



City of Powell, Ohio
City Council

MEETING MINUTES
NOVEMBER 6, 2013

A regular meeting of the Powell City Council was called to order by Mayor Cline on Wednesday, November 6, 2013 at 7:30 p.m. City Council members present included Tom Counts, Mike Crites, Jim Hrivnak and Brian Lorenz. Jon Bennehoof and Sara Marie Brenner were absent. Also present were Steve Lutz, City Manager; David Betz, Development Director; Megan Canavan, Public Information Officer; Gene Hollins, Law Director; Susie Ross, City Clerk, 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 adopt the minutes of October 15, 2013 as submitted. Councilman Crites seconded the motion.

VOTE: Y 4 N 0

PROCLAMATION: Shop Local, Shop Powell Day, Friday, November 29, 2013

Mayor Cline presented a proclamation to Historic Downtown Powell, Inc. in recognition of their campaign "Shop Local, Shop Powell." The purpose of the campaign is to bring public awareness to downtown Powell not only during the holidays, but all throughout the year. Tom Coffey, Pam Cobb, Mike Hadra and Cindy Capizzi were present to accept the proclamation.

PRESENTATION: City of Powell Marketing Video

Megan Canavan, Public Information Officer, presented a 3-minute video produced by the City of Powell and Shared Vision Communications (Exhibit 1). The video showcases Powell as central Ohio's premier place to raise a family, open a business, go outdoors or visit one of the many parks, restaurants or shops in the area. The video is intended to target Powell residents and businesses (current and future), area realtors and community organizations. Ms. Canavan recognized Joe Fox and John Nichols of Shared Vision Communications who worked to develop this video and met the City's goals of reaching different audiences through the use of video. Mayor Cline thanked them for a job well done. Councilman Counts said they did a fantastic job and one of the things that is so important to him is that this video is a great representation of exactly how it is in this community. Ms. Canavan said she hopes this will build the sense of community they want in Powell. She said she will add this video to the City web site and share it with others to post on their sites. She they have a lot of interest from the Township, Chamber of Commerce and some of the local businesses. Ms. Canavan said she also will be able to measure how many people are viewing and sharing the video. Mayor Cline thanked Ms. Canavan and Shared Vision for their work. Councilman Lorenz arrived at 7:39 p.m.

RESOLUTION 2013-18: A RESOLUTION RATIFYING THE AMENDED MID-OHIO REGIONAL PLANNING COMMISSION ARTICLES OF AGREEMENT.

Steve Lutz, City Manager, said the Mid-Ohio Regional Planning Commission (MORPC) formed a committee to review and revise two of the MORPC governing documents. He said the overall goal was to provide more clarity, consistency, flexibility and simplicity to the Articles of Agreement and the Bylaws. He said the amendments will also bring them into compliance with various Federal regulations that have recently been adopted. Mr. Lutz said all other MORPC members are considering the same legislation and Staff recommends adoption of this resolution so MORPC can adopt the amendments.

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

MOTION: Councilman Counts moved to adopt Resolution 2013-18. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

RESOLUTION 2013-19: A RESOLUTION OF NO OBJECTION TO THE EXPANSION OF THE POWELL COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY, WHICH IS A NEW COMMUNITY DISTRICT UNDER CHAPTER 349 OF THE OHIO REVISED CODE.

Mr. Lutz said this topic matter has been discussed at the last two Council meetings regarding the new development off of Home and Steitz Road which Council approved. He said one of the conditions of the approval was that the developer talk to the Powell Authority and Liberty Authority and enter into one of the Authorities with this development. Mr. Lutz said both the developer and legal counsel for the developer are in attendance tonight and can answer any questions from Council. Mayor Cline invited them to come forward. He asked Mr. Lutz about the reference within the resolution to a "new" community district when actually this is not new. Mr. Lutz said Mr. Bell will address that reference.

Caleb Bell, Bricker & Eckler, 100 S. Third Street, Counsel for the Metro Development, said the statute calls all of these "new" community Authorities, whether they are old or new. He said this resolution and the next on the agenda are with respect to the City's non-objection to the addition of the territories involved to the Powell Community Infrastructure Authority (PCIFA). Mr. Bell said the resolution of no objection is a mechanism by which the City can state its intention to the County Commissioners when they later review the petition of the developers to add their properties to the district. He noted that this same resolution is before the proximate cities of Powell, the City of Delaware and the City of Columbus, and both of those cities must adopt a resolution of no objection so there is a streamlined process for the County Commissioners to review this request. Mr. Bell said if any of the communities does not adopt a resolution of no objection the process will stretch out for about three additional months.

Councilman Crites asked what constitutes an "approximate" city under the ORC. Mr. Bell said the definition was just recently changed but the old law that applied to these Community Authorities defines an approximate city as the largest city in the county in which the Community Authority is located (Delaware) and if any adjacent county has its largest city within five miles of the Community Authority, then the largest city of that county is also an approximate city (Columbus). Mr. Bell said the statute was designed and intended to prevent "sprawl." He said both the Economic Director for the City of Columbus and the City of Delaware are aware of these resolutions and both have indicated they don't find there to be much objection so they will attempt to get them through their Councils as soon as possible.

Mayor Cline thanked Mr. Bell for attending Council meetings in recent weeks to talk with Council about this process. He said Mr. Bennehoof is unable to be here tonight but he prepared a written statement to be added to the record (Exhibit 2). Mayor Cline provided a copy to Mr. Bell and asked that he respond to anything within the statement if he desires.

Trey Geller, Metro Development, said he does not have any questions specific to what they are trying to accomplish with their development. He said he is willing to answer any questions from Council. Mr. Bell said he would like the record from previous meetings to stand as it is. Councilman Lorenz said they all know how he feels about this. He said it is ridiculous for this development to go into this Authority but they are happy to have Metro Development come into the City. He said for the record that they need to have a discussion or a policy-making conversation about how they will handle these in the future. He said he gave his word and will abide by it. Mayor Cline said he agrees that separate and distinct from this development the City needs to make a policy determination on how they want to address these issues.

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

MOTION: Councilman Counts moved to adopt Resolution 2013-19. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

RESOLUTION 2013-20: A RESOLUTION OF NO OBJECTION TO THE EXPANSION OF THE POWELL COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY, WHICH IS A NEW COMMUNITY DISTRICT UNDER CHAPTER 349 OF THE OHIO REVISED CODE.

Mr. Lutz said this resolution is also about a proposed addition to the PCIFA. He said a few months ago the City approved an Epcon development off of Sawmill Road and Grey Oaks which is a 23 unit detached condo

community. He said when this was going through Planning & Zoning Commission all of the parties had identified that half of this development is in the existing PCIFA and half is not. He said that poses a problem where half of the community would pay 10.25 mills and half would not. Mr. Lutz said Planning & Zoning did not make it a requirement but told the developer and the Authority to work it out. He said a representative from Epcon is here tonight and their recommendation is to put the entire development in the PCIFA so everyone is on level ground. Councilman Lorenz asked why they are calling these resolutions of "no objection." Mr. Lutz said this type of resolution is required by statute and will follow the process outlined by Mr. Bell during the discussion of the prior resolution.

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

MOTION: Councilman Counts moved to adopt Resolution 2013-20. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2013-51: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR MORGAN PLACE, A SUBDIVISION CONSISTING OF SIX SINGLE FAMILY LOTS UTILIZING TWO COMMON ACCESS DRIVEWAYS LOCATED ON 4.621 ACRES OF LAND AT 8610 NORTH LIBERTY ROAD. *Public Hearing*

Mr. Lutz said this proposed development has gone through the Planning & Zoning Commission process. He said this is an infill property where they have seen several different proposals in the past.

Mr. Betz said the applicants, Mr. Gaslin and Mr. Pratt, will build and reside in two of the six homes in the development. He said the existing property is surrounded by Powell Place to the south and west, Middlebury Estates to the north and Silverleaf in Liberty Township to the east. He said they propose six new home sites with an existing home site in the middle that is not a part of this development. Mr. Betz said it is a separate, privately owned property and the applicants have worked with the owner to solve issues about the sanitary sewer access and bikepath extension. He said the bikepath along Liberty Road will be an important part of the bikepath system because of the connection it completes. Mr. Betz said they are proposing three houses off of each common access drive; one access drive comes out to the south and one comes out in the middle of the north section. He said there is an existing pond on the property that will remain and in part will be used for stormwater management. Mr. Betz said New England Homes is looking at being the sole builder on the lots and the elevations shown (Exhibit A-1) is typical of what they are building. He said the birds-eye view (Exhibit A-2) shows the existing home, homes off of the two common access drives, pond, fire pit and bikepath. He said there will also be a small windmill which will run the aerators for the pond. Mr. Betz said it will be a really nice setting for six new residences within the City. He said Planning & Zoning reviewed this extensively and required that they save as many trees on the property as possible. He said the site plan allows that to happen. He said there are a couple of variances in regard to this plan: the common access driveways and the use of a specific rigid, insulated vinyl siding product. He said the Commission reviewed this product extensively and recommends its use as an option. He said the existing, renovated home is vinyl sided so that was one of the considerations. Mr. Betz said the applicants are here to answer questions and Staff is very happy they have decided to locate in Powell and invest in the community.

Mayor Cline asked if all of this site is within the City. Mr. Betz said the property was annexed into the City years ago.

Ryan Gaslin & Nathan Pratt, property owners and developers, were present. Mr. Gaslin said they will be living on this property on the sites identified. He said they are excited about and look forward to completing this project.

Councilman Lorenz said the windmill is a great LEED/green function and addition. He asked how high the windmill will be. Mr. Gaslin said it will be 16-20 feet in height. Councilman Counts asked about their desire to use this vinyl siding product. Mr. Gaslin said they initially decided to go with all natural products on all of the houses and after some research they realized the multiple benefits of this product. He said the product they identified is a single lap 7" product that is insulated and looks identical to Hardiplank. He said it provides soundproofing from the railroad tracks as well as "R" value; it is rigid with a foam backing. Mr. Gaslin said within the deed restrictions they identified certain performance specifications about this specific product that would need to be used if they choose vinyl. He said they cannot require homeowners to repaint their homes every 7-10 years like they would have to do if they chose a cement fiber product. Mr. Gaslin said this product allows the paint to wear better, last longer and keep the homes looking nicer. He said they still plan to use natural materials on the fronts of the homes. Mr. Gaslin said they are excited about this green product and all of the benefits combined helped them choose this product. Councilman Lorenz said this is a regional material out of Akron, Ohio. Mr. Betz said the Architectural Advisor, Chris Meyers, also liked that it is constructed as a single plane

rather than multiple layers and there will be very little seaming because it comes in 16' planks. Mr. Pratt said it will be very difficult to tell it is a vinyl product. Councilman Hrivnak asked about the texture. Mr. Pratt said it is a wood grain texture. Councilman Hrivnak asked if Mr. Betz saw the samples. Mr. Betz said he did when they were presented to the Commission and he relied on the recommendation of the Architectural Advisor. Councilman Hrivnak said it is a big advantage that it is backed up with foam so it is more durable to damage. Councilman Crites said Condition 6 is a requirement that the applicant and a HOA Representative return to the Commission in a set time period to report on the performance of the vinyl product; he asked for the purpose of that condition. Mr. Betz said the Commission would like to hear a review of the product and how it is performing. Mr. Gaslin said that condition was so they would have information if someone else comes forward with this product in the future.

Councilman Hrivnak asked if they have had variances for shared driveways in the past. Mr. Betz said they have a couple and there is one in Falcon Ridge. He said Delaware County allows for the use of three-lot common access driveways and has specific language that helps with restrictions and maintenance. He said the applicants have language in their HOA documents about how maintenance is handled. He said there is no public street involved that the City has to maintain and with the pond in the middle of the site it works well to have two different access points off of Liberty Road. Mr. Betz said this is a very accepted practice for this type of low-impact use. Councilman Hrivnak asked if there is a footpath between the windmill and the pond. Mr. Betz said there is a small access for the homeowners to the private fire pit and common area. He said the City will inspect the pathway along Liberty Road when it goes in. He said the Liberty Township Fire Department has reviewed the plans and has no problems.

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

Mr. Betz said this is the advertised Public Hearing and they have not received any negative comments. He said the applicants worked well with the existing homeowner to satisfy all of their concerns and Council may suspend the rules if they desire.

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-51. Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-51. Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2013-52: AN ORDINANCE GRANTING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE DEVELOPMENT AND CONSTRUCTION OF THE SR 750 IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

Mr. Lutz said this legislation is standard boilerplate from ODOT and does not commit the City to any funding. He said last year Liberty Township applied for and received a \$5 million grant to assist in the funding of a traffic improvement project along Sawmill Parkway and State Route 750. He said it adds another northbound turn lane on Sawmill Parkway and widens SR 750 toward the Columbus Zoo to five lanes and adds a bikepath. Mr. Lutz said at the current time about \$5 million of the \$7 million project funding has been secured through a MORPC grant, County funding and the State. He said Liberty Township is working to find a way to fund the balance. He said Staff recommends approval of this legislation tonight.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-52. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-52. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2013-53: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.

Mr. Lutz said in the proposed 2014 budget they budgeted \$16k to replace the Parks & Recreation Department software. He said the current program will no longer be supported and they require the software so participants can register online and pay for classes through the web site. Mr. Lutz said the software company will stop

servicing and providing some of the options next month and Staff feels it is beneficial to purchase the software now so they can continue to provide the residents with the current level of service. He said the funds can be taken out of the Contingency Fund this year and the funding can then be removed from the 2014 budget. Mr. Lutz said this was reviewed by the Finance Committee two weeks ago.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-53. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-53. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

COMMITTEE REPORTS

Development Committee: Councilman Hrivnak said the Committee met earlier tonight. He said they reviewed the pathway priority map completed by Development Staff and will share that with Council at the next two meetings. He said they would like to direct funding to this for bikepath connectivity. Councilman Hrivnak said they also talked about the Capital Improvement list and the status of the various projects. He said Megan is working on a piece for the web site that will allow visitors to see the overall plan and follow the progress of the improvements. He thanked her for her assistance. *Next Meeting:* December 3, 6:30 p.m.

Finance Committee: Councilman Counts said they will not meet this month. Mr. Lutz said Council will receive the proposed budget and it will be reviewed at the November 19th Council meeting. He said it has been through the Finance Committee. *Next Meeting:* December 10th, 7:00 p.m.

Operations Committee: No report. *Next Meeting:* November 19th, at a time to be announced.

Planning & Zoning Commission: Mr. Betz said they will meet next week and review a mixed-use project called Powell Crossing that includes retail and multi-family and is located just west of the tracks. He said they also have a Sketch Plan review for downtown for sale townhouses on South Liberty Street. Mr. Betz said the Preliminary Development Plan for the single family condominium houses on the Powder Room property was approved at the last meeting so it will continue to work through the process. He said these developments propose three different options for housing types in the downtown. *Next Meeting:* November 13th, 7:00 p.m.

CITY MANAGER'S REPORT

Mr. Lutz recognized and congratulated Mr. Lorenz, Mr. Hrivnak, Mr. Counts and Mr. Bertone for their election to City Council. He reminded the members of Council that the City will hold their annual Veteran's Day service on Monday at 11 a.m. He said the Police Department Accreditation is next week, which is a three year analysis of the Police Department.

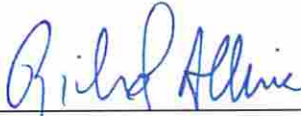
OTHER COUNCIL MATTERS

Councilman Lorenz said at the beginning of last year they started Council initiatives and he and Councilman Bennehoof have worked on the "One Community" concept. He said they would like to work with the newly elected and outgoing Trustees though the transition. He said they are trying to get something together to bring forward to Council in December. Mayor Cline thanked him for including all of the members of Council on the emails so they can keep track of what is happening.

ADJOURNMENT

MOTION: Councilman Counts moved at 8:13 p.m. to adjourn the meeting. Councilman Hrivnak seconded the motion. By unanimous consent, the meeting was adjourned.

MINUTES APPROVED: November 19, 2013

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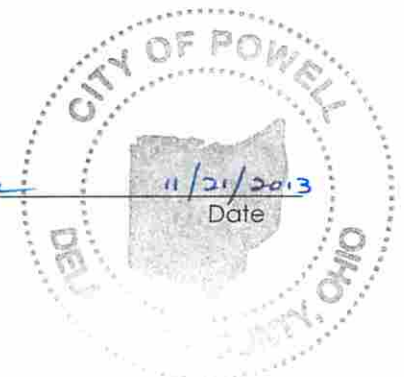
Richard Cline
Mayor

Date

 11/21/2013

Sue D. Ross
City Clerk

Date



City Council

Richard Cline, Mayor

Jon Bennehoof

Sara Marie Brenner

Tom Counts

Mike Crites

Jim Hrivnak

Brian Lorenz