



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**JUNE 3, 2014**

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, June 3, 2014 at 7:30 p.m. City Council members present included Jon Bennehoof, Richard Cline, Tom Counts, Mike Crites and Brian Lorenz. Frank Bertone was absent. Also present were Steve Lutz, City Manager; Megan Canavan, Communications Director; David Betz, Development 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**

Councilman Bennehoof noted one addition to page six of the minutes.

MOTION: Councilman Cline moved to adopt the minutes of May 20, 2014 as amended. Councilman Crites seconded the motion. By unanimous consent, the minutes were approved as amended.

**RESOLUTION 2014-13: A RESOLUTION APPROVING THE ADMISSION OF TWO NEW MEMBERS TO THE CENTRAL OHIO RISK MANAGEMENT ASSOCIATION SELF-INSURANCE POOL (CORMA).**

Steve Lutz, City Manager, said the City is a part of an insurance pool that includes Westerville, Dublin, Upper Arlington, Grove City, Groveport and Pickerington. The pool will be expanding to include Marysville and Canal Winchester and under their bylaws they require that the elected officials of each community grant entrance into the pool. Staff recommends they do so.

Councilman Crites asked what if any effect there will be with the addition of these two members. Mr. Lutz said by expanding the pool they spread the risk over a greater pool; theoretically this will help level the premiums.

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

MOTION: Councilman Cline moved to adopt Resolution 2014-13. Councilman Crites seconded the motion. By unanimous consent, Resolution 2014-13 was adopted.

**FIRST READING: ORDINANCE 2014-29: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO GRANT A STORM SEWER EASEMENT TO CARL GIOFFRE INVESTMENTS LLC OVER A PORTION OF VILLAGE GREEN WITHIN THE CITY OF POWELL AND DECLARING AN EMERGENCY.**

Mr. Lutz said this is identical to an ordinance Council recently passed that provided an easement to allow drainage to the Village Green from the Gastro Pub patio. This ordinance will provide an easement for the driveway/parking west of the Gastro Pub and Elm & Iron. They will soon be seeing an easement for Kraft House #5; they will be paving their lot and will request drainage to this property.

Councilman Bennehoof asked if the retention pond is of sufficient capacity for this additional drainage. Rob Rice, City Engineer, confirmed that it is.

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 2014-29. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2014-29. Councilman Crites seconded the motion.  
VOTE: Y 6 N 0

**FIRST READING: ORDINANCE 2014-30: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH MORGAN PLACE DEVELOPMENT LLC WITH REGARD TO CONSTRUCTION OF PUBLIC IMPROVEMENTS FOR THE MORGAN PLACE SUBDIVISION, AND WAIVING SECTION 1105.10(G).**

Mr. Lutz said this item was discussed at this evening's Development Committee and is now before Council for consideration. Morgan Place is a proposed development located on North Liberty Street and will be composed of six single-family dwelling units. As part of this development there will be approximately \$60k worth of public improvements which include storm sewer work and a portion of the bikepath. Typically the City requires developers to post a bond or obtain a letter of credit to guarantee the work of the public improvements so if for some reason the improvements are not completed and the developer goes bankrupt, the City has the funds to complete the improvements. This is a non-traditional development and the developers are having difficulty obtaining the letter of credit or performance bond. They are proposing an alternate option so an occupancy permit would only be issued on a one-year basis and they will not be able to obtain final occupancy permits if the public improvements are not completed.

Gene Hollins, Law Director, said the normal financial instruments provide funds to complete abandoned public improvements. In this case Council has been asked if they are willing to consider whether the leverage they have of not granting occupancy to houses the developers will live in will be sufficient leverage to ensure the bikepath and storm sewer improvements are completed. This alternative is incorporated into a development agreement and the amendments have been shown. They will also have to waive Section 1105.10 (G) of the code.

Councilman Cline said if the worst-case scenario would be that nothing is done within the time limits and the City issues a stop work order. He asked how they would proceed if these folks are halfway through building their residences. Mr. Hollins said by that time the storm sewer would be in and the risk would be that the bikepaths are not complete. The City has easement rights and if they feel it is important enough to complete that work it would be on the City's dime to do so. That is the risk involved in not requiring the traditional bond or letter of credit for the public improvements.

Mayor Hrivnak opened this item to public comment.

Nathan Pratt and Ryan Gaslin, developers and co-owners, were present. Mr. Pratt said they both currently live in other areas. They feel very strongly about this community and how much benefit this bikepath will provide to the City of Powell. They look forward to building their homes and being residents in this development; they will not be able to fulfill this dream if the development is not completed.

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

Councilman Bennehoof said during the Development Committee it became clear that the developers are going to fund the bikepath and that is not always a developer action. It is a great benefit and the builder, New England Homes, is going to take ownership of one lot so they also will have a vested interest. The storm sewer will go in because of that interest, only leaving the bikepath. He has no issues with approval of this ordinance.

Councilman Cline said he is in favor of this ordinance and it does not set a precedent. These gentlemen provide a very unique situation and it is very unlikely this circumstance will recur; his vote in favor of this ordinance should not be construed as generally being in favor of the concept of waiving other performance bond requirements. Councilman Counts had no additional comments.

Councilman Crites said as a general proposition he is not in favor of waiving the requirement of a security guarantee in general situations. The purpose of the performance bond and other requirements within the ordinance is to protect the public to make sure that if there is a default on the completion of the public improvements it is not the public that ends up paying for it. He agreed that in this particular situation it merits approval in light of the fact they are talking about six lots. The likelihood of default in this case is minimal and the importance of being able to complete the bikepath in that area is very important. If they balance the equities in this case, the risk to the City and community is minimal. In the event there is a default in this case, the public will pick up the tab because the option requested does not provide a financial guarantee. Given the fact this totals less than \$60k and the other positive factors, he is in favor of voting for this ordinance.

Councilman Lorenz said they discussed this in Development Committee and an interesting point that came up is that this is probably the first time in 20 years they have seen this type of request. He understands the risks and will be voting in favor of the ordinance. They have to weigh this very unique situation that is low risk/high reward. They will receive a bikepath connection they desperately need and it is a minimal amount of money. The developers have an enormous amount of pressure on them because if they do not complete the public improvements they will not be able to occupy their homes. They understand what they are requesting and he has full faith and confidence they will come through.

Mayor Hrivnak said he struggles a little bit with this in that typically this portion of the code calls for financial risk reduction; they ask that the bond be put up so the improvements are finished on time. The request is coming because the developer is unable to gain that bond. He struggles that they cannot put up the bond or money but on the other side of the ledger he sees that there will be a storm sewer that feeds their homes and a bikepath that is for the good of the City. These gentlemen will live in this development and the fact that they will not be granted a final occupancy for their homes is collateral enough. It would be a bitter pill to swallow to have to move out of their newly completed houses. He does not want to put the risk on the citizens but in this case the risk falls more squarely on the owners of the property. The bikepath provides more benefit than the risk presents.

MOTION: Councilman Bennehoof moved to suspend the rules in regard to Ordinance 2014-30. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Lorenz moved to adopt Ordinance 2014-30. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

**FIRST READING: ORDINANCE 2014-31: AN ORDINANCE WAIVING SECTION 1115.05(e) RELATING TO THE ISSUANCE OF ZONING CERTIFICATES FOR BUILDING CONSTRUCTION WITH REGARD TO SIX LOTS AT THE RESERVE AT SCIOTO GLENN.**

Mr. Lutz said this is a new single-family subdivision located off of Home and Steitz Road that contains 119 units. He said the developer, in conjunction with M/I Homes who is buying all of the lots from the developer, would like to begin constructing the six model homes on the site at the same time the public improvements (streets, curbs, storm sewers) are being constructed. M/I has no inventory in the area and they are interested in selling homes. This will permit the six model homes to be built in conjunction with the streets going in this summer.

Jill Tangeman, Vorys, Sater, Seymour & Pease, 52 E. Gay Street, said this development came before Council last summer and they immediately went into contract on all of the lots with M/I. They were able to submit engineering plans in August and it has taken some time to get through the review. The plat has been approved and is in the process of being recorded. M/I hoped to be in a position where they would have models ready this spring as there are no model homes in the area; they are asking to start construction on the model homes while the public improvements are being constructed. In their contract with M/I, Metro Development is obligated to put in all of the streets and are posting their performance bonds. They will not sell the lots to M/I and M/I cannot transfer them until all of the streets are completed and final certificates of occupancy are issued. They will do land leases with M/I for the interim to allow them to start construction simultaneously. This is unique to Powell but M/I has done this in other communities such as New Albany and Dublin. They sent a sample agreement from New Albany to Staff today; it indemnifies the City from any issues that may arise during that time period and they will work through it with Mr. Hollins and Mr. Lutz if this is an acceptable concept.

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

Councilman Cline said currently they have more favorable economic conditions that would encourage potential homeowners to look at model homes if they are available and that is part of the reason the applicant has brought forward this request. If this request is not granted the applicant could miss some, most or all of the summer home-buying season. There is very little risk, if any, to the City in granting this request.

Councilman Crites said during Development Committee he asked Staff if this had been run by the Concord Township Fire Department (the proper jurisdiction). It has been sent to them and they are not opposed to it.

Councilman Lorenz said the applicant said this development is to be complimentary to the homes in Scioto Reserve and there are no models for potential buyers.

Councilman Counts said these homes are in close proximity to Home Road so they can be accessed easily.

MOTION: Councilman Cline moved to suspend the rules in regard to Ordinance 2014-31. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2014-31. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

Mayor Hrivnak recognized a resident from the audience who asked to speak.

Helga Riess, 777 Weston Park Drive, asked if these developments ever establish an escrow account where monies are held for future expenses such as fire department, school and road expenses. She said she and her husband have lived here for 26 years and are now retired and the ongoing tax increases may force them into moving. When something like this comes forward an escrow account should be established so expenses from the development can be funded.

Ms. Riess said they immigrated to Columbus from Germany and every penny they have earned has been earned in this country. They lived in Forest Park East and when they looked for a place to move to they found that Powell is a jewel; they built a house here that they could afford and looked toward the future. They now live on a fixed income and must manage everything to live on their income. They have always supported ongoing bond issues and they think the Police and Fire Departments are superb. She can see that as these developments come forward she cannot afford this growth. When more people move in it means the Police and Fire Departments and schools have to increase. People who are retired should have their property taxes frozen but she knows that is not a City issue. She asked that the City require developers to establish an account that funds 50-60% of the expenses. Ms. Riess said she felt she needed to come to City Council and address this issue.

**REQUEST TO TABLE TO JUNE 17, 2014: ORDINANCE 2014:10: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR THE CENTER AT POWELL CROSSING LLC, A DEVELOPMENT OF 14,000 SQ. FT. OF RETAIL IN TWO BUILDINGS, PRESERVING THE OLD HOUSE FOR COMMERCIAL USE, AND DEVELOPMENT OF 64 APARTMENT RESIDENTIAL UNITS ON 8.3 ACRES, LOCATED AT 147 W. OLENTANGY STREET.**

Mr. Lutz said the developer has requested that this ordinance be tabled to the next Council meeting on June 17<sup>th</sup>. The developer is looking at the public improvements which would be required as a part of this proposed development in conjunction with the public improvements the City is considering to improve the safety at the railroad crossings. The City has been working to see if there is a way to coordinate those two projects simultaneously and get the developer to fund a portion of those projects. At the last meeting they were waiting on the engineering cost estimates but they have now been received and the developer will be ready to move forward at the next meeting.

Councilman Cline asked that they hear the comments from those in the audience regarding this development so they do not have to come back again. The members of Council agreed.

Mayor Hrivnak opened this item to public comment.

Bernard Palchick, 52 Murphy's Oval, said he been a Powell resident for two years. He encouraged the City Council to aspire to something greater than this particular apartment complex. He is motivated to do that by looking at the recent articles in the paper. Traffic is an issue but his concern is the nature of the location of this development right next to the railroad tracks and not being the type of environment this City wants to aspire to achieve for its future residents. The entire county is going to experience an explosion in the elderly population and the communities around Powell are looking at and appreciating the values of apartment complexes. They are good quality complexes that are well-suited for young professionals or empty-nesters. He moved to Powell from the far west side of Michigan as an empty nester and he came to be close to his children and grandchildren and that is not an uncommon story for this region. This community is where he wanted to settle and downsize. His concern is that the location of this complex creates a traffic hazard and it will also create an apartment environment that will not attract the empty nesters or young professionals but instead it will attract a transient population. Mr. Palchick said he thinks that after the Police Chief thought about that and saw newspaper articles about apartments being burglarized in great numbers outside of this community, he thought it would be appropriate to request more police officers. He asked that City Council take into consideration the issues that go beyond the traffic: the quality of life here and the way they attract families, senior citizens, young and retired professionals into a whole community that can make a difference in the future of everyone.

Ryan Prestel, 158 Wagon Trail North, said this development will be in his back yard. He and his wife moved here a year ago and saw this proposal shortly after they moved in and were quite disappointed. One of the big draws for their property was the nature in the back of their home. He has met with Mr. Betz and Mr. Lutz regarding this proposal and he would like Council to know that the wildlife will definitely suffer from this development. The traffic issues also concern him but it is important to consider the amount of wildlife that will have their natural habitat removed. The deer and birds are visible from their back porch and even though they will keep a couple of hundred feet of treeline they will see a lot of deer pushed into their neighborhood. He said this is an awesome piece of property and several proposals have been brought to City before; he would like to see something better brought to the table.

Ms. Riess asked to add two more important points: the quality of life and security in Powell. She invested all she has in her home and she is proud to call Powell her home. The Police Department is superb and they see them often in their neighborhood. She said she will never degrade someone because she came from a place where she was hungry and put out of house and home. In Powell they feel they do not have to worry about their safety but people in apartments move in and out and have children who are not supervised and this could make the older people feel unsafe.

Lannie Gilliam III, 300 Ridge Side Drive, said he has owned and managed apartments and in business everyone wants to build their business and growth is good. When they have 64 apartments on such small acreage they will attract everyone from drug dealers to doctors because that is the nature of the business and they have to take the good with the bad. City Council has to do what is right for the developer, the community and the residents and they need to ease into this development with a lower number of apartments. The developer is not doing something good for them, it is the City doing something good for the developer. This property is a gold mine and less is more in this situation. This would also set a precedent for other developers who want to come to Powell. Mr. Gilliam said his company took a survey of people who excelled in their business and he was chosen to participate. They are always focused on growth, thinking that profit margins will rise. After two weeks of them shadowing him they found that he was only looking to do what was right; he was not looking to grow his customer base but was there to process his profit margins and retain his customers. City Council must think about what is right for the citizens and the future citizens of the apartments. They may move in for a year and realize it is a real hassle to get in and out. Mr. Gilliam said they should try 50 units and see how it goes from there.

Hearing no further comments, Mayor Hrivnak closed the public comment session. He urged the members of the audience to return to the next Council meeting where this issue will be discussed and they may provide input.

MOTION: Councilman Cline moved to table Ordinance 2014-10 to the next regularly scheduled meeting of City Council on Tuesday, June 17, 2014. Councilman Crites seconded the motion.

VOTE:           Y   6             N   0  

Mayor Hrivnak changed the order of the next two items on the agenda to address Ordinance 2014-09 (annexation) prior to Ordinance 2014-21 (development plan.) The next two items were discussed concurrently.

**TABLED FROM MAY 20, 2014: SECOND READING: ORDINANCE 2014-09: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 5.072 ACRE TRACT, MORE OR LESS, TO THE CITY OF POWELL.**

*Public Hearing*

**TABLED FROM MAY 20, 2014: SECOND 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, AND ESTABLISHING THE ZONING DISTRICT AS PC, PLANNED COMMERCIAL DISTRICT.**

*Public Hearing*

Mr. Lutz said at the first reading they went into quite a bit of depth on this development and it will be discussed further this evening. One of the big outstanding issues was the lack of sanitary sewer for this site. As a result of great efforts on the part of Spectrum Communities, they have identified a solution to that problem.



Dave Betz, Development Director, said Staff provided additional information in Council packets. They included:

- a memo that reviews several points
- a revised site plan to show the building placement, access and possible decel lane (if required), ability to access the signal at North Hampton and the revised layout with a garage structure to the east and removal of the garage to the south
- development plan that shows the shared cross easements that allow anyone to park within this subdivision
- elevation drawings for the Bridgewater Conference Center that shows the roof height at 35' to the ridgeline

Mr. Betz said they are asking for a slight variance in regard to the height. He reviewed how the building height is determined. The elevation drawings for the Bridgewater Conference Center show that roofline height at 35' and the proposed height for the Spectrum building is 37-38'. The Bridgewater Conference Center is three lots south of this development. Councilman Bennehoof said there was a concern at the last meeting about the amount of parking. The cross-easements mitigate the overflow parking for holidays because the surrounding businesses would not be open. He asked who will use the garages on the site. Mr. Betz said that is for the residents of the facility.

Councilman Lorenz asked for clarification regarding the cross easements. Mr. Betz said the reciprocal easements are given for all of the sites in the Wedgewood Commerce Center, Section 3. Someone visiting the proposed development can park in an adjacent area and walk into the site on a bikepath. Councilman Lorenz said there are large parking fields to the south and east of this site. He asked if they are all within the City and if not, does that create an issue. Mr. Betz said only this site and the one to the north are within the City and it does not cause an issue because this subdivision plat shows the cross-easements. He said if parking issues come up they will be mitigated by each individual property owner. He said if someone calls the City they will inform them to look at the plat because of the language that sets forth the agreements. Councilman Lorenz asked if the language in the plat is good enough to cover the possibility of this use terminating and having a new use with a lack of parking. Mr. Betz said the language does not specify the use.

Councilman Crites said he understands there are 91 total parking spaces with 8 in the garages, 4 handicap and 79 surface spaces. Under the City's parking ordinances 150 spaces are required so there is a variance of 59 spaces. He asked if Staff is comfortable with the fact that if they approve the annexation and this development plan, the overall overflow parking adjacent to it will more than offset the needs/demands. Mr. Betz said there are several hundred parking spaces within a close proximity as shown in elevation 7.

Councilman Bennehoof said it would make good sense to have a deceleration lane, whether warranted or not. He asked if it is a requirement that it be warranted prior to putting it in. Mr. Betz said the warrant requirements are there for a reason and the City's best practice is to follow those warrants before they require these things.

Councilman Cline said if the City is going to compel the developer to build a deceleration lane they should do so based upon a warrant; if the developer says they feel there should be a decel lane, the City will not stand in the way if there is a lack of a warrant. Mr. Hollins said that is true. The developer may have reasons/standards beyond the requirements of the City and they can go beyond if they like. Councilman Cline said he has always worked under the assumption that unless it is warranted, the City is hard-pressed to demand that the developer put it in. Mr. Hollis said that is especially important with things like public improvements so they tie what they are required to do to the impact they are adding to the already-existing background traffic. Councilman Lorenz said they may not require a decel lane because the entrance to the south property is a right-in/right-out and in close proximity. Mr. Betz said P & Z decided to require a study and that the developer meet the warrants of the study.

Mr. Hollins said Mr. Duggar, on behalf of Spectrum, took the lead along with the engineers to develop a proposal to address the capacity issues for this site, another site they are considering and at least one other for a proposed memory care facility. Staff worked on it with them jointly with the County Sanitary Engineer and should be commended for their efforts.

Glen Duggar, attorney for Spectrum, said they had a meeting with the Delaware County Administrative Staff last week. When they started this process they were advised by the County Sanitary Engineer's office that there was a capacity problem in this area but they could only make a determination if there was or was not capacity once they were provided with a relative certainty that Spectrum was going forward. Over the last six months as they worked through the development and annexation process that became more certain. In early spring

the County Sanitary Engineer determined there was a fairly large capacity problem and that there was no solution. Spectrum's engineers, Advanced Civil Design, took that as a strong challenge and they dug in to find alternatives to fix the problem. Over the last three months they have been working with the County Sanitary Engineer to provide a means of providing service to this property as well as a fairly large area in the Leatherlips Pump Station south of Powell Road on either side of Sawmill Parkway. There are a number of properties in that area in addition to the Spectrum property that are in the development process. There are as many as 8-10 that Powell hopes will develop someday because that is a commercial corridor with fairly important economic development for Powell and Delaware County. He said the this project, another for Liberty Crossing for the Spectrum Company and the Ganzhorn property have about \$70 million in total valuation that would be new to the tax duplicate. At the same time they are constrained by the conclusion that there is inadequate sewer capacity, so to Spectrum's credit, they have agreed to construct a relief sewer that will provide sewer to this area which would benefit their property and others. He said that at the same time the Administration has been working on a more global solution and that solution requires an even broader attempt by the development community to provide services in this area for many properties that are also at capacity. Mr. Duggar said they have a two-step plan: pursue the global solution that would provide sanitary sewer to a very large section of the area in the southwest quadrant of Powell; and build a relief sewer (4,500 feet) that would still provide benefit to the Spectrum property and other potentially developable properties in Powell or annexable properties to Powell along Sawmill Parkway. Putting this together has not been easy and they do not have a piece of paper from the County to present to Council but they do have a plan that is to the benefit of the County and their development. Spectrum will be spending over seven figures to kick off the process and have worked with the City to find a financing mechanism. He thanked City Staff and Advanced Civil Design for their efforts to see a way clear to make this work and Spectrum for stepping up to be the initiator of the process. Mr. Duggar said as a result he can advise Council that they have two plans to solve the sanitary sewer problem for this property and maybe a much larger area from Golf Village south.

Mr. Hollins said they have stepped forward with a solid solution and they know how it will be financed initially. They will continue to work with them on the financing mechanism. This does not preclude the possibility of even a larger solution with an even larger group that will give the City the capacity they need to continue responsible economic development. The more parties they get, the more contributions and efficiencies they will have. Mr. Lutz said they do not have specifics yet but to finance this sewer Spectrum may be spending \$1.2 million for the sewer. This development will be included in the City's Sawmill Corridor TIF and once this project, the other Spectrum project and the Ganzhorn project are developed they will begin generating, within two years, \$580k per year into the TIF for the next 15 years or whatever the life of the TIF is. They will be putting together a TIF agreement where these properties, through their TIF contributions, would be reimbursed as those TIF revenues come in. He said based on the numbers provided by Brad Sprague, that would be 2-3 years and after that all of the funds would be distributed to the TIF for future projects.

Mr. Duggar said there are a lot of reasons to do this for the County, County Sanitary Engineers, City of Powell, Olentangy School System and Spectrum. All of the governmental entities worked together and Spectrum stepped up and there is every reason to think that this will work.

Mayor Hrivnak opened Ordinance 2014-09 and Ordinance 2014-21 to public comment.

Denise Wible, 226 Beech Trail Court, said with respect to the deceleration lane, they would be wise to add the lane if they take into consideration the speed of the traffic on the parkway. She said it will be difficult for residents of this community to get into the site off of Sawmill Parkway. The "S" turns on the parkway are already a problem with the young drivers who are not always patient. If they are going to have geriatric residents in this development they would be wise to put in a deceleration lane.

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

Mr. Hollins said he just noted that the legal description and plat indicate this development is for lots 2972 and 2971. He asked that the ordinance be amended to reflect that correction.

Councilman Lorenz said he now feels better about the parking arrangements but he still has a concern if this property would change hands in the future. They could have a new apartment use and not enough parking on the site; some of the adjacent properties could be redeveloped, eliminating some of the potential parking. He said they must live in the present and aging in place is an important factor in approving this sort of development.

Councilman Crites had previously had similar concerns about parking and density. He appreciates all who has come forward to answer those questions; he is well satisfied with the answers provided. He still shares reservations about the future but is fully convinced they must make a decision based on what they have before them today.

Councilman Bennehoof said all of the parties involved should be commended on the solution to the sanitary sewer issue. It is a great opportunity and all of the community will benefit. He said they need to address the Planned Commercial issue sooner than later but he understands they cannot hold anyone hostage today about it. He shares the density concerns but the parking situation has been ameliorated. This is an appropriate facility for the community.

Councilman Cline said the use of the TIF and reimbursement was not presented to the Finance Committee as a body because of the timing of the events. He did meet with Mr. Lutz to discuss the issue. This is an entirely appropriate use for the TIF and is exactly what the TIF was designed to do: encourage a development that will, over time, recoup its investment and then pay into the community. A resident spoke earlier about an escrow fund where developers pay into the future and a TIF is not really that fund but it is as close as they have. This developer has stepped forward and said they understand that is part of the process. Councilman Cline said he told Mr. Lutz that his sense is that if this had come before them, the Committee would have approved it.

Mayor Hrivnak said this is a perfect use of the TIF money. He appreciates that they are going for a more global solution but he understands that if they have to go to the relief sewer it would be for more than this development. He said that is key for use of the TIF money because it is for the benefit of everyone in the corridor. Councilman Lorenz agreed; this is exactly what the TIF should be utilized for. Mayor Hrivnak asked if that financing will come forward to Council in the future. Mr. Hollins said it will; this annexation is down to the 11<sup>th</sup> hour so it is appropriate to consider the annexation and the development and then come back with a reimbursement agreement.

MOTION: Councilman Cline moved to adopt Ordinance 2014-09. Councilman Counts seconded the motion.  
VOTE: Y 6 N 0

MOTION: Councilman Cline moved to amend Ordinance 2014-21 in three respects: in the title, change the lot reference number 2973 to reference 2971, in the first "whereas" clause, fourth line down, make the same amendment and in Section 1, third line down, make the same amendment. Councilman Counts seconded the motion.  
VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2014-21 as amended. Councilman Counts seconded the motion.  
VOTE: Y 6 N 0

#### COMMITTEE REPORTS

**Development Committee:** Councilman Lorenz said the Committee met earlier this evening. At the next meeting they will discuss possible changes to the building code to implement "green" or LEED incentives for developers. *Next Meeting: Tuesday, June 3<sup>rd</sup>, 6:30 p.m.*

**Finance Committee:** Councilman Counts said at the next meeting they will have a tutorial on economic development tools provided by Brad Sprague, Gene Hollins and David Rogers. He highly recommended they all attend. Mr. Lutz said over the years the City has been pretty innovative to create win-win situations in order to benefit the residents and tax base. They will be looking for information about sources they may not have considered. Councilman Cline said this will be a great forum for questions from Council. *Next Meeting: Tuesday, June 10<sup>th</sup>, 7:00 p.m.*

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

**ONE Community:** No report. *Next Meeting: Monday, June 9<sup>th</sup>, 7:00 p.m.*

**Planning & Zoning Commission:** No report. *Next Meeting: Wednesday, June 9<sup>th</sup>, 7:00 p.m.*

#### COUNCIL INITIATIVES

**Comprehensive Plan Review:** Councilman Crites said their core group has met several times on Thursday mornings. Their discussion is driven by an agenda to identify people interested in serving on the review committee. They will meet again this week to finalize the steering committee. They have spent several sessions going line-by-line through the Comprehensive Plan of 1995. They have identified the different consultants needed to complete this project and are getting bids. They plan to have their first meeting with the whole steering committee in the month of July or August. They will stick to the 18-month deadline. The core group is



comprised of himself, Steve Lutz, Richard Cline, Dave Betz, Rocky Kambo and three members of the Planning & Zoning Commission. The committee is pleased with the progress.

#### CITY MANAGER'S REPORT

Mr. Lutz said included in packets was an update letter from Liberty Township about the grant they applied for two years ago which would include adding lanes on northbound Sawmill Parkway at S.R. 750 and widening S.R. 750 from Sawmill Parkway west to the zoo. The project will cost approximately \$7.7 million. Through grants and other funding sources the Township has secured \$5.5 million and are now looking to close that gap. He suggested they invite the Township Administrator to a Finance Committee meeting to further discuss this matter.

Councilman Cline said Powell residents are citizens of both the City and Liberty Township and pay taxes to both entities. He asked to hear feedback off-line from the members of Council as to what is the appropriate role of the City, if any, in this project. Mayor Hrivnak asked if he is suggesting they would be paying twice if the City contributes to the project. Councilman Cline said that is his thought process. Councilman Lorenz said the Zoo has to be a player in this project. This entity is driving the majority of the traffic and not contributing anything and the City is again left holding the bag. He does not know how they contact them or what leverage they have but they at least need to know how the City and residents feel about this. Mr. Lutz said his understanding from talking to Dave Anderson is that the Township Trustees had a meeting last night and that was brought to their attention so he was going to contact the Zoo. Councilman Lorenz said he is happy to hear that because this is unacceptable. Councilman Bennehoof said he shared a similar comment at the last meeting and they should team with the Township to approach the Zoo. The City probably has a stake in the project but the Zoo drives a lot of traffic and is continually expanding their sites.

Mr. Lutz said the first Open House for Seldom Seen Park will be held on Tuesday, June 24<sup>th</sup> from 7:30 – 8:30 p.m.

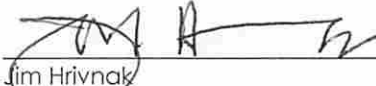
#### OTHER COUNCIL MATTERS

Councilman Crites thanked the volunteers and Staff that made this Memorial Day Parade and Ceremony another special event. One of the characteristics that distinguishes this community from others is the spirit of volunteerism; it is alive and well in Powell and every year, no matter what event, they have a myriad of volunteers that come forward and do a terrific job for this community. In 2005, four or five people put together an organization and ultimately raised \$120k to build the Veterans Memorial which was turned over to the City. There is a group of those people who still help plant the flowers, wipe down the area and prepare the memorial prior to Memorial Day. He recognized Anna Autullo, Martha Noreault, Cheryl Kramb, Patrick Gerke, Debbie & Kevin Daly, Dave & Judy Williamson, Brett & Kathryn Gerke and Kristina Crites for their work at the memorial prior to the holiday this year. Their service is indicative of the type of volunteerism and attitude of Powell's citizens. He thanked them and all of the others who volunteered in this way. This is an example of what is seen every day in this community; Powell is very blessed and they sometimes take this for granted.

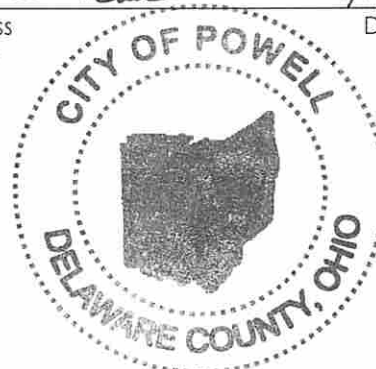
#### ADJOURNMENT

MOTION: Councilman Counts moved at 9:15 p.m. to adjourn the meeting. Councilman Cline seconded the motion. By unanimous consent, the meeting was adjourned.

**MINUTES APPROVED: June 7, 2014**

 7-1-14  
Jim Hrivnak  
Mayor Date

 7/1/2014  
Sue D. Ross  
City Clerk Date



#### City Council

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Mike Crites

Richard Cline

Brian Lorenz