



## City of Powell, Ohio

### City Council

#### MEETING MINUTES AUGUST 20, 2013

A regular meeting of the Powell City Council was called to order by Mayor Richard Cline on Tuesday, August 20, 2013 at 7:30 p.m. City Council members present included Jon Bennehoof, Sara Marie Brenner, Tom Counts, Mike Crites, Jim Hrivnak and Brian Lorenz. Also present were Steve Lutz, City Manager; Megan Canavan, Public Information Officer; David Betz, Development Director; Gene Hollins, Law Director; Susie Ross, City Clerk; the Press and interested parties.

#### PLEDGE OF ALLEGIANCE

#### CITIZEN PARTICIPATION

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

#### APPROVAL OF MINUTES

MOTION: Councilman Counts moved to approve the minutes of August 6, 2013 as submitted. Councilman Crites seconded the motion.

VOTE: Y 4 N 0 Abstain: Bennehoof, Brenner, Hrivnak

#### CONSENT AGENDA

##### Item

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

##### Action Requested

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

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

VOTE: Y 7 N 0

#### FIRST READING: ORDINANCE 2013-35: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR METRO DEVELOPMENT LLC FOR 119 SINGLE FAMILY HOMES ON 69.798 ACRES, LOCATED ON THE SOUTH SIDE OF HOME ROAD APPROXIMATELY 1,000 FEET WEST OF STEITZ ROAD.

##### Public Hearing

Steve Lutz, City Manager, said this proposed new development includes public park land for the City. He asked Mr. Betz to lead the review.

David Betz, Development Director, said this is the final step in the process for approval of development plans for this plan that includes land annexed into the City from Concord and Liberty Townships. He said this has been before the Planning & Zoning Commission for several meetings and they received a lot of input from the surrounding community. He said this proposes 119 dwelling units set up in a conservation-style subdivision where there is lots of open space. He said the first phase includes constructing the main entrance is off of Home Road and it winds through the site and exits south into an existing subdivision off of Steitz Road to the east. Mr. Betz said there are several infrastructure improvements that will be completed by the developer, include bikepaths throughout the site and across the frontage into Scioto Reserve, the widening of Home Road across the frontage to a three lane section to the west of the site, turn lanes installed at Steitz Road, provisions for turn lane at Steitz and Home and at Steitz and the subdivision to the south. He said they will also help out with turn lanes in the future at Sawmill Parkway, based on the impact they have. He said the County Engineer reviewed the traffic study provided by the development and made recommendations for improvements inside and outside of the City. Mr. Betz said the plan calls for open space along Home Road with homes that face the open space and open space in the middle of site which has been considered for a public park. He said the developer submitted a concept plan that shows how a part could be laid out on the site (indicated). He said one of the issues with the development of this property is a power line easement that traverses from the southwest to northeast. He said parks are often located under power lines as in this situation. Mr. Betz said the Planning & Zoning Commission recommends this open space be donated

as a public park. He said that will serve this neighborhood and other areas as they extend bikepaths in the future. He said the exact location of the proposed bikepath on this site will be reviewed from an engineering standpoint.

Mr. Betz said there was a lot of public input in regard to stormwater along the western property line as well as some of the existing leach fields along the east side. He said all of that data is being compiled by the developer's engineers and then being submitted to the City Engineer. He said the Commission recommended approval subject to the conditions listed on the face of the ordinance. Mr. Betz said part of this development will be in Liberty Township and part will be in Concord Township and the split falls along the line (indicated) so it is clear which homes fall within the separate jurisdictions. He said each Township will provide services to the homes of this development that fall within their area. He said they tried to achieve as much open space as possible and keep lot sizes similar to those in Scioto Reserve. Mr. Betz said this is also similar in lot size to those in the Woods of Powell North. He said there are only a few variances involved:

- these lots have a minimum lot size of 76' x 130' but many of these are 80' wide;
- maximum lot coverage of 30% rather than 25%
- open space kept at 40%, creating lot sizes that are a little smaller

Mr. Betz said they have approved other subdivisions with smaller lot sizes to maintain open space. He said this plan keeps with the density within the zoning code.

Mayor Cline opened this item for Council comments and questions. Councilman Crites asked for clarification regarding Section 1(4) within the ordinance about the "additional items" to make the park useable. Mr. Betz said Staff will be working with the developer on the grading of the site, pathways through the site and layout and construction of the parking area. Councilwoman Brenner asked for the acreage size of the lots. Mr. Betz said they are generally 80' x 130' which is a little less than a quarter-acre lot. He said the homes are close together but they have home values of \$350-400k.

Councilman Counts asked if Delaware County 9-1-1 decides which fire department is sent based on the address of the home. Mr. Lutz said that is correct and that is why they designed the site with clear delineations so the jurisdiction is transparent to the homeowner. Councilman Counts asked if the green space is the same or more than the other City subdivisions. Mr. Betz said it is definitely more than most; if they count the public space and the balance of the other spaces that are owned and maintained by the homeowners' association, it equals upwards of 40% open space.

Councilman Lorenz asked if there is any concern or does the City face liability regarding the long-term effects of play under high tension electrical wires. He said he does not know if there are studies out there about long-term effects of these lines over park land. Mr. Betz said Staff looked at that issue and found there are many parks in Central Ohio that are located under these lines. He said no one will be playing out there in bad weather. Gene Hollins, Law Director, said there have been studies and threats of potential litigation in the past regarding electromagnetic fields associated with cell phone use but he is not aware of anything successfully challenged based on this. He said AEP dedicates a lot of these areas for park purposes and unless the City charges a fee for park entrance, they have pretty broad immunity through the government immunity statute and recreational user immunity. Mr. Lutz said the Olentangy Schools had quite a bit of discussion regarding this issue with one of their elementary schools. He said there are numerous overhead lines in this part of the county.

Councilman Hrivnak said Section 1(6) asked if the development being added to the LCIFA is based upon the fact that the developer is seeking reimbursement for the streets. Mr. Hollins said no additional infrastructure will be added to the list of things to be supported by that Community Authority. Mr. Lutz said the reason for that condition was Council's desire for this property during the annexation process to make it a requirement that this property enter into the authority. He said at that time Staff informed them that the time to do that would be through the zoning process instead of the annexation process. He said the Planning & Zoning Commission worded this condition in this way to allow the Authority and the developer to discuss this. He said the two parties have the flexibility to negotiate how the 10.25 mills may be distributed. Councilman Hrivnak asked why these people will be asked to pay for Golf Village. Mayor Cline said they benefit from the development of the infrastructure that the Authority created, making this property more desirable and easier to develop. Councilman Lorenz said this development can benefit because they can access those existing infrastructure improvements. Councilman Bennehoof said all of this will be developed with traditional developer funding and then the LCIFA assessment will go to the Authority without any load. Councilman Lorenz said he has spoken to some of the Authority members and they are interested in incorporating them into this area; there is mutual agreement with the wishes of Council. Councilwoman Brenner said this will not be taking any money that Golf Village would be getting, just adding to it. Mayor Cline agreed. Mr. Hollins said he will provide more information at the second reading. Councilman Hrivnak said he is hoping to learn why the people in this development would want to pay into the Authority. Mr. Lutz said the Golf Village area is paying 10.25 mills and if they start to have subdivisions immediately adjacent to it that area not paying that millage it may make Golf Village less desirable. He said this allows everyone to be on a level playing field. Councilman Counts said other subdivisions that have come forward after Golf Village have joined the Authority. Mr. Lutz said this

is nothing new; it has been done in the past. Councilman Bennehoof said if they are benefitting from the infrastructure, they should contribute their fair share. He said Roland Drive comes onto a loop and the loop connects to a stub road out east; he said it looks like it goes right into the tower. Mr. Betz said the stub road into the property was required by the County Engineer and the stub road actually goes a little north of the tower. He said an easement is shown on the site plan. Mr. Betz said the church owns that property and if they do not build on the site it could be developed and the road extended in the future.

Mayor Cline asked if the stub road on the south connects to an existing development. Mr. Betz said there is a small subdivision in that area with an existing road that curves to Steitz Road. He said a connection can be made. Mayor Cline asked for more information about the park concept plan. Mr. Betz said the plan just illustrates what could be done and will likely be changed. He said this part of the development occurs in the second phase so they have time to find the best layout. He said there is plenty of room for a good ball field playing area, parking and playground area. He said the area under the wires would be something like wildflower plantings. Mayor Cline said his concern is that the concept plan shows access to parking coming between two lots and he expects that the purchasers of those two lots will be in City Council complaining about the drive between them. Mr. Betz said that access and parking will be built in the first phase when the other roads are built and if they do not go with this location there is a possibility they can locate it in another area. Mayor Cline said the drawing shows about 20 spots and that will not be enough if they have an intensive use like soccer. Mr. Betz said this is something they will have to consider.

Mayor Cline opened the public hearing on this item. Hearing no public comment, he closed the public hearing and Ordinance 2013-35 was taken to a second reading.

**FIRST READING: ORDINANCE 2013-36: AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR DOGWOOD ENTERPRISES, DBA AUTO ASSETS FOR THE RECONSTRUCTION OF THE AUTO ASSETS FACILITY, CONSISTING OF A 9,900 SQ. FT. AUTOMOTIVE SALES AND SERVICE FACILITY AND A 7,200 SQ. FT. PARTS AND RACE CAR SHOP AT 354 WEST OLENTANGY STREET.**

*Public Hearing*

Mr. Lutz said this has been through the Planning & Zoning Commission and will make a very nice upgrade to the downtown area.

Mr. Betz identified the location of the site and surrounding properties and uses. He said this is the first part of a phased project for the whole site. He said currently there is a small building in front of the Germain Auto Body Shop to the rear. He said to the west side is the existing Auto Assets facility with another body shop and race car building. Mr. Betz said Auto Assets is buying part of the Germain property and Germain is buying part of the Auto Assets property in somewhat of a land swap. He said Auto Assets proposes the construction of two new buildings in front of the Germain Auto Body Shop and tearing down the little one in front. He said they want to build the sales/service facility in the front and the race car service building in the back. Mr. Betz said the plan shows parking between the buildings and to the west side and a parking spot for the race car haulers. He said there are a lot of improvements with this project including the sharing of access driveway that is lined up with the right in/right out on the south side. He said there is a traffic signal at Murphy Parkway/Village Pointe Drive/Olentangy Street and this plan will allow another access at Village Pointe Drive so left turn movements will occur in that area. He said they also propose doing realigning the current pathway to accommodate for the new right in/right out entrance and realigning the white fencing to account for the new landscaping.

Mr. Betz provided renderings of the proposed buildings as seen from different locations as well as aerial views showing car displays and the location of the service building and race car storage. He said the landscape plan is an integral part of the overall plan and it enhances all of the landscaping on the site. He said a lot of the trees on this site have not been maintained over time and instead of inch-for-inch for tree removal and replacement they are going for a totally revamped, organized planting plan. He said there is a variance for the tree replacement as their plan is a little less than what is required. Mr. Betz said the other variance is with regard to the building perimeter landscaping; it was decided to landscape around the perimeter edge of the pavement instead of the edge of the building. He said that has been done for a couple of other developments that have a similar nature to this site. He said Auto Assets spent a lot of time with the architectural advisor regarding the building details. Mr. Betz said this plan was highly recommended for approval by the Planning & Zoning Commission with conditions as set forth in the ordinance.

Councilman Hrivnak asked if the two parcels are zoned Planned Industrial. Mr. Betz said that is correct but there have been many uses on this site over time. He said this is a permitted use; this plan adjusts the lot lines, the uses and where they are located, and the addition of \$2 million worth of buildings to enhance their business. He said they estimate they will add one employee. Councilman Lorenz asked about the noise associated with working on race cars. Mr. Betz said the race cars are currently in one of the buildings and the City has worked with them previously on keeping the noise level down. He said this brand new facility will be 100% better than before because they will use current technology and design the buildings to mitigate noise.

Councilman Bennehoof said one of the attachments shows future demolition and site plans. Mr. Betz said the buildings on the left will be demolished and in the next phase Germain will propose a new building for their offices and a viewing area for insurance adjusters. He said the body shop will have a small addition on the back and be rearranged internally so it works better for them. Councilman Bennehoof said it looks like there is a huge increase in parking in the long range plan. Mr. Betz indicated new areas of parking on the site for the body shop as well as fleet auto sales parking. Councilman Bennehoof asked how the parking area will be screened. Mr. Betz said that is not part of this application but it will come forward in the new phase which will probably come forward in several months. He said they will have to discuss the addition of landscape for the future phase at that time. Councilman Bennehoof said there may be a security issue with that many cars. Mr. Betz said they may have plans for fencing in that area.

Councilman Counts asked about the type of material used on the exterior façade above the water table.

Brian Reynolds, Architectural Alliance, said the siding material is smooth finish insulated metal panels and they will apply a batten to that to achieve this look. He said the battens are a synthetic material that looks like a wood product and is low maintenance. He said once finished the façade will look like a painted board material.

Councilman Counts said by moving this building closer to the road it will assist with another objective for the City; having development closer to the street will reduce the speed of cars going by. He said in a later ordinance they will discuss reducing the speed limit on another section of Olentangy Street and by having buildings close to the road on both sides it will achieve that reduction. Mr. Betz said the Planning & Zoning Commission took a hard look at that and the fact that the buildings across the street are close the road. He said they want to improve that sense of streetscape as one comes into the City. Councilman Lorenz said when he was on the Commission they worked on pedestrian scale guidelines and even though this is an auto service facility this fits in nicely with that mission. Councilman Bennehoof said it also resembles City Hall which starts to develop continuity.

Mayor Cline asked if there are any other variances. Mr. Betz said besides those for landscaping, the building is being pushed forward and the minimum setback is 52' instead of the required 60'.

Mayor Cline opened the public hearing on this item. Hearing no public comment, he closed the public hearing and Ordinance 2013-36 was taken to a second reading.

**FIRST READING: ORDINANCE 2013-37: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO PRE-ANNEXATION AGREEMENTS WITH WEDGEWOOD LIMITED PARTNERSHIP I AND MOUNT CARMEL HEALTH SYSTEM AND DECLARING AN EMERGENCY.**

Mr. Lutz said the City has been approached to add some new corporate residents to the City of Powell. He said they have a detailed presentation about this agreement and they have tried to take into account concerns Council has voiced in the past so they may eliminate those concerns from this annexation. He said the agreement includes two properties: The Shops at Wedgewood and Mt. Carmel Health System (Exhibit A). Mr. Lutz said the annexation is structured so Liberty Township will continue to receive tax revenue from this property and remain in the Township and the Fire Department will maintain their full millage amounts as opposed to being reduced by a future TIF. He said that is a result of Council's desire to work closely to Liberty Township to help them address some of their funding constraints, specifically with the Fire Department. Mr. Lutz said the adjoining property owners to the Shoppes at Wedgewood will see no difference, whether it remains in the Township or is annexed into the City; the City is not amending the proposed development or signage plans. He said these properties would be serviced by the Powell Police Department where there are multiple cars on the street at any one time as opposed to the Delaware County Sheriff who has one car for two townships; most people will view that as a positive. He said the other difference is that if the adjacent property owners have complaints about noise, zoning issues or dumpsters, they would contact the City instead of the Township. Mr. Lutz said this property went through years of litigation in the Township for a proposed WalMart and it was decided by the Courts that the Wedgewood plan did permit this scale of retail development. He said the Shops at Wedgewood is a 34-acre development that includes a site for a Target store and other retail spaces and outlots. He said the Target is scheduled to open November 2014, with construction starting late this year.

Mr. Lutz said Target has an estimated \$3 million in payroll and a property tax value of \$9 million. He said that is very significant to the City's tax base. He said it reduces the existing tax burden for all current property taxes within the City. He said this project was granted the appropriate commercial zoning by the Township and the City will not rezone it; the property will retain its zoning which includes the Wedgewood Commerce Center development standards and development plan which was approved by the Liberty Township Zoning Commission this past summer. Mr. Lutz said the Shops at Wedgewood will be added to the existing Powell Commercial TIF District. He said they are continually trying to find ways to fund infrastructure improvements without going back to the taxpayers and the Commercial TIF District is doing that. He said the most current example is Council's green light to install a traffic signal at Sawmill Parkway and Galloway Drive. He said traffic signals not inexpensive and the City does not

have the funds to do this so they will use funds from TIF fund for this project. Mr. Lutz said the Fire Department will not lose revenue from this proposed TIF and this TIF can help fund other improvement needs in the area.

Mr. Lutz said the Mt. Carmel Health System owns approximately 15 acres of land and it is currently zoned under the township zoning ordinance and will retain that zoning. He said they have no immediate plans to develop but would like to someday develop the site with office/retail, education, wellness and medical-type uses. He said when talking with the developer at the Shops at Wedgewood, Mt. Carmel expressed an interest. He said both developments are interested in obtaining City services. He said Mt. Carmel has a property value of \$4.6 million so these two properties significantly increase the City tax base.

Mr. Hollins said there is an existing Commercial TIF in the Sawmill Corridor that is a non-school TIF so any tax dollars that could flow to the school district from an increase in property tax value will continue. He said they flow through a mechanism so they do not count in their school funding formula so it should be a boon to the school district. Mr. Hollins said the legal part of extending this TIF is very insignificant; they will bring forward an ordinance to amend the TIF map. He said when they receive a TIF request they ask Brad Sprague to take a look at the income and associated improvements. He said the Shops at Wedgewood developer provided information about the construction costs of the different buildings. He said the developer originally asked that they consider all of the public improvements and the developer would fund them up front and wait for reimbursement. Mr. Hollins said as they discussed this with Mr. Sprague, it made more sense to not pledge up to \$800k to \$900k over time and instead have the developer discount it to \$500k and the City could provide the funds internally. He said the City could pay itself back with interest and they would probably make more interest lending money to their own TIF than if they invested right now. Mr. Hollins said Mr. Sprague conservatively estimated the TIF will very soon be generating \$60k to \$70k per year and it will not take too many years to pay back the \$500k with interest. Mr. Hollins said during that time any overage in the TIF fund would be available for infrastructure needs in the Sawmill Corridor area. He said on that basis it looks like a good investment of TIF proceeds and a good financial decision from that perspective to annex this and bring it into the City.

Mr. Lutz said the Delaware County Commissioners are currently looking at a request from the residents who live in Wedgewood behind the proposed center to vacate a portion of North Hampton Drive. He said that is the drive that runs between the Shops at Wedgewood and Mt. Carmel and these residents are concerned about possible cut-through traffic. Mr. Lutz said the Commissioners met yesterday on the site as part of their meeting and they will be ruling on the vacation request in late September. He said the proposed annexation into the City takes several months so that issue will be addressed by Commissioners long before the proposed development can come into the City. Mr. Lutz said until the City has jurisdiction over North Hampton Drive, they really do not have a say in that issue. Mr. Betz identified the streets as shown on a copy of the original petition. He said the intersection is not part of the annexation under consideration.

Councilman Hrivnak asked about the contiguous property. Mr. Betz identified the area on the annexation map that will be a part of the annexation petition. He said everything meets the letter of the law within the Ohio Revised Code and the Delaware County Engineer has already approved the description and map within the annexation petition. Mr. Hollins said it is standard practice for the County Engineer to approve it and then it will go to the County Commissioners for their review and approval. Mr. Betz said the City has a draft roadway maintenance agreement that has already been sent to the County Engineer and they have done this for a couple of other roadways that jump jurisdictions. He said in the agreement the County Engineer maintains Sawmill Parkway (snow removal, repair and traffic signals) and invoices the City for its portion for repayment. He said if the Parkway needs major work the Commercial TIF could pay for the City portion.

Councilwoman Brenner asked for clarification about the process of lending money to the TIF. Mr. Hollins said it is technically an advance where they take the reserve and advance \$500k to the TIF fund. He said they would make the reimbursement payment for the public infrastructure from the TIF fund and as funds came in during future years they would go back to the City TIF fund which would have an advance to repay to the General Fund with interest. Councilwoman Brenner asked if they would not be able to use the TIF funds from this area until that \$500k plus interest is paid off. Mr. Hollins said that is within the discretion of Council; they asked Mr. Sprague to consider this on a schedule that would pay back the General Fund in the quickest time possible. He said it is internal borrowing so if they wish to use the TIF money for other infrastructure needs, they could still use the General Fund money for funding. He said there is no external body involved and the principal and interest will just transfer from one fund to another. Councilwoman Brenner asked if the payback schedule will be a part of the budgeting process each year. Mr. Hollins said that is correct. Councilwoman Brenner said it could hypothetically change every year. She asked if the reimbursement for improvements is the real driving factor to bring this property into the City. Mr. Hollins said there are a number of reasons but that should be answered by the representative of the developer.

Councilman Counts asked if the plan by the Township includes a bikepath along the frontage.



David Ruma, 5. South Liberty Street, Representative for the Developer, said it is not on the plan currently but there is a plan either in place or in the process right now. He said it was not a requirement within the zoning approval.

Councilman Counts said this would be the opportune time to get the pathway done along this area. He said one is really needed and he encouraged the developer to consider it. Mr. Betz said they have a pathway along Presidential Parkway that is not completed because it falls outside of the City's jurisdiction. He indicated areas where the path could connect and be extended. He said they can work with various groups, the Township and the County Engineer to complete the connection. Councilman Counts said several years ago the City and Liberty Township talked about trying to beautify this part of Sawmill Parkway. He asked if TIF funds could be used for that beautification if Council so chooses. Mr. Lutz said they can; he said he has recently been in a couple of meetings with a representative of the Township and an interested resident who would like to generate interest in donations for this improvement. He said they are getting pretty close and the first initiatives should be seen before the end of this year. Mr. Lutz said the Township has already begun by removing the large sign at the south entry to the Township on Sawmill Parkway. He said there are some interesting concept ideas on changing those aesthetics. Councilman Counts said when this was previously discussed there were no funds within the City and there have never been funds in the Township; it is desperately needed and only with this type of development inside the TIF are they able to do this. Mr. Hollins said they will be able to guide the look of the streetscape along the outlots because no buildings have yet been approved. Councilman Counts said most recently they have had pre-annexation agreements where there were parameters of what development might look like subject to Planning & Zoning but in this case the undeveloped Mt. Carmel parcel is a blank slate to be guided by the City's Planning & Zoning Commission when they are ready to develop.

Councilman Lorenz asked if the zoning permit has been issued by Liberty Township. Mr. Hollins said it has not. Mr. Lutz said Target will likely be pulling that through the Township before this annexation occurs. Councilman Bennehoof said he knows they have no say but does the vacation of North Hampton Drive cause any heartburn for the Fire Department. Mr. Lutz said the Fire Department has gone on record with their concerns about the vacation. Councilman Bennehoof asked if there are solid prospects for the seven outlots and retail spaces which are not a part of the Target store. Mr. Ruma said there are a number of likely prospects, but there are none who have actually signed a lease yet. He said there are five to six users; one or two will be in the 8-12k sq. ft. range and the balance will be in the 2-5 sq. ft. range.

Councilman Bennehoof said they have been very accommodating with the Township and local parties regarding the right-in/right-out and access to the area. He said they changed the retention and plan to beautify the south side of North Hampton quite a bit so with landscaping folks may not even know it is there. Mr. Ruma said that is their hope; they went in for modifications to the zoning plan in April and June this year. He said generally the most noticeable was the reduction of the internal side yard setbacks that allowed them to push the Target and retail buildings together and create a buffer on the north side of the project. Councilman Bennehoof asked if they solicited the City for annexation and was it in concert with Mt. Carmel or did Mt. Carmel take a ride along. Mr. Ruma said he does not recall how this started; they have had conversations about possible annexation for two or three years but when the project started to get some legs the discussions became more serious. Councilman Bennehoof said he is not taking a position but he would like to understand why this is an emergency measure. Mr. Ruma said they are trying to get through the design approval for the site work right now and hope to get started on the project by the beginning of October. Mr. Hollins said this ordinance brings a pre-annexation agreement before Council to iron out any issues before the annexation is even filed. He said at the end of the day it still takes another ordinance to accept the annexation. He said they drafted this as an emergency because if they are to go forward after second reading the annexation process takes several months. He said even if this ordinance is immediately effective it is still subject to referendum. Councilman Bennehoof asked how the Township and Fire Department will be made whole through the TIF. Mr. Hollins said the City will separately draft a "make whole" agreement with the Township so they are assured the City will pay from the TIF fund any Fire millage to them for those purposes. Councilman Bennehoof asked if the Township has been involved in these discussions. Mr. Lutz said he has met with the Township Administrator to inform him and the Trustees were informed about the proposed annexation.

Councilwoman Brenner asked about the advantage of coming into the City. Mr. Ruma said there is a financial benefit that helps them expand some of the public and private improvements. He said there is screening, public improvements on the roadways to help alleviate intersections and they realized that if they are going to do this, this is the time. He said once the property is split into nine parcels it will be difficult to get the group together to bring all of the properties into the City. Councilwoman Brenner said their benefit is to be able to work within the TIF. Mr. Ruma said it is one of the more substantial benefits. Mayor Cline said he has always assumed that with retail establishments like this the capacity for high-quality police service is an important factor when they market their properties. Mr. Ruma said it is definitely a plus and was part of the discussion they had with Target. He said they have a very thorough process where they evaluate every project and assign it security levels to determine how it affects security, lighting, their employees and their customers.

Councilman Crites said they are looking at Target being built out by October 2014 and he wonders about the projected timeline for the outlots. Mr. Ruma said there has been more serious interest since Target became very committed to the project. He said based on the number of users that have a serious interest, the outlots should build within the same time frame or within six months after. He said the 40k+ sq. ft. retail building west of Target is required to have the outside completed before the opening day of Target. He said three to four of the sites should be developed within a reasonably short time after that if not within the same time frame. Mr. Ruma said it is hard to determine.

Councilman Lorenz said it is his understanding that the residents in Wedgewood are soliciting legal advice about the whole development of this parcel. He said if a lawsuit would be filed, the residents of Liberty Township, including those in the City, could be subject to payment of legal fees. He asked about the City's exposure if the City enters into a pre-annexation agreement or annexation for this property. Mr. Hollins said it depends on what the lawsuit is related to; if it is specifically targeted toward zoning that would likely remain in the Township until the annexation was accepted and in effect. He said they can take a closer look at it as they get closer to accepting the annexation. Councilman Lorenz said he would not want the citizens of the City to be subject to paying for litigation. Mr. Lutz said City residents are citizens of the Township so if there is a lawsuit their tax dollars would still be used for payment. Councilman Lorenz said if it is in the City they would have to cover all of the costs. Councilman Bennehoof said there is a larger tax base if it remains in the Township.

Mayor Cline opened this item to public comment.

Peggy Guzzo, 4800 Aberdeen Avenue, said she has no comments regarding the annexation, just comments regarding vacating North Hampton Drive. She said despite the differences between the City and the Township over several issues she is pleased to hear the Council members bring up the bikepaths and beautification in this area. She said they have found common ground in the past on these issues. Ms. Guzzo said they are operating to vacate this portion of North Hampton under Statutes 553.02 and 553.04 which give authority to the County Commissioners to vacate or alter any county roads, whether in the municipality or township. She said it also allows citizens and abutting property owners to petition the Commissioners to vacate or alter and that is what they have done. Ms. Guzzo said they are hoping it has no bearing on whether this annexes to the City or not. She said the County Commissioners are considering feedback from the County Engineer and the citizens and if the City is going to annex this the Commissioners will want to hear from them too. She said she is here to bring forward the concerns of the citizens: increased traffic in their neighborhoods. Ms. Guzzo said there is bottleneck traffic on Powell Road coming east from the zoo so people coming from the north to go to Target will cut through Wellington and Wedgewood. She said people coming from Dublin may cut through as well. She said those who currently use North Hampton, including herself, will just adjust their path if North Hampton is closed. Ms. Guzzo said if this closes they will still have two entrances off of Summitview, one off of the River Road and two off of Powell Road. She said there was a concern about emergency services access and of all of the people they have spoken with, the majority is in favor of vacating this area. She said they have discussed the response time of emergency services and on the south side of the center Bradford Drive goes into Southwind which will be gated but allow emergency access. She said they are also considering grass pavers at North Hampton so emergency vehicles could still have access. Ms. Guzzo provided a copy of the three alternatives (Exhibit B) provided to the County Engineer and their choice is alternative one.

Hearing no further comment, Mayor Cline closed the public comment session and Ordinance 2013-37 was taken to a second reading. Mr. Lutz reminded Council that when an ordinance is an emergency measure it means that after it is passed it takes place immediately instead of waiting the thirty-day period.

**FIRST READING: ORDINANCE 2013-38: AN ORDINANCE TO AMEND ORDINANCE 89-02 ESTABLISHING THE SPEED LIMIT ON POWELL ROAD WITHIN THE MUNICIPAL CORPORATION AND FURTHER ESTABLISHING THE SPEED LIMIT ON POWELL ROAD WITHIN THE BUSINESS DISTRICT OF THE MUNICIPAL CORPORATION.**

Mr. Lutz said this item has been in the Development Committee for many months. He said it originated back in October when the City received a letter from the Ohio Rail Development Commission regarding their railroad crossing on Olentangy Street. He said cars back up on the tracks, creating a dangerous situation, so they have been investigating solutions. Mr. Lutz said there is some Grant funding to help municipalities with Queue Cutters which is a system which will prevent cars from sitting on railroad tracks. He said they involve traffic signalization at the tracks and specific types of gates. He said as part of this system there would be various restrictions in the Downtown area such as medians built to prevent turns on Depot Street. He said the Committee did not have interest in pursuing the Queue Cutter idea but there was interest in trying to clean up the signage in the area and make it clear to motorists to not stop on the railroad tracks. Mr. Lutz said attached is a signage plan which the Development Committee drafted; it shows removing some of the current signage and adding new signs to reduce the sign clutter. He said this ordinance extends the 25 mph speed limit to an area west of the tracks to just west of Lincoln Street.

Councilman Hrivnak said this is part of the first phase of the proposal to keep people from stopping on tracks. He said there is a lot of signage in the vicinity of the tracks, some of which is speed limit signs because this area is where it changes. He said that adds to the complexity of what is going on in the motorist's mind in that area. He said the Engineering Department recommended that the speed limit in this area extend to the west to slow traffic as it approaches the tracks and bringing their attention to signage about stopping on the tracks. Councilman Hrivnak said some of the other signage in the area is being removed or relocated so signs at the tracks only deal with not stopping on the tracks. Councilman Hrivnak said this is a serious issue that needs to be dealt with and this ordinance comes with the recommendation of the Development Committee.

Councilwoman Brenner asked if they ever talked about the psychology of why this will work. She said if someone is not paying attention enough that they will stop on the tracks, will this really help? Mayor Cline said there has been some discussion of that and he recalls that when one is traveling at 35 mph their reaction time is correspondingly longer and as a consequence, people find them on the tracks unexpectedly. He said by forcing them to reduce their speed to 25 mph one-quarter mile earlier, they give them more reaction time, more ability to stop, and the recognition that they may not be able to clear the tracks because of traffic stopped ahead of them. Councilman Lorenz said even though the ordinance only addresses speed limits, the pole currently has several signs on it and cleaning that up with help. He said they plan to repaint the markings on the road and the speed reduction will help because there is a significant grade that is difficult to judge. He said they considered much more than the speed limit and this is a good solution to the task they were given.

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

Councilman Counts said he is a little skeptical whether this will actually resolve the problem but that does not mean he will vote against it; this with the other plans are less invasive, less costly attempts that are worth trying. He said they have some serious problems with that area and he has noticed cars on the tracks that have sped by heading eastbound and then are stuck on the crossing because they cannot see what is happening on the other side of the tracks. He said as many times he has seen traffic stopped and people still enter and stop on the tracks. Councilman Counts said this tells him that something more drastic will need to be done. He said they can do this and monitor its affect, especially if turn lanes are added at the Four Corners. Councilman Hrivnak said that is a good point and the Committee agreed this is a good logical first step. He said they will ask the Chief to monitor this after the change and see if there is improvement. Councilman Bennehoof he agrees with Mr. Counts' skepticism but this is a low cost effort and reducing the signage will help a lot. He said he has seen the police observing the crossing in the past two weeks. Mayor Cline said he has been advocating for a long time that they need to change the signage because there are 7-8 signs at the intersection. It needs to be changed for aesthetic reasons and people ignore them because there are too many.

MOTION: Councilman Hrivnak moved to suspend the rules in regard to Ordinance 2013-38. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Hrivnak moved to adopt Ordinance 2013-38. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

**SECOND READING: ORDINANCE 2013-32: AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,000,000 OF BONDS FOR THE PURPOSE OF CONSTRUCTING, IMPROVING, AND REPAIRING STREETS, ROADS, SEWER AND OTHER RELATED INFRASTRUCTURE IMPROVEMENTS; CONSTRUCTING, IMPROVING, AND REPAIRING MUNICIPAL PARKS, BIKEPATHS, AND OTHER PARK-RELATED INFRASTRUCTURE; CONSTRUCTING, IMPROVING, AND REPAIRING THE CITY'S PUBLIC SERVICE FACILITY, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; AND CONSTRUCTING AND IMPROVING GENERAL MUNICIPAL IMPROVEMENTS; AND APPROVING RELATED MATTERS.**

Mr. Lutz, said this is the second reading of this ordinance and at the last Council meeting only four members attended so they were not able to suspend the second reading. He said that is also the case with the next tow ordinances. He said the City would like to get started on many of the capital improvements within the voted levy before they are funded in 2014. He said this ordinance will allow the City to arrange for that funding. Mr. Lutz said a couple of meetings ago City Council entered into a contract to begin the design of the Seldom Seen Park and those initial steps are underway. He said they will start to have public meetings in the future; there will be two public sessions on the park design to be held on fourth Tuesdays of the month. He said they are ready to enter into a contract for the design of traffic signals at Village Club Drive/Sawmill Parkway and Galloway Drive/Sawmill Parkway. Mr. Lutz said Staff is moving forward with as many of the projects as possible to keep the process moving.

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

MOTION: Councilman Counts moved to adopt Ordinance 2013-33. Councilman Crites seconded the motion.

VOTE: Y 7 N 0



**SECOND READING: ORDINANCE 2013-33: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.**

Mr. Lutz, said this ordinance proposing an increase to the budget and it is a good thing because it reflects a great increase in the building permit fees and revenues. He said building activity has increased more than they have seen in the last five years and as a result, they need to increase the contract plan review services in the amount of \$15k for additional plan review and increase \$3k for part-time help. Mr. Lutz said that additional money is offset a great deal by the increase in building revenues.

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

MOTION: Councilman Counts moved to adopt Ordinance 2013-32. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

**SECOND READING: ORDINANCE 2013-34: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.**

Mr. Lutz, said this item has been in committee for several months. He said they received a request from residents on Wildflower Drive for traffic calming. He said the City has a comprehensive traffic calming policy which is being followed and they have received petitions from the required number of residents on Wildflower Drive to proceed to conduct a speed study if Council so desires. Mr. Lutz said under the policy, the next step is to conduct a professional speed study to determine if speeds are actually greater than they are supposed to be. He said the next step will be to evaluate potential traffic calming measures. He said they have an estimate for the speed study from Burgess and Niple Traffic Engineers in the amount of \$6,100; if Council authorizes that expenditure the study will be conducted and if they find the speeds exceed the limits then Council will be asked to evaluate potential traffic calming measures. He said they already have a quote for that service in the amount of \$7,700. Mr. Lutz said if traffic calming is considered for this area, Council will have to determine how to proceed within the budget process. He said the reason we have such a detailed process is that in other municipalities the traffic calming measures installed have upset many residents. He said for those who want traffic calming within Powell it seems like a cumbersome method but there is a method to the madness.

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

Councilman Bennehoof said the Police made some observations on Wildflower Drive and generally there is a problem there. Mr. Lutz said he would have to pull the statistics to determine the numbers of citations and warnings. He said often when Police are visible the speeds are reduced so the number of speeders was not as high as that identified by the residents but that is usually the case because traffic slows when there is a cruiser present.

Councilwoman Brenner asked if the concerned residents have suggested what type of traffic calming measure they want. Mr. Lutz said they have not. He said that comes a little later as a part of the policy. He said there are several different measures to be considered and sometimes residents are in favor of speed bumps until they are located in front of their home. Councilman Hrivnak said the Committee worked for quite some time with the residents and they are thankful there is such a policy to clarify the issue. He said the policy allows a moment of pause as well as the ability for feedback from a greater part of the neighborhood.

MOTION: Councilman Counts moved to adopt Ordinance 2013-34. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

**COMMITTEE REPORTS**

**Development Committee:** Councilman Hrivnak said they met jointly with the Finance Committee to talk about the sewer tap for the church. *Next Meeting:* September 3<sup>rd</sup>, 6:30 p.m.

**Finance Committee:** Councilman Counts said they held the joint meeting and also their regular Finance meeting. *Next Meeting:* September 10<sup>th</sup>, 7:00 p.m.

**Operations Committee:** Councilman Lorenz said the Committee met this evening and discussed Communication Strategies and Social Media with PIO Megan Canavan. He said Public Service Director Jeff Snyder brought in a prototype of the signage which must be updated for reflectivity standards as required by Federal statute. He said Council will probably see an ordinance related to that next month.

*Next Meeting:* September 17<sup>th</sup>, 6:30 p.m.

**Planning & Zoning Commission:** Mr. Betz said they have a proposal for a small six lot subdivision on Liberty Road between Powell Place and Middlebury Estates. He said two friends invested in the land and are building houses for their families and four other lots. He said there is also a request for a small amendment to the Voss Brothers plan for addition of a second building and there is a Sketch Plan for retail uses and apartments on the property just west of the tracks where the big yellow house is located. *Next Meeting:* August 28<sup>th</sup>, 7:00 p.m.

## CITY MANAGER'S REPORT

Mr. Lutz said at the joint Finance/Development meeting last week they discussed the Beautiful Savior Church sewer issue and that will be coming to Council with an agreement where the church agrees to annex in the future if requested by the City and will enter into LCIFA if the Authority desires. He said the sewer issue has been resolved by County Sanitary Engineer who will be requiring a 20' public easement for the proposed sewer and it will be a public main rather than a private service.

## OTHER COUNCIL MATTERS

Councilman Bennehoof said he would like to read a statement into the record because he has concerns about some of the recent events and the Press coverage. Mayor Cline asked that rather than read the statement, that it be made a part of the public record. Councilman Bennehoof provided a copy of the statement (Exhibit C) to the Clerk. He said he has been trying to encourage a "one community" effort because of the CEDA assertions and lots of bad history between the City and the Township. He said his concerns include:

- Mis-notification of the JEDZ
- Press that reports whatever they hear that will get good deadlines without any counter from the City
- Lack of a joint statement from the City and Township about the notification and JEDZ, allowing for mis-information to be spread
- Ability to get City and Township on the same page

Councilman Bennehoof said he serves at the pleasure of the people of the City of Powell and he thinks this is one community and everyone should understand that relationship. He said they should have a better co-existence and there are many ways to get there. Councilman Bennehoof said he will send his statement to the Press and the City needs to counter some of the misstatements and disinformation that has been promulgated by small but active groups. He said they should make use of the City PIO to make sure the facts and truth are in the Press and public domain. He discussed the misinformation about the JEDZ ordinance to bring the issue to the voters. He said they should have a dialogue between the City and the Township, allowing citizen participation so they can start to put all of this history and bad press behind them. Councilman Bennehoof said he would like to move forward with this initiative and he encouraged the Council members to read his statement.

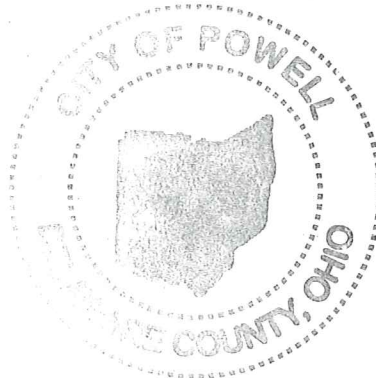
## ADJOURNMENT

MOTION: Councilman Counts moved at 9:29 p.m. to adjourn the meeting. Councilman Crites seconded the motion. By unanimous consent, the motion was approved.

**MINUTES APPROVED:** September 3, 2013

Richard Cline      9/17/13  
Richard Cline      Date  
Mayor

Sue D. Ross      9/18/2013  
Sue D. Ross      Date  
City Clerk



## City Council

Richard Cline, Mayor

Jon Bennehoof

Sara Marie Brenner

Tom Counts

Mike Crites

Jim Hrivnak

Brian

Lorenz