



City of Powell, Ohio
City Council

MEETING MINUTES
December 1, 2015

CALL TO ORDER/ROLL CALL

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, December 1, 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; Debra Miller, Finance Director; Megan Canavan, Communications Director; Eugene Hollins, Law Director; Steve Lutz, City Manager, Karen J. Mitchell, City Clerk, and interested parties.

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.

PRESENTATION: MID OHIO REGIONAL PLANNING COMMISSION - Metropolitan Transportation Plan and Active Transportation Plan – Amelia Costanzo, Principal Planner

- MORPC is a voluntary association of local governments and other constituents that focus on innovation and collaboration related to policy, environment, transportation, land use development, and other matters.
- Metropolitan Transportation Plan (MTP) is a long-range planning guide that brings together local governments from around Central Ohio and other local, state and federal agencies to identify and coordinate transportation goals and policies over the next two decades. The MTP will identify transportation needs, strategies, projects, and provide the basis for how federal transportation funding will be spent to improve highways, transit, freight, bikeways and pedestrian facilities.
 - Meant to prioritize transportation and infrastructure projects that MORPC funds for local communities.
 - Look 25 years ahead to identify projects in Central Ohio that they can potentially fund.
 - Look at the infrastructure/transportation/capital improvements of local communities such as Powell and projects the community is intending to do, get a list of projects and put them onto an interactive online map.
 - Provides for public input on suggested projects and to provide suggestions for their own projects.
 - MORPC evaluates projects and picks projects to finance based on regional need/impact.

(Exhibit A) is also available at the website as an interactive map at: www.MORPC.org.

- First ever Regional Active Transportation Plan. This is not federally mandated, however, the federal gov't does fund bicycle, pedestrian and transit facilities. MORPC wanted to plan for them on a regional scale, so they put together this resource to facilitate that.

APPROVAL OF MINUTES – November 17, 2015

Councilman Bennehoof requested a correction to the minutes.

MOTION: Councilman Lorenz moved to adopt the minutes of November 17, 2015 as amended. Councilman Crites seconded the motion. 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. Tabled from the November 17th Meeting.

Mr. Lutz: The developer sent a written request requesting that this item be tabled to the December 15, 2015 council meeting.

MOTION: Councilman Cline moved to table Ordinance 2015-52 to a date certain of December 15, 2015. Councilman Lorenz 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 November 17th meeting.*

Steve Lutz: This has been through P&Z and development. Dave Betz will review this rezoning.

Dave Betz: The zoning map amendment that was originally submitted contained multiple number of things that have been changed and I want to go over that so you know what the general history of this has been through P&Z at two different times. The original proposal had one, two, three and four family buildings in a configuration much like this (indicating) with private streets with a public road going through from Adventure Park Drive to its southern boundary (indicating). The property is located just north and west of the existing downtown residence district and this would expand that district and do a village residential type condominium development here.

Since that time, the Applicant asked to go back to P&Z with the input they had received with a single family plan that includes various private streets, and an access through alley way to get to rear garages. This was taken to P&Z, and after much discussion, ended up with a plan that looks like this (indicating). P&Z did not see this particular drawing, but they did approve and recommend to Council a zoning map amendment with three conditions that are established within the body of your Ordinance that:

- There should be a reduction of units from 29 to 25 on lots that are an average of 50 x 100 feet in size – which is the minimum allowed in our downtown residence district zoning;
- Eliminated a stump street to the south at Depot Street in place of the Depot Street extension; and
- There shall be a continuation of a stump street to the east which could eventually go through this property out to Liberty Street directly across from Sharp Street.

This is what P&Z is now recommending to Council. The final plans for what the houses will look like, street sizes and dimensions of everything, will come through at the final development plan, which will also have to go through P&Z and City Council for review and approval if this zoning map amendment is approved.

[Indicates location of property on Google map].

Mayor Hrivnak: What are the lot sizes on Case and Scioto Streets?

Mr. Betz: On Scioto Street they are approximately 50 x 150 feet on both sides, with a couple smaller lots near Depot St. On Case Avenue they are 50 x 100 on the south side and about 50 x 300 feet deep on the north side. This area was platted in about 1900.

Mayor Hrivnak: And do you have future plans in that area? Is there another street planned north of Case?

Mr. Betz: There would be nothing in between Case Street and Adventure Park, except for this stump road that would go this way (indicating) and create a way to get to Grace Drive eventually.

Councilman Cline: The proposed development would be approximately .21 acre lots, is that a correct calculation in round numbers? [Mr. Betz: Somewhere in that region, yes]. How does that compare on a lots per acre to the existing homes in the old village area? I know the lot sizes are different but I'm having trouble doing the translation.

Mr. Betz: I'd have to do some calculations to answer that specifically; however, if you take the number of lots in here – many of which are vacant which could be developed into single family homes - they are about the same overall.

Councilman Cline: The 300 foot lots, they are the largest of the old village lots, right? [Mr. Betz: Yes.] So those would be a quarter acre, 1/3 of acre? [Mr. Betz: They are 50 x 300 feet which is 15,000 square feet, so about 1/3 of an acre]. So these are a little more than 2/10ths of an acre? [Mr. Betz: Right.]

Councilman Bennehoof: Other lots in the village are .17 of an acre on the research that I've done - the smaller ones down south a little bit more. Did I understand you to say that it was going to be a private road?

Mr. Betz: Yes. At this point, all the streets within this would be private streets owned and maintained by the HOA.

Mayor Hrivnak: Would they be built to public standards?

Mr. Betz: There are no standards set up for that yet. If they were built to public standards that would be something above what we usually require for a private street.

Mayor Hrivnak: But with the idea that someday they would extend, it would behoove us to do that.

Mr. Betz: At this time, the only way this would be able to extend would be to not have that house there (indicating) and go south. To extend to the east, if you wanted these to be public roads, we'd have to figure it out in the design of the final development plan. Notwithstanding that, if to the east these are public and these are private, we do have similar situations where we have condominium developments – those are all private streets and you have quite a few properties and houses on those.

Mayor Hrivnak: Rich, to follow up on what you were talking about, the calculation that you ran on this neighborhood would include the gross acreage and we were comparing it to a single lot size in Dave's calculation, so you took the streets in when comparing to a single lot size, so it may be a little different. The lots are probably smaller here than what you may have roughed out.

Mayor Hrivnak opened this item to public comment.

Tim Voss, 90 E. Case Street:

- The people have voted down high density housing twice in the downtown area and I believe this is still high density housing. It's currently zoned for 5 houses and this puts 25 on it.
- Four reasons not to let heavy traffic come down Depot Street [Exhibit B]:
 - Streets too narrow for two cars to pass [16 foot roads].
 - 10mph limit is already not followed.
 - Deaf persons live on street.
 - Pedestrian street that will become a thoroughfare.
- [Reads from old Comprehensive Plan regarding traffic for the village area].
- P&Z looked at presentation of narrowness of streets and voted 4-0 that the Depot Street extension is a bad idea.
- Concerned that dramatic changes could be made after Council approved zoning map amendment.
- [Reads from last P&Z minutes].
- Would like Council to use the added language about the downtown area from the comprehensive plan and not approve Depot Street if the other plan moves forward.

Tom Happensack, 127 Kellys Court:

- If the plan is approved tonight, we would like to have some amendments that say if this property is rezoned prior to the final development plan, then should that final development plan change/vary, the zoning resorts back to the residential that it is today. That will protect the citizens from approval and change on the backside.

Brian Ebersole, 215 Squires Courts:

- Thinks it's confusing that we are talking about this plan when it's not even part of the amendment that we are approving/discussing tonight.
- We are rezoning land. This property could be sold and there would be a new plan that could change the plan because there is no final development plan. There would no remedy/protection if things

should change.

- Passed out verbage at the last Council meeting about not extending Depot Street, having a stub road to the east, and keeping it down to 25 units.

Garry Swackhamer, 76 Scioto Street:

- [Mr. Hallapy] will build us a very good complex.
- Commends the reduction in density and has no problem with the 25 units.
- He doesn't like the extension of Depot Street.
 - Thinks it will increase traffic from people using it as a cut-through.
 - Seldom Seem and Rutherford as an alternative routes in lieu of an old, downtown subdivision.
- Asking to preserve the last part of the old village.
- Asks to be tabled until the final development plan is done and it is all approved together.

Scott Miller, 6075 Liberty Road:

- We appreciate the developer and he has been good to work with.
- Still concerned about density and [the extension of] Depot Street.
- In the Comprehensive Plan at Exhibit 3.16 – there is a dash line for Depot Street's extension, but there is a note on that same page - page 73 of the Transportation Plan – locations of new alley and parking lot connections depicted on this map are intended to be general in nature and do not necessarily depict specific alignments. Before any new connections are advanced, they must be evaluated more thoroughly at a design detailed level to ensure objectives for enhanced circulation and access management are achieved. Cross access easements may be necessary for some connections and will require a thorough study and coordination with affected property owners. This graphic provides a starting point for this analysis. This is a guideline not a concrete plan, but the biggest concern of the neighbors in this area is the additional traffic.
- Why would we want to put 25 more units on these streets when we are already too congested? It will put more pressure on Case and Scioto Streets.
- There was an engineering study done by the developer. In the study, it says that of the traffic circulation, 15% will go north, 30% to and from west, and 55% to the south and east. That is doesn't include through traffic.
- Appendix to the Comprehensive Plan – single family homes: 9.52 trips per day is what it says.
- For those reasons, why are we permitting the density that is proposed when we are already congested? Why are we doing Old Powell as downtown residential? It may be better to be planned residential project.

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

Mayor Hrivnak: Gene, can you review for us the sequence of these ordinances? Tonight we are looking at a zoning amendment and then what might we see next and what might we see next after that and how are they related? Do they all depend on the next?

Mr. Hollins: Our downtown residence district is a combination of the straight district, the DR district, an overlay district, the DD district, and DB makes reference to the procedures to be followed, like our planned districts. There has been a long history of zoning in the downtown area, but it's not so clear when it comes to adding land to one of our downtown districts. We've treated it as if it's a planned district in essence and the final development plan. For that reason we will come back to Council. But as with other planned districts, a lot of the final development plan features have to be done only after you've done full engineering on the project and you can't really change much at that point. You'd have to reengineer the whole thing to make it work. We decided it would probably be best if we give Council this opportunity to weigh in at this juncture as well. So it's before you at what is clearly the legislative step. If it were to be approved, it could be subject to referendum. If it were approved and the final development plan comes back up and there are concerns that the residents may have that it could be changed dramatically, there is a remedy. It's not necessarily going on the ballot at that point, but certainly there is court oversight over anything we do on final development plans. They have to be consistent with what we earlier approved. In terms of going forward, it would go back to P&Z for final development plan approval and that could be forwarded back to Council for your review and approval.

Mr. Betz: The final development plan would have to be consistent with this plan. If it's not consistent with this plan, the P&Z Commission has nothing else to do but turn it down.

Mayor Hrivnak: If it were to be approved today, it would not be contingent upon the final plan. If the final

plan's disapproved, then the zoning still remains changed?

Mr. Hollins: With this plan as the basis of that zoning. That's the planned district feature of this overlay.

Mayor Hrivnak: Because this is a part of a planned district, then it rides along with a zoning change, so we wouldn't see anything substantially different from this?

Mr. Hollins: It would have to go back through the complete process. As if it was a complete rezoning again.

Mr. Betz: The other reason for it to go back to the downtown residence district is that the further architectural controls to make this a consistent development in terms of our architectural guidelines as the downtown historic district guidelines which are followed when the current Case and Scioto Street area gets renovated or anywhere within the downtown historic district area. They would have to follow the same guidelines with this project.

Councilman Cline: Gene, I'm going to ask you to explain again what I think you have just explained to the Mayor because I didn't get it. What is it in [Ordinance] 2015-04 that requires the Applicant's plan for final approval in P&Z mirror what we see on the screen?

Mr. Hollins: It's the feature of the Downtown District Code which says that the procedures will be governed by our Planned District Code procedures. District Code procedures then require a preliminary development plan stage and usually that doesn't come up to Council right now under our current Code. On this one we knew Council may want to have some insight on this at an earlier stage.

Councilman Cline: Am I hearing you say that what I'm looking at on the screen is the preliminary development plan? [Mr. Betz: Yes].

Mr. Hollins: For this particular DR piece of property.

Councilman Cline: And that is what was properly identified as the preliminary development plan in P&Z minutes and that's why we can have confidence that when it comes back to P&Z this is what they are going to refer to?

Mr. Hollins: Yes. Their basis for recommending to Council that this be rezoned to DR is based not only on this plan but on specific conditions reflected in this plan.

Mr. Betz: And the original binder you got with the original submission of the multi-family and anything that doesn't reflect the original 25 units is included. Section 1 in your ordinance sets forth that here is what they've approved and this is the layout that the developer put together after P&Z Commission's recommendation to you to show you P&Z's request. This would be attached to your ordinance. If the final development plan comes in and it's not like this plan, P&Z has nothing to do but disapprove it.

Mr. Hollins: Or to recommend that Council disapproves it.

Councilman Cline: So the Exhibit B language in Section 1 is what incorporates that prior [Mr. Betz: Yes, this is Exhibit B] [multiple speakers – unintelligible].

Mr. Betz: And Exhibit A is your folder that was already provided.

Councilman Cline: And it's been pointed out that my rough calculations didn't take into account the detention pond or the streets, and they are absolutely right, they did not. So the actual lots themselves, if you were to take each one of these and put them on an individual lot, would be approximately 1/10th of an acre. Am I hearing that correctly?

Mr. Betz: The smaller ones are. There are some larger ones that back up to the pond. The smallest is 50 x 100 and that's in our downtown residence district as a guideline to follow.

Councilman Cline: The 1/10th of an acre lots that are currently in existence are on the southern part of the downtown and this would about lots that are roughly 50 x 300.

Mr. Betz: Yes. These are directly adjacent to the lots that 50 x 300. There are six of those.

Councilman Cline: And the 50 x 100 lots would be directly adjacent to the existing 50 x 300, in round numbers?

Mr. Betz: Yes.

Mayor Hrivnak: Are there other 100x50s in the downtown?

Mr. Betz: There may be a few. It's split out as part of other things. These are smaller here along Scioto Street (indicating).

Councilman Cline: The last question I have is, Gene, you made mention of court oversight. If the final development plan matches or complies with the preliminary development plan, then there would be no cause of action in court, right? Because the whole point of a rezoning is to say if your final plan matches the preliminary, you're okay? [Mr. Hollins: Right]. So the court oversight would only be if P&Z approved a final development plan that was at a variance or different from the preliminary plan and then Council approved that, right?

Mr. Hollins: If Council approved something as being consistent with the preliminary plan and then a disaffected resident says I don't agree with Council that it met that criteria – is consistent with this plan, then the court could have oversight.

Councilman Lorenz: Gene, I'd like to take that further. So the plan that we have on the screen is considered Exhibit B, which would be attached to this ordinance. I want to recognize some of the conversation with respect to safeguards. I think I get where you guys are coming from. Procedurally, I don't think we can just assign a plan to an ordinance other than conceptually. However, in Section 1, the three criteria that were vetted by P&Z, I look at those like safe guards additionally to what the conceptual plan or Exhibit B would be. He couldn't come in with anything that had more than 25 units on that plan, correct?

Mr. Hollins: Yes. It's like belt and suspenders. You start attaching the plan and the conditions, you got more than one way to take it to court if necessary if we did something different than that. If it was something different than these, then it would get us back to, in essence, where we are approving a new preliminary plan. Which would put us back in the world of it being referendum.

Councilman Lorenz: I think that a lot of the audience brings up good points about having safeguards. On that particular issue, I feel with the conceptual plan attached and additional items that are illustrated in here, those are safeguards.

Councilman Counts: Gene, what happens if the developer – this gets rezoned - final development plan - never gets built. What is...

Mr. Hollins: There is a five year expiration on our preliminary plans – a five year window to begin construction. It expires and then you go through the entire process [again].

Councilman Counts: And when you say 'go back through the entire process', does it retain this zoning DR downtown and it's merely the plan that has to go back through?

Mr. Hollins: Yes. DR and remember you have a DD overlay on top of the DR and the DD overlay says you got to go back through the Plan District entire process, starting with Planning Commission and a preliminary plan, etc. It's as if you have a shell now with no meaning. A shell that says DR on it but no right to build anything – no meaning. Now you have to fill that shell with something by going through the process to do that.

Councilman Counts: So let's assume it gets approved for 29 units – doesn't get built. Does the 29 units expire after five years?

Councilman Lorenz: Wouldn't this ordinance just expire if it didn't get built?

Councilman Counts: No, I don't think so because this ordinance is a rezoning to this DR with the DD overlay.

Mr. Hollins: The designation of the district remains in place. And again, if anything dramatically different was done, it could very easily be put on the ballot.

Councilman Lorenz: Would it be okay to ask the developer some questions? [Mayor Hrivnak: Certainly] Mr. Hallapy, are we marketing these as single family homes? [Mr. Hallapy: Yes].

Councilman Bennehoof: My understanding is that if we approved this redistricting, it would be for no more than 25 units, and that the street layout would be likely as depicted in Attachment B and there would not be a future Depot Street extension ever available to this property because of the plan in front of us has to be held whole through the final development plan. So I'm addressing the fact that some folks have commented on Depot Street potentially opening up because of all the things Gene explained, that is not a possibility. I'm just rendering that explicit here because of the previous comments about not wanting Depot Street extended. Well this prohibits that. It is less than .22 acre per lots when you throw the streets out and I understand that. It is approaching a tenth of an acre per lot, but it's certainly not a quarter of an acre. It is denser than the north side of downtown. It is less dense than the south side of the north part of downtown. Those are the only points of clarification I have.

Councilman Cline: I would like to thank Mr. Hallapy and the residents for having a good discussion and dialogue. I've been at this a long time and I don't think I've seen any developer work harder to try to pay attention to and address the concerns that the residents put forth. Mr. Hallapy you are to be commended for that.

Unfortunately, your willingness to compromise is one of the reasons why I'm probably going to vote against this zoning amendment. I think that the ability to have that connector on Depot Street is an important part of the overall traffic plan for the City. And I think this development illustrates the level of complexity we face in the City of Powell. We've been doing resident surveys for at least the last 10 years. The number one problem has always been traffic. We've had two developments subject to referendum and the battle cry was 'We've got to fix traffic.' I've yet to hear anyone tell me how we fix traffic, but when the traffic engineers talk about it, they talk about creating alternative routes. And Depot Street is one of those streets they talk about.

I agree with residents who say that it is unsafe in its current condition. I think that it creates its own set of problems, but I cannot in good conscious approve five times the density that this property would support today when we are creating, in effect, a cul-de-sac that prevents the future connection to Depot Street and the City as a whole is gaining little or nothing from that development. We're gaining 25 houses and one hopes 25 residents' families that will contribute to the community but we're not doing anything to address the traffic problem and we're increasing the density by five times than that which is permitted under the current zoning. I hate to tell you that Mr. Hallapy because I really believe you struggled mightily to do the right thing, but that is how I feel about it.

Councilman Counts. I intend to vote no on. It's primarily because we are in the middle of a discussion about overall traffic. We have yet to really get our hands on what that means. While I don't know whether Depot Street will be a place of connection, but I sure do not, at this point when we're so close making that determination, want to foreclose that. I can cite all sorts of examples of bad planning by this community over time as a result of pressure by local residents. I too would like to live on a cul-de-sac, but I recognize the need for connectivity among our streets. You think about in downtown Columbus, Clintonville where I used to live, they've got these grids that disperses traffic. In Powell, a later community, everything comes out to a major collector street and then you end up with this traffic.

I encourage all of you to attend future meetings about traffic and moving cars in downtown Powell because these connector streets are not for people going to the zoo. They are not for people going further north into the township. These connector streets are for the residents of Powell to get to the businesses that are in downtown. So for that reason, to me it's too early to make a decision on this. I personally liked what was being presented several iterations ago where there was a street. That's not before me tonight, and so I'm going to have to vote no.

Councilman Bertone: I'll be brief and just say that I agree with Rich and Tom as well. No one here is seeking to compromise the health, safety and wellbeing of any of the residents. If anything, this committee and this Council and future Council are going to continue to strive to do nothing but that. And that also includes the traffic issues we face. Fix traffic, fix traffic, fix traffic. To close off Depot as a potential opportunity for us to alleviate traffic concerns is a concern of mine. I think it is short-sighted. I think it's something we need to keep in mind as we go forward.

Councilman Crites: I share the same concerns that have already been voiced. The developer is a great gentlemen and I really appreciate the efforts he's made to try to compromise, but I quite frankly can't get past

the fact that this subdivision, if you will, this preliminary plan just looks like it's shoe horned in to that area. I think it's inconsistent to the surrounding area. I'm really concerned about the density. We've talked about that. Rich touched on it. I agree with that. Traffic is always an issue here. I think the lots are way too small. We just went ahead and approved a new comprehensive plan and we are going to be acting upon that in the next few years and we're looking at the traffic situation and how we can best address it. I would hate to have us eliminate the possibility of an extension of Depot Street. Am I saying tonight that I favor that? No. But as Tom and the rest have suggested, I think it's premature for us to foreclose that possibility in the future. And so for those reasons, I intend to vote no this evening.

Councilman Lorenz: I concur with my colleagues on Council. I have reservations on the density, the closing off of Depot Street as a potential cut through. And if we ever get to that point, we'll need to examine how we make that safe and improve the roads in the old village where a lot of these residents are. I don't really want to write that off.

I asked about the housing types because as a planner, we look at different types of housing and how they generate number of trips. A single family at the PMP generates 1 trip per unit. Apartments are .62, condos are .52. If you will recall, I always had reservations about the connection into a development from one of our parks and that still remains today. With the type and use that's proposed to go in there, I don't think that's feasible. I appreciate all the efforts Mr. Hallapy has put into it. He's tried to achieve some win-wins, but the way that this is presented, like one of my other councilmember's said, this is what we're acting on tonight, and I can't support that.

Mayor Hrivnak: Mr. Hallapy, you're the first developer that I've gotten praises from the audience on. Not too many people have stood up before and said I've talked to the developer and he's been cordial and he's been amenable and he's made changes based on what we've said.

Another thing I'd like to comment on is that the idea of moving to single family homes is very good. That is what we need downtown. However, I think the lot sizes need to more closely match those around it. I would like to see lots that are more akin to the sizes that are in the area already. The other thing that is unfortunate is the timing of this because we have a new comprehensive plan and that plan calls for traffic changes downtown – traffic improvements downtown. Tonight in the Development Committee we spoke about traffic downtown and what the next steps are to determine how those roads would be connected and in what way. I think it would not be in our best interest this evening to make such a decision at this time until we can eliminate or mitigate some of the possibilities down there until such time as that traffic study can be done and possible connections investigated. I hear the argument that the folks are making, but I think that argument could be made for any street that we want to add downtown. If we do them one at a time, we may have none at the end. My interpretation or my feeling is that we should go through and make a plan and look at the plan in areas as opposed to one street at a time, and see what we come up with. For that reason, I think that this evening I won't be able to vote yes on this and I think that maybe this would be better looked at when traffic matters are better decided downtown and maybe when we look at it again the lot sizes would match a little bit more closely to what we see downtown.

Councilman Bennehoof: I bring this up only while it's fresh and that the people that have complained about the traffic and roads in downtown are here. We cannot create a solution for this now, or should we, but perhaps we should think about a one way street situation in this area because of the narrowness of a couple of the streets and the special considerations with deaf children and adults and those sorts of things. It might make sense to address some of the traffic with one way streets. I don't know what that answer is. But it occurred to me during this discussion that there is a possibility for a one-way street solution here for all of those streets that maybe our traffic engineer should take a look at and make a recommendation that would help address Mr. Voss's concerns and others.

MOTION: Councilman Cline moved to adopt Ordinance 2015-04 as a procedural mechanism to allow a vote. Councilman Counts seconded the motion.

VOTE: Y 0 N 7

SECOND 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: At the last council meeting, Debra Miller and I gave an extensive review of the budget and we are not going to do that again tonight. The proposed budget is a balanced budget. It has us living within our means and resources. It provides the services and programs through residents and businesses and it

keeps the City up to date with best practices. It also maintains Powell's income tax which is ¾ of a percent as the lowest income tax rate in Central Ohio and one of the lowest in the state. What the budget does not do is it does not address the City's need to identify and have a reliable source of funding for capital improvements whether for construction of new capital needs or to maintain the infrastructure that we currently have.

Mayor Hrivnak: Steve, procedurally, we could approve this this evening?

Mr. Lutz: Correct.

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

Councilman Cline: Once again, Steve and Debra have put together a fantastic budget. I think we would all do well to remember Steve's concluding comments that this is a bare bones, pay-for-what-we-must budget that has no money, or almost no money, for capital improvements and that path is unsustainable in the future.

Councilman Bennehoof: However, I would also commend staff for making a balanced budget work. I do think that at some point we do have to address a sustainable capital funding mechanism of some sort. But tonight's not the night for that either. I acknowledge the great work by the finance department and Steve.

MOTION: Councilman Counts moved to adopt Ordinance 2015-56. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2015-59: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CENTRAL OHIO HEALTH CARE CONSORTIUM FOR THE PURPOSE OF BECOMING A MEMBER OF SUCH JOINT SELF-INSURANCE PROGRAM TO PROVIDE HEALTH CARE BENEFITS, AND DECLARING AN EMERGENCY.

Mr. Lutz: For the past three years, the City of Powell has been a part of this health care consortium. We are recommending that we adopt this ordinance which will provide us a second, three year cycle of participating with this group. It's composed of ten municipalities, including Gahanna, New Albany, Worthington, and over the past three years under this plan, the City's health insurance rates have increased a total of ten percent (10%). This coming year, we have a zero percent rate increase, so it's served us and the taxpayers of Powell well.

Mayor Hrivnak: Steve, you answered my first question about the cost comparison over the last three years has been better than previous years.

Debra Miller: Yes. Immensely. If you recall before then, every year we were always looking in the high teens to high twenties to thirty percent. To get it to a reasonable increase, we were always reducing our benefits. So, we've been able to maintain the benefits and maintain low cost ratio.

Mayor Hrivnak: Did that refer to an umbrella policy that covers a consortium in the event of a major medical issue?

Mr. Lutz: Yes, it is a self-insured, but then we have secondary insurance for when it goes over the caps.

Councilman Bennehoof: I have had two inquiries and I believe I've satisfied those inquiries, but for the audience, I'd like Steve or Gene to address the phrase 'and declaring an emergency' and what makes this an emergency. I know the answer, but for the audience's benefit.

Mr. Lutz: This contract is effective January 1st. If it's adopted under regular measures, it doesn't take effect for 30 days, so it is a timing issue.

Mayor Hrivnak: With an emergency, it takes effect immediately.

Councilman Bertone: Debra, what is our max claim liability? I don't know if I see it in here. Is there a

limit on that or is that where 606 comes in?

Ms. Miller: It changes as each city and municipality has a representative on the board and we make those decisions as a group. I believe right now it is \$100,000.

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

MOTION: Councilman Bennehoof moved to suspend the rules in regard to Ordinance 2015-59. Councilman Cline seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved to adopt Ordinance 2015-59. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2015-60: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2015.

Mr. Lutz: Chief Vest and Ms. Miller reminded me that this is the first time in their memory that they've had to come back for additional money in the police department. We're requesting a \$25,000 additional appropriation to cover personnel costs through the end of the year. The primary reason is because we've been an officer down for most of the year. By being an officer down, we've had to make use of overtime for a variety of shifts, events and activities. We have concluded recruitment for the new officer and he will begin working on January 4th. In next year's budget, we do have a new officer funded beginning in July and will be fully staffed. We would anticipate then our overtime costs to be back within the budgeted amounts.

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 2015-60. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2015-60. Councilman Cline seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: Tuesday, December 1, 2015, 6:30 p.m. We met earlier tonight prior to Council and discussed the Depot Street purchase from CSX for the parking area. We had a lengthy discussion on our Keep Cars Moving update. We will be handling much of the communication and that type of work, current events, things that are ongoing right now with Operations and more long term issues which stay with the Development Committee. We also had a discussion on the park at Seldom Seen where we are in the process of soliciting bids for phasing plans and recommendations.

Mayor Hrivnak: Can you explain the item we intend to add to each of the committee agendas regarding communication?

Councilman Lorenz: Yes. One of the things that was discussed in Development is adding an agenda item for communication items that we can provide Megan so she can push them out to the public so they can get a better perspective on what we are currently working on.

Mayor Hrivnak: With that item on each agenda, then we are hoping that we can feed you information from questions we're getting [from the public] so that you can be answering those.

Finance Committee: Next Meeting: Tuesday, December 8, 2015, 7:00 p.m. We met last Monday to talk with the developer of Powell Grand about a potential TIF request. It was a very lively discussion of the pros and cons of that. As a result, developer asked to table tonight's consideration of their proposal so that they could synthesize the comments they heard and get back to us by our next Finance Committee meeting which is December 8th. If you are interested in knowing what the request for a TIF will be related to for that project, I encourage you to attend that meeting because I anticipate the developer will have a detailed explanation of their request and the Finance Committee will give it their full consideration and make a recommendation to full Council out of that meeting. That meeting is open to the public.

Operations Committee: Next Meeting: Tuesday, December 15, 2015, 6:30 p.m. We have not met since before our last council meeting.

ONE Community: Next Meeting: TBD. We have not met since our last council meeting.

Planning & Zoning Commission: Next Meeting: Wednesday, December 9, 2015, 7:00 p.m. The main topic of discussion will be a potential annexation and look at a sketch plan for the Smith Farm off of Steitz Road, just west of Golf Village for a single family subdivision.

Powell Community Improvement Corporation: Next Meeting: TBD.

CITY MANAGER'S REPORT

- Holidays in Powell will be Saturday from 2-5:30 with the tree lighting at 5:30 p.m.

OTHER COUNCIL MATTERS

Mayor Hrivnak: I'd like to recognize Mike Crites and Rich Cline. Mike informs me that he may be out of town during next meeting and we would miss an opportunity to thank Mike for his service to this Council and this community and I wanted to make sure to be able to do that this evening in the event you might be out next Council. Thank you for your service.

Mr. Bennehoof: I would have mentioned it when Mr. Hallapy was here, but it feels as though we helped put him through the ringer and I regret that. He probably has been the hardest working developer trying to satisfy too many people and it's regrettable that it came to that.

EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (3), ECONOMIC DEVELOPMENT, PERSONNEL (BOARD/COMMISSION APPOINTMENTS), and PENDING OR IMMINENT LITIGATION.

MOTION: Councilman Bennehoof moved at 9:09 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (1) Personnel, (3), Pending or Imminent Litigation, and (8) Economic Development. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bertone moved at 9:50 p.m. to adjourn from Executive Session. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved at 9:50 p.m. to reconvene into Open Session. Councilman Crites seconded the motion.

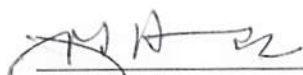
VOTE: Y 7 N 0

MOTION: Councilman Cline moved to appoint/reappoint Board and Commission Members (Exhibit 1). Councilman Counts seconded the motion.

MOTION: Councilman Crites moved at 9:51 p.m. to adjourn. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MINUTES APPROVED: 12/15/2015



Jim Hrivnak
Mayor

12-22-15

Date



Karen Mitchell
City Clerk

12-24-2015

Date



City Council

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Mike Crites

Richard Cline

Brian Lorenz