTION: Councilman Cline moved at 9:35 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (1), Personnel – Wages and Compensation. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved at 9:35 p.m. to adjourn from Executive Session. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bennehoof moved at 9:40 p.m. to reconvene in Regular Open Session. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

RESOLUTION 2014-09: A RESOLUTION AUTHORIZING THE APPROVAL OF THE TENTATIVE AGREEMENT ACHIEVED IN COLLECTIVE BARGAINING BETWEEN FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. AND THE CITY OF POWELL, OHIO, FOR THE OFFICERS' UNIT AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO FINALIZE THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE PARTIES.

Councilman Cline said the compensation package within the agreement is fair to both the workers and the taxpayers. It is consistent with best practices and he urged approval by Council.

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

MOTION: Councilman Cline moved to adopt Resolution 2014-09. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

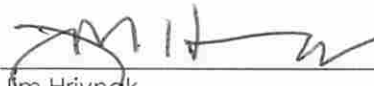
OTHER COUNCIL MATTERS

Councilman Bennehoof voiced his concern that the opinions of Staff and the Planning & Zoning Commission are being published by the Press prior to Council's consideration of development plans. Further discussion was held on this subject.

MOTION: Councilman Bertone moved at 10:00 p.m. to adjourn from Regular Open Session. Councilman Counts seconded the motion.

VOTE: Y 6 N 0


MINUTES APPROVED: May 20, 2014



Jim Hrivnak
Mayor

6-2-14

Date



Sue D. Ross
City Clerk

6/5/2014

Date



City Council

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Mike Crites

Richard Cline

Brian Lorenz