



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**November 17, 2015**

**CALL TO ORDER/ROLL CALL**

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, November 17, 2015 at 7:30 p.m. City Council members present included Frank Bertone, Richard Cline, Tom Counts, Jim Hrivnak, Brian Lorenz, Jon Bennehoof and Mike Crites. Also present were David Betz, Development Director, Rocky Kambo, GIS/Planner; Debra Miller, Finance Director; Jessica Marquez, Assistant Finance Director; Megan Canavan, Communications Director; Eugene Hollins, Law Director; Steve Lutz, City Manager, Karen J. Mitchell, City Clerk, and interested parties.

**EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (3), PENDING OR IMMINENT LITIGATION.**

MOTION: Councilman Cline moved at 7:31 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (3), Pending or Imminent Litigation. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved at 7:56 p.m. to adjourn from Executive Session. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

**OPEN SESSION**

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

Mayor Hrivnak opened the citizen participation session for items not on the agenda.

Hearing nothing further, Mayor Hrivnak closed the public comment session.

**CONSENT AGENDA**

Item  
*Departmental Reports – October 2015*

Action Requested  
*Receipt of Electronic Report*

MOTION: Councilman Cline moved to adopt the consent agenda. Councilman Counts seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved.

**APPROVAL OF MINUTES – November 4, 2015**

MOTION: Councilman Cline moved to adopt the minutes of November 4, 2015. Councilman Bertone seconded the motion. Councilmen Bennehoof and Crites abstained. By unanimous consent of the remaining members of Council, the minutes were approved.

**SECOND READING: ORDINANCE 2015-52: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR A PROPOSED 308 RESIDENTIAL UNIT ACTIVE ADULT COMMUNITY, AND 5 ACRES OF PLANNED COMMERCIAL DEVELOPMENT ON ROUGHLY 39 ACRES.**

Mr. Lutz: We've gone through extensive discussions about this development. After our last meeting, Council identified several issues which they requested the developers to discuss tonight. So before Staff gives a presentation on this development, we will have the developers approach Council.

Tom Hart, Attorney for the Developer. I want to introduce Gary Schottenstein, Brian Schottenstein and Vince Margello who are the applicants/developers. We will have our design professionals, Jim Hawk and Joe Sullivan, address some items from last meeting we were asked to follow up on.

Contextual points for audience members that were not at the last meeting.

- Site is zoned in Powell already, so it is not a rezoning hearing.
- This is a final development plan.
- This is the twelfth hearing on this proposal.
- Considered an Administrative hearing under the Code, and the standard for review is whether any changes we are presenting in our final development plan tonight are substantially different or consistent with what was recommended approved by P&Z.
- We are a Planned District under the Code. Planned Districts support the creation of very site specific standards – they are not considered variances – we do not have any variances. Planned Districts have their own standards for development and that is what we are proposing in this final development plan.

Jim Hawk, Managing Partner, OHM Advisors. Tonight I want to address some questions that were asked of us last time regarding our design intent and how we came up with the design of it. I would also like to address some of the changes that we made since the last plan and the context to some of that.

- There were questions about the overall layout in the taller buildings and why those taller buildings were placed there. (**Exhibit 1**) This is commercial zoning along Seldom Seen Road with a taller building that is there now and taller buildings along Sawmill Parkway (indicating). Seldom Seen Road is really a commercial collector. Again, 80 foot right-of-way versus a more residential type street. Our 3 story buildings belong up along that road where we have taller, bigger mass buildings adjacent to it. This is why we chose that location for these buildings.
- What makes an active adult community or is this designed as an empty nester community and how is that different from other multifamily type communities?
  - Has to do with building types brought in. The larger, 3 story buildings (stacked flats) allow us to provide one story living units with elevator access, and garages underneath. There is a demographic that wants to be able to pull into their garage and not go up three sets of stairs to their unit. If we cut them down to two stories, we would have to take out the garages and elevators, and then we are like every other apartment building.
  - Our pinwheels/ranch buildings are on the south end of the property. These have been built all over the city as an empty nester type condominium community. The only difference with this is that it is a renter community. It is the same product that Epcon's been building all over the place.
  - Townhomes for people that want a traditional family home – coming out of a single family environment and want a similar thing.
  - All units are accessible from ground floors and all have garages.
- Our density on this project – calculated per your Code – is 8.1 units per acres. The max for that district is 9.
- The difference in styles of multi-family projects and why our project is designed to attract the empty nester. This is similar to other multi-family projects being built all over the community right now. Also similar in price point to what's around here. It is designed to attract a different demographic (indicating Exhibit 1 - shows comparison to similar projects to attract younger crowd and difference in amenities)
- Our amenities include: a social room, card room, pool and lounge area, putting green, bocce ball, community garden, dog park. We have passive areas, lighted pathways and gazebos. We do not have a bar or sand volley ball courts. These are amenities that attract empty nesters

coming out of single family home looking for a similar type community with no maintenance. It is a different design approach.

Joe Sullivan, Sullivan Bruck Architects. In the environment we are in today, we are seeing significant rental by choice. There was always a perception that anyone that could afford to buy a home would buy a home. Ten or Fifteen years ago, that was more the norm. Coming out of the last recession, there has been a game-changer. A significant portion of our communities are looking to rent by choice. This is at a price point where rents will be in excess of \$2,000 per month. That is not someone who cannot afford to live in a home. The two significant markets for people that rent by choice are empty nesters and the young professional market. The young professional market prefer contemporary architecture, location near night life, activity and social events. Empty nesters are more conservative and their tastes are more traditional. This project is designed to target that empty nester market by designing it with the empty nester in mind. Ten years ago this empty nester would have been a condo buyer. But that same person is now choosing to rent because they like the flexibility and not to tie up their resources as they move out of their home. Because they are moving out of homes, their needs are different – prefer an open floor plan, lots of storage, attached garage, and bigger units with amenities. Part of that segment that may be slightly older, also want single level living with extra bedrooms for kids who come to visit. They want units that are handicapped accessible/adaptable. All these units in this development offer these things. The plans we do for young professionals don't include dining rooms because they do not want that, but an empty nester does. Every unit here has space for a dining room.

The character of colors and finishes we designed looking at the existing architecture of Powell as a guide. We worked close with the city architectural consultant, Chris Meyers.

Another question was is there going to be any school-age children? In higher end apartment projects, the data reinforces that it does not contribute a lot of children to the school district because the people that could afford the rents that are a part of this project would usually chose to move into a home, not rent. There are plenty of single family homes in the Powell market for them to choose from.

Mr. Hart: At the last [Council] hearing, I passed out the Olentangy Local District data report. Powell Grand will not stress the schools, according to the school's own data. The district has been tracking the types of units and how many kids each unit type generates for decades. The report is a 25 year projection about future growth in the school district. This report says that single family homes produce, on average, .80 children per home. Multi-family units of all types, condos, apartments and manufactured housing, produces .15 children per unit across the district. We believe this project, which is age-targeted, will actually produce less [children per unit]. We ask Council to consider the district's own data.

Mr. Hawk: One of the plan changes we made based on our last Council meeting was to parking, how much parking and what was seen from Seldom Seen Road. We have relocated approximately 30 parking spaces along Seldom Seen Road. We removed 6, relocated 24, and are still within Code. We also upped our greenspace from a 15 foot setback from the roadway to a 33 foot greenspace setback. We are also adding mounding. We are pulling parking away from the road and now get more greenspace there.

Mr. Mayor: Can you describe to me where the parking spaces that were relocated went to?

Mr. Hawk: (indicating) We took out a couple islands and located some here.

Vince Margello, Margello Development Company. I want to talk tonight about how we came to start this project. In looking at this piece of land as well as understanding the needs in Powell and which direction the City of Powell and Liberty Township is going, today we feel that lifestyles have changed so much. To create a need for the citizens of Powell who have lived here a long time and want to stay up here but don't want to own a large home anymore. This is a facility to be proud to move into, invite friends over, and still fee; like you're an elite part of Powell.

When I developed the Lakes of Powell, it was a controversial project at the time. We presented something different – smaller lots and smaller homes. We also created a 19 acre school site known as Tyler Run. Now it is one of the best neighborhoods today.

We've been to 12 meetings. We had a unanimous decision on annexation and zoning. We got the preliminary and final development plan approved through P&Z 5-1. We are in 100 percent compliance of our preliminary development plan. We have spent hundreds of thousands of dollars on this. I understand it is different and a change, but this is what is needed in Powell. I hear it all the time at places I frequent around here, 'What do we do when our children are grown and we don't want to pay the \$10-12 thousand dollar real estate tax anymore. We have this 5,000 square foot home we can't take care of. We want a place up here that's unique that we can move into.' I've listened to all this, and that is what has inspired this project.

I've heard the concerns about adding to the school district. But we just accepted Verona and that will add to the school system. But I am not bringing a subdivision in. This project is for active adults - people in their 40s and upward. It's what is needed for today's lifestyle.

In our text amendment, we've done some things that you have asked for: occupancy limit and controls; active adult controls; architectural elevations and interior floor plans; community and public amenities; maintenance service; building restriction; parking modifications. These are all in the zoning text.

Don Hunter, Schottenstein Real Estate Group. We have been in contact with Gene Hollins and various members of Council and we have talked through the issue that I want to summarize briefly and hand the amendment to the clerk. (Exhibit 2 and Exhibit 3).

Mr. Hollins. I believe there is a specific zoning amendment as well as a new parking map that has been distributed.

Mr. Hunter. It is our final development plan application that is in front of you which is in 100% compliance with the approved zoning text and preliminary development plan. In subsequent discussions with the City and Council, we have developed this five point amendment (Exhibit 2) that goes further in the form of a concession, in an attempt to be responsive.

- Occupancy limitation and control for all leases (no more than 2 people per bedroom).
- Active adult community controls (this amendment requires that any changes would have to come back to Council for approval).
  - Architectural elevations and interior floor plans specifically designed for active adults.
  - Community public amenities specifically designed for active adults.
- Maintenance services (24 hour on call).
- Building A restrictions (requires that the owner/operator of Powell Grand not permit any occupants of Building A to be children).
- Parking modifications.

I ask that this amendment be incorporated into a motion this evening to approve the final development plan application.

Mr. Betz: This property is located at Seldom Seen Road, the railroad tracks to the east, and Sawmill Parkway to the left. The developer has detailed a lot of the amenities included within the plan. Some things that were not yet discussed are some of the roadway improvements that are going to be part of this plan.

- An extension of Bunker Lane to Sawmill Parkway to provide access to the commercial properties as well as to one entrance to the lower part of the residential.
- There will be a traffic signal installed at this location, a break in the median for left turn lanes in and left turns out.
- There will be a right-in, right-out only made at Sawmill Drive.
- Improvements to Seldom Seen Road.

The commercial areas out front are part of the plan. These areas will come back through a preliminary and final development plan for their specific uses and site layout. Part of the other offsite improvements being done as part of this project is a deceleration lane into Park Woods Lane, as well as extending the bike path that is part of Sawmill Parkway on the east side, not only to the end of their site, but all the way down to where it currently ends near Big Bear Avenue. There is a connection with the pathway as well from the southeast corner of the site, next to the existing cell tower that leads through Beechwood Park.

Mayor Hrivnak opened this item to public comment.

Pat Kijewski, 9030 Francine Lane.

- Why are we considering 3 story buildings when the Code prohibits them?
- Aluminum [vinyl] siding are Code restricted, why are we considering it?
- If it doesn't increase school population, why are we putting a path to the schools?
- Top rentals are \$2,000 - what are the bottom rental prices?
- None of the proponents for Concerned Citizens for Powell/Citizens for Responsible Development are here tonight – Messrs. Ebersole, Happensack, Tulley, and some others. There is an agreement they are not going to referendum Mr. Margello. How did he get through P&Z in a few weeks as opposed to the year and a half it took us to get through P&Z?
- Her personal experience with Mr. Margello left her with questions about his honesty and integrity.

E. Lynn Miller, 376 Park Woods Lane. (Exhibit 4). I've never been against this project. I've only asked for certain concerns of mine and certain things to be done.

\* The two properties coming in have nothing on them and I'd like to see even a square box that shows something to give us an idea of what the mass or footprint is going to be on those two lots.

\* Financial considerations (last page of handout). The estimated demand for new market rental housing in the Delaware County Submarket from 2011 to 2014. This shows a very soft and weak market for rental property.

\* I am concerned about the 8 in a row townhouses. It is bad, otherwise you would see it everywhere. What does the fire department and fire marshal think about this?

\* There is no final grading plan. How is the water going to be handled going through the property behind my house?

\* We are one of the few areas that has a nature preserve, which would be harmed.

Please table this development until these changes can be worked out.

Joseph Sansone, 368 Park Woods Lane.

- Disparity of treatment was mentioned by the lawyers at the last Council meeting. We are the ones who are being treated with disparity. The difference with Big Bear Farms and this project is that we own. If someone wants to rent, they can rent at Hard Road and Sawmill where there are thousands of units available.
- Vince has met with the president of our board, Tom Fink, but Mr. Fink doesn't represent Big Bear Farms.
- There will be more than 308 cars added – there will be at least 500 cars. We can't handle any more traffic.
- Rentals for \$850 in the middle of all our single family homes is bad for us and bad for Powell.

Tom Gemperline, 290 Bear Woods Drive. I served on the board at The Woods of Big Bear Farms for 14 years until recently. The things Mr. Sansone has said are totally untrue. Mr. Fink does represent the people at Big Bear Farms. We are the only community that is directly impacted by this development. We are for this project because we think it is a professionally well done development and it's better than commercial. If we get commercial in there, our property values will decrease. And while there are some that may have a different view, the large majority of the condo owners support the development. This is a progressive city and I beg you folks to do what you did at the Power Room. You voted that project and then the minority got it turned down for the wrong reason.

Dan Swartwout, 8818 Westward Way. As you are aware, I was recently elected to Council for next term and I look forward to serving and working with some of you over the next few years. I think the greatest sample and representative of how Powell feels about this project is what happened during the last election. Mr. Newcomb and I, who both won, both came out against this project in its current form. This is what people wanted to talk to me the most about. Uniformly they told me that they did not want this. We are not in favor of this project in its current form. Now we have these amendments that have been brought forth. I would ask Council to please table this current ordinance so we all have a chance to review these amendments before a vote is taken on it.

Scott Duckworth, 109 Beech Ridge. I think you should table this as suggested by the prior speaker. One thing that has been avoided here is the intersection of Liberty and Seldom Seen Roads. That intersection is a problem and this won't make it any better. Is there a plan to put in a roundabout or light at that intersection? My concerns are about: traffic, rental properties, overloading the already overburdened schools. The electorate

spoke 2 weeks ago about how they feel about high density housing.

Gordon Ratliff, 286 Bear Woods. I attended the last Council meeting and listened to a lot of discussion concerning the construction of the buildings, primarily the height and the vinyl siding issue. I own a house in Virginia Beach, Virginia, constructed in 1981, with vinyl siding. I've lived in that house through four hurricanes and the original siding is still on the house and looks good. Maintenance and upkeep is much easier than other materials such as wood which frequently has to be replaced.

Jennifer Sweed, 235 Oakland Court [phonetic spelling due to speaker not signing in]. We don't want high density housing here. That so many people turned out tonight for this speaks to that - for the schools, traffic and homeowners. The only people that make out are the developers.

Tom Fink, 375 Bear Woods Drive. I wish to relinquish my time to Vince [Margello] to respond to comments made about him.

Mr. Mayor: Let's hold that to the end, if you would.

Terry Hoppman, 8500 Northbluff Lane. I am not opposed to the project or rentals in Powell. I am asking Council to preserve what we invested in. When we bought our homes around Powell, we followed the rules.

- We heard that Buildings A will match up to other large buildings on Seldom Seen. On Sawmill, some of the businesses and other buildings are one or two stories. The only building that is larger is the other one we allowed a divergence/variance on. We create a precedent. Will the commercial buildings coming in then be 3 to 4 stories? How do we tell the next developer that wants to build 3 story apartments no?
- There are three choices available: table it, vote no or vote yes and risk having the City population look at what options we have to fight it.
- I ask Council to table this project.
- I believe that most Golf Village residents don't know this project is occurring because they thought the referendum vote was also about this project.

Tom Happensack, 127 Kellys Court. I am part of the group that has fought downtown development due to the traffic, but I do not oppose all development around the city. I do oppose annexing in lots of land to put developments on. My issue with this one is not necessarily the development itself, but with the variances.

- Traffic study shows traffic will get worse.
- The economic study shows that these types of residential developments cost the city net money.
- My concern is not about older people, but that older people generally do not support school levies or pay municipal taxes on retirement income.
- The majority is telling you that we want you to care about what you put in our city. We want a community that supports families and children, not what some consultant says we need. We don't need a community with a population of 60-70% old age, 55 and older [residents]. There are other places for that.
- I am worried about the precedent of allowing 3 story buildings and vinyl siding. We are letting developer control [the developments in our city] and not the residents.

George Haggard, 311 Bear Woods Drive. Some remarks have been made that the residents of Big Bear Farms do not support this development. The Board passed a petition around to the residents and the vast majority approved this. The Board has looked at the plan and attended many meetings. This plan has been thoroughly discussed and should be no surprise to anybody. We are the only residential units that actually touches this development. A lot of statements have been made without justification. We have discussed this project with Mr. Margello and all the residents were invited to attend, and he presented the plan. We believe this plan deserves our support.

Melanie Welsh, 8064 Hellingdon Drive.

- One big concern of Powell is traffic. To put in 308 more units could add 616 more cars.
- As previously pointed out, if \$2,000 per month is high rent. What are the lower rents going to be?
- Who's going to make sure that the rentals will only be rented to empty nesters and not families?
- I don't believe someone will spend \$2,000 a month for an apartment and not be able to decorate it as they would for a home.

Julie Meiers, 305 Park Woods Lane. There have been a number of us attending meetings since March, and it's only been the last two council meetings that we've had so many people against the idea. They didn't come to all the zoning meetings where they could have been effective in the decision-making process. I bought a

condo 5 years ago and at that time I heard there was going to be a movie theatre and pizza place going on the land [that this development is on]. Then I heard it was going to be a Batavia beer hall to the north. Two years ago, we had over 500 apartments [being proposed]. It would be better if the density was lower, but it is better than over 500 as previously proposed. In any growing town, you have to make compromises. I think they [the developers] have made some compromises. My fear is that if this is voted down, the next suggestion [for this property] will be a big box strip mall with acres of black top and lights on past midnight. I think this is a better plan than having a big box strip mall.

Karen Thompson, 283 Bear Woods Drive. I've listened to everyone here talking about what has been discussed and what hasn't. I've been to a lot of the zoning meetings. I would have loved to have seen all these people that are here objecting to this to have been a part of what took place at the P&Z meetings. Now that it has all passed, they've decided that they are going to come and object to it at this point. You have a warehouse on one side. You have a railroad track on the other side. What do you want to have between those two items? To me this is one of the nicest things that could go in there.

Thom Green, 8517 Trail Lake Dr. You don't have to be next to the development to be affected by it and I think anyone that lives in Powell will be affected by it. I don't think we should be afraid of what is to come in the future if this isn't put in. We will have some control over that as well. My biggest concern is that while it may be nice at first, they may not be able to fill the apartments due to train noise and then will have to lower the rent to get renters. We will end up with an empty building or with renters paying a much reduced rent.

Hearing nothing further, Mayor Hrivnak closed the public comment session.

Councilman Bertone: Vince, team, I want to thank you for all the cooperation in committee. I think you've taken into consideration a lot of the feedback the community has offered, as well as this Council. I think we are getting closer working toward a better understanding of what we need. I don't believe that we are completely there. Today, my phone has been ringing off the hook. We all have jobs we go to on a given day. I'm still getting emails and papers [on this issue], etc., and I personally don't feel that I'm in a position to vote on this today, just based upon the amount of data that I still have to sort through myself personally to feel better about it. I don't see any reason why we shouldn't discuss a table. I think it's worthy to continue the conversation to see what we can do to bridge further gaps.

Councilman Bennehoof: I have had conversations with Vince over the phone about the development. I've been very frank with you. I think I owe you that honesty. I do think this is a much better development than some of the things that has come before us. The density I could almost get past. I am still hung up on the age restriction. You're marketing to active adult clientele, but you have not considered age-restricting. If the property were age restricted in the deed, then the City would be protected in the event you would have to sell [in the future] for whatever reason. If the property were flipped, [and the new owner says] 'I don't care if I'm marketing to an active adults. I'll bulldoze the pickle ball court and put in a sand pit and volleyball court.' I too am in favor of tabling this until we can come to terms on a few more issues where we can get this development to a position where you can get the support of Council.

Mr. Margello: Did you read the amendment we passed out? You cannot take the pickle ball court out, or anything like that [Councilman Bennehoof: I did read the amendment. I understand that] without going back through the process.

Councilman Bennehoof: My primary concern is if it is an age restricted, age targeted development, then why not deed restrict the property? You and I have talked about policing that. Well you don't have to police it. If a renter is over 55, they can sign the lease. And if you want to have your college kid back - boomerang kid - I would want to her to live there.

Mr. Margello: You could not name one age restricted community like this in Ohio. You also just passed the Spectrum group without an age-restriction on that.

Councilman Bennehoof: That is a completely different format. I don't see the argument. Age restricting it in the deed is not out of line. It's done and I know it can be done. I know that there are age restricted developments even in Ohio - down near Cincinnati I'm aware of one. I've been in age restricted developments out east. I know they exist and that's my big hanging point. I can get past the vinyl. I know it's come a ways. You know all my grievances. I've listed them out to you more than once and in



this council room many, many times. I can't support it in its present state. I'd consider tabling it for further discussion instead of getting into a bind with majority/minority of Powell, so we can get to a spot where we can all agree that this is a good fit for Powell.

Councilman Crites: I agree very much with Jon and Frank's comments. We have had many good comments from the community. I've received a host of emails this afternoon as well as some other information I really haven't had a chance to digest. I feel that while we are making progress, I think it would be too early or premature to vote on this tonight. I think there are still a lot of questions that have been asked that we have not found answers for. I believe there are answers to many of those questions, but until we have those answers, I believe that we ought to table this matter.

Councilman Cline: I want to thank everyone that spoke tonight and those of you in the audience that applauded at the appropriate times for whichever view you favor. That was a point of feedback for me as well. I do want to address a couple of issues because it appears that there may be another opportunity to visit this vote beyond tonight. First, Mr. Margello is a representative of the applicant and it's not only his job and not only his right, it's his duty to communicate with stakeholders. Anyone that would impugn Mr. Margello's integrity for doing his job does not resonate with me at all. I would be very disappointed in any applicant who didn't go to the neighbors and say 'can we talk.' So, to the extent that you think that this would influence my vote, you're right, but not the way you would anticipate.

Second, I've heard again and again the statement that if this is passed it will inevitably result in overcrowding the school district. I would invite the people that say this to bring me the objective data to support that. The only thing I've seen is the Olentangy School Board study. If there's objective data that shows this is inaccurate, please bring that to me because I'd love to see it. If this accurate, then let's not waste our time talking about arguments that aren't supported by objective fact.

Third, I've heard arguments that every one of these apartments, if this is approved, will rent for under \$800 except the one that's going to rent for \$2,500. When we get to the appropriate point where we are actually going to vote on this, could you tell us what the rental price range is? I would like to know this because quite honestly if the majority of these are going to rent for \$600 to \$800, I would have a very different view of this project than if the majority of them are going to rent for \$1,800-\$2,400. Again, I'm persuaded by objective facts, not fear.

Fourth, there was a suggestion that there was some sort of a backroom deal regarding referendum and that this project has been put on an express train through the development process. I may be wrong, but I believe that there's been 12 meetings in P&Z, Council and other meetings within the City over an extended period of time. So the suggestion that this has been put on an express train and approved within a couple of weeks is simply not accurate from a matter of fact. Having said those things, I think there is a lot of truth to the position of those opposed to this when they say that the sentiment in the city of Powell is opposed to large developments. I think there's a lot of truth to that and I don't know whether that sentiment flows from lack of knowledge or if it's informed opinion. But we'd be foolish to ignore that sentiment because we had an election, and of the three candidates that won, I think two were in fact vehemently outspoken against it and one has been a very studied, careful challenger of whether this project is right for the city of Powell. So I do think it's accurate to say there is a strong sentiment against large developments in the city of Powell.

I also think there is a concern about vinyl. I appreciate the comments of Mr. Ratliffe that told us we don't have to be afraid of vinyl, it's okay. That makes me feel a little better, but I do think there is some concern that people are not being treated fairly if one development is not allowed to have vinyl and the next one is. I think that is a concern that is worthy of further discussion.

I'm still concerned about the size of this development and whether it is appropriate for Powell. I'm absolutely convinced that the spirit of this project is right and it's the right thing for Powell. I'm just concerned about the size. In the weekend newspaper, The Dispatch reported a story about rental units over \$3,000 [rent per month]. Now those units were in downtown Columbus, and those units were in areas that are far different from Powell. But, the point of that reference is to say that what we believe to be the norm, may not be the norm. But I do appreciate Mr. Miller's market study information. I think we can



benefit from further discussion. I'm still not sure where I stand on this, but I just want to stress to everybody my vote is going to be made based on facts, not on emotion, not on fear and not on name calling.

Councilman Lorenz: I will try to be brief because everyone has already said everything that's needed to be said. I agree with Rich on just about everything he just said. I appreciate what's been done with the parking. I think that helps. It gives more of a buffer and hopefully that will assist in the hydrology and some of Mr. Miller's concerns. I know it's at the opposite end of the property. That is just another offering that the applicant's trying to do to come toward the middle. I think that's what everybody's trying to do here. They've been through countless hearings. There's a lot of data here still to process that came in late this afternoon.

Getting the zoning text – I didn't notice anything under Item 2B about the pool. I think the pool should be considered an amenity. Is there a restriction on when kids can come to the pool? Is putting a time restriction in here something you guys can take a look at so that it can stay with through the lifecycle of the project.

Four people [council members] have talked before me. It seems to me that they are going to suggest that this get tabled tonight.

Councilman Counts: I've been a proponent of having flexible kinds of living in Powell for a long time because the demographics are changing and you see that individuals want flexibility in how they live in those spaces. The comment was made that twenty years ago you would never see people renting. People are renting now. It may not be your choice, but others find a need. The other issue I have whenever I look at any of these things is not about form, but about substance. We can talk about apartment living, but many of the ills that I've heard about apartment living are also true about single family homes. It doesn't make any difference. But it's about quality of those homes. The way you maintain a home is not to put a restriction on the property that only people that have an income of \$200,000 can live there. That's not the way you do things. The way you maintain that home is to have restrictions on the lot size or quality of materials you use. What I see in this particular development is that kind of selection process where you design the property so that you achieve the kind of resident that you are looking for. Clearly in this market, we need housing for that over 40, over 50 kind of group because they are leaving their single family home and they are moving somewhere. They may be moving to Florida for part of the year, investing in a place down there, but don't want to add to their resources by investing in an owned property up here.

We talked a lot about high density and that's an argument for another day. My issue is not necessarily density in units, but density in people and in cars. And when I think about this property, I think about what else could go on this property. What other kinds of uses could this property be used for and would it limit the number of people or cars that would be generated. Clearly if this were a commercial property, you would see lots of cars during the day and weekends. Other uses very similar. You could also potentially see it being developed as more single family homes and we know what that does to the schools and we know how many more cars that adds to the population. What I've seen in this particular project all along, and most particularly in the last two weeks, is the desire on the part of this applicant to limit the number of people and number of cars that this particular development can produce. And that is limiting children, limiting the number of individuals in a particular bedroom, creating the kind of amenities that attracts a group of individuals that generally have no one else living with them. So when I look at the substance of this, I see a limitation on people and traffic.

The other thing I see in a closer kind of development is that the people that live there don't want to drive to their friends, they want to be able to walk to that residence down the street. It's this kind of community that promotes this and I know that this happens in condo associations as well. My sense of this when you look at all the other kinds of developments that could go in here, is what is the most appropriate with the idea that based on what I'm hearing from residents is limitation of people and traffic? With the additional restrictions that the applicant has put on the property and with the design criteria that self-selects the kinds of people that would like to live here and the amenities that would produce the kinds of rents that would continue to maintain the property, I think we are here and I personally am ready to vote on this. The will of the group seems to be for a tabling. There is always room for improvement, but I think we've come quite a ways in this project and it satisfies that criteria of limiting people and traffic.

Mayor Hrivnak: I will conclude by trying to not be repetitious, but I would like to thank the people that spoke this evening as well as for their decorum. It shows we are interested in hearing both sides of the issue. In past council meetings, we've talked about several issues, and I think several have been addressed. On the school issue, we have data to support the school issue so I think that question has been answered. We've asked for some changes in the parking and I think that has been addressed – that there's more greenspace and less parking. I think the traffic issue has been discussed. I think the allotment here has made modifications to address traffic that would be created from there – there are roads being added, traffic signals, and deceleration lanes.

There are a couple things that we talked about that were a concern to Council that I don't think have been addressed yet. We talked about the vinyl siding issue and the fact that we'd like to learn a little more about that. Also there has been concerns about the density and building height. We heard about how the architecture was changed, but I don't know that we heard from anyone about adjusting building height, so I'm wondering if that issue is still out there for further discussion. Furthermore, I got a stack of papers that all came up today regarding this – emails and zoning text amendments and parking maps, and all those were at my place this evening. I had phone calls and emails all day today. I think that I personally need some time to digest this and find answers to these other questions. I am in support of voting at a later date so we have time to answer questions.

Councilman Lorenz: If we do table it, Vince. Can you bring us the material [Mr. Margello: We have it here]. Okay. Just leave it here please. Then that is really all I have. Then maybe everyone can get a chance to look at it.

Mr. Margello: We have heard all of your concerns tonight and we appreciate that, but again, we've been through twelve meetings and we have not fast-tracked this. I met with Messrs. Happensack and Ebersole, who was leading the referendum charge, months before I came in here and I explained the whole [unintelligible] and they agreed with me that this was no problem. That's why we weren't referendumed. What we are concerned with now is that we understand that you need more time to absorb [this]. What we would like to know is what your specifics are and whether we can meet the specifics. Again, it's my community as well as your community. In talking about the 3 story building, we all need to open our eyes and look what was just approved in Liberty Township across the street at Sawmill Parkway and Seldom Seen – a 4 story, over a hundred thousand square foot building and I only saw two people in there even talking about that at the Liberty Township zoning meeting. This property was in Liberty Township. I brought it to Powell for this reason: to be sure it was done correctly. Whatever your concerns are, please tell us, and we will see if we can...

Gary Schottenstein: We really appreciate the opportunity to present this community to you and you've been very fair with us. We think it will be one of the best projects in Central Ohio. We appreciate your high standards. We've been fortunate enough to development in many nice areas and we want to meet those standards. The final development plan was approved earlier and we haven't really changed anything, except we keep revising it with so called concessions to try to address the feedback from you. If you prefer to table it tonight because you haven't had a chance to study it all, that's okay with us. We're not going to say to vote for something tonight unless you're clear on it. We've agreed to have 40% of the units have no children whatsoever, 296 garages out of 308 units, many of them 2-car. No variances and all the divergences are for the better – better than the Code.

I have to also mention that we have been discussing the TIF that will bring millions of dollars to the community and the school district combined. The TIF will directly affect the park that you guys would like to build on Seldom Seen. I think the people at Golf Village will love that. If we do table it, I think we will bring the TIF in at the same time to get an approval on that. It's real important to us to go ahead and improve the roadways, improve Bunker Lane, put the bike paths in, add another traffic signal and actually be less traffic than what's already approved on the commercial retail zoning in Liberty Township. Thank you for your consideration.

Someone asked about our rents. Our rents are \$1,000 to \$2,400 per month. They are worried about families with children. To be able to move in with a child, those units will start at around \$1,500 a month, and so that's a pretty upscale rent. The resident paying \$1,500 to \$2,200 per month could buy a \$350K to

\$400 home with the same payment, so we're actually attracting a pretty high profile demographic. We believe people with children that could afford these rents will elect to move into a single family home instead.

We maintain our properties very highly. There's no deferred maintenance. One of the reasons you put vinyl siding in is you don't want to have property that looks bad. People that have put hardiplank in have bankrupted more condominium associations in Central Ohio because it's a constant paint job – or wood siding. With the best vinyl, you can't tell the difference between hardiplank and vinyl siding today.

We would like to get a vote at your next meeting on December 1<sup>st</sup>. We would like to not have additional hearings and no more public hearings since we've sat through two or three already and people are talking about items that have already been approved. We want to be fair and open minded and we pledge to you that if you approve this project, we will make it one of the top developments ever built in Central Ohio.

Mr. Hollins: If there is a motion to table, we like to ask the applicant to consent, so we appreciate Mr. Schottenstein's willingness to do that. One question, if we do want to bring the TIF discussion forward to Council at the same time, we have an upcoming Finance Committee meeting just prior to Thanksgiving and the packet will have to go out almost overnight. So we may want to consider doing this on the 15<sup>th</sup> instead of the 1<sup>st</sup>. We will probably be ready to work on the zoning on the 1<sup>st</sup>, but then the TIF would have to come back on the 15<sup>th</sup>.

Brian Schottenstein: Table to the 15<sup>th</sup>.

Councilman Bennehoof: I just want to be clear. All of these things that we've talked about as concerns have been voiced at every single juncture, so I don't think we're rehashing. I submit that it is a good plan to table it to a date certain. I would not make the motion because I would make it to the 15<sup>th</sup> so that Finance Committee can be met with and we can bring everything together and it's a done deal. I think that would be a better way to approach this.

MOTION: Councilman Lorenz moved to table Ordinance 2015-52 to a date certain of December 1, 2015. Councilman Cites seconded the motion.

VOTE: Y 7 N 0

**SECOND READING: ORDINANCE 2015-04: AN ORDINANCE APPROVING A ZONING MAP AMENDMENT OR 5.37 ACRES AT 185 N. LIBERTY STREET FROM CITY OF POWELL R, RESIDENCE DISTRICT TO CITY OF POWELL DR, DOWNTOWN RESIDENCE DISTRICT.** *Tabled from the October 6<sup>th</sup> meeting.*

Bob Hallapy, developer: Because it has been a long, arduous night – informative for sure – I would like permission to table my project to a date certain of December 15<sup>th</sup>.

Mayor Hrivnak: Can we move the hearing?

Mr. Hollins: Certainly. One thing we will do in the motion to table this matter can also be to continue the public hearing to Dec 15<sup>th</sup>. There may be folks that may not be present on the 15<sup>th</sup> due to the holidays [that came tonight to speak]. It's completely within your discretion as mayor to have very limited public comments if somebody is not going to be here. What we are commenting on is a 25 single family unit new plan that we are seeking comment on.

Mr. Betz: At prior Council meetings where we discussed the fact that the applicant was going back to P&Z to have them review a single family plan with this zoning map amendment. The P&Z Commission did look at a single family layout. They came to agreement on the number of units being 25, and that there shall be no road extension to the south, but there could be a stub road to the east for future extension to Liberty Street. This is the plan that was developed based on P&Z's recommendations to Council for a revised zoning map amendment application. These would be single family homes, they could be fee simple lots or fee simple buildings. That is not clear yet in what we will review for the zoning map amendment; however, the final development plan will come through with the type of housing

where specific details on what the houses will look like, etc. This the plan that is coming to you with your zoning map amendment based on P&Z Commission's motion that you have in your packets.

Mayor Hrivnak: Can you show us where this property is in downtown again to remind everyone?

Mr. Betz: The site's located off of Adventure Park Drive, which is the only access to this property. (Indicating). Here is Case Avenue and Depot Street, Sharp Street. Liberty Square.

Councilman Cline: I notice that the plan that is up there is labeled 'Illustrate Plan' and I assume that is because this is a concept at this point, not a final development plan? [Mr. Betz: That is correct]. It does, however, illustrate 50 by 100 foot lots. As I recall, that is similar to the size of the lots in the old village. Is that true?

Mr. Betz: There are 50 by 150 foot lots along Scioto and Case on the south side. On the north side of Case, they are about 50 by 300 feet.

Councilman Cline: So it's smaller than in the old village.

Mr. Betz: Yes. The 50 by 100 foot lots is what our minimum lot size is within the downtown residential district.

Councilman Cline: The other thing I would ask if anyone is here tonight to speak on this agenda item, that we give them the same three minutes we would give anyone else. I don't think it's fair to advertise this - people plan their lives to show up - and then tell them thanks for being here, but see you in a couple weeks.

Councilman Bennehoof: I would make an observation that this is less dense than it was the last time that we saw it, right? [Mr. Betz: Yes]. I think this works out to .21 acres per unit while down on Case and Scioto, some of those were .1175. I've done the math and a lot of research, so this is less dense than some of the old town. I know we have larger lots, but we have a lot of smaller lots downtown that this is less dense than. I just wanted to make that point.

Mr. Hallapy: I met with Messrs. Ebersole and Happensack and various folks in the community and that is why we made a conscious decision. It was a financial impact as well to reduce [density]. We made a decision due to concerns on traffic and density to reduce [density] to 25. I care deeply about Powell. We want this to be a win-win for the entire community. One of the reasons I am asking to table it tonight is that I've learned a lot from listening to Mr. Margello's presentation and I was taking meticulous notes and perhaps can make a few more changes to this. I am trying to find a middle ground. I want this project to move forward.

What else can this property be used for? It's walkable. It's out of the way. It's by the railroad tracks. We identified a need - empty nesters that don't want to leave Powell. This is a community without kids. This is not a detriment to the schools and traffic. The people along Case Street came to the last P&Z meeting to voice their opinion in opposition to the Depot Street extension. P&Z made a decision that we're not going to run the road all the way through because of traffic.

Mayor Hrivnak opened this item to public comment.

Brian Ebersole, 215 Squires Court. Going back to the Charter amendment that we had banning apartments, condos, high density housing in downtown Powell area. And then as we've gone through Harper's Point condos going in, I think it was reiterated that what the people are trying to say with that vote is that we don't want any high density housing in the downtown area. Now touching the border of the no density housing ban - and we voted that down - this is the exact same situation, it's just north of that same property. We're rezoning land to put high density right on the border of the high density housing area. This ordinance is just to rezone land, so that feels a little reckless to me. Why don't we have a final development plan to go along with this rezoning? As Bob said, I met with him. On the exhibit, it states that part of the rezoning of the land was 25 units not built in the stub road to the south and continuing the stub road to east. What was missing if you go with that without a final development

plan, is the remedy if that doesn't happen. To help with that I have verbage here [Exhibit 5]. We could put this [language] into the exhibit to remedy it. [reads the exhibit]. I know that may sound extreme, but I think we could completely avoid that by putting the final development plan together with this ordinance.

Tom Happensack, 127 Kellys Court. To piggyback off Brian's remarks, our concern is that you rezone the land and then all the sudden a different plan comes up. If you've already rezoned the land, it makes it much harder for us to voice our opinion and be heard. I've been to P&Z plenty of times and I've not seen you turn down one thing yet. It's hard for us to oppose. We still oppose high density housing in whatever format it is, not because of high density housing necessarily, but because of traffic. In this case we are putting houses up. I know we say they will be for empty nesters, but no one is willing to state that as a fact and put it into the deeds. I'm here to protect that this project doesn't turn into something different than what is brought to you guys, such as the road extension. The property is already zoned for 1 acre lots, which would be about 5 houses. We are not opposed to the development, just certain kinds of development. You ask us to take a risk that you rezone the property, we decide not to referendum that, and then all the sudden the plans change. We ask that you put something in there that narrows the possibility down or you leave us no choice but to referendum.

Tim Voss, 80 & 90 East Case. I believe that there is an opportunity for compromise that everyone can live with. I believe that if the property were to be proposed with the same sized lots that are on the border of that property, which is 3 per acre, then no one would want to referendum it and it would make this whole issue go away. 3 per acre would be 15 houses on that piece of property. We are pleased that P&Z decided not to extend Depot Street, but I believe that if you make this 15 instead of 25, you may have something that wouldn't be discussed for referendum.

Scott Miller, 6075 Liberty Road. I own five lots on Case Street on the south side with a minimum depth of 145 feet. Mr. Voss is on the north side and those are 300 feet. I heard the comment that this 50 by 100 is probably comparable to some lots in Powell. That may be true. I'm not aware that it's comparable to any of the lots on Case Street. I appreciate the developer being open to suggestions and so that is why I decided to come forward. It seems to me that we are looking at a City concerned about density, traffic and the impact upon the schools. And while 25 units may not appear to impact much in the overall scheme of things, every development does impact these things. We already have this zoned at 1 unit per acre. It seems like the transition from 300 foot lots and to 100 foot lots is still too high of a density due to the traffic congestion problem and school problem.

Elizabeth Kellough-Voss, 90 E Case Street. I have been here before and I got the feeling that some people were feeling like we were saying they thought we were opposed to change. Following up on Scott Miller's remarks regarding the size of the lots, it seems to me that Adventure Parkway is a natural break between our lots and what goes over. I do think traffic will still be a problem. We talked about safety before over there. In terms of accepting what P&Z recommended, I have concerns with that. Even though I wasn't at the meeting I understand there were only 4 members there instead of 7. It did pass, but I was told it passed with some great concern about what was happening. There was some discussion with Vince [Margello's] project about setting a precedent, and I have concerns about that too [with this project] with acreage behind us. Mr. Hallapy has been listening to us and I appreciate that. I think you will have a tough sell along the railroad tracks [due to noise]. What could go there? Maybe a community center – something to tie in with what's going on with Adventure Park.

Mr. Hallapy: I made a mistake with the date and will not be here on the 15th. With all due respect, I want to be on the agenda for the 1<sup>st</sup> [of December].

Hearing nothing further, Mayor Hrivnak closed public comments.

Councilman Counts: I am concerned about this development based on the discussions we've had on the traffic issue. Those of us who have really delved into the traffic study know that there is not an easy traffic fix for the City. But as we have learned in that study, there are some things we can do to make the situation better. That involves turn lane restrictions and finding some way to get through the downtown for our businesses. One of the things that is identified in that study is this parcel. I know that there are some people here who don't feel that this is appropriate. But I sure want to have a discussion

about how we fix the traffic problem, if we can, before we start putting developments in that prelude us from doing this. I'll harken back to Bennett Parkway and what was intended there. Because of political pressure, things changed and suddenly we've contributed to this problem that we have today. I'm not interested in having a discussion at the next meeting on this property regardless of how good it is – that is not the issue. It's that I want to do things sequentially that gives us flexibility. Because if we suddenly approve that and don't have that access going, I'm not sure what we're going to do.

Councilman Cline: Tom, you are absolutely right. I was on the vote for Bennett Parkway. That was a conscious decision. Gary was aware that there was a plan in place and Bennett Parkway was supposed to go across the railroad tracks and it was going to connect Murphy Parkway and it was going to be the alternative bypass. I was opposed to that because it was going to be a 60 foot tall overpass and I didn't feel that matched the aesthetic of the Powell community. There is absolutely no doubt that my vote to put houses on Presidential Parkway effectively killed the Bennett Parkway connection, and has had a detrimental effect on traffic in Powell. No question about that. Every vote that we take on a development issue has an impact on traffic in Powell – sometime detrimental and sometimes it's beneficial. I don't think it's right to hold a parcel hostage to a solution that we have not been able to identify. One of the concerns I have about this parcel is that the extension to Powell Road is, in fact, one of the recommended fixes – a subset circulator system and it's the very thing these residents are here to say 'Dear God, please don't do that.' So we have to balance the residents' concern with the greater community concern. If your objection is that when we vote on this in a couple of weeks, it has to have a prohibition on that road ever connecting, I share that concern. If your concern is we can't vote on this because we don't have a plan to fix traffic, I think that's chasing a dream that doesn't exist. I don't think it's fair to anybody to hold their development hostage to the development of a plan when there is no game plan to have an instate. I challenge the people in the room - Messrs. Happensack and Ebersole, I saw your signs that said 'Fix traffic first.' Tell me how to do that. Send me an email and tell me exactly what that instate looks like so that I know what our goal is. And that, if we had a community consensus that said the instate looks like this, then we'd be able to tell these residents, look, I'm sorry, the community wants that connector, or they could say to us, sorry Council, the community does not want that connector, but we would know. We don't know that today. I'm concerned that your comments not be misunderstood to say we can't do any development because we don't have a fix for traffic.

Councilman Counts: No, I'm talking about maintaining flexibility so that if we chose to do that, we can do that.

Councilman Bennehoof: You said it very well. We need to be making fact-based decisions, not emotional-based decisions which we've been held hostage to. Are we talking specifically about the Depot Street extension? I know that this is an unpopular thing for the people that live right there. Bennett Parkway was unpopular. Murphy Parkway's unpopular. Everything is unpopular to somebody. I agree about flexibility for Depot Street, but we're slapping Mr. Hallapy back and forth and I don't really see an arrow off to the east as an advantage when Adventure Park Drive is right there. The point I want to make is that the traffic problems in Powell are regional, not local. We are impacted by the region and people need to start understanding we can't wave a magic wand and fix anything unless we wipe out downtown and make Powell Road a 5 lane highway, which would fill right back up. The community needs to come together to make fact-based decisions. I heard somebody say that it's high density housing. Brian and I live in high density housing then. I live in Golf Village. My lot is not a lot larger than that lot. Those are .21 per acre. Mine is .25 per acre. I don't get how that is high density.

MOTION: Councilman Cline moved to table Ordinance 2015-04 to a date certain of December 1, 2015. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2015-57: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO STRAWSER PAVING COMPANY, INC. IN THE AMOUNT OF \$\_\_\_\_\_ FOR THE MURPHY PARKWAY EXTENSION AND DECLARING AN EMERGENCY.**

Mr. Lutz: This is an item that was reviewed by the Operations Committee before tonight's meeting. I would recommend that in the first blank in the amount of the fill-in, \$2,004,386.79 cents. And then under Section 1, we include Alternates 2 and 3. This project has been a long time coming. The completion of Murphy Parkway has been worked on for almost the past 20 years. This extension will provide a mini bypass around the Four Corners on the southwest corner. In the southeast we have a bypass which is Bennett Parkway. On the northeast we have a bypass that is Grace Drive and on the northwest, we have a bypass with is Seldom Seen to Sawmill Parkway. This is another alternative to help with the traffic.

In November 2012, the voters approved the extension of a levy which has provided the City with 7.1 million dollars for specified capital improvements. In addition to the construction of Murphy Parkway, that levy provides funding for bike paths, road improvements and beginning construction of the park at Seldom Seen Road. We estimate that we will probably have about 1.5 million dollars for Seldom Seen Park after this project is completed. This past year we've held numerous public meetings as we designed the road and we received feedback. The biggest change in the plan, as a result of the feedback, was the addition of landscaping. We received seven bids for this project. Three of the lowest bids were within \$40,000 of each other. We are not recommending Alternate No. 1, which was parking lot improvements at the Lechler Building. What Staff is recommending is that we don't award that bid at this time, but revisit this bid in the spring or summer once the construction of the road is underway and we'll know what kind of change orders we've incurred and to see if that is something we truly want to fund. Alternate 2, which is in the amount of \$8,498, is the traffic signal improvements at Murphy Parkway and Olentangy Street. That's going to be the installation of the new phased head additional loop detectors and will make traffic run more efficiently and improve the flow. Alternative 3 we are also recommending funding, in the amount of \$40,570.66 and that is substituting a galvanized steel guardrail for a wood guardrail system. At Committee, we had photos of that and from the aesthetics standpoint, it looks much better. This is in a residential area and there is 700 feet of guardrail.

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

MOTION: Councilman Cline moved to amend Ordinance 2015-57 to add in the title where the blank is to insert the numeric designation: \$2,004,386.79 and in the first blank in Section 1, insert the words 2 and 3. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved to suspend the rules in regard to Ordinance 2015-57. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2015-57. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2015-56: AN ORDINANCE TO ACCEPT THE PROPOSED BUDGET, AND TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF POWELL, DELAWARE COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016.**

Mr. Lutz: Debra and I will keep our comments brief. This is the proposed annual budget which has been reviewed page by page by the Finance Committee at earlier meetings in September and October. Before we get into this budget, I think it is only fair to acknowledge Rich Cline. Rich has been on Council for 20 years and when he was elected to Council, the City's budget was truly 5 or 6 pages and not balanced. Twenty years later, the City is in very good shape financially. Much of the credit goes to Rich and the fellow Finance Committee members. A few years ago the City of Powell achieved a triple A bond rating, which only a handful of communities in the state of Ohio have. So, Rich I'd like to thank you for the timeless effort you have put into this budget.

Councilman Cline: Steve, thank you and I will tell you that all I did was nag. The heavy lifting was done by Staff and others that have worked on this over time have done a fantastic job.

Mr. Lutz: It's a balanced budget. It's not exactly balanced, but in reality, we always over estimate our expenditures and underestimate revenues. Historically we always spend less money than we take in.



The budget continues to provide services and programs for our residents and it keeps the City up to date with best practices. It also keeps the City's income tax rate as the lowest in central Ohio and one of the lowest in the state of Ohio. The majority of municipalities have a 2 or 2.5% income tax. Ours is at  $\frac{1}{2}$  of a percent. What this budget does not accomplish is to provide us with reliable and ongoing funding source for capital improvement projects. Our roads and sewers are aging and we constantly are trying to figure out ways that we can maintain what we have. About 10 years ago, the voters approved a park levy to build all our parks, but because they were all built at the same time, they are all are aging at the same time now. That is something we will need to be diligent about and address.

Debra Miller: The budget continues to be the same as in previous years. (indicating)

- Introduction (perspective of our city).
- Overview (where the city gets its revenue and how it spends its dollars).
- General Fund Summary (historic and projected financial position of the city).
- Department Budgets – General Fund (each department's allocations).
- All Other Budgetary Funds (any specialized funds and what we will do with them).
- Capital Summary (how the city maintains rates, replacement of capital equipment & infrastructure, and 5 year projection).
- Appendix.

Mr. Lutz: What we are going to take a look at here are our revenue projections. We are estimating our revenues next year to be 7.6 million dollars. If history holds correct, we'll actually receive more than that. 70% of our revenues are from our income tax. 20% of our revenue comes from development fees. (General Fund Summary slide). What we are proposing for our budgeted expenditures will be \$7.9 million, and while that is slightly higher than the budgeted revenues, we anticipate the expenditures to be less than what is budgeted. That maintains the City with the fund balance in the \$6 million dollar range.

Ms. Miller: (Income Tax slide). This gives you a snapshot of what is being collecting for the last few years and what we're projecting in the future at this moment. We're projecting for 2015 a 4.1% growth, so we are well under what we've been collecting in past years.

Property Tax is usually our second biggest revenue source. (Property Tax slide). Projections are from the county auditor, we are looking at a 4.6% increase next year due to combination of new construction and fair market value increases in 2016. 2017 is an internal projection. In 2018 and 2019 we expect very little growth.

Mr. Lutz: (Development Fees slide). Approximately 20% of city's revenues come from development fees. Pre-recession we were generating \$800K to 1 million dollars a year in development fees. When the recession hit us, we dropped to the \$300K range and have worked our way back up. We anticipate that to level off. The City of Powell and Liberty Township have entered into a mutual agreement where we serve as their commercial building department. That benefits the City in that it provides us some additional revenue and it provides a great service to Liberty Township in that they receive the inspection services that our inspectors are able to provide.

Ms. Miller: (General Revenue Summary slide). The general fund is where about 90% of all activity happens in the City – it's the City's operating funds. Our projection is in the \$7.5 million range for the General Fund. We expect it to grow slightly over the years to \$8 million in 2018 and a small decrease in 2019. In 2019 I am projecting our development revenues to slow down. It can be adjusted as we get closer to that time, but it helps us in future planning for things like the need for staff increases and the timing for those things as we can afford them.

(2016 Revenue slide) is what I'm projecting. We are looking at property and development to be 20% together.

Mr. Lutz: (Expenditure Summary slide). We are breaking down the budget into operating and non-operating expenditures. Operating expenditures are the costs associated with the day-to-day activities of the City. Non-operating costs are capital equipment expenditures. On the next page we break out expenditures. As with any municipality, the lion's share of our operating expenditure are actual

personnel costs.

Ms. Miller: I will bring your attention to Central Ohio Risk Management Association line. That is a pool that we belong to with 7 other municipalities for our risk management liability insurance. We've been able to maintain the same budget for about seven years now for that cost. It's been well worth our time to belong to this organization.

The City spends 53% of the general fund for police, parks and public service.

Mr. Lutz: (Budget Highlights slide). One of the things the City has been able to do over the years is create several reserve accounts. The Bond rating agencies demand this to issue high bond ratings to the municipalities. We have a general fund reserve which is a rainy day fund. These are funds that are to be used only in emergency situations. We have a goal of maintaining that fund at 15-20% of our General Fund expenditures. In 2016, we will be adding an additional \$32,500, which will place our reserve fund at \$1 million, fifty thousand dollars and puts us at the middle of our range.

About every 11 years we have a 27<sup>th</sup> payroll due to getting paid every other week. That is a significant impact on our budget. As a consequence, we fund that extra payroll by saving a small amount each year. We also maintain an absence reserve fund which allows retired employees to cash out on unused vacation leave.

We will be making a greater use of videos and graphic standards. We are also looking at not printing Powell Quarterly four times per year due to expense and the fact that we have a much high subscriber rate for things online. Parks & Rec will be taking over a third pond and maintaining that. We will be budgeting funds to control the algae. We are providing the funds necessary in the budget for a full time police officer by mid-year next year, and to replace our unmarked police car.

Ms. Miller – (Capital Maintenance slide). We've heard a lot about a street maintenance program. We are continuing that program at \$750,000. We have also budgeted \$77,500 for a joint project with the township on Old Sawmill Road. Liberty Township is working on a grant. We had the allocation this year but it didn't come through, so we are re-budgeting it for next year.

(Capital Improvement slide). Capital improvements that have been put into the budget by the fund.

- Downtown TIF, we've annually been budgeting \$15,000 to maintain our brick sidewalks and pavers. \$5,000 for streetscape, meaning new trashcans, new benches and other replacements. \$350,000 for engineering for a project that is going to come out of the Operations Development Committee for transportation.
- Sawmill Corridor TIF fund – partial repayment to advancement by the General Fund. Murphy Parkway construction fund.
- Bond Fund – This is for the voted debt for the Murphy Parkway connector, bike path improvements, drainage/culvert improvements and Seldom Seen Park and park improvements.

Gene will talk about the budget approval process and any amendments or changes that you have to make. We need to hear about them tonight or extend the budget meeting.

Mr. Hollins: If we make amendments to the budget at a second reading, we need to take it to a third reading before it can be voted on.

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

Ordinance 2015-56 was taken to a second reading.

**FIRST READING: ORDINANCE 2015-55: AN ORDINANCE AMENDING THE RULES AND REGULATIONS OF THE PERSONNEL BOARD OF REVIEW.**

Mr. Lutz: This is recommended by our Personnel Board of Review. It's regarding the eligibility list. Testing is now being handled entirely offsite. Individuals can take one exam for the police department and that exam is universal for most of the surrounding police departments. It is easier to administer and is more cost effective. The rules change is regarding how long we will maintain the eligibility lists and gives the board a little more flexibility to close out the lists or start a new one.

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 2015-55. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2015-55. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

#### **FIRST READING: ORDINANCE 2015-58: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2015.**

Mr. Lutz: This \$45,000 appropriation comes out of the Keep Traffic Moving initiative. City Council has been meeting since August twice a month to review and address traffic issues in the downtown. What's being proposed is to engineer the construction of two traffic signals – one at Grace Drive and Liberty and one at Grace Drive and Olenfany Street.

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 2015-58. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bertone moved to adopt Ordinance 2015-58. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

#### **COMMITTEE REPORTS**

**Development Committee:** Next Meeting: November 4, 2015, 6:30 p.m.

**Finance Committee:** Next Meeting: Tuesday, November 10, 2015, 7:00 p.m.

**Operations Committee:** Next Meeting: Tuesday, November 17, 2015, 6:30 p.m.

**ONE Community:** Next Meeting: Monday, November 9, 2015, 7:00 p.m.

**Planning & Zoning Commission:** Next Meeting: Wednesday, December 9, 2015, 7:00 p.m.

**Powell Community Improvement Corporation:** Next Meeting: TBA

#### **CITY MANAGER'S REPORT**

1. Included in your packet was a notice from the State's Division of Liquor Control notifying us that all of the liquor permits within the City will expire February 1<sup>st</sup> and asking if we wanted to conduct a hearing on any establishment. The Police Chief has had no problems with any establishments, so we don't have any need to have such a hearing. Unanimous agreement by Council – no hearing needed.
2. I assume that we will put off Board and Commission appointments to the December 15th meeting. Should we put that off? Unanimous agreement by Council.

#### **OTHER COUNCIL MATTERS**

There were none.

## ADJOURNMENT

MOTION: Councilman Cline moved at 11:30 p.m. to adjourn. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MINUTES APPROVED: December 1, 2015

  
Jim Hrivnak  
Mayor

Date

12-14-15

  
Karen J. Mitchell  
City Clerk

Date

12-15-15



### City Council

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Mike Crites

Richard Cline

Brian Lorenz