



City of Powell, Ohio
City Council

MEETING MINUTES
JUNE 17, 2014

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, June 17, 2014 at 7:30 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Richard Cline, Tom Counts, Mike Crites and Brian Lorenz. Also present were Steve Lutz, City Manager; David Betz, Development Director; Rocky Kambo, GIS/Planner; 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.

Bernard Palchick, 52 Murphy's Oval, asked if the City has control over the signage related to the water tower. He said DelCo took off the name of the water company and painted it a light blue. It is the same color as the sky and does not have the obnoxious lettering and it would be wonderful if it could stay that way. Mr. Lutz said the City does not have an ordinance pertaining to the signage but as a result of his comments, Staff will contact DelCo to find out if they plan to letter the water tower. He said they will pass on his comments and tell them it blends in better without the lettering. Mr. Palchick said the way it is now is definitely an aesthetic upgrade.

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

APPROVAL OF MINUTES

Corrections on pages 8 & 9 of the minutes were noted.

MOTION: Councilman Cline moved to adopt the minutes of June 3, 2014 as amended. Councilman Crites seconded the motion. By unanimous consent, the minutes were approved as amended.

CONSENT AGENDA

Item

Departmental Reports – May 2014

Action Requested

Receipt of Electronic Report

MOTION: Councilman Cline moved to adopt the Consent Agenda. Councilman Crites seconded the motion. By unanimous consent, the Consent Agenda was approved.

TABLED FROM JUNE 3, 2014:

SECOND READING: 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.

Steve Lutz, City Manager, said this is the second and final reading of the ordinance for this proposed mixed-use development. At the first reading they discussed the issue of traffic safety along Olentangy Street. The City will be installing a queue cutter at the railroad crossing next year and at the first reading the developer was asked to utilize a traffic engineer to conduct a traffic study and roadway planning. That has been completed and will be presented tonight. Mr. Betz will review this proposal and other proposed developments which are in the pipeline for the downtown area.

David Betz, Development Director, reviewed the exhibits before Council (Exhibit 1). It has information about the three projects being considered at this time before the Planning & Zoning Commission and to go on to City Council sometime in the future (Powell Crossing, Harper's Pointe, and Santer Communities/Liberty Green). Councilman Counts said they have heard a lot of comments from residents about 300 apartments proposed for development in Powell; he asked if there any other proposed apartment complexes within the City. Mr. Betz said there was an inquiry from another developer regarding the Powell Center site and adjacent land but they

decided not to pursue that; there are no other apartments being considered for Powell. Mr. Betz said he also provided a Summary of Traffic Study and Roadway Planning (Exhibit 2) from the traffic engineer. Mr. Doyle will come forward as they review the proposal this evening. An overview of the Olentangy Street improvements plan was also presented (Exhibit 3).

Mr. Betz provided the Powell Crossing development plan (Exhibit A):

- Powell Crossing is a mixed-use downtown infill proposal within Downtown Business District.
- Downtown Business District was created after the Downtown Revitalization Plan (DRP) was conducted in 1994. Council asked Planning & Zoning to study the downtown districts and come up with amendments to the zoning ordinance to implement the DRP. That was done and Council approved an ordinance revising the zoning code to include the Downtown Business and Downtown Residence Districts that are currently in place.
- Development includes two 7k sq. ft. commercial buildings that have a mix of retail and services, 2,400 sq. ft. historic home that will be preserved (Dr. Campbell House) and used for office or retail, and 64 units of apartments in four buildings (16 one-bedroom and 48 two-bedroom).
- Public amenities include streetscape improvements along the frontage, developed green "square" in front with benches and landscaping that can be utilized by the public, continuation of bikepath from the south through the site to a brick sidewalk along West Olentangy Street to provide safe access to the downtown for this site and the neighborhoods west of the railroad.

Mr. Betz said the requirements in the zoning code allow up to 7 units/acre as a base and then up to 9 units/acre if public amenities such as these are provided. This development is under the 9 units/acre allowed by the code. Another amenity provided is roadway improvement planning & safety. The developer prepared an extra study to show the enhancement of W. Olentangy Street with the coordination of needed improvements. More information will follow.

This development relates directly to many components within the Comprehensive Plan:

- Redevelopment of the town center
 - Restoring historic buildings for new use – took architectural cues from Dr. Campbell house
 - Seeking new office and business development in scale with historic buildings
 - Seeking new town center housing development in old village densities
 - Implementing a bikeway/walkway plan to connect neighborhoods with the town center
 - Encouraging development which mixes various land uses
 - Implementing streetscape development
 - Limiting commercial development to village scale – i.e. smaller buildings done in a "Folk-Victorian" style and adapted with individual spaces based on the tenant/user
 - Increase diversity of land use types
 - Inviting residents from various life styles within the city
 - Higher density housing development should be encouraged in locations where land, trees and natural scenic features exist which may be prematurely zoned for non-residential uses – this property is mostly treed and the plan compacts the development within the northern three-quarters of the parcel and tries to preserve tree stands in the rear and side
 - Town center housing strongly encouraged by unit-to-unit or multi-family housing
- Town center envisioned as center of economic diversity linked to residential neighbors and accomplishing a mix of residential types
- Require developers to provide traffic studies and traffic flow improvements to accommodate the traffic flow generated by their development

In the Downtown Revitalization Plan they took a stronger look at the downtown area and looked at each quadrant as to how things could layout. This development is in the west quadrant of that plan. The revisions to the zoning code after the DRP was studied made the code more compatible with the plan and this plan meets the Downtown Business District in every way. There are a few minor variances requested in regard to side setbacks and the largest variances include a request that the second building be set back to create the front green and a larger monument sign be permitted to include the names of the businesses in the development. The Planning & Zoning Commission thoroughly reviewed this plan over a number of meetings and unanimously recommended to Council the approval of the plan with the conditions as listed within the ordinance.

Councilman Cline said there were three setback variances requested and one may be generating some confusion. He asked for clarification about the variance for the 1' setback along the railroad property; some people have understood it to mean that the edge of this building is within 1' of the rail of the track. Mr. Betz said the first commercial building is pushed as far east as possible. The railroad right-of-way is 100' in width and

the rails are split in the center so the rail is actually about 45' away from the east edge of the building with the 1' setback variance. The building could be moved over to meet the 5' setback requirement and everything would shift over but they would lose a few parking spaces.

Councilman Crites asked if it is the opinion of Staff and the Planning & Zoning Commission that this plan is consistent with the zoning code and the Comprehensive Plan and Downtown Revitalization Plan. Mr. Betz said that is correct.

Mayor Hrivnak asked that Mr. Betz discuss the west quadrant within the Downtown Revitalization Plan. Mr. Betz reviewed a page within the DRP (Exhibit 4) that shows how an area can be redone in a mixed-use fashion. The graphic shown is actually a look at the property in question. The plan did not take into account a very large buffer zone so if all of this parcel developed, even with single family homes, could be developed with buildings up to within a 25' setback of the Murphy Parkway homes. Staff feels that the current plan is consistent with the plan within the DRP. Mayor Hrivnak said the only differences are the improvements in this plan that allow green space up by the road and a very large buffer in the back. He asked the Chairman of the Planning & Zoning Commission to come forward to provide insight from that review.

Don Emerick, 306 Weatherburn Court, Chairman of Planning & Zoning Commission, said Mr. Betz provided a good review of what the Commission looked at in comparison to the Comprehensive Plan, Downtown Revitalization Plan and the zoning code. The density is within the zoning code especially when they consider the amenities this plan provides to the City. The setbacks other than those requesting variance from the code are well within the zoning code and even exceed those normally required, especially the 120' of buffer on the south side where they preserved many trees. They looked at the traffic situation and with the proposed queue cutter at the railroad crossing their safety concerns were eliminated. The Commission has looked at a number of different plans for this piece of property and this is by far the best proposal they have seen. They felt this was the best proposal they would see and would be the best for the residents and that is why they unanimously recommended approval to City Council.

Councilman Cline said there are some variances that were discussed at Planning & Zoning; what was their thought process in regard to setbacks, sign variance and parking spaces. Mr. Emerick said generally speaking they try to minimize the parking spaces required for any development within the City because they do not want to see large areas of blacktop that are not being utilized. It also creates stormwater runoff that they may not necessary want to see as a problem down the road. They try to make the parking requirements reasonable for the particular development and this was a reduction by six spaces. Councilman Cline said the setback near the railroad was discussed; he asked for clarification about the other setback variances requested. Mr. Betz said they have a maximum setback requirement along the street and the developer is requesting a variance to move the building back to preserve the open green area in the front and to keep the view shed for the existing home that is being preserved. This layout provides the best value to the community in preserving that historic house. Councilman Cline said the variance for the signage allows for tenant identification within a sign that is 32 sq. ft. on each side rather than the code requirement of 16 sq. ft. per side. Mr. Betz said the thought process at Planning & Zoning Commission was to allow the ability to have visibility along the road for all of the tenants. He said that is a similar concept to current multi-tenant signage in the City. Part of the issue was with the height of the sign but the developer is designing the entry with the fencing and columns so it makes a nice presentation. He indicated the location of the entry feature/signage and historical house on the site plan.

Councilman Crites asked about the flavor of the discussion with respect to the volume of traffic and the safety issue at the railroad tracks. Mr. Emerick said the traffic generated by this development and how it would impact existing traffic was probably their number one concern. They looked at the traffic study they had at that time and discussed the possibility of a queue cutter at the railroad tracks and looked at that in detail. It was their number one concern. Councilman Crites asked if the Commission was satisfied with that portion of the plan. Mr. Emerick said they were and they felt that the addition of the queue cutter would eliminate the safety concern and they discussed the timing of the Murphy Parkway extension and how that would also alleviate some of the traffic along Powell Road, helping the situation. Councilman Crites said concerned citizens have said that the existence of apartments is not consistent with the family-centric values they hold so dear in Powell. He asked if they discussed that at the Commission meeting. Mr. Emerick said that was discussed and several of the members of the Commission independently searched all of the available reports and data from around the country. They came to the same conclusion that apartments are not the cause of decreasing property values and do not bring so-called "undesirable" residents into the city. The things that affect property values are things like how neighbors are keeping up their property and similar situations. The data indicates that apartments do not have a negative impact on property values. Councilman Crites asked if they discussed the

impact apartments could have on the Olentangy School District. Mr. Emerick they did and they found these apartments are not well-suited to having many kids so the impact on the school district will be minimal.

Councilman Bennehoof asked if there is any possible access to the Murphy Park neighborhood. Mr. Betz said there is a pathway proposed. Mayor Hrivnak thanked Mr. Emerick for providing insight of the thought-process of the Commission.

Councilman Lorenz asked Staff if, other than the trees, there a fence or physical barrier that keeps folks from cutting across the tracks during events like the Powell Festival. Mr. Betz said there is very little barrier there now and no fence or barrier has been considered. The developer has provided pathway access from the southern subdivision to Powell Road and all the way down the railroad there is no other way to get across. That will be corrected with the Murphy Parkway extension through a pathway, crosswalk and traffic signal at the south end. No barrier is proposed for this site but there will buildings, a dumpster area and landscaping along that area.

Councilman Bennehoof asked Mr. Betz to characterize the variances in greater detail. Mr. Betz provided a review of the variances requested for the development:

1. Side yard setback requirement in the Downtown District is 5'; one building is proposed at a 1' setback. That area is where the dumpster and trash compactor for the full site are located.
2. The maximum building setback is 25' and Staff usually prefers to see the buildings located 20-25' in the setback. The variance requested is for the building that is back beyond that area; the reasoning for the location is to create the north green open area off of the pathway where people can take respite and to keep the view shed open that allows visibility of the Dr. Campbell House.
3. Signage (details discussed previously)
4. The parking variance asks to reduce the parking by six spaces. There is tree preservation in areas where more parking spaces can be added. They are trying to preserve a couple of the bigger trees and they tend not to want to overbuild parking spaces. The Planning & Zoning Commission looks very closely at minor variances such as this. The development plan provides a total of 249 parking spaces including surface spaces and garage spaces. Councilman Bennehoof said at a ratio of 1.5 vehicles for each apartment unit that would put them in the neighborhood of 100 spaces for just the apartments, with a potential for high volatility with respect to the business infrastructure. Mr. Betz said the ratio of parking they have for the amount of retail proposed is a good ratio. The variance is for six spaces less than the code requires.

Councilman Bennehoof said they received the information from the traffic engineer at 9 a.m. that morning and they asked for it prior to the June 3 meeting so they could consider it before the vote. He said the document provided only contains one paragraph that relates to the traffic study. Mr. Betz said the original traffic study was presented several months ago at the first reading. Mr. Lutz said the traffic engineer is present to address the new details regarding the traffic study. He said the developer is also here to make a presentation and answer questions.

Mayor Hrivnak said there are 64 apartment units and they planned the parking at three vehicles per unit, allowing 192 spaces for the apartments. Councilman Counts asked for the zoning classification for this parcel and details about what could be built on this parcel without going through a plan revision. Mr. Betz said this is in the Downtown District and is a planned district that must go through the development process. The house could be reused without going through the plan revision process but the development of the site requires it.

Charlie Vince, Co-Developer of the property, introduced Todd Faris, Land Planner, who is here to answer any questions about parking and variances and Doyle Clear, Traffic Engineer, who is here to answer questions about traffic, the traffic study or new design they propose. Mr. Betz provided a lot of the details he wanted to review and he did a good job. They are within the Downtown District and they meet those requirements as well as those in the code and Comprehensive Plan. This development was not an afterthought; the development plan approval for this project has taken several months of review with Staff and the Planning & Zoning Commission. The documents for the development are public records and are available for anyone who wishes to review them. When they first came in with this project, City Staff told them they want to preserve the Campbell House so they worked the entire development, including the variances for setbacks and the architecture design, to match that house and downtown Powell. The scale and exteriors of the residential and retail buildings are done to the scale of the historic house. The variances requested are fairly minimal and the one for the six parking spaces is simply to save trees. They completed a tree study and there are some very large trees on the site that they did not want to remove so they eliminated the parking spaces so they could keep the trees. They have an interest in making this development work; this is not a property his optioned with the idea that he might develop it. They bought this property, are stakeholders in downtown Powell and if this is

completed it will be an \$8-10 million development. He has an interest in seeing the City develop properly. They proposed one green area on the site for the use of the residents and the one up front as a public green space. They extended the multi-use path because they want people to walk or bike through their project and hopefully shop at their retail area. In addition, they proposed improvements for Olentangy Street; he has an interest in traffic moving through Powell as well because they cannot have a successful development without the ability to get in and out. He worked with Doyle Clear, not with the intent of getting the cheapest method to do this, but instead to get a real study that went from the Traditions condos to the west to Liberty Street on the east to find how they can move traffic through Powell. To his knowledge that has not been done in the past few years. Mr. Doyle will speak to that study.

Mr. Vince said he contacted the Olentangy School District and they said that apartments such as this average about .15 students/unit and that averages out to 9.6 students in the entire development. Their commercial and residential values will be over a million dollar per student and that is a great financial benefit to the Olentangy Schools. It is assumed that the sixteen one-bedroom units will not have any school-age children so if that number is backed out they would only have 7.2 students. The school system will not be hurt by this development. In regard to the traffic issue, they provided at their expense, a traffic study so they can see for themselves how this will work in the future. He said they will hopefully bring this development online at the same time that Murphy Parkway, the queue cutter and the street improvements are completed. He met with Matt Detrick of the Railway Commission and he assured him that the queue cutter will be installed.

Councilman Cline said he has characterized the three variance requests as minor and at some point someone said that the developer can do this project without any of those variances but it will not be as good of a project. Mr. Vince said they worked with a land planner, Staff and the Commission and told them about the things they needed to do to make this a viable project. The parking is self-explanatory; they can add the six parking spaces but it involves taking out some really mature trees that will add value to their site. The setback is from the railroad right-of-way and not from the rails. They angled the first commercial building closer to the tracks and asked for a setback so that when someone crosses the tracks they are not looking at the service portion of the building. They were asked to preserve the Campbell House and he is willing to do that but they have to move the building back on the site so the house is visible. Since the businesses will be farther away from the road they will need signage out at the road, requiring a variance for the signage. As a developer he has seen major mistakes made by cities that limit signage so much that no one knows the tenants in a center; when that happens it presents a safety hazard as drivers look for businesses. The 1' setback variance is for the dumpster so it is moved back off of the parking lot. The variances are minor and he can live without any of them but he doesn't want to because it will make a better project. The variances do not save them money and all of the details of the development were reviewed closely at Planning & Zoning.

Councilman Crites said if Council was to approve this plan, when would they start the improvements to the street and how would that work in context to when they would expect occupancy of the retail and residential. Mr. Vince said they would commence with street first because they need the street improvements so they can get in and out of the project. He will immediately hire an engineer and as soon as the engineering is done and approved by the City Engineer they would begin construction. That could be early next year, depending on the timeline of the engineering. Councilman Crites asked if he would anticipate those improvements would be completed before occupancy. Mr. Vince said they would likely be done because they will begin building on the site either concurrently with the improvements or right after it. He does not have a problem stating that they will have the street completed at the same time as the occupancy.

Councilman Counts said at the first reading Mr. Vince indicated that the rents for the two-bedroom apartments will likely be somewhere from \$900 to \$1000 per month. Mr. Vince said that is a guess; they know the apartments will probably rent for \$1.25 per sq. ft. which is a fairly high rent. He said he does not want to overestimate the rent. With the architectural requirements of the project, these are expensive buildings so they will not be cheap apartments. Councilman Counts said they have heard resident feedback that suggests the rent will be \$700 per month. He asked if that is likely for a two-bedroom apartment. Mr. Vince said he has to consider the cost of the land, street improvements, landscaping, frontage improvements and street into the development when he determines rent costs. There is no way he can rent a two-bedroom apartment for \$700. He understands people's fear of apartments and he has been through this before. They just finished a project in Worthington and they heard the same reactions. They ended up with young professionals and empty-nesters. He is not ashamed to be building apartments in the City and is not putting something here that is undesirable. There is an up-and-coming market for those types of renters. This is an alternative form of housing that has not been in this area before. Other communities have been through this process and then realized they needed this type of housing.

Todd Faris, Faris Planning & Design, was present to answer questions.

Doyle Clear, Traffic Engineer, said there seems to still be a little misunderstanding about the term "traffic study." They were asked to do an evaluation of the ability to widen Olentangy Street and to facilitate the installation of the queue cutter so that the roadway plan for whatever is built on this site is all done as one continuous project. He remembers a lot of the residents making light of the possibility of a new traffic study with SR 315 closed at the intersection of Powell Road. He said they cannot do a new traffic study under those circumstances so a new study was not performed; they did take the results of the prior traffic study completed for Olentangy Street and looked at the potential effect of the completion of Murphy Parkway and how it might change the traffic volume on Olentangy Street in front of this site. Their primary emphasis was on what kind of roadway system can be built here. Mr. Vince commissioned a preliminary engineering study and it was not cheap; a lot of money went into the evaluation of how one might widen Olentangy Street in order to get the necessary turn lane in front of this site, how they can carry the three lane cross-section in front of the site further to the west and tie into the existing cross-section near Traditions Way. At the time they commissioned the study the Railway Commission also required a left turn lane to be created at eastbound Hall Street, and asked that a median be placed on Olentangy Street to deny left turns at the intersection with Depot Street. Mr. Vince paid for an evaluation of this area and they designed the road to accommodate any potential plans of the City to put left turn lanes in at the Four Corners. Subsequent to doing that work and evaluating that condition, the City received a message from the Rail Commission that said the left turn lane at Hall Street was no longer a requirement and that they would accept the construction of a right-in/right-out driveway on the north side at Depot Street to preclude left turns.

Mr. Doyle said the plan before them (Exhibit 3) shows a widening of Olentangy Street with a three lane cross-section from Traditions Way to the rail tracks; allows an eastbound left turn to the properties on the north side and once they pass the tracks it tapers back to the existing two lane section. A right-in/right-out can be built at Depot Street and they believe this meets the requirements of the Rail Commission, allows the City to install the queue cutter, and allows a queue lane to handle the volume of traffic going into Powell Crossing (55 cars during pm peak hour includes 30 to residential and 25 to retail). The ODOT design manual standards state that for this number of vehicles and the speed and volume of traffic on Olentangy Street, the left turn lane needs to be 50' long. The plan in front of them allows that left turn lane to be at least 150' long because they heard from the Commission and Council that they would rather see the left turn lane longer just in case their estimate of the left turn volume is wrong and so they move traffic out of the through lane. The left turn lane allows 150' left turn lane going into Powell Crossing, at least 100' of left turn lane to go north on Lincoln Street and 100' going into the industrial complex to the south. Under this plan they are suggesting they put curb in on both sides of the road, re-do the sidewalks and add street trees.

Mr. Clear said the drainage system in this area will be tricky; there is a drainage break (rural open ditch) just west of Lincoln Street. Any time they go from an open ditch section and try to connect it to a drainage system, they have to lower the road bed. They can no longer drain from the road into the ditches but the properties on the outside that drain to the ditches must now drain into the gutter pans. As they lower the road bed there is a tricky section to see how far they have to go to the west to make the transition from the current drainage system into an urban section. They have looked at it so they can carry the urban drainage over to the area near Traditions Way and make the break but it still needs to be evaluated in more detail in terms of drainage and for what the drainage shed is for the properties around this zone. They tried to create an edge to the road, sidewalks for pedestrians, enough space for the street trees, add the turn lanes and allow for construction of the queue cutter so it can be dropped into this plan. They have made this system as safe as it can be. Their objective was to design a road in a safe and efficient way that meets the standards, takes care of drainage, brings the downtown further to the west and carries the street architecture to the west. They think this roadway can be done by 2015 and the first occupancy of the development may be toward the end of 2015, commensurate with what the City is planning for the Murphy Parkway extension at the end of 2015. It is possible to have one complete package of improvements that can be instituted. The studies done a few years ago by EMH&T looked at the Four Corners and the traffic volumes turning left on Olentangy Street from Liberty Street and the volumes going east on Olentangy Street and turning south on Liberty Street. That study showed there were 98 vehicles in the peak hour making northbound left or eastbound right turns. He looked at the completion of Murphy Parkway and did a theoretical driving time study and evaluation of how long it would take for someone travelling north and turning left on Olentangy Street or using Murphy Parkway if they want to go west on Olentangy Street and they estimated that about half of the traffic would use Murphy Parkway. That is about 50 cars in each direction so that would be about 100 cars of the existing traffic that would possibly be removed from Olentangy Street in front of that site. That is more cars than this site generates during the peak hours. There was no data in terms of origin/destination and they cannot do traffic counts because of the present unstable

condition. They used the information to determine the roadway plan they would propose to make this a safe and efficient roadway system and bring it to the standards desired by the City of Powell.

Councilman Lorenz asked if it is correct that the numbers thrown out are per hour. Mr. Clear said that is the peak volume of traffic that would enter during the peak hour of the roadway system. He said peak hours are typically from 7-9 a.m. and 4-6 p.m. and out of that they look at the one hour that shows the peak hour of volume that occurs during each of the two hour periods. He said that peak hour does not vary much from day-to-day.

Councilman Bennehoof said Mr. Clear reiterated that a traffic study is not necessarily counting cars and is looking at infrastructure, developments and existing conditions and estimating what the load will be from this development. Mr. Clear said that is correct; the term "traffic study" is broad and includes estimates of traffic that may be generated by a development, an evaluation of the site access and circulation system, the impact on the external roadway system, can translate into what roadway needs to be improved to accommodate the traffic and it can also include a preliminary engineering plan of the roadway improvements to accommodate that proposed development. Councilman Bennehoof said although SR 315 and SR 750 have been closed they did not need it to be open to conduct their analysis of this situation. Mr. Clear said that is correct. Councilman Bennehoof said at the Finance Committee Mr. Clear's associate had a drawing of the widening west of Olentangy as well as widening west of the railroad tracks and clear through to Liberty Street. A concern has been expressed that if they widen Olentangy Street through to Liberty Street they would eliminate the south side of on-street parking. He asked Mr. Clear if the road curb right against the sidewalk is any more or less safe for the pedestrians than cars parked along the street. He said he believes it is a safety concern for people exiting on the left side of the vehicle. It is also his belief that the queue cutter east and west of the tracks ought to be considered, for the benefit of the businesses, as a single project instead of shutting down the Downtown three different times. Mr. Clear said the drawing was done with the understanding that the City may want to provide east- and westbound left turn lanes on Olentangy Street at Liberty Street. Because of the constraints on the north side where the buildings are they cannot widen Olentangy on the north side. The only way to take the three lane cross-section is to the south. It is not widening Olentangy Street down through the downtown area because there is parking today and they would need to stabilize the pavement for trucks and heavier vehicles, it is no longer a parking lane. They have to rip all of that area up and put in full depth pavement and reconstruct the area. If the City wants to put in east- and westbound left turn lanes on Olentangy Street and if the Rail Commission requires an eastbound left turn lane at Hall it does remove the parking on the south side. Most urban planners will tell you that having parking as a buffer between moving traffic and the sidewalk is a better situation for the pedestrian. He does not disagree that people get out of their cars and open their doors into traffic but they have to weigh what they are after. In most downtowns they try to err more for the pedestrian environment and make sure the pedestrian feels safe in the downtown. They like to put in street trees and will need to keep big trucks away from the street trees. The prior drawing just showed what would happen if they put eastbound and westbound left turns on Olentangy Street at Liberty Road.

Councilman Bennehoof said when Mr. Clear was at the first meeting he said that the street is at capacity and regardless of what gets done, the street will remain at capacity. He asked if he stands by that analysis. Mr. Clear said any improvement that they make out here will not necessarily reduce the volume of traffic on the roadway system. Putting in the turn lanes does not improve the capacity of the roadway system. The EMH&T study did not do separate phasing and they say in order to maximize the intersection they will only get the green and be able to turn left when there is a gap in traffic coming toward them. They do not increase the capacity of the intersection but they do move the turning vehicles out of the pathway of the through or right turn traffic. This is a safer situation and the same situation they are trying to do in front of this development. It helps eliminate or lessen the rear end collisions.

Councilman Bennehoof asked how long it will take to construct the road from Traditions Way to the railroad tracks and how that could be accomplished. This will help him understand how this will affect the businesses in the downtown. Councilman Cline said they talked about that at the Finance Committee presentation and there are some ways to try to mitigate that issue. They can do nighttime construction or maintain one lane of traffic through the construction period. The developer's position was that they will do whatever gets this done in an appropriate time period. Mr. Vince said they want to get the street improvements done before they have occupancy in the site. Mr. Clear said he suspects this project will take a couple of months to construct. Mr. Bertone said he is concerned about maintaining the flow of traffic for the downtown businesses.

Councilman Counts asked if putting in curb and striping creates a much safer condition than they currently have. Mr. Clear that is his opinion; as soon as they put in the curb system and street trees it brings it into an

urban setting and makes it a safer condition for drivers and pedestrians. Councilman Counts asked if reducing the road to create the curb and gutter in any way affects the railroad crossing and visibility. Mr. Clear said that had to be built into the evaluation of how they get to the rail crossing, the grade they are allowed to have as they approach the roadway, and the rail bed. This solution looks simple but by the time they work with the railroad and make the drainage connection, it is a difficult engineering design project. Councilman Counts said it is important they understand the magnitude because Powell is a community of 12k people and if only those 12k people were driving on Olentangy Street they would not have a traffic problem. He asked for Mr. Clear's estimation of the ratio of the traffic of 12k community members versus what they are experiencing today; what percentage of the cars coming through this area are not residents of this community. Mr. Clear if there are 4,300 single family homes each unit generates about one vehicle trip in an hour's time frame so they would generate about 4,300 cars. This section of roadway is handling today about a fourth of that amount because people in the community use other roads. Staff is considering a potential future origin/destination study to see what traffic is passing through Powell. If the City goes into its thoroughfare plan process in the next few months they can also model that using the MORPC model to estimate how much local traffic is passing through on different roadway systems. He said he cannot guess but the pure through traffic using that roadway system does have a significant impact.

Mayor Hrivnak opened this item to public comment.

Elizabeth Grzelak, 115 Watson Way, said she does not see a lot of people here tonight even though she has received several emails about this meeting and there is a petition that has circulated over the last 24 hours that has received over 100 additional signatures. People are discussing this and are very annoyed about this development. Her concern in general is about the schools. Three years ago Liberty High School was over capacity and they were told that children would have to share lockers. Since that time that number has continued to grow. They describe themselves as a "family values" community but they have heard that there will be very little impact on the schools from these apartment and condominium developments. Ms. Grzelak said the schools are the draw in Powell and she questions that the impact of this development would only be 10 students. If they only have ten children in this development they will still have the future developments to consider. She has not heard any discussion about the public amenities dealing with the schooling and she does not see the developers offering up money for additional schools to be built. Her children go to Wyandot Run and it is also out of classroom space. She said that is something that is being "fluffed over" and it deserves a little more consideration. Ms. Grzelak said she would like to call their attention to the rent estimates of \$700 to \$1000 per 2 bedroom apartment; this allows people to buy into the Olentangy School system for less than the cost of going to a private school in this area. Her children did attend Village Academy and the upper schools are about \$15k per year. One is better off renting an apartment in Powell and having their children attend the Olentangy Schools with its rating. This subject deserves more consideration than the current discussion.

Dave Hartline, 150 Glen Abbey Court, said his home is not directly impacted by this development but by other future developments. He said he speaks for the majority of people when he says they do not have anything against apartments or apartment dwellers; he comes from Marion and a working-class background so he knows what it takes to get to a place like Powell. This is generally a conservative, family oriented community and they do not have anything against diversity of housing units but they do know what they moved here for and that was a family community. When they have mixed developments they do not really know what that will mean. It amazes him that they somehow think they have to be like everyone else when a community living magazine has already ranked Powell high as a place to live in the US. They somehow think they have to rethink things and get more tax base and Powell is doing fine. They need to keep to what they have. Mr. Hartline said he is a conservative person and an entrepreneur and has no problem with developers but he does have a problem when they try to change the course of the community. Recently business took him to California and he visited Malibu because it is very unique. It is very different from Powell and the one thing the people in Malibu were adamant about is that they did not want to change their community. There is no development there and no developers are coming in to tell them they need to change their community. They know what they have, like what they have, want to keep what they have. The people in Powell like what they have and if all of these development projects were put to a vote they would all be voted down. He said he does not understand how they can have one unanimous vote after another when people have voiced their opinions and thoughts; that says to him that Council is reading textbooks but not really listening to the citizens.

Leslie Lopes, 207 Woodedge Circle West, said when they had the meeting in April there were a few more bodies here and they should remember that. She has been watching this issue and it has been tabled several times. She said she is in "summer mode" and realized earlier in the day that the meeting is tonight and many other people have had that reaction and are not here. They have been here for other meetings and have sent petitions and emails. She asked that Council consider that those people are present this evening. This meeting

was pushed to this night in the middle of the summer when it is not the easiest time. She appreciates that all of Council is here but the residents are not. The developer has talked about his time and investment and she appreciates what he has invested but if they combine all of the residents around here they have invested way over that amount. Dublin was scared of apartments and put apartments in and said they feel fine about it but she is sure they don't. She is pretty sure if they asked them if they prefer to have the apartments there or not, they would say they prefer not to have them. Ms. Lopes asked Council to not marginalize their concerns because they are just residents and not traffic or development experts. They have valid concerns because they love it here and care and they know that City Council cares too. They should look at the school capacity studies because Wyandot Run was at 87% capacity and are higher now. Seven students and 50 cars in this number of apartments does not make sense to her. She would love to stay and hear their thoughts but she has family responsibilities and must leave. She asked that City Council please listen to residents because they are concerned about these apartments. This is a relatively small one compared to some of the ones that have shown up. They are paying all of the taxes to put the Murphy Parkway extension in to address the current traffic, not so these apartments can come in. It is not meant to be the band aid for this situation.

Tom Happensack, 127 Kelly's Court, said he is one of the residents that put together the petition. It was written back in the March/April timeline and they admit that things have changed. He read the wording within the petition that was placed online and presented it to City Council (Exhibit 5). Mr. Happensack said Powell grew from a few hundred to 12k residents because of the single, affluent housing, not apartments. He said he has signatures from his development; in about ten days they went to as many houses as would open the doors and collected signatures from 75% of the homes which equals 118 signatures. The other 25% were not talked to; no one he spoke to refused to sign. They had an online petition where they collected 164 signatures, a lot of those in the last few days. Ten of those signatures were duplicates so the total was 154 signatures. In addition, another group had a petition that garnered 221 signatures so together they have 493 signatures. This is a lot of representation of the residents. They are not opposed to development but are asking City government to step back and consider why Powell is what it is and so special, and why do they need to change it. He has heard that they need the tax base but there are other ways to get tax base. He knows the developer has put a lot of time in this and he feels sorry for him because this City has grown double its size since the Comprehensive Plan was done and a most of the people he talked to have no idea it is out there. The City has done a good job of hiding that plan from the citizens and then it gets used against them. The people who moved here did not move here for a Short North in downtown Powell. The residents are not interested in that or high density housing, especially apartments that rent for \$700/month. They received a note from the City asking them to remove that estimate because it was not true but the Council minutes (Exhibit 6) quoted the developer stating that rent. They tried to make their site look to the City site to get information but the City did not do a good job of informing the residents about this plan. If one goes to the City website right now they will not find the Harper's Point development or it is hidden very well. That plan is no longer there and if it is still being contemplated he wonders why it is not on the City's site. His said that is poor communication. Mr. Happensack said this is about what they want Powell to be and it speaks very loud and very clear that this City has developed over the last 20 years to be what it is without this stuff. Adding this and trying to change the character of Powell is not the appropriate step for the City. That is what they are hearing tonight and 490 of them do not agree with this type of development.

Ronald Beech, 217 Paddock Circle East, said he heard that a Comprehensive Plan was done 20 years ago and has not really been updated. He also heard there was a subsequent plan done 6-7 years later and that is the plan that has been the process for this. He agreed with the last speaker that he understands the time and finances this developer has spent on this plan but the question is, if they asked the 12k residents to vote on this would they approve it? He said he thinks the residents should vote on this. He is a very successful unelected City Councilman because of his concern that government, including local government, works in a way that the citizens are not involved. The voters elected them and Council needs to do what the citizens want them to do. If the citizens of Powell do not want this project they should not do it. He lives in Olentangy Ridge and has had a lot of conversations with a lot of people; no one has yet said they are very positive that there are all of these projects and they all involve multi-family housing. Harper's Point is a fairly nice project but doesn't fit very nicely in that space. He thinks the real issue is whether all of the citizens of Powell think this is a good idea; if they do, then it should be done and if they don't, it should not be done. He does not want to underestimate the amount of time and money the developer has invested and he understands that is how projects work. Maybe before they get started there should be more consensus that this is a development that everyone wants to have done.

Paul Mohler, 188 Wagon Trail North, said it was earlier said that to the south of this there is a 125' buffer and he is not so sure that is accurate. They were told that the apartments are 250' from the back of their houses, not from the back of their back yards. If they look in the far left corner, the garages are only 125' from the houses.

There are trees there and half of them will be taken out because they are dead or diseased but those trees are not enough buffer between the apartments and the houses. He said Mr. Lorenz asked earlier if there is any access from the apartments to the neighborhood and there is: they can walk right through trees and be in their back yards. There is also bikepath. He initially asked when this site was annexed into the Downtown Business District and he wonders if it was always a part of it or did it come up with this project. Mr. Betz said it has been in the Old Powell Commercial or Downtown Business District since the early 1990's. Mr. Mohler said Council is now aware of the petitions going around. The closeness to the houses with no buffer and major traffic concerns are an issue. They should wait until the queue cutter is installed to see if it helps before they dive into this project that is going to be right next to the railroad. It may be a disaster and they may be putting the cart before the horse. At most of these meetings there seems to be a lack of business representation from the downtown area and he wonders if that is because this is going to put money in their pockets for the downtown revitalization. He can't understand why they would approve of something that will bring traffic to a standstill through town. It is bad enough now. There is also the issue of the transient renter population and that is not something that Powell really wants. Mr. Mohler said he hopes Council looks at this a little better. He thinks they have made up their minds but he hopes they haven't because there are 12k residents in this community and a lot do not agree with this.

Rod Flannery, 52 Bartholomew Boulevard, said tonight he has heard from the developer and the Development Director who did a great job of presenting the developer's position. Their concerns are still the density and the "transient" issue with the apartments. He asked about the minimum square footage required if they were developing condominium housing. Mr. Betz said it would be 1,500 sq. ft. per condo unit. Mr. Flannery said these one-bedroom apartments are less than 700 sq. ft. and the two-bedroom apartments are less than 1,000 sq. ft. and he has a difficult time understanding how that is in keeping with their community and its' standards and values for housing. The developer has invested quite a bit in this project but the 12k residents in the city have also invested a lot in their community. He hopes that Council does consider, as a representative-style of government, that they have heard loud and clear what their constituents desire or do not desire and he hopes tonight they vote their constituents' and not their own personal feelings.

Bernard Palchick, 52 Murphy's Oval, said this site is one that is hindered. As a residential site right next to the railroad tracks, it is not going to be an attractive environment. The plans and drawings look quite exquisite but the reality is that there will be trains going through and anyone thinking about renting will have second thoughts because of that. He at one point had a career with the railroad as a brakeman and he knows that trains are dangerous tools. Without a fence in that area he is afraid that the playground at the City complex is an attractive nuisance to any of the children who might take residency in the apartments. He is concerned about their wellbeing and there is some need for a protective barrier there to keep them from crossing. The site with trains going through will have an impact on rent and they will not be able to attract what other communities have attracted into their apartment complexes. Young professionals or empty nesters will not want to live on this site. The site is not one that will support this particular plan.

Don DePalma, 365 Shelby Avenue West, said there is not a large representation of the citizens tonight and he does not understand why. He is President of the Grandshire HOA but is not here in that capacity to represent them. He has talked to people in his neighborhood about things of issue and important to the City and this issue has come up. A lot of the feedback he has received is that Council has already made up their minds so there is not a lot of sense in coming forward to express their likes or dislikes on this or other issues. Mr. DePalma said he hopes that is not the case. He commented on the respective roles of the Council members in making a decision that a lot of people believe is important to the future of Powell. He commended the members of Council on the time and effort they spend doing their job; he sat on the Planning & Zoning Commission some years back and he knows it is not an easy thing to do and Council's job is far more involved. He said they need to listen to what they have heard this evening. Mr. Cline and Counts have both served the Village/City for a long period of time and in many different roles, providing a tremendous service to the community; he hopes neither of them have been involved with the City so long that they have lost sight of the passion or compassion that drove them to initially get involved in service to represent their constituents. Mr. Bennehoof is new to Council but seems to be someone who looks at things very objectively and he has a great background of planning & management. In his campaign he said the reason he wanted to get involved was to give back to the community and the community happens to be the citizens of Powell. Mr. DePalma said he does not know how Mr. Hrivnak does everything he does and still has a job and a personal life but he knows he is a professional engineer and likes to deal in facts rather than conjecture or projections. He said he hopes Mr. Hrivnak feels he has enough facts on this development that he has a good idea and handle on what it will do to the city. He should also consider what he has heard from living, breathing citizens because those concerns themselves are hard facts. Mr. Bertone is also another new member of Council and he was pleased to hear him say during his campaign that he is proud to call Powell his home and he chose to raise his family here because of the "small

town atmosphere." He said he hopes Mr. Bertone continues to feel that way when it is time to consider how to vote on this issue. Mr. Crites was quoted during his campaign saying that "seeking office is an opportunity to give back to the community he has enjoyed for 20 years." He said he also said that they must have responsible commercial development that maintains the "character of Powell" and he hopes Mr. Crites maintains that outlook when he votes on this issue. Mr. DePalma said he purposely kept Mr. Lorenz for last because he was particularly struck with his campaign comment "I just hope to invest my time in the next four years in continuing to keep up with the pulse of the community and serving the wishes of the community." The community of Powell is not bricks and mortar; it is the citizens sitting at this meeting. He hopes what Council heard them say tonight will affect their decisions.

Erwin Grabisna, 278 Glen Village Court, said he has lived in Powell for about 11 years and when he first moved here and told people where he lived they said that Powell was pretty far out there but was a really nice city. He said nowadays he tells people he lives in Powell and they ask how he deals with all of the traffic but it is still a really nice city. He said sometimes he hears people say they would never want to live here because of the traffic. Mr. Grabisna said they are at a point that if they create a lot more congestion downtown they might get into that situation. If they look around the downtown area in the subdivisions they are probably talking about \$200 million of real estate so if the traffic situation gets to the point where people do not want to live in Powell they can destroy a lot of real estate value very quickly. Even a 5% reduction in value will equate to what this project is investing within Powell. He is also concerned about the school system. A gentleman said that there are things that make this property not as desirable because of the railroad. If empty nesters, young professionals and the up-and-coming people don't want to live here then the biggest draw to this property is the school system that is one of the best in the state. Mr. Grabisna said his fear is that the estimation of 10 students in this development is way off of the mark. This is a low cost way to get your kids into one of the best school systems and it will pose a much larger impact to the schools than what they are forecasting. Mr. Betz said in a previous meeting that the average number of students per residential housing is .17. Mr. Betz said that is true for apartments. Mr. Grabisna asked about the average for regular houses. Mr. Betz said it depends upon the subdivision and size of the homes but they would be looking at .8 to over 1.2 students per home. He said that is from Olentangy School system data that they provide to the City regarding all of the developments within the school district. Mr. Grabisna said the estimation of only 10 school-age students in this development is low.

Mr. Vince said he heard the comments on the schools and the numbers he provided came from the Olentangy School District. He said he called them and although they no longer provide letters to developers they did give him numbers on apartments across the board in southern Delaware County. He determined the number of school-age students at 9.6 based on those numbers. He said it was not conjecture on his part. He has been developing in this area for over 30 years and he understands the concerns about new developments coming into the community and the schools and traffic are always major issues. He said they have other empty ground in Powell and they will face this same issue every time; rarely will the City Council have a group of people come forward to say they love a development. Mr. Vince said he does not think 64 apartments will change the character of the City. The City does have a set of standards that he worked with and Staff provided them when he first came forward with this project. He said he has complied with those standards. He said he is not sure people understand that the City has standards they have to work within. He thanked the Council for their time on this project.

Sharon Valvona, 225 Squires Court, said they heard from the developer and they all feel badly for him because he is working within the standards he received from the City but that does not make the development appropriate or right for their City. The Comprehensive Plan and Revitalization Plan were quoted multiple times during this presentation but those plans were developed a number of years ago. The situation they find themselves in is different. Ms. Valvona said she is one of the folks that went around and gathered signatures, talking to everyone in her neighborhood. She has talked to people in other neighborhoods and Council has heard many people come forward to tell them how they feel about this development. No one, no citizen, no resident of Powell supports this development and in many cases people said they did not know about the development or realize it was going to happen. All of the people they see here tonight represent hundreds of other people. All of the people they are not hearing from who don't oppose it now will oppose it once it is started and developed. They will be very unhappy about what this project represents and brings. People do not support this need for density. The situation and traffic has changed and whatever this plan is, it does not support where they are right now. Fundamentally she does not understand how, in spite of all that has been said, they can possibly vote to support this development.

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

Councilman Counts said he has been involved in City government for a long time, been a community servant and has lived here 20 years. He has seen lots of changes. He said they need to keep this project in perspective and one thing that concerns him is sort of a lack of perspective. Powell has about 4,400 housing units and of that 4,400, 82% are single family detached dwellings. This project will be about 1.5% of the housing stock in this community. He has read a lot about changing demographics and has found that young professionals are not as interested in buying single family houses as they were before the recession. He has heard how they can't afford it because of the debt they have. In term of rent perspectives, they have heard the developer say that two-bedroom units will be from \$900 - \$1000 per month. The Business First Book of Lists identifies the monthly rental rate for two-bedroom units from the highest down to number fifty. These rents will be within number 40 & 50 so the rents are not in the bottom half of all apartments. Councilman Counts said these are high-end units and they should use those numbers as a comparison. He noted that units outside of the City in the Township such as Emerald Lakes and Greenview have monthly rental rates for a two-bedroom unit of \$700 per month so the difference between that amount and \$900 per month is a significant difference of almost one third. They have heard that the average student per dwelling unit is about .65 in the Olentangy School District. In perspective, the apartments at Emerald Lakes and Greenview have .415 and near Scioto Ridge they are .46. In comparison, Olentangy Ridge where he lives is .58 students per home, Ashmoore is 1.09, Bartholomew Run is .68, and Murphy's Park is .95. If they are really concerned about their schools they should not be building single family detached dwellings.

Councilman Counts said when they build single family detached dwellings they are building roads that need to be plowed, maintained and swept. All of the roads in this complex are private and the City does not provide those services as they do in single family subdivisions. He said they have heard about the variances and they are minor in comparison. Traffic is the biggest issue they have to deal with here and there is no denying that there are traffic problems in their city at peak times but they must also keep this in perspective. In 2002 the Columbus Zoo had 1.3 million visitors, in 2012 that number was 2 million and it keeps increasing and there is not a thing the City can do about that. The Memorial Tournament is no different. Liberty Township has 14,000 residents that are coming through this community on a regular basis and there is not a thing the City can do about that either. Within the Township additional residences and apartment complexes are being built and there was one considered for the City of Powell and the Council decided not to move forward on that so then it was being contemplated by the Township. Councilman Counts said the City can do all they want to stop things within the City yet in the Township they can continue and they will still have the traffic problems they have now. He has failed to hear anything about the downtown. When he moved into downtown Powell there was Saturday's Sports Bar and that was it. In the last ten years they have seen a striking change in their downtown that he thinks is for the betterment of the community. Councilman Counts said they have seen places like Rita's and Jeni's and restaurants like Kraft House and Local Roots. The community is coming into the downtown area and intermixing and that is something they do not see in Liberty Township or Lewis Center; it is something unique about Powell. The downtown area is not finished by any means so their downtown plan that is still very valid provides the opportunity to build on that community and make it a much more vibrant place than what it is today.

Councilman Counts said there is a cost to doing nothing. City Council has heard the residents and they may decide to go along with what they have said but that means is there are no west of the tracks improvements. It will be less safe, traffic is going to continue, there will be no additional funds to deal with the traffic woes within the city and there will probably be no further development in the downtown area and that hurts the sense of community. Most importantly, their community looks a lot like Upper Arlington and in recent news articles they have heard about the huge outcry to not do the development at Tremont but there was also an article in the paper about a group of citizens that said that the income tax for Upper Arlington needed to be increased by ½% because there is no money for capital improvements. Councilman Counts said they can do nothing tonight and stop any kind of increased vibrancy of the downtown area but it comes at a cost and that cost is to the residents. They know what happened two years ago when they considered putting an income tax on for capital improvements; it was voted down resoundingly and Powell's income tax rate is only .75%. He said they need to keep this project in perspective. But for the traffic they all experience, when they look at this project from a pure development standpoint, everything makes sense. They currently have single family homes that sit along the railroad tracks already and those homes have sold and people live there. If they look at this development it makes sense but it is incumbent on the members of Council to try to deal with the traffic woes. If they simply say that nothing can be done, he feels they have not done their job. Whatever happens tonight, tomorrow the Council will need to continue their plans to address the traffic concerns. Over all of the surveys ever done in the City, it is the traffic that has been the issue; Council understands it has gotten to a tipping point and with everything going on around them, it is the problem that they as City Council need to deal with.

Councilman Lorenz thanked the residents for the numerous emails and attendance at meetings; the City Council has heard them and appreciates the time they have put into this. He also thanked the Planning & Zoning Commission. Many of the members of Council have served on that board and it requires many difficult decisions in a thankless position. He said their efforts do not go unnoticed. He thanked Staff for their hard work and diligence in providing information so Council can make sound decisions. He also thanked the applicant for the time and effort he has put into this development. This type of project is not cheap and he has a lot riding on this. Councilman Lorenz said they know that the Comprehensive Plan is dated and the Downtown Revitalization Plan is a little bit younger. As a professional planner in Ohio he knows they have to zone in accordance with the Comprehensive Plan and they must consider the development plan against a set of standards. There are variances and some are done in the spirit of the betterment of the development but they are still variances so the development does not meet the full requirements. That gives him heartburn, specifically in the lack of parking. He is a very big environmentalist and the last thing he wants to see is a couple of trees cut down for parking spaces. The downtown area has a significant parking deficiency and with the proposed tenant mix and size of the retail establishments they are set up to be quick turnaround type businesses with high traffic turnover and that exacerbates the situation.

Councilman Lorenz said he sits on the Olentangy Schools Development Committee Board that discusses land use within the district and the actual number they use for calculation is .17 students per unit. He said with the rents and whatnot, he really wonders who will want to live that close to the tracks. He does not dispute that some form of housing would be needed here but the layout and timing may not be right with all of the traffic improvements contemplated to go forward. Council adopted the Murphy Parkway extension after fifteen years of hard work of previous officials and he would like to see them continue to work on the outside bypass system. There are a lot of unknowns and it gives him pause on this project. They are re-evaluating the Comprehensive Plan but if they are going to consider it as the driving force, they must realize that things change but community values stay the same. It is also important them to consider the Community Attitude Surveys they do every other year. They hear comments that the residents like Powell because it is single family oriented. He does not mean to be disrespectful but every time he hears that something has worked in another community he is reminded that this is Powell and people are here because of what they have here. Councilman Lorenz said he is concerned about the inherent economic benefit to the tax base of the City. Someone commented that there are studies done that show there is no benefit or detriment to the community for apartments. They are having a more transient in and out lifestyle and are not going to attract those higher income salaries. Five people report to him at work that are under the age of thirty and they would not consider living in Powell based on these values and driving to a different area.

Councilman Cline thanked those who provided input and commented at this and the prior Council meetings. He said they have not forgotten that there were a lot of people here at the first reading. He said he is a lawyer and in some respects that colors the way he looks at things. He looks at the issue before them tonight a little differently than his colleagues. In his perspective this is an administrative rather than a legislative action and their job tonight is to enforce the zoning code. He respectfully disagrees with the resident who said it is nice that the developer complied with the code but that shouldn't count; it does count and it counts for everything. They have set in place in the planning district and zoning code the requirements that the developer must meet in order to be able to develop the land that he owns. This developer has met all of those requirements except for three variances that were done to better the project and make it more palatable to the residents. They heard the developer say he can do this development without the variances but the development will not be as good for the community. It is important to remember this because almost all of the residents in Powell have a very strong view of individual and property rights. This man has property rights for his property.

Councilman Cline said there has been a list-serve going around and during that discussion a resident responded to those who were in criticism by saying "If you don't like what is proposed, buy the land and you can do what you want with it." He said that is a very extreme example but the truth of the matter is that this man owns land and has a constitutionally protected right to develop that land in accordance with the rules that they as a community have set out in the zoning code, Comprehensive Plan and Downtown Revitalization Plan. Councilman Cline said when he looks at the variances he does not think there are significant problems that would convince him to turn down the development. This plan is consistent with the 1995 Comprehensive Plan and the Downtown Revitalization Plan. He agrees that the traffic and safety concerns are very real and need to be addressed. The plan before them, along with the queue cutter, normalization of the cross-section of the roadway from Depot Street to Traditions Way, and the installation of a "pork-chop" at the southern terminus of Depot Street work to address the safety issue. The opening of Murphy Parkway will help the traffic issue. When he looks at all of those issues he concludes that this plan, although not perfect by any stretch, is the right plan for this location. They have heard a lot of people speak about how this particular plot of land is burdened because it is along the railroad tracks but immediately south of the site there are homes along the

tracks. He hears from residents who live in that area and want the City to stop the train from blowing its whistle but they still live there. It is true that he has been on Council for a long time. When Grandshire was proposed he was told that allowing it to develop would destroy the character of Powell. When Lakes of Powell was proposed he was told that allowing it to develop would destroy the character of Powell. This development has under 2% of the housing stock being apartments and he is being told it will destroy the character of Powell. He said experience has shown him that is not true. He does not say that to denigrate the feelings of the people who made those statements because he knows those feelings are heartfelt and real but his experience tells him otherwise.

Councilman Crites thanked the citizens who have contacted him and signed the petitions. He has lived in this community over 25 years and ran for Council because he cares deeply about this community; he raised his children here with the community's family values and he would never intentionally take any action that would jeopardize this community and its values. Having said that, he is also an attorney and as an attorney for at least 15 years he has also served as City Law Director and Village Solicitor in a number of different communities. This is not a legislative action or a case of zoning whether they are debating whether or not apartments should be included as part of the zoning. The zoning is in place and Council is acting in an administrative, quasi-judicial capacity. Councilman Cline is completely correct that the developer has rights in this type of proceeding and the Council's objective, goal and responsibility is to take a look at the zoning code that has been in place for at least ten years to see whether or not the development plan is consistent with that.

Councilman Crites said he may not like that zoning and not be in favor of apartments or the density but the fact is that the DB zoning district has certain requirement, permitted uses, standards and guidelines and as a matter of law, so long as those are complied with, they find themselves in a position where they have to determine whether or not to accept that. In this case he was very interested because he was immediately concerned about 64 apartments. He talked to people on the Planning Commission, Mr. Betz and some of his colleagues outside of Powell and read as much about it as he could. He firmly believes that this plan, whether they like it or not, as a matter of law, is consistent with 1995 Comprehensive Plan, the Powell zoning code and the Downtown Revitalization Plan. He is chair of a committee that is reviewing the Comprehensive Plan for the first time in almost twenty years; it would have been great to complete that review and gotten it approved before this or any other development happened. The Comprehensive Plan is 20 years old and he does not know what has taken so long. The vision statement of the Comprehensive Plan says the Village of Powell is a small rural greenbelt town that is off the beaten path. Councilman Crites said that is certainly not the case now and they must do something as quickly as they can to correct the situation because the Comprehensive Plan drives the zoning ordinances in municipalities in the state of Ohio. They need to get input from the public on the Steering Committee and make sure the plan encompasses the true values of the City of Powell and he is sure that has not changed. They find themselves in a dilemma because in his legal opinion they have a plan that is consistent with all three and if there is any doubt they should look at page 68 of the Downtown Revitalization Plan because it shows the parcel in question tonight and it is designed precisely for what this plan lays out for their consideration.

Councilman Crites said traffic is a concern and Police Chief Gary Vest said early in the year that he was very concerned because given the situation at that time, the railroad crossing is an accident waiting to happen and someone's life was going to be taken if they did not make changes. One of his concerns was the volume of traffic and the safety issue. It is not uncommon to have volume of traffic issues but if they could have issued 300 citations for people parking on tracks and had video of people running off the railroad track right before the train came across the crossing, there is a significant safety problem. He has known Doyle Clear for years and has used him as an expert in a case when he was with the Village of Granville; he has talked with him at great lengths and heard his previous presentations. There is not a silver bullet that will eliminate the traffic problem in Powell, Ohio. This is a problem that has existed since the late 1980's and when there were four stop signs at the Four Corners people were very critical of the traffic problems here. That has not stopped and he does not envision that it will; this is the only east-west artery between Polaris and the Zoo and they have a significant amount of pass-through traffic. The citizens may know the back ways to get around but others do not. The Murphy Parkway Extension is not the answer in and of itself but it will help. The improvements proposed by this developer will be very helpful but the City may have to continue to work to come up with a solution to this problem and part of the solution may be the extension of Home Road and connection to I-71 that is 10 to 15 years away. That is great but will not help them now. He is convinced that these improvements will be helpful when in conjunction with the queue cutter and "pork-chop" at Depot Street. City Council needs to keep working on this issue because it has been around for a long time

Councilman Crites said the issues with the schools are very special to him because he had the privilege of serving on the Olentangy Local School District Board of Education at one time and was president for two years.

He has spoken to the superintendent about development in general and the numbers presented by the developer are not far off. The major reason many moved to Powell is because of the school district and it always needs to be a factor to be considered. Councilman Crites said he finds himself asking if it is important that Powell remain family-friendly and family-centric, is the existence of this development inconsistent with being family-friendly and family-centric. He cannot say that it is. He has concerns still about this development, the Comprehensive Plan and zoning that will have to be addressed in the future.

Councilman Bennehoof asked if Deputy Chief Hrytzik is present to comment on this issue. Mr. Lutz said the Chief is out of town and D.C. Hrytzik is here in case there are any questions about the safety aspects of this railroad and this project.

Councilman Bertone said he has listened to a lot of details about this project over the last several months and it is important to express to City Staff, the Planning & Zoning Commission and the applicant for their willingness to supply answers to questions received. There is a well-organized group in opposition to this effort and he understands that the developer has rights. There is a fundamental consequence to staying stagnant in the town as well and that concerns him a little but more critically he is concerned about their fundamental traffic safety issues and zoning & planning concerns that are colliding at the same time. They have to work in conjunction with one another to figure this out. The schools are a fundamental concern of his and he has spoken to at least 20 people who concur with what is being proposed in terms of figures. Infrastructure costs were concerning and this development being self-contained and maintaining those structures has further eliminated some of his concerns. He stated earlier that he is concerned about the business impacts if they tear up the roads for a significant amount of time; they have to keep the process moving and keep revenue generation going for the local businesses. They should keep that ever-present in this conversation. This is a changing community and the housing demand/supply is at an all-time low. Lots of people are also going through relationship changes such as divorce and job down-sizing and apartments allow them transition and afford an opportunity for those folks to stay within the community. The residents love this town and many are very passionate about it. Given the location of this property he cannot speak to what the density will be. Fundamentally the appetite for this type of project does concern him compared to their traffic and safety concerns. Councilman Bertone said he appreciates all of the feedback and concerns from the public. They will continue to work as a body on a long-term strategic plan and the development efforts within the City. He asked that they continue to send their feedback through Council so they can continue to plan.

Mayor Hrivnak said Mr. DePalma said that he is fact-driven and that is very true. Council has received a lot of input from the citizenry and the overwhelming considerations are traffic, safety, schools and the vast number of apartments. This ordinance has been tabled several times so the developer and Staff could work to answer the concerns voiced by the citizens. They talked about a safety concern and from where they started several months ago that has changed greatly. A temporary "pork-chop" was installed recently and the plans this evening show proposed left turn lanes that will be a vast improvement over what they have today. They have heard the comments about safety and changes are being made. Mayor Hrivnak said he too thinks that traffic is a problem that is going to be here a long time. They have to take steps, whether small or incremental, to work on the traffic situation. No one improvement will make the traffic disappear. He considers it a good thing if he is driving through Powell and the through lanes are open and left turn vehicles are not in front of him holding him up and backing traffic up throughout the City. The right-in/right-out is a very good way not to disturb traffic. When going westbound the lanes for left turns are three times the recommended space. There will be more cars with this development but the overall changes associated with this development will help the traffic in downtown Powell.

Mayor Hrivnak said they talked about the schools and have heard from various sources about the school numbers and the best they can do is to take the numbers the school gave them. The numbers are consistent and this development has a small impact on the schools. The property value based on the number of school-aged children will be a much better deal for the schools than a single family development of 300 houses. He was disturbed to receive emails that said there are 300 apartments coming and they learned tonight that there are three pending developments and of all of those three there are 64 apartments coming. The condominiums proposed are single family and are pretty much like a house in size and price. The addition of 64 apartments is not a big change from where they are today.

Mayor Hrivnak said the City has a Comprehensive Plan and zoning code on the books and he agrees that property owners have the right to develop their property according to the zoning that is in place. It is incumbent on Council to answer the question of whether this project is in agreement with those two sets of requirements and they can see that it is. This project nearly looks like the picture in the Downtown Revitalization Plan. Powell is a family community and they know that families change. The City is now going to have the pleasure of an

assisted living facility so as families begin to age they do not have to move from their community. As children move out they could continue to live in Powell. The idea is that if the community is going to continue to thrive and move ahead they need to have a cross-section of housing and living options so families may remain here. Council has heard the comments from the residents and if they think about what they have seen over the past weeks and months, they can see that things have changed based on those comments.

Councilman Bennehoof thanked the residents present and those who preceded them. He also thanked Mr. Vince. Despite what some people may think he is not anti-development, but is pro-development at the right time and place. He is not sure they are at that nexus at this moment. He has reviewed the Comprehensive Plan and he does not condemn anyone for it but does condemn the Council as a body that it is 20 years old. Mr. Crites is working on the Comprehensive Plan and he did a fine job on the Charter Amendments so he will do a fine job on the plan as well. He also condemned the City Planning & Zoning because Planned Commercial District is a double-edged sword and everyone gets cut with it. He understands the district is negotiable but it needs to be looked at; he cannot go back and change the past. He takes this charge seriously and it is an honor and responsibility to serve on Council and he feels all of his colleagues do as well.

Councilman Bennehoof said he has continuing concerns about this development. He could care less about traffic because it is what it is and it will always be a problem, yet he agrees with Mr. Clear that they can't solve the traffic issue unless they have light rail. The traffic is not going to go away but they have to be concerned about the safety issues. Murphy Parkway is planned and right turn lanes are conceptualized, the queue cutter is inching along at bureaucratic speed and the temporary "pork chop" is in place. Hopefully they will get some definitive answers with the temporary "pork chop" at Depot Street. It is stellar that the road study is done and they have to be very careful about how that work is executed because it is also a double-edged sword. If it happens in stages they will kill half of the business in the downtown. They have other developments that will come online and they are condos instead of apartments and if they count units they are looking at 135 units. Harper's Point has a huge green space exploitation and water feature and the density is significantly lower than this one. He is talking about the safety aspect of this project's density and for him it is unanswered. Good things have been conceptualized and those things are good conjecture but they do not have a definitive safety solution here. He is certain the queue cutter will make an impact, Murphy Parkway will make an impact and adding Harper's Point and Santer Communities will have different impacts. This development will have a different impact. They have to be very careful and this may not be the right time.

Councilman Bennehoof said the powers of Council recognize that a property owner has a right to develop his property as long as it is within code and without variances it should go through without any hitches. Section 4.07 of the Municipal Code Library states that among others, the power of Council has the adopting and modification of the Master Plan for the City as the official map of the City. Council also has the power of regulation of use of private real estate in the City by establishing zones limiting the use of each zone, limiting the height of buildings and the intensity of land use. Planned Commercial development is negotiable. Lastly, Council can approve, modify or disapprove the recommendations of the Planning & Zoning Commission made to Council. He said he could go on and on about why he thinks the safety issue is so paramount. He knows people who have been caught on the tracks and shame on them; he has almost been caught on the tracks himself. They have to treat the public safety of the community as the paramount thing and adding this development in close proximity to that danger at the railroad tracks is an issue. There is no protective barrier and there is the attractive nuisance of the Splash Pad and park at the Village Green that invites people to cut across the tracks. A couple of people have died on these tracks and he does not want to see that repeated. They do not know what kind of impact Murphy Parkway and these other changes will make. There are open issues in respect to the ordinance as well because it talks about different queues than the current proposal. It can be amended to read properly but due to his concern for the safety and potential of interrupting street traffic over multiple years to make street improvements and the lack of other answers, they should move table this ordinance until those answers are definitively addressed.

MOTION: Councilman Bennehoof moved to table Ordinance 2014-10 until they have a very definitive plan that states which improvements will be completed and the timeline for those improvements, and answers all of the safety questions. Councilman Lorenz seconded the motion.

Councilman Bennehoof said he mentioned there are open issues on the ordinance and at the Finance Committee the developer mentioned he would like the City to entertain a TIF to do the improvements. He said they are not asking the developer to do the queue cutter and the street is to the benefit of the development. The TIF is not mentioned in the ordinance and that is one of the open issues that needs to be addressed as well. Councilman Cline said the TIF question did come up at Finance Committee and to be clear, the developer has said he will pay for 100% of the modifications to Olentangy Street that are required to benefit his property

and he is also willing as part of that to do a single project to complete the construction in the drawing presented. He stated he is willing to be repaid through the TIF for the portion for the portion of that cost that is not directly related to his project but is instead a general community improvement. Mr. Vince said that is correct. Councilman Cline said that need not be a part of this ordinance and that decision is up to Council. Councilman Bennehoof said he appreciates that clarification because on Tuesday evening he understood the developer was asking to TIF the full amount. He said it should be a part of this ordinance because if it will be passed on to the taxpayers they should be clear about what they are doing. That is an open issue for him.

Mayor Hrivnak asked what safety concerns Councilman Bennehoof feels have not been addressed. He said the concern about people crossing the tracks has come up this evening and they can ask the developer if he would be willing to put something there to limit that. Councilman Bennehoof said he read from the Powers of Council and he is still concerned about the density as are constituents in the community. Mr. Betz has schooled him on this many times and he understands that density is determined on gross acreage but this is Planned Commercial so it is negotiable. He thinks they should talk about that. He does not know about the economics of lowering the density or perhaps changing it to apartments above commercial and lowering the density. He respects the work of Mr. Vince and his consultants but that is a concern. They say they are doing a queue cutter and are extending Murphy Parkway but they don't know when those will happen. If they told him the queue cutter will be done and Murphy Parkway will be done and the road widening to Liberty and what part of the improvements will be in the TIF then maybe the safety issues are done if this development follows those improvements. He said they could do the widening and the development and say they are done and will get to the other improvements later. He has done project plans all of his life and when he was new to Council he said they need to have benefit profit/loss statements to the City with every development and he has still not seen a Business Value Statement for any projects that have come forward. The assisted living development said they are investing in the sewer improvements to make that project happen and that is commendable and they know what is happening there. Here they know the road west of the railroad is going to be completed and then they have no other answers.

Councilman Counts said they have been here three hours and the question before Council is whether to table the Ordinance. They have enough information to decide whether it is appropriate to move forward and take a vote. He called the question.

Mayor Hrivnak asked that the clerk read the motion back to Council.

"MOTION: Councilman Bennehoof moved to table Ordinance 2014-10 until they have a very definitive plan that states which improvements will be completed and the timeline for those improvements, and answers all of the safety questions."

Mayor Hrivnak asked Mr. Hollins if they can table without a date certain. Mr. Hollins said they can postpone indefinitely but they will need a motion in the future to bring the ordinance back off of the table and back to Council. Councilman Cline agreed and under Roberts Rules of Order, a vote to approve a motion to table indefinitely kills the pending motion and the opportunity to bring it back from the table requires a vote of someone who was on the prevailing side of the motion. Mr. Hollins agreed. Councilman Bennehoof said it is not his intention to say this goes away forever; he needs answers before a vote. He said he would be willing to, after they negotiate density, get clarity on the ordinance and have some very strong indications of all projects that impact the safety of Powell citizens, commit to bring this ordinance back on the table for consideration.

Councilman Cline made a friendly amendment to the motion to table this matter for 90 days. He said that would allow them time to do the things Councilman Bennehoof requests. Councilman Bennehoof said he is more than willing to accept that amendment. Councilman Cline asked for a roll call vote on the amended motion.

VOTE: Y 3 N 4 (Crites, Hrivnak, Cline, Counts)
The motion was defeated.

MOTION: Councilman Cline moved to amend Ordinance 2014-10 in Section 1, paragraph 1, second line to strike the words "store two cars, 50 feet of storage" and in its place insert the words "provide 150 feet of storage." Councilman Counts seconded the motion.

Councilman Cline said his purpose is to make the ordinance comply with the proposal that Mr. Clear described because it does require the applicant to construct a left turn that is three times the stacking capacity that the traffic manual would otherwise require, thereby giving them greater safety.

VOTE: Y 5 N 2 (Lorenz, Bennehoof)

MOTION: Councilman Cline moved to amend Ordinance 2014-10 to add to Section 1, Subsection 9, the requirement that the applicant shall work with City Staff to construct an appropriate barrier along the eastern edge of the property to discourage pedestrian traffic across the railroad tracks at non-designated locations. Councilman Crites seconded the motion.

Councilman Counts asked if they are considering a barrier along the entire track. Councilman Cline said his intention with the amendment is for the developer to coordinate that barrier with Staff, as appropriate, to achieve the safety concern, meaning it does not necessarily have to be the entire length.

VOTE: Y 5 N 1 (Counts) Abstain 1 (Bennehoof)

MOTION: Councilman Cline moved to adopt Ordinance 2014-10 as amended. Councilman Counts seconded the motion.

VOTE: Y 4 N 3 (Lorenz, Bennehoof, Bertone)

PROPOSED 2014 STREET MAINTENANCE PROGRAM

Mr. Lutz said typically the City is able to fund from \$500k to \$550k a year for the Street Maintenance Program (Exhibit 7). This year they are supplementing with the capital funds so they have a budget of \$740k. Mr. Rice has identified the streets to be included in the base bid and they also included alternates that will not be determined until the bids come in. The bids will be brought forward to Council for adoption. Each year they have about \$1 million worth of projects they could do but they do not have that funding.

Rob Rice, City Engineer, said they are generally working in Olentangy Ridge, Powell Place and Grandshire. They tried to identify a better preventative treatment than slurry seal but none was found so they are going back to it. It has been a helpful solution in the past and these streets are good candidates for this treatment. A couple of years ago they presented a model that \$1.7 million could be used each for the next 10 years. With the re-introduction of slurry seal he suspects that number could be less because it has good preventative maintenance value. A lot of Powell was developed quickly in a short time frame so the roads in those areas are aging simultaneously. They will use slurry to increase the longevity of roads that are in good condition.

RESOLUTION 2014-14: A RESOLUTION TO ESTABLISH THE ESTIMATED REVENUES FOR THE CITY OF POWELL FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015.

Mr. Lutz said this is an item that they bring forward to Council each year as part of the County Auditor's process for establishing millage rates. The City has to send them proposed budget revenues from the 2015 budget. This does not lock them in; it just an administrative process so they can establish millage.

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

MOTION: Councilman Cline moved to adopt Resolution 2014-14. Councilman Crites seconded the motion. By unanimous consent, Resolution 2014-14 was adopted.

FIRST READING: ORDINANCE 2014-32: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2014.

Mr. Lutz said Staff recommends they utilize \$4,200.00 out of the Council Contingency account to apply it to the Development Department for their legal ad and architectural advisor accounts because of the number of the applications received. They are exceeding their budget on those line items. Councilman Lorenz asked if the advertisement is the burden of the City or are they collecting monies to put into that account to pay for the advertisements. Mr. Lutz said it is part of the application fee. Councilman Lorenz said they may want to consider raising those fees. Mayor Hrivnak said as the projects increase, the application fees increase so the cost of the ads is offset.

Mayor Hrivnak 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 2014-32. Councilman Cline seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2014-32. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2014-33: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A REAL ESTATE PURCHASE AND SALE AGREEMENT WITH CSX TRANSPORTATION INC. TO ACQUIRE A 0.21 +/- ACRE PARCEL ON DEPOT STREET, AND DECLARING AN EMERGENCY.

Mr. Lutz said as they discussed at the Finance Committee, Staff has had discussions with CSX and they have thrown out the price of \$5k to purchase the right-of-way at the railroad crossing. The Finance Committee members were all in agreement that they should jump on that as soon as possible.

Councilman Bennehoof asked that they make sure there are no toxic issues with this land. They could be making a bargain purchase but knowing that railroads carry some nasty stuff and that they have been known to have incidents, they may need certification that there is not a toxic waste issue. Councilman Cline said the ordinance permits the Law Director to approve the purchase and sale agreement and the standard terms of those agreements include a covenant that there is no toxic waste or things of that manner. They should be okay in this case. Mr. Lutz said he will make note of that issue. Mayor Hrivnak asked if they will also need an appropriation for this. Mr. Lutz said it will follow later.

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 2014-33. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2014-33. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: No report. *Next Meeting: Tuesday, July 1, 6:30 p.m.*

Finance Committee: No report. *Next Meeting: Tuesday, July 8th, 7:00 p.m.*

Operations Committee: No report. *Next Meeting: Tuesday, July 15th, 6:30 p.m.*

ONE Community: No meeting due to lack of quorum. *Next Meeting: Monday, July 14th, 7:00 p.m.*

Planning & Zoning Commission: *Next Meeting: Wednesday, July 9th, 7:00 p.m.*

CITY MANAGER'S REPORT

Mr. Lutz said next Tuesday they will have the kickoff meeting of the Comprehensive Plan Steering Committee from 6:30 – 7:30 p.m. They will also have their first open house for the Seldom Seen Park on that same evening from 7:30 – 8:30 p.m. They will unveil the first concepts of the park and it will not include everything that the public wants in the park. At the previous Development Committee they discussed that there is no room for a dog park so it will not be a part of the plan for this site. Future meetings on the park will be more formal where Council will go through the master planning and adopt the plan.

OTHER COUNCIL MATTERS

Councilman Bennehoof attended the Delaware County Commissioner meeting and was disappointed they did not have a better outreach program for stakeholders. They tabled the decision on the Sawmill Parkway extension because he said sufficient stakeholder representation was not there. They asked him if he was speaking for Council and he said he was not but he was speaking as a public official. His sense was that any proposed solution to the issue should be a drafted in a manner that treats both cities equally but he does not think that is enough. He asked the Commissioners if once the road is completed, because it is owned differently, does it become subject to the city that participated in the funding of the road and can they petition the County Commissioners to take over control of that road? Their Legal Counsel said that is correct and that changed the complexion of the Commissioners. He still does not think this is enough and he thinks it is time for them to approach the Township to disband the CEDA. He is quite sure they would rather not have their constituents consumed by Delaware City but rather by Powell. Councilman Bennehoof said once they own that road down to Hyatts, the adjacent landowners will be compelled to annex to the City of Delaware. He asked for permission of Council to float that balloon with Tom Mitchell.

Mayor Hrivnak suggested they discuss this matter in executive session tonight or at another date. He asked if this issue is pressing. Councilman Bennehoof said they have not broken ground but the time is right to approach the Township Board to disband the CEDA. He said this question will be before the Commissioners on June 23rd. Councilman Cline asked about the legal basis for the City of Delaware to be in a preferred position rather than the City of Powell. Councilman Bennehoof said the City has not contributed to that portion of the road that is underneath it and owned by the County. Councilman Cline asked if there some law that says that contribution gives them a superior right or is it a matter of equity where the County is more likely to say that

since they helped pay for it they will let them have it. Councilman Bennehoof said he does not believe that the City not contributing to the road from Hyatts to Rt. 42 allows us to have any right to request ownership. Councilman Cline said when he says "petition" it suggests there is some statute and process or pre-existing methodology as opposed to the City of Delaware saying to the County that they should deed it over to them so they can maintain it. Otherwise it will be a County road. He said he is reinforcing the idea that the City ought not to allow that avenue of annexation to the north to be cut off. Then the question becomes if a financial contribution to the development of the road is a condition precedent to having a voice at the table, then they need to discuss if they can contribute to that. Someone needs to figure out if that is a condition precedent.

Councilman Crites asked if Councilman Bennehoof has a draft agreement that the Commission is going to vote on. Councilman Cline said there was something they were going to vote on until Councilman Bennehoof stepped in. He said if they can figure out what that is and get it to Councilman Crites he can read it and figure out if there is something the City should do. Councilman Crites said he supports Councilman Bennehoof in that regard and it should be done soon. Councilman Crites asked that the Law Director see if he can get a copy of the agreement. Mr. Lutz said he will ask him to look into that.


Councilman Cline said as an individual Councilman Bennehoof has the right to talk to Mr. Mitchell about those things and Council would be interested in hearing his feedback. The members of Council agreed.

ADJOURNMENT

MOTION: Councilman Cline moved at 11:58 p.m. to adjourn the meeting. Councilman Crites seconded the motion. By unanimous consent, the meeting was adjourned.

MINUTES APPROVED: July 1, 2014

 7-15-14
Jim Hrivnak
Mayor Date

 7-16-2014
Sue D. Ross
City Clerk Date



City Council

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Mike Crites

Richard Cline

Brian Lorenz